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SECTION 90.01 **GENERALLY**

- A. For the purpose of this Subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.
1. **CITY LAKES.** Shall mean:
 - a. Lake Bluestem; and
 - b. Lake Pawhuska, unless the contrary is stated.
 2. **HIGH WATER MARK** shall mean the height of the lake at the time water commences to exit the lake and run across the spillway.
 3. **PERSON** shall mean an individual, a limited liability corporation, a corporation, or a Trust when used in the context of Section 90.09 of this Chapter 90
 4. **WATER SKIING.** The activity of being propelled along the water upon devices known as skis, tubes, or waterboards and being at the same time towed by any type of motorized boat, jet ski, or ski-bike

- B. The Police powers of the City are hereby extended to cover the City Lakes and the City property adjoining the lakes, and all Ordinances of the City shall apply and be in full force and effect as to persons or property except where not applicable.
- C. There is hereby created the position of Lake Patrol Officer. The City Manager is authorized to appoint a properly qualified person(s) to fill this position, and also to appoint a clerk or assistant if needed. The Lake Patrol Officer shall be a City of Pawhuska Police Officer, or such other person designated by the City Manager. He or she shall be on duty as directed by the Chief of Police. The Lake Patrol Officer, and/or City Code Enforcement Officer shall be the primary enforcing officer of all Ordinances, rules, and regulations relating to the City Lakes. The Lake Patrol Officer, and/or City Code Enforcement Officer his or her deputies, or any other regular police officer of the City shall have full police power and authority to enforce the Ordinances, rules, and regulations, with full power of arrest.
- D. No person shall throw or permit to enter the City Lakes, or place, throw, or deposit upon the lands and premises surrounding the waters, any unused bait, worms, flesh of animals or other matters subject to putrefaction, or any human or animal excreta or other debris or any other insanitary or unsightly thing.
- E. Collection and disposal of refuse shall be as follows:
1. No person shall throw or place garbage upon the ground or the property comprising the City Lakes and the City property adjoining the lakes.
 2. The City or its agents or servants shall cause refuse containers to be placed in all designated public use areas and at any other appropriate location on City property deemed necessary by the Lake Patrol Officer or the City Manager. Only refuse that consists of household waste/garbage shall be placed into a refuse container at the City Lakes.
 3. Dead animals, feces, materials impregnated with urine, poisons, explosives, dangerous or corrosive chemicals, or clothing taken from persons with infectious diseases shall not be placed in refuse containers, receptacles, refuse bags, yard trimming bags, or commercial containers used for regular collection service or the City collection service. Bulky materials, heavy metals or metal parts, lumber, dirt, rocks, bricks, concrete blocks, tires, crates and other refuse from construction or remodeling shall not be placed in refuse containers, receptacles, refuse bags, yard trimming bags, or commercial containers used for regular collection service or the City collection service.
 4. It shall be unlawful for any person to throw or place in any garbage or trash container situated on the City Lakes, any garbage or refuse generated off the premises of the City Lakes and adjoining City property and then transported to and deposited in the containers.

- F. Rules governing burning on City property are as follows:
1. No person shall burn any trash or garbage upon City Lakes or the City property adjoining the same. Trash and garbage shall be disposed of by an approved method.
 2. No person shall burn grass, brush, or other refuse, or cause or allow any fire to be ignited (except a camp or cooking fire in a designated fireplace or area) upon the City Lakes or adjoining City property without first obtaining permission to do so from the Lake Patrol Officer. The Lake Patrol Officer shall consult the City Fire Chief prior to granting permission. The Lake Patrol Officer may be present during any burn and may supervise the same, except for “camp or cooking fires”.
- G. Sewage disposal facilities required are as follows:
1. All porta john and/or portable toilet disposal facilities or “Privies” located on property owned by the City comprising the watershed of the City Lakes, whether located on property leased by the City to lake lot lessees at Lake Bluestem or otherwise, shall be at least 4 feet above the high-water mark.
 2. All the Privies shall be pit tight privies and have a high-grade plastic enclosure located underground or a pit constructed of concrete with 6-inch walls. The bottom of the pit shall be three (3) feet square and five (5) feet in depth. All cement pits shall be covered by a reinforced concrete slab four (4) inches thick and 4 feet square, with an appropriate riser for a seat. The seat of any privy shall be covered with a fly tight lid and shall remain closed when not in use. The pit or plastic enclosure shall be constructed so as to be fly tight and the joints between the slab and the pit walls or plastic enclosure shall be kept covered with cement or dirt at all times. All privy pits shall be cleaned out when necessary but in no event later than when they become filled to a point within eighteen (18) inches of the top of the pit or plastic enclosure.
 3. No Privy shall be constructed or installed that:
 - a. Is not approved in advance by the City Code Enforcement Officer; and
 - b. Does not meet the standards of the Oklahoma Health Department.
 4. All porta john and/or portable toilet facilities shall be in good working condition and shall be cleaned on a regular basis so not to constitute a nuisance, including issues with odor and leakage from the porta john and/or portable toilet unit. The City reserves the right to require the replacement of a unit and/or its repairs, including the relocation of the unit where placed in such a way as to constitute a nuisance to an adjoining lot.
- H. Swimming is permitted at one's own risk at Lake Bluestem only. No swimming is permitted in Lake Pawhuska.

- I. It shall be unlawful for any person to have in their possession or to use glass beverage containers in all areas in or around the City Lakes.
- J. Non-licensed off the road vehicles are prohibited in all areas of the City Lakes and adjoining City property.
- K. Quiet hours shall be maintained on City Lakes and adjoining City property from 12:00 A.M. to 6:00 A.M.
- L. No public road shall be blocked by any person.
- M. Except for the purposes of animal or reptile control where the use of a firearm does not endanger other people, property or domestic animals and as allowed by State law, no person may discharge a firearm at the City Lakes or adjacent City property.

SECTION 90.02 **BOATING, LICENSING, AND REGULATIONS**

- A. No person is allowed to have or operate any boat upon the City Lakes without first acquiring an annual or daily license therefore and complying with this Section. Each licensee shall carry his or her license upon his or her person while on the City Lakes and produce it upon demand of any Lake Patrol Officer.
- B. The type of boats authorized and for which licenses will be issued are:
 - 1. Power boats including jet skis and all similar power-propelled water vehicles;
 - 2. Pontoon;
 - 3. Sailboats, over 12 feet;
 - 4. Water scamps with gasoline engine;
 - 5. John Boat with gasoline engine;
- C. Types of boats authorized for which a license is not required: canoes, kayaks, row boats, paddle boats, paddle boards, sail boats under 12 feet, or any other boat which is not equipped with a gasoline motor or sail, but may have an electric motor.
- D. The license fee for each boat license and the term for various licenses shall be established by the City Council by motion or resolution.
- E. No license shall be transferrable.
- F. All annual licenses shall be for the entire calendar year, beginning with January 1st, and ending with December 31st of the same year. Any annual boat license purchased after

January 1st of any year shall expire on December 31st of the same year. All boat licenses shall be issued by the City Clerk or any other City officer or employee as may be designated by the City Manager. No boat license shall be prorated.

- G. No person under the age of sixteen (16) years shall be eligible to receive a boat license.
- H. All operators of boats as described in Paragraph B and C above shall abide by the following regulations:
 - 1. Owners of private boats of all types shall not be permitted to rent their boats, or to collect fares or to take donations for the use of same.
 - 2. No boat shall be allowed to operate on the lake at night, specifically between sunset and sunrise, except boats with proper navigational lights, namely, having a white light to the rear and a green light showing to starboard (right) and a red light showing to port (left).
 - 3. No boat shall be permitted on the City Lakes without the owner first having provided one (1) approved life preserver for each passenger in the boat. The following types of life preservers are accepted as approved types when used, as hereinafter set forth:
 - a. One vest type preserver as approved by the U.S. Coast Guard, Type I, II, or III, for each person;
 - b. At least one (1) coast guard approved Type IV throwable boat cushion, or other devise approved as Type IV life preservers for each boat; and
 - c. All persons under twelve (12) years of age and other persons who, due to advanced age or physical handicap, could not readily put on a life preserver or swim to an approved boat cushion in the event of an emergency, must wear the approved life preserver at all times when a passenger or operator of a boat on the City Lakes.
 - 4. The operators shall remain away from restricted areas and shall follow the safety markers/zones on the lake marked by buoys and other markers.
 - 5. The Lake Patrol Officer may inspect any boat for safety and seaworthiness prior to the granting of any license. A similar inspection may be made upon the granting of each annual license thereafter. Each licensee shall state the number of persons the boat is licensed to carry according to the capacity indicated on the Boating Industry Association plate affixed to the boat or the estimate of the Lake Patrol Officer. The carrying of a number of persons in excess of that specified on the license, the plate or estimate of the Lake Patrol Officer, shall be deemed sufficient cause to revoke the license. No boat shall be licensed or re-licensed if, in the judgment of the Lake Patrol Officer, it is unsafe for operation on the City Lakes.

6. The annual license number of each boat shall be designated by proper tag on the right side of the boat, which tag must be plainly visible for a distance of at least one hundred (100) feet from the boat. The tag shall be furnished with the license by the City. If the tag is lost or removed, a Thirty Dollar (\$30.00) fee for replacement will be assessed. The tag must be on the boat at all times.
7. All metal boats shall be equipped with an air chamber or chambers of sufficient displacement to insure buoyancy of the craft and passengers in the event of capsizing.
8. All persons are hereby prohibited from operating any boat upon the water at any time when, in the judgment of the Lake Patrol Officer, the waters are sufficiently rough to be dangerous.
9. Boat operations and speeds on Lake Bluestem: motorboats shall, at all times, keep a safe distance from other boats. Motorboats, while cruising at speeds above five (5) mph, shall not come nearer than two hundred (200) feet to any bank or nearer than two hundred (200) feet to any anchored boat. Motorboats shall be allowed in any neck or bay only for the purpose of fishing and shall move only at idling speed with no visible wake being shown.
10. Boat operations and speeds on Lake Pawhuska: motorboats shall, at all times, keep a safe distance from other boats. All motorboats shall operate only at idle speed and no visible wake shall be created and boat operations shall be in connection with fishing only, and no other boat operation shall be permitted.
11. Row boats, canoes, kayaks, paddle boats, and paddle boards shall only be used in No Wake Zones, unless directly crossing the lake and have the right-of-way at all times over sail boats. Sail boats shall have the right-of-way at all times over motorboats. Lake Patrol boats shall have the right-of-way over all boats at all times.
12. No person shall operate a boat on the City Lakes while under the influence of an intoxicant. No person shall operate a boat on the City Lakes in a careless or reckless manner or in any other manner which might endanger the life and property of others. Persons inexperienced in boat operations or persons under the age of 16 shall not operate a boat on the City Lakes unless accompanied by an adult experienced in boat operations. No person age 14 or under should operate any boat or jet ski for any reason. No person shall ride on or in any boat being operated on the City Lakes except in a seat provided by the boat manufacturer for passenger or operator of the boat.
13. All motorboats must be equipped with exhaust mufflers which must be used at all times while operating on a City Lake, with the exception of authorized racing events, which shall be permitted only by the City Council, and with the exception of airboats and jet boats used during daylight hours where their use does not

constitute a continued nuisance.

14. No person shall be permitted to place or throw into a City Lake refuse, trash, or other matter likely to pollute the waters thereof.
15. The use of rubber boats, generally referred to as life rafts, are prohibited on the City Lakes at all times.
16. If any person permits his or her boat to fall in disrepair or become unsightly in appearance or unsafe for operation or abandoned or fail to care for the boat for an unreasonable length of time or fail to provide a current license for his or her boat, the Lake Patrol Officer is hereby empowered to remove the boat from the City Lake or shore as the case may be. If any boat so removed is not claimed and repaired and re-licensed by the owner or removed from the premises within thirty (30) days, the boat will be confiscated and disposed of by the Lake Patrol Officer without compensation or remuneration to the owner thereof, it being construed to have been abandoned. Any additional charges incurred by the City to remove a shall be payable to the City by the owner.
17. It is unlawful for any person to operate a boat upon the City Lake which is loaded with passengers or cargo beyond its safe capacity.
18. Fishing boats shall be launched at designated ramps only and shall be permitted and restricted at all times to being either:
 - a. Within the cove areas; or
 - b. Within thirty (30) feet of the shoreline on the main lake.
19. Any person operating a boat upon the City Lakes contrary to or in violation of the provisions of this Section shall be subject to, in addition to the penalties prescribed herein, the revocation of the boat license so issued for the boat for the balance of the term of the license. No new license shall be issued to the person for a period of ninety (90) days from and after the revocation.

SECTION 90.03 **SKIING PERMITS AND REGULATIONS**

- A. No water skiing is permitted on Lake Pawhuska.
- B. Any person desiring to engage in the activity of water skiing at Lake Bluestem shall first purchase a license for each boat used to pull skiers and no license shall be transferrable to any other boat. The following license fees are as follows:
 1. Annual license. The license shall be from January 1st through December 31st of the

year and shall permit skiing from sunup to sundown. The expiration date and fee for the license shall be the same regardless of the date purchased;

2. *Daily license.* Issued for one (1) calendar day and shall permit skiing only from 8:00 A.M. to sundown; and
3. *Fees.* License fee shall be as prescribed by the City Council by motion or resolution.

C. The following regulations shall govern water skiing on Lake Bluestem.

1. It is unlawful for any boat owner or boat operator to pull any person engaged in the activity of water skiing if the boat owner does not have a current boat license issued by the City of Pawhuska.
2. No persons shall engage in water skiing except in the area outlined for the activity by the Lake Patrol or Officer employed by the City.
3. Persons inexperienced in boat operations or persons under the sixteen (16) years of age shall not operate a boat which is engaged in the activity of skiing unless accompanied by an adult experienced in boat operations. No person aged 14 or under should operate a motorized boat or jet ski for any reason.
4. No operator of a boat engaged in water skiing shall operate the boat in a careless or reckless manner or in any other manner which might endanger the life and property of others.
5. No person shall operate a boat engaged in the activity of water skiing while under the influence of an intoxicant.
6. Life jackets of proper approved type shall be worn at all times by any person while engaged in the activity of water skiing.
7. No person under thirteen (13) years of age shall water ski unless under the guidance of an adult over twenty-one (21) years of age.
8. At no time shall separate boats pulling skiers have less than fifty (50) feet clearance of each other's lines, skiers, and boats.
9. A counterclockwise pattern shall be maintained by all skiers in the traffic areas. No more than two (2) skiers shall be permitted to be pulled by any boat at any one (1) time.
10. All persons engaged in water skiing or in operating the boats in connection therewith, shall keep the area clean at all times.

11. Any violation of these rules, or this Subchapter, or any Ordinance governing boats shall be cause for the Lake Patrol Officer to remove any boat or any water skiers from the lake and to cancel their license.
12. It is unlawful for any person or persons to operate any boat or vessel for the purpose of towing a person or persons on water skis, surfboard or similar devise, or to water ski, unless there is in the vessel another person in addition to the operator in a position to observe the progress of the person or persons being towed, and be in position to observe the progress of the person or persons being towed;
13. It is unlawful for any person or persons to operate or manipulate any vessel, tow rope or other devise by which the direction or location of water skis, a surfboard, or similar devise may be affected or controlled in such a way as to cause the water skis, surfboard, or similar devise or any person thereon to collide with or strike against any object or person.

SECTION 90.04 **FISHING LICENSES**

- A. Only those persons owning a current Oklahoma State fishing license (including special licenses, if required by State law) shall be permitted to fish in the City Lakes. Each licensee shall carry his or her licenses upon his or her person while fishing and produce them upon demand of the Lake Patrol Officers.
- B. All boats used on City Lakes must have an active license as required and provided by Section 90.02. This is the only City license required, and only the owner/operator of the boat must be licensed. Each owner/operator of a boat shall display the license on the boat.
- C. On Lake Pawhuska, a Trout License shall be required if any public entity stocks this Lake for Trout fishing.

SECTION 90.05 **FISHING REGULATIONS**

- A. *Generally.* It is unlawful for any person to fish in the City Lakes except upon compliance with the following regulations and current State licensing and fishing regulations.
- B. *Specifically:*
 1. Daily creel, possession and species limits and sizes shall be in accordance with Oklahoma State Fishing Regulations, provided however, that the City Council may, from time to time, adopt restrictive regulations.
 2. No fishing shall be permitted from boats, unless the boats are licensed to operate on the lake.

3. Proper observance of rules for safety of all fishermen or other persons legally upon the City Lakes shall be strictly observed.
4. No nets or traps are permitted, and the throwing of bait, trash, or other refuse into the lake is prohibited.
5. Throw lines, trot lines, limb lines, and jug lines shall not be permitted on Lake Pawhuska.
6. The use of throw lines, trot lines, and trot line fishing shall be permitted on Lake Bluestem in the areas defined below and shall be governed as follows:
 - a. No trot lines shall be set in or across any necks or in the lake proper where the smallest distance across from shoreline to shore line is less than two hundred and fifty (250) yards;
 - b. Only one (1) trot line is permitted for each fisherman;
 - c. All trot lines shall be set at right angles to the shoreline of dams. No trot line may be set parallel with the shoreline or at any angle of less than forty-five (45°) degrees from the shoreline unless its closest point to the shore is greater than one hundred and fifty (150) yards;
 - d. The location of each trot line shall be properly marked by a flag of a size and design approved by the Lake Patrol Officer and shall contain the name and address of the owner;
 - e. Each trot line shall be run at least once each twenty-four (24) hours and any line left unattended for more than twenty-four (24) hours shall be considered abandoned and shall be subject to confiscation by the Lake Patrol Officer;
 - f. All unused bait shall be removed from the lake by the fishermen, and the dumping of any unused bait in the lake or on shore is prohibited;
 - g. Each individual or group fishing at night shall have a light;
 - h. Daily fishing permits when used in connection with night trot line fishing or throw line fishing shall be for a period of fifteen (15) hours;
 - i. It is unlawful for any person or persons to set any trot lines or similar devices in any marked ski areas from April 1st of each year to October 1st of each year;
 - j. No metallic lines are permitted.

- k. Bowfishing is permitted during daylight hours.

SECTION 90.06 **HUNTING PROHIBITED**

- A. No hunting shall be permitted on Bluestem Lake, Lake Pawhuska, or any City-owned property adjoining both of these City Lakes.

SECTION 90.07 **RESERVED**

SECTION 90.08 **RESERVED**

SECTION 90.09 **LEASE OF CITY PROPERTY AT THE CITY LAKES; DOCKS
AND BOAT HOUSES ON THE CITY LAKES.**

- A. The City does hereby establish certain designated lake lot areas adjoining Bluestem Lake as and to be leased for recreational purposes. Although the City may in the future designate a new lake lot area, current designated lake lot areas shall be identified by the following names:

- 1. First Cove
- 2. Second Cove
- 3. Third Cove
- 4. North Side

If all lake lot Lessees in an established cove are in agreement and there is no general public access to water in a cove on the North Side (such as: public swimming, public loading ramp, etc.) then the Lessees of that particular Cove may provide a locked gate across the entrance road, subject to the approval of the City, for security so long as a key or combination to a lock is provided to the City of Pawhuska Police, Fire, EMS, and City Administration for access to the area secured by a gate. The City reserves the right to attach its own locks and to remove any gate.

Other lake lot access roads may be gated upon application to the City Council for approval where a necessity exists to limit disruptive travel over and across said road. Except where authorized above in this Section, in no case may a road be gated which is the sole access to any other of lake lot or general public access to water.

- B. Each designated lake lot area shall be comprised of an unspecified number of separate lots fifty (50) feet in width. Each lot shall consist of a strip of land that is allotted to the Lessee extending back from the high-water line of Bluestem Lake a distance of approximately fifty (50) feet. The boundary line of all lots shall begin at the high-water line. The Code Enforcement Officer shall assign an identification number to each lot. Each Lessee shall post the identification number assigned to his or her lot on a sign in front and back of the lot; and on any camper vehicle, or structure owned by Lessee.

- C. No part of the lake property or adjacent property shall be used for a dock, boat house, or improvements as provided hereafter by any person, unless the person has a valid and current lake lot lease agreement with the City. Further no lake lot lease shall be with more than two (2) people. In the event that the Lessees of a lake lot have an altercation and/or cannot agree with the use and possession of the leased lake lot, whereby the City Lake Patrol Officer and/or the Code Enforcement Officer is made aware of the dispute, the City Council after first giving thirty (30) days written notice to the Lessee to resolve the conflict, may, by motion, cancel the lake lot lease as to one or both parties and refund the pro rata share of the sum paid for the then current year to the party or parties that paid the lease for the year.
- D. There is hereby fixed and established a lease rental fee for each lake lot at the City Lakes. The amount of the rental fee shall be set by the City Council by motion or resolution. All lake lot leases shall comply with the terms of this Section. The leases shall commence on July 1st of any year and end on June 30th of the following year. Any lake lot leased after July 1st of any year shall expire on June 30th of the following year. Rental fees shall not be prorated for lots leased for less than a one (1) year period.
- E. Any lake lot which has been abandoned, terminated, newly created, or otherwise, shall be leased pursuant sealed bids. Any new Lease shall be to the highest bidder after being accepted and approved by the City Council. Notice of bids may be posted or published in a manner established by the City Council. Any person who previously defaulted under their lake lot lease which was either terminated or abandoned shall not be eligible. The winning bidder shall have ten (10) days to execute all documents required by the City and make full payment, whereby failure to fully comply with this requirement shall result in an automatic default and the next highest bidder shall be given ten (10) days to execute all documents required by the City and make full payment. In the event neither such bidder shall comply, the lot shall be rebid. A winning bidder shall provide, with the required documentation and payment being delivered to the City, proof that any personal property to be located upon the prospective lot has no prior tax liens. As to any taxes or tax liens existing or placed upon the personal property located upon a leased lot, the Lessee shall be responsible for the payment of those taxes and/or liens and are not the responsibility of the City. The City reserves the right to reject any and all bids and rebid a lot, whereby the minimum total bid shall include the payment of the remaining balance of lot lease due to the City and the bidder's Bid Price.

When applicable, the recipient of a lake lot shall have sixty (60) days, unless otherwise agreed to by the Code Enforcement Officer, to bring the lake lot back into compliance with all applicable provisions of the Code of Ordinances of the City of Pawhuska.

- F. Requirements for lake lot improvements, boat docks, and boat houses are as follows:
 - 1. Lessee must obtain a Building Permit from the City and shall be authorized to construct certain improvements on leased property at the locations on the lot as approved in advance by the City Manager or designee. The improvements shall be restricted to an

enclosed or open-air shelter or pavilion for recreational or limited overnight purposes only. Additionally, every Lessee shall have the right and privilege of a site for a boat dock or boat house on the water front owned by the City adjoining and immediately in front the lake lot leased, which boat dock or boat house shall be erected and maintained by and at the cost of the Lessee and which shall not exceed an area of thirty (30) feet by thirty (30) feet, and further the boat dock or boat house shall never be used as a place of permanent human habitation and shall be the private property of the Lessee. The placement of a dock shall not interfere with the use of an adjoining dock, so as to prohibit the docking of a boat along the sides of a dock;

2. No structure located on the water should extend further than fifty (50) feet from the high-water mark. In the event that the distance from side to side across the cove is less than 130 feet, then each lot owner will not be allowed to extend more than thirty-five percent (35%) from the total distance from side to side;

3. The Lessee shall agree to keep the lot and boat dock or boat house in a clean and sanitary condition, and to maintain the same in a safe condition, and the City shall in no manner be liable to the Lessee for any damages suffered by the Lessee to the lot, boat dock, or boat house, or the improvements thereon, on account of the rise and fall of the water line of the lake, or for the enlargement or decrease by the City of the size of the lake, or on account of any rule of regulation that may be adopted by the City governing the regulations of the lake;

4. The Lessee shall agree to hold the City free and harmless from any and all damages suffered by him, or by any other person, on account of personal injuries, death, or loss of property that may occur upon the lot, boat dock, or boat house;

5. Design, plans, and specifications of all improvements on lots shall be approved in advance by the City Manager in writing and shall conform to structural requirements. The City Manager is hereby authorized and empowered to require any changes in the plans and specifications that may in their judgment be deemed necessary in the interest of rigidity, stability, safety, or reduction or maintenance expense, all approvals of any change in any plans and specifications must be in writing;

6. In the event that a disagreement occurs under the provisions of the above paragraph five (5), the matter shall be heard by the City Council and their decision shall be final.

7. Structures on lake property shall at all times be kept in good repair and presentable in appearance. Any replacement of floatation devices or new construction of or for boat docks or boat houses shall be with polystyrene devices that are encapsulated with a molded shell that is resistant to impacts and is impermeable to water, with the exception being the use of high density polyethylene barrels that have seamless construction, a minimum thickness of 0.087-in. (2.2mm), a closed head and where the City has given written approval following its inspection to confirm that any barrel being used for flotation purposes contains no chemicals. No Styrofoam or similar materials shall be used for new construction or replacement of floatation devices;

8. No boat house or dock or land structures shall be loaned, leased, or rented for consideration or remuneration without the written consent of the Code Enforcement Officer. This loan, lease, or rental of the premises will be on a short-term basis only and in no way relieves the Lessee of the premises from any responsibilities and covenants contained herein;

9. All boat houses and docks shall be securely anchored and shall not be free to move far enough to permit collision with other boat houses, the bank, or any landing stage or dock;

10. If any person permits any dock, boat house, or pavilion to fall into disrepair, detach from the shoreline, or become unsightly in appearance or fails to maintain in proper order his or her current licenses to operate a boat, the Lake Patrol Officer or Code Enforcement Officer is hereby authorized and empowered to remove and dispose of same, and the owner shall be liable for any expense incurred cleaning or removing of any trash or personal property listed above which is in disrepair. The person owning or placing the structure on the lake property shall not be entitled to compensation therefor, being construed to have abandoned the same and the lake lot lease shall be deemed canceled and terminated.

G. Regulations governing assignments and sale of improvements are as follows:

1. No lake lot lease under this Section shall be assigned or sublet. The Lessee may at any time during the term of his or her lease sell and transfer to other persons the personal property improvements on the lake lot leased by him or her, subject to approval as provided hereafter;

2. In the event of the sale of the personal property improvements by the Lessee the transfer shall not become effective until approved by the City Council and the City as lessor reserves the right to reject and disapprove any transfer when in its opinion it would not be in the best interests of the City to do so. If the transfer is approved, the purchaser shall become bound by the terms of this Section, and a transfer charge shall be paid to the City prior to the transfer. The amount of the transfer charge shall be as set by the City Council by motion or resolution.

3. Before a transfer can be approved by the City Council, the property must be inspected by the Lake Patrol Officer or Code Enforcement Officer to determine if violations to any ordinance is present. If it is determined that an ordinance violation does exist, then this violation must be remedied within forty-five (45) days of the City Council's Approval, or as otherwise set by the City Council. Failure to remedy the violation(s) within that time shall result in automatic revocation of the City Council's approval and the automatic termination of the lease.

4. Any water borne structure that was built or under construction before January 1, 2021, that exceeds current size guidelines shall be grandfathered.

5. In the event of divorce among a lake lot owner, then the lake lot will only be transferred as directed by the Divorce Decree. In the event a Divorce Decree is not entered or it fails to provide for any such transfer, the City shall have the option and right not to renew said lake lot lease and may then offer the lake lot to a third party.

6. In the event that a lake lot Lessee should die, the estate proceedings, if any, subject to the two-person requirement above, shall determine the subsequent Lessee of the lake lot of the deceased. If no estate proceedings are commenced, the City may be presented with an Affidavit of Heirship to transfer the lease; however, if there are more than two heirs seeking the assignment of the lease, the City will conduct a raffle as provided herein above.

H. In addition to the above provisions, all lake lot leases shall also be subject to the terms and conditions as follows:

1. Each lease shall be for a term, commencing on July 1st of the year approved and end on June 30th of the following year, for a rental fee as set by the City Council, to be paid in full by the 31st day of January, of each calendar year. the lease may extend for an additional term upon full payment prior to the beginning of the additional term. The City Council reserves the right to not relet any lake lot at the end of a term.
2. Any improvements made to the lake lot as set forth above shall at all times remain the property of the Lessee until the termination of the lease; provided, however that the Lessee agrees at expiration of the lease to surrender said lake lot and all such improvements, where they are fixtures, shall become the property of the City, unless otherwise disclaimed by the City. Any other improvements remaining on the day after the expiration of the lease shall be the property of the City. If for any reason the improvements are destroyed or damaged due to fire or other causality, the City shall not be responsible in any way for repair, maintenance or replacement.
3. Lessee shall pay all taxes and assessment of whatsoever nature which may be payable for, on, or in respect of said lake lot during the term of the lease, against any improvements which may be placed or located thereon by Lessee, or personal property taxes assessed against Lessee's property, which said taxes Lessee hereby agrees to pay. Further, Lessee shall reimburse and pay to the City upon notification the total amount of real property taxes which the City may be required to pay on said lake lot.
4. Lessee shall at all times hold harmless and indemnify the City from any and all liability from all claims, damages or causes of action, and cost incurred therein, for damages or alleged damages, of any kind or character, resulting from injury to any person and/or property or loss of life, sustained in, on or about the said lake lot during the term of the lease by any person or persons whomsoever, except damages which may be caused by the direct act of the City, for which Lessee will be under no obligation to indemnify the City.
5. Lessee shall timely pay for all utilities supplied to said lake lot during the term of the

lease and it is understood that the City has no obligation to furnish utilities. Trash service fees shall be in that amount established by the City, to include any additional increased charged by the City trash hauler.

6. All lake lots leased by the City pursuant to this Section shall be used for recreational purposes only and shall not be used as a permanent habitation. Premises shall at all times be kept clean and maintained in a sanitary condition by the Lessee. Lessee shall be authorized to construct certain improvements as provided under this Section with proper approval. The boundary line of all lots shall be the high-water line, except that the Lessee may maintain and use a boat dock or boat house as provided in this Section, and provided further, that the Lessee shall maintain the area between the lot boundary and the lakes water line in the same manner as the lot itself and shall not permit tall grass, weeds, debris, or rubbish to accumulate thereon.
7. Lessee shall not disturb the quiet enjoyment of surrounding Lessees, engage in act that disturb or destroy the peace and quiet of other Lessees, or engage in lewd behavior. In the event Lessee or their guests commit such acts, the lease may be terminated at the discretion of the City and Lessee shall have thirty (30) days to vacate upon receipt of written notice thereof.
8. Lessee shall not engage in any criminal activity upon any lake lot. In the event Lessee is arrested and subsequently found guilty of any activity conducted at Bluestem Lake, the lease may be terminated at the discretion of the City and Lessee shall have thirty (30) days to vacate upon receipt of written notice thereof.
9. Except as elsewhere provided herein, Lessee shall not lock or otherwise block any road or access to any other lake lot except by approval of the City Council. The City Council shall have final authority over any road or access issue.
10. It is a violation of the lease for any person or family to lease more than two (2) lake lot leases as defined herein without the prior approval of the City Council. Provided, however, this shall not apply to those persons or families that may hold or own more than one (1) lake lot lease and the lease commenced prior to 12-15-1986.
11. Except as provide elsewhere in this Section, If Lessee shall at any time be in default of any payment or rent due and owing hereunder, or in the performance of any covenant or condition of the lease, or is in violation of any ordinance, rule or regulation, then if the said Lessee shall fail to correct or perform said default within thirty (30) days after written notice from the Lake Patrol Officer, or Code Enforcement Officer is given to Lessee, specifying the exact nature of the default or violation, then upon the failure of Lessee to cure any default within said thirty (30) days, said lease shall be deemed terminated and Lessee shall immediately remove any and all personal property located upon said lake lot, except fixtures, and redeliver said lake lot to the City, and further, that if Lessee upon termination of said lease does not immediately remove his property and redeliver possession to the City, that the City shall have the right to reenter and repossess said lake lot and expel the said Lessee, if necessary, and remove all property

located upon said lake lot, and all without prejudice to any other remedies which the City might otherwise have for the failure to pay rent hereunder, or the breach of any covenant hereunder.

12. Any personal property left on the lake lot after abandonment or after termination for any reason set forth above shall be deemed abandoned and may be disposed of by the City.
 13. Any Lessee whose lease was terminated, except for nonpayment, or arrest and conviction, shall have ten (10) days therefrom to appeal the termination in writing to the City Council who shall make a final determination of the termination. Written appeal must be submitted to the City Clerk.
 14. No lease for a lot on the City Lakes shall be renewed in the name of the original Lessee after the lease has been canceled for nonpayment of rentals or for any other cause, without the original Lessee paying to the City an amount set by the City Council by motion or resolution as a renewal fee.
- I. The provisions of this Section represent the terms of all leases of lake lots and upon approval of a lease by the City Council or when awarded by sealed bid, a Lessee shall be bound to the above provisions.

SECTION 90.10 CAMPING

- A. Camping is permitted by the Lessee of a lake lot upon their leased lot at the City Lakes at no charge. Guests of lot lessees will be required to pay normal camping fees if they use any other area than that of the lessee of said lake lot.
- B. Public camping shall be allowed at:
1. Any areas as approved and designated at Lake Bluestem.
 2. Any areas as approved and designated at Lake Pawhuska.
- C. Public camping shall be permitted year-round at Lake Pawhuska, not to exceed ten (10) consecutive days. Public camping shall also be permitted year-round at Lake Bluestem, not to exceed ten (10) consecutive days.
- D. Camping is permitted only in designated areas.
- E. Camping is permitted only in tents, travel trailers, tent trailers, motor homes, and pickup campers; provided, however, that all campers must house available for use self-contained sanitary facilities.
- F. Fees for daily camping shall be in an amount established by City Council by resolution or motion and each camping vehicle or tent shall pay a separate fee.

G. Any camping vehicle or tent of any kind or character left unattended for a period in excess of forty-eight (48) hours without prior approval of the Lake Patrol Officer shall be subject to being removed and impounded. No more than three (3) camping vehicles of any kind shall be permitted on a single lake lot.

H. All camping vehicles or tents shall be temporary in nature and shall be removed at the termination of the camping period and shall not be left in any public area or on any lot occupied by a boat house license holder from one (1) camping period to another.

SECTION 90.11 **MOTOR VEHICLE SPEED**

No motor vehicle shall be operated at a speed greater than fifteen (15) mph on all roadways on property owned by the City surrounding and adjacent to the City Lakes, provided, however, that the speed shall be ten (10) mph on the dam road at Lake Pawhuska, and any other areas as may, from time to time, be posted with speed limit signs of less than fifteen (15) mph

SECTION 90.12 **TOURNAMENT FISHING**

Notwithstanding any provisions herein to the contrary, no organized fishing tournaments shall be held on Lake Bluestem and/or Lake Pawhuska, except where otherwise authorized by the City Council.

SECTION 90.13 **FEES TO BE PLACED IN THE GENERAL FUND**

All fees collected under this Subchapter shall be recorded and placed in the General Fund of the City

SECTION 90.99 **PENALTY**

- A. *Generally.* Any person guilty of violating this Subchapter shall, upon conviction thereof, be fined as provided in Section 10.99.
- B. *Special penalties in connection with structures.* Any person who shall erect any dock, boat house, or pavilion on Lake Bluestem or adjacent property other than in a location approved by the City Manager or designee or not in conformity with structural requirements prescribed or without the approval of the plans and specifications, all as provided in this Subchapter, or who shall permit the structure to go adrift or to become dilapidated or unsightly, or who during the continuance of the structure on the lake shall use the structure for any illegal purpose, shall be deemed guilty of a violation of this Subchapter, and upon conviction thereof shall be fined as provided in Section 10.99. Each of the actions enumerated in this Section or Chapter shall be deemed a separate offense, and each day that any structure not conforming to the requirements hereof shall be upon the lake shall constitute a separate offense. The penalty shall not be deemed to have been waived if the lessor named in the lease agreement shall, before or after the date of prosecution, remove the structure as provided.

CHAPTER 91 ANIMALS

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SECTION 91.001 DEFINITIONS

As used in this Chapter:

1. “Animal” means any horse, mule, donkey, pony, cow, sheep, goat, swine, dog, cat, rabbit, chicken, goose, duck, turkey or any other Animal or fowl;
2. “Animal Shelter” means any premises designated by action of the council for the purposes of impounding and caring for Animals;
3. “Animal Control Officer” means the person or persons employed by the City as its enforcement officer in the impoundment of Animals or other persons contracted with the City, controlling of Animals running at large, and as otherwise provided or required in this Chapter;
4. “At large” or “running at large” means not securely confined by a fence or other means on premises under the control of, or occupied by, the owner of the Animal, and not under the control of the owner, a member of his immediate family, twelve (12) years of age or older, or an agent of the owner, by leash or otherwise, whether on the owner’s premise or not;
5. “Confined on the premises” means that condition in which an Animal is securely and physically confined and restrained on and within the premises of the owner by means of walls, fences, rope, chain, leash or other device of such strength and size as to physically prevent the Animal from leaving the premises and to physically prevent the Animal from causing physical injury to persons or other Animals which are off the premises upon which the confined Animal is located;
6. “Enclosure” means, while on the property of the owner, secure confinement indoors or in a securely enclosed and locked pen or structure, with at least 150 square feet of space for each Animal kept therein which is over four (4) months of age, and which is suitable to prevent the entry of children and designed to prevent the Animal from escaping;
7. “Exposed to rabies” means any Animal that has been bitten by or exposed to any other Animal known to have been infected with rabies;
8. “Fowl” means chickens, guineas, geese, ducks and pigeons;

9. "Impoundment" means placing an Animal in the Animal control vehicle or unit or holding an Animal in custody at the Animal control shelter;
10. "Keeper" means any person, family, firm or corporation owning or actually keeping, having, using or maintaining any of the Animals herein referred to;
11. "Menacing fashion" means that an Animal would cause any person observing the Animal to reasonably believe that the Animal will cause physical injury to persons or other Animals;
12. "Neuter" means to render a male dog or cat unable to reproduce;
13. "Nuisance" means the conduct or behavior of any small or large Animal, cat or dog which molests persons passing by or passing vehicles; attacks other Animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a vicious Animal not confined as required by this Chapter;
14. "Owner" or "keeper" means any person, group of persons or corporation owning, keeping, maintaining or harboring, or having care or custody of, an Animal or Animals or fowl or birds. For the purpose of a dog running at large or being subject to the City license tax, an owner is any person harboring or caring for a dog for three (3) days or more;
15. "Provoke" or "provocation" means, with respect to an attack by an Animal, that the Animal was hit, kicked or struck by a person with an object or part of a person's body or that any part of the Animal's body is pulled, pinched or squeezed by a person;
16. "Restraint" means that an Animal is controlled by leash or tether, either of which shall not exceed twenty (20) feet in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or confined within the property limits of its owner or keeper;
17. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery;
18. "Spay" means to remove the ovaries of a female dog or cat in order to render the Animal unable to reproduce;
19. "Vaccination" means an injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian;
20. "Without provocation" means that an Animal was not teased, tormented or abused; and also means where the Animal was not protecting its owner or owner's property from criminal activity by a perpetrator of a crime.

All other words or phrases used herein shall be defined and interpreted according to their common usage.

SECTION 91.002 **ANIMALS NOT TO BE AT LARGE**

- A. No owner shall permit any Animal, owned, harbored or kept by him or her to be at large within the City.
- B. Any Animal in violation of this section shall be subject to impound and disposition as provided in this Chapter.

SECTION 91.003 **TURNING ANIMALS AT LARGE UNLAWFUL**

It is unlawful for any person to open any enclosure in which any Animal is confined as required by ordinance so as to turn such Animal at large or in any manner to turn such Animal at large.

SECTION 91.004 **ANIMALS WHICH MAY NOT BE KEPT IN CITY**

- A. It is unlawful to keep, maintain or permit to be kept or maintained any swine, cattle, horses, mules, goats, rabbits, sheep or livestock, and fowl (including chickens, ducks, geese, etc.) within the City, except as follows:
 - 1. Temporarily in a stock yard awaiting transportation;
 - 2. Temporarily at a slaughterhouse awaiting slaughter;
 - 3. Temporarily for show purposes;
 - 4. Temporarily at a veterinary clinic for treatment or surgery.
 - 5. Temporarily keeping fowl or rabbits at livestock or feed stores which customarily sell such animals.
 - 6. Chickens may only be kept in accordance with Section 91.011.
- B. On tracts zoned A-G, General Agricultural District, livestock may be kept provided that the tract or lot shall be a minimum of one square acre, and there shall be not kept or maintained thereon, Animals in excess of one head per square acre.
- C. No wild Animal shall be kept within the City except for exhibition purposes by a zoo or circus, with permission granted by the City Manager or his designee.
- D. The keeping or maintaining or permitting to be kept or maintained any Animal listed in subsection A hereinabove within the City is hereby declared to be a public nuisance.

- E. The keeping of Animals, buildings or structures for Animals which were present on the date of the enactment of this Ordinance (March 28, 2023) shall constitute a preexisting nonconforming use of land and may continue in accordance with Section 154.069 and Section 154.070 but shall comply with all other aspects of this Chapter.

SECTION 91.005 BUILDINGS, STRUCTURES FOR ANIMALS, LOCATION

A. Every building or place where any Animal is allowed to be kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. No place where an Animal is kept shall be kept closer than forty (40) feet to the premises of an apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or dwelling other than that occupied by the owner or occupant of the premises upon which the Animal is kept.

C. Every building where any livestock is kept, if located within two hundred (200) feet of any apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the Animal is kept, shall be provided with a watertight and fly tight receptacle for manure, of such size as to hold all accumulation of manure. The receptacle shall be emptied sufficiently often and, in such manner, as to prevent it from being or becoming a Nuisance and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle. Manure shall be hauled outside the City in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.

D. Every stable, structure, pen, coop, or place wherein an Animal is kept or permitted to be, shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.

E. The Animal Control Officer or health officer shall inspect any structure or place where an Animal is kept on his own initiative or upon complaint. He may issue any such reasonable order as he may deem necessary to the owner of such Animal to cause the Animal to be kept as required in this Chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the City Court against any person for violation of any provision of this Chapter, or any such reasonable order.

SECTION 91.006 NOISY ANIMALS; COMPLAINT PROCEDURE FOR ANIMALS WHICH DISTURB, ARE IN VIOLATION OF CODE

- A. No person shall keep any Animal which:

1. Causes frequent or long-continued noise or otherwise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.
 2. Is maintained in an enclosure, or at the time of the offense is in an enclosure of any type that does not sufficiently protect the public from the threat caused by the dog, considering the safety of the enclosure or the ability of the dog to escape the enclosure, and the degree of aggressive and threatening behavior evidenced by the Animal;
 3. Is habitually at large within the City, habitually being defined as at large on more than two (2) occasions.
- B. Any person with knowledge thereof may file a complaint in the Municipal Court against the owner or keeper of an Animal which disturbs the comfort or repose of any person in the vicinity, or which is in violation of this Chapter. If the Court finds that an Animal is a nuisance or in violation of this Chapter, then the Court may order the owner or keeper to prevent and abate the nuisance, or order the Animal impounded with the owner or keeper to pay impoundment costs, or other punishment as provided in Section 10.99 of this Code.

SECTION 91.007 PASTURING IN PUBLIC AREAS ILLEGAL

It is unlawful for any person to pasture any Animal on any public property or private property without the consent of the person owning or controlling the property.

SECTION 91.008 KENNELS, LICENSES

- A. For the purpose of this Chapter, a “Kennel” is any location or premises where more than two (2) dogs and two (2) cats are located, whether residential or business, within the City. Provided however, for purpose of this definition regarding the permissible number, dogs and cats shall not include the offspring for up to four (4) months after their birth. For the purpose of this Chapter, the term “cattery” shall be interchangeable with the term kennel.
- B. It is unlawful for any owner or harbinger to keep a kennel in the City unless the owner or harbinger shall first possess a license for such kennel. Issuance of any license shall be subject to the applicable Zoning regulations of the City.
- C. The annual license fee for a kennel or cattery shall be as set by the Council by motion or resolution.
- D. Upon proof of proper zoning and payment of the required license fee, the license provided for by this section shall be issued.
- E. A license issued herein shall be posted on the licensed premises at all times.

- F. A license issued herein shall be in lieu of all other license fees prescribed, provided that all dogs in the kennel shall at all times be confined. Should a dog belonging to an owner or harbinger be allowed off the premises, the owner or harbinger shall pay the same tax and license fee as required for all dogs over four (4) months of age as provided in this Chapter.
- G. Kennels shall be subject to inspection by the Animal Control Officer at all times.
- H. No kennel or cattery shall be maintained closer than two hundred (200) feet to any apartment houses, hotel, restaurant, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises on which the kennel or cattery is kept.

SECTION 91.009 ZONING ORDINANCE TO PREVAIL

In case of conflict between this Chapter and present or any future zoning Ordinance, the provisions of the zoning Ordinance shall prevail and supersede the provisions of this Chapter.

SECTION 91.009 RECORDS KEPT BY KENNELS, PET SHOPS

- A. All pet shops, kennels and catteries shall maintain records and retain such records for a two-year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex, and age; date and source of Animal; period for which the Animal is maintained; date and disposition of Animal, including name and address of the new owner, disease prevention or treatment and by whom.
- B. A pet shop or kennel shall provide general environmental conditions to control parasites, clean food and water, weather protection and clean and sanitary facilities.
- C. A pet shop or kennel shall provide cages and pens of easily cleanable materials, is used for confinement, and shall be kept clean and sanitary at all times.

SECTION 91.010 DOGS NOT PERMITTED TO BE TIED OR CHAINED IN FRONT YARD OF RESIDENCES OR BUSINESSES

- A. No owner or person in lawful possession of any residential or commercial property shall permit any dog to be tied or chained or restrained in any manner in the front yard of such property.
- B. No owner or person in lawful possession of any dog shall tie or chain or restrain in any manner a dog in front of any residential or commercial property.
- C. Residences or businesses located on corner lots shall adjust the length of the chain or other restraint to a point where the dog cannot reach a point closer than ten feet (10') inside the side yard property line. This section shall not be construed to provide an exception to the requirement that dogs shall not be "at large" as defined in this Chapter.

SECTION 91.011 HOBBY CHICKENS

- A. No person shall possess a hen unless a coop license has been issued as set forth in this Section. Nursing homes, retirement homes, clinics or hospitals shall be exempt from the licensing requirements and provisions contained in this Section, with the exception of paragraph C below.
- B. The number of hens allowed shall be a maximum of six (6) hens per property.
- C. Roosters are prohibited within the City.
- D. Licenses will only be granted to persons who reside on parcels with single-family dwellings.
- E. No person may slaughter any chicken within City limits under any circumstance, except as allowed as of right in an agricultural zone.
- G. Care for hens shall follow the following provisions:
 - 1. No hen shall be permitted to run at large. Hens shall be kept in a designated coop, run, or in a fenced rear yard with a six foot (6') or higher fence suitable to contain the flock.
 - 2. If the coop and run are not within a fenced yard, hens must be kept within the coop and run at all times
 - 3. Fences must not have openings that allow hens to pass through.
 - 4. Feed must be stored in a fully enclosed, rodent proof container.
- H. Housing for hens shall follow the following provisions:
 - 1. The chicken coop and run shall be located in the rear of the residential structure. The coop and run are allowed in the rear yard, but not the side or front yards.
 - 2. The chicken coop and run shall be located at least five feet (5') from the property line and at least thirty feet (30') from any neighboring dwelling.
 - 3. Design. The coop must be built to provide ventilation, shade, protection from precipitation, protection from cold weather and to be secure from predators, wild birds, or rodents.
 - 4. Opening in windows and doors must be covered by wire mesh or screens to deter predators.
 - 5. Access doors must be sized and placed for ease of cleaning.

6. The enclosed run must be attached to the coop or must surround the coop. The sides of the run must be made of fencing or wire mesh that discourages predators.

7. The run must be enclosed on all sides, including the top or roof plane.

8. Size. The coop shall provide a minimum of four (4) square feet of floor area per hen. The run shall provide a minimum of eight (8) square feet of floor area per hen.

9. The coop and run shall be kept in a clean, dry and sanitary condition at all times. Manure, uneaten and discarded feed, feathers and other waste must be removed regularly and at a minimum of once per week.

10. Odors from hens, manure or related substances shall not be detectable from property lines.

11. Manure must be stored and disposed of. Manure may be composted. All manure not composted must be removed from property regularly and at a minimum of once per week.

G. No person shall maintain a coop without first obtaining a license from the City of Pawhuska. Licenses shall be issued when all conditions outlined in this section are met.

1. The City may deny a license to any person who:

i. Owes money to the City; or

ii. Has, in the last five (5) years prior to application for a license under this Section been convicted or plead guilty to any violation of this Chapter.

2. All licenses pursuant to this Section shall be valid for one (1) year from the date of issuance. Licenses may be automatically renewed if the licensee has been in compliance during the previous year. If the licensee is found to be in violation of the standards outlined in Section 91-011, the license will be allowed to expire at the end of the period. A new license will only be issued after the coop and run have been inspected and determined to meet all requirements outlined herein.

3. If the licensee is found to be in violation of any State of Municipal charge of Cruelty to Animals or similar violation, the license will be immediately and permanently revoked.

4. Only persons residing in one or two family dwelling units are eligible for a license.

5. Only one (1) chicken coop license will be issued per lot. A lot consisting of multiple platted lots shall be considered one lot.

6. Coop license are non-transferrable.

7. Costs:

i. The coop license shall cost \$25.00. This license shall renew automatically if the licensee is in compliance with all standards set forth in this Section. No charge is incurred for licenses that renew automatically.

H. The owner of any coop is subject to the following additional penalties:

1. A person found to be keeping hens without a coop license will have seven (7) days from notification to achieve compliance with these standards.

2. A licensee found to be in violation of the standards outlined in this Section will have seven (7) days from notification to achieve compliance. If compliance is not achieved, the license will be revoked. The licensee may apply for a new license, subject to site inspection. If the licensee is found to be in compliance after inspection, a new license may be issued.

3. If the licensee is found to be in violation of these standards three (3) or more times, the license will be immediate and permanently revoked.

I. Hens, coops and runs not maintained according to this Section shall be deemed a public nuisance.

j. The following words and phrases, when used in this SubChapter, shall have the meaning respectively ascribed to them:

1. *Chicken* – An individual Animal of the species *Gallus gallus domesticus*.

2. *Hen* – The female of the species *Gallus gallus domesticus* or chicken.

3. *Rooster* – The male of the species *Gallus gallus domesticus* or chicken.

4. *Coop* – A structure that is designed to house hens which is enclosed on all sides with a roof, door and windows. A mobile coop or ‘chicken tractor’ will be considered a chicken coop. Also referred to as ‘coop’.

6. *Run* – An outdoor area that is enclosed on all vertical sides by fencing. The run must be attached to or must surround a chicken coop with a doorway or hatch that allows access into the space by chickens.

**SECTION 91.012 RABIES VACCINATION REQUIRED; CERTIFICATE OF
VACCINATION; TAGS**

- A. No person shall own, keep or harbor any dog or cat within the City limits unless such dog or cat six (6) months of age or older is vaccinated for rabies annually every year before July 1 thereof, and in any event before the cat or dog becomes six (6) months of age.
- B. Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past twelve (12) months, the owner shall be guilty of an offense.
- C. When a veterinarian vaccinates a dog or cat against rabies, he shall issue to the owner of such dog or cat a metal tag or check evidencing such vaccination and the year of vaccination.
 - 1. Locally license veterinarians shall forward to the Pawhuska Police Department on a weekly basis a list of all vaccination tags issued.
 - 2. Owners of dogs and cats who use other than local license veterinarians must provide to the Pawhuska Police Department proof of the vaccination and the tag number within three weeks of vaccination elsewhere, or after moving into the City limits.
 - 3. If no tag is given by the veterinarian, the Pawhuska Police Department shall issue a tag upon proof of vaccination for a fee as determined by the City Council.
- D. It shall be the duty of the owner of the dog or cat to attach the tag or check issued to him pursuant to Subsection C to the dog or cat and it shall be unlawful for any person to remove such tag or check without the owner's consent.

SECTION 91.013 SPAYED OR NEUTER REQUIRED

- A. On or after May 1, 2022, it is unlawful for any person to own, possess, keep or harbor within the City any dog or cat over the age of six (6) months that has not been spayed or neutered, except as provided in Section 91.014.
- B. On or after May 1, 2022, it is unlawful for any person to own, possess, keep or harbor within the City any dogs over the age of six (6) months that has not been spayed or neutered where the dog is found to be at large by the Municipal Court, except as provided in Section 91.014.
- C. The owner of any dog or cat required to have spayed or neutered their dog or cat pursuant to Subsection A above shall furnish upon request of an Animal Control Officer written evidence showing the sterilization status of the Animal. A valid rabies vaccination certificate listing the subject Animal as being spayed or neutered shall constitute sufficient proof of sterilization.

- D. The failure or refusal of any person to comply with the requirements of this Section, unless excepted, shall be an offense separate and direct from all other offenses prescribed in this Chapter and shall not for purposes of enforcement, be considered as lesser included to any other offense herein.

SECTION 91.014 EXCEPTIONS FROM SPAY OR NEUTER

The owner of a dog or cat shall not be required to spay or neuter the Animal upon demonstrating to the satisfaction of the Animal Control Officer compliance with any of the following exceptions:

1. A written diagnosis from the Animal's veterinarian that the Animal is medically unsuited to undergo the sterilization procedure, and a veterinarian signs a written statement specifying the medical grounds for the exemption.
2. A written diagnosis from the Animal's veterinarian that the Animal suffers from a temporary medical condition so that sterilization is unsafe or imprudent, and a veterinarian signs a written statement as to the prognosis of when sterilization may be performed. The date given on that prognosis shall become the expiration date of the temporary medical exemption. Upon expiration, sterilization shall be required unless a veterinarian provides another temporary medical exemption and prognosis in the same manner.
3. The Animal is owned, possessed, kept or harbored within the City for no more than sixty (60) days in any consecutive twelve (12) month period.
4. The owner obtains or has made application for an annual intact permit, for any reason deemed valuable to the owner, and is otherwise in compliance with the provisions of this Chapter.

SECTION 91.015 INTACT PERMIT

- A. The City Clerk or duly authorized agents of the City shall issue intact permits upon payment of the fee and approval of an application made for such purpose. The application shall state the name, address and telephone number of the owner and the name, breed, color, age and sex of the dog or cat for which the intact permit is obtained, and such other information as the City Clerk may require. Neither the City Clerk nor any authorized agent shall issue an intact permit until the owner presents a certificate showing the dog or cat has a current rabies vaccination at the time application is made. The applicant shall pay an intact permit fee of sixty dollars (\$60.00) at the time of application.
- B. Upon approval of the application, the City Clerk or any authorized agent shall issue the intact permit in an appropriate form and a uniquely numbered metallic or plastic tag. An intact permit shall expire one (1) year from the date of issuance and shall be subject to revocation and nonrenewal.

- B. A current intact permit may be transferred to the new owner of the dog or cat for which the permit was issued upon application of the new owner and payment of a two-dollar (\$2.00) transfer fee.
- C. Upon receipt of the intact permit and tag, the owner shall securely affix the tag to the collar or harness of the dog or cat for which the permit is issued. The dog or cat shall wear the tag at all times, except when a veterinarian provides a medical exemption therefor.
- D. It is unlawful for any person to remove or attempt to remove a tag from the collar or harness of any dog or cat without the owner's consent.
- F. In the event a metallic or plastic tag is lost or destroyed, the owner may obtain a duplicate tag upon the payment of a two-dollar (\$2.00) replacement fee. It is unlawful to use or attempt to use a tag for which a duplicate tag has been issued.
- G. It is unlawful to use or transfer an intact permit or tag, or attempt to use or transfer the same, for or to a dog or cat other than the Animal for which the permit was issued.

SECTION 91.016 **REVOCATION OR NONRENEWAL OF INTACT PERMIT**

- A. The City Manager or his designate may revoke the intact permit for a dog or cat when, during the current permit year, the owner of the Animal for which the permit is issued is convicted, pleads guilty or nolo contendere to more than two (2) offenses of allowing or permitting such dog or cat to run at large. Prior to revoking the permit, the City Manager shall provide the owner with ten (10) days notice and an opportunity to be heard.
- B. Neither the City Clerk nor any authorized agent shall issue or renew an intact permit for any dog or cat for which an intact permit has been revoked. The commencement of revocation proceedings shall temporarily stay the issuance or renewal of an intact permit pending the outcome of such proceedings.

SECTION 91.017 **REGISTRATION**

- A. A charge as set by the council by motion or resolution is levied for each dog over four (4) months of age in the City. The tax does not apply to any dog temporarily brought and kept within the City, nor to a dog brought within the City to participate in a dog show, nor to a “seeing eye” dog when such dog is actually being used by a blind person to aid him in going from place to place.
- B. The owner shall pay such tax to the City Clerk for every year before the first day of July thereof, or upon acquiring after that day any dog within the City upon which the tax has not been paid for the year in which acquired, or upon bringing a dog into the City after that day.

- C. Before the clerk accepts money offered in payment of the tax for a dog or issues a license for it, the person offering the tax shall present to the City Clerk the certificate of a veterinarian or other person legally authorized to immunize dogs showing that the dog has been immunized against rabies and has been spayed or neutered.
- D. The owner of the dog shall, at the time of paying the tax, register the dog by giving the City Clerk the name and address of the owner, the name, breed, color and sex of the dog, and such other reasonable information as the City Clerk may request.
- E. The City Clerk thereupon shall deliver an original receipt to the owner and also an appropriate tag for the dog. Such tag shall constitute a license for the dog.
- F. The owner shall cause the tag received from the City Clerk to be affixed to the collar or harness of the dog upon which the tax has been paid so that the tag can easily be seen by officers of the City. The owner shall see that the tag is so worn by the dog at all times.
- G. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the City Clerk, presenting to him the original receipt, and paying to him a fee as set by the council.
- H. No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog as provided in this Chapter or take from any dog a tag legally placed upon it or place such tag upon a dog for which the tag was not specifically issued.

SECTION 91.018 PERMIT RECORDS

The City Clerk or the designate thereof shall keep a register of all permits and registrations issued under this Chapter in which shall be entered the name, address and telephone number of the owner, a description and other identifying information of the dog or cat so permitted, and the date of issuance and expiration.

SECTION 91.019 IMPOUNDMENT RECORD, DISPOSITION OF ANIMALS

- A. The City may establish an Animal Shelter or pound or contract with an outside agency to serve as the City's Animal Shelter or pound to provide for the impoundment of Animals pursuant to this Chapter.
- B. Any dog or other Animal found running at large or in violation of this Chapter shall be picked up and immediately impounded in the Animal Shelter and confined in a humane manner.
- C. The Animal Control Officer, upon receiving an Animal for impoundment shall record or cause to be recorded the description, breed, color, tag number, if any, and sex of the Animal and the name and address of the owner as may be shown on applicable City Animal control records. If the owner is known, the officer shall within twenty-four (24) hours of taking possession of the Animal:

1. Notify the owner at an address or telephone number available to the City;
or

2. Leave a notice by telephone with a member of the owner's family, or other person residing at the owner's home, as shown in the City's records, over the age of fifteen (15) years and/or the personal delivery of written notice posted on the front entry of the owners dwelling notifying the owner that unless reclaimed within seventy-two (72) hours after impoundment, Saturdays, Sundays and City holidays excluded, the Animal will be destroyed or otherwise disposed of.

D. If the owner is unknown, the officer shall:

1. Post a description and photograph of the Animal along with the date of impoundment at City Hall and on the City's social media page, if applicable. If the owner of the Animal does not contact the City Office or Animal Shelter and reclaim the Animal seventy-two (72) hours after impoundment, the Animal will be destroyed, adopted out, or otherwise disposed of.

SECTION 91.020 BREAKING POUND OR INTERFERING WITH OFFICERS

A. If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of any City pound or contract pound, or hinders, delays or obstructs any person duly authorized in taking up or taking to the City pound any Animal liable to be impound, he shall be guilty of an offense.

B. No person shall interfere with, or hinder, or molest any agent of the City in the performance of any duty of such agent or seek to release any Animal in the custody of the City or its agents, except as provided by law.

SECTION 91.021 ANIMAL SHELTER FEES

A. Fees for impounding and keeping an Animal, to be paid upon redemption, a fee of \$20 shall be assessed for the first day, and \$10.00 for each day thereafter. In computing a fee, a fraction of a day during which an Animal or fowl has been fed shall be deemed a full day.

B. Any person redeeming an impounded Animal or fowl shall pay the fees to the City Clerk and present the receipt therefore to the person in charge of the Animal Shelter before the latter releases the Animal or fowl.

C. Any dog or cat not vaccinated against rabies or is not spayed or neutered being held or impounded by the City shall not be released to the owner or any other person without proof of current vaccination against rabies, or without paying a deposit in such sum as is set by the City, which deposit shall be refunded to the person putting up the same upon proof of current vaccination, and/or proof of spaying or neutering of said animal being shown to the Animal Control Officer within seventy-two (72) hours of the release of the Animal. If such proof is not presented, then the Animal Control Officer may retake the Animal into

custody and deposit the deposit with the City Clerk to be retained as expenses of taking the Animal into custody.

- D. In addition to the above fees, any person requesting impoundment or disposal of an Animal by the shelter shall pay a fee for such service as set by the Council by motion or resolution.
- E. No dog or other Animal suffering from rabies or other infectious or dangerous disease may be released from the Animal Shelter.

SECTION 91.022 REDEMPTION, ADOPTION, OF ANIMAL

- A. An owner of an impounded Animal or his agent may redeem the Animal prior to its sale or destruction as provided for herein by paying the required fees against the Animal and meeting any other requirements which may be prescribed in this Chapter. If the owner or his agent has not redeemed the Animal within the first seventy-two (72) hours after the impoundment of the Animal, the Animal by be otherwise disposed of as provided for herein.
- B. A person desiring to adopt an Animal from the Animal Shelter shall pay an adoption fee, costs of any necessary vaccinations.

SECTION 91.023 ADOPTION OF IMPOUNDED ANIMALS

- A. Animals of apparent value not reclaimed within the time provided in this Chapter may be put up for adoption by the City or by a third party designated by the City. Such assignee shall acquire absolute title to the Animal.
- B. No Animal previously found to be dangerous or potentially dangerous which is impounded and abandoned or not redeemed in accordance with any lawful order of the Municipal Judge shall not be eligible for adoption.

SECTION 91.024 CRUELTY TO ANIMALS

It is unlawful for any person, willfully and maliciously, to pour on, or apply to, any Animal any drug or other thing which inflict pain on the Animal; or to knowingly treat an Animal in a cruel or inhumane manner; or to knowingly neglect an Animal belonging to him or in his custody in a cruel or inhumane manner.

SECTION 91.025 POISONING ANIMALS

It is unlawful for a person willfully to poison any dog or other Animal except a noxious, non-domesticated Animal, or to knowingly expose poison so that the same may be taken by an Animal.

SECTION 91.026 ENCOURAGING ANIMALS TO FIGHT

It is unlawful for any person to instigate or encourage a fight between Animals or to encourage one Animal to attack, pursue or annoy another Animal except a noxious, non-domesticated Animal.

SECTION 91.027 ANIMAL BITES; RABIES EXAMINATION; QUARANTINE

- A. Every Animal that bites or scratches a person shall be reported within four (4) hours to the Animal Control Officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten (10) days from the date the person was bitten and shall not be released from such quarantine except by permission of the Animal Control Officer of the City and the veterinarian in charge of the quarantined Animal. Such quarantine may be at any veterinarian hospital chosen by the owner. Failure of the owner or keeper to quarantine his Animal within the four-hour period herein will make him guilty of an offense.
- B. The owner, upon demand by any City officer or Animal Control Officer, shall surrender any Animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner; and the Animal may be reclaimed by the owner if adjudged free of rabies.
- C. The owner of the Animal shall be responsible for all costs and fees of the quarantine.

SECTION 91.028 RABIES DIAGNOSES; QUARANTINE OF CITY; TIME LIMIT

- A. When an Animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the Animal Control Officer or veterinarian shall immediately send the head of such Animal to the state health department for pathological examination and shall notify the proper public health officer of reports of human contacts and diagnosis made of the suspected Animal.
- B. When one or both reports give a positive diagnosis of rabies, the health or Animal Control Officer of the City may recommend a Citywide quarantine for a period of six (6) months; and upon the invoking of such quarantine, no Animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no Animal shall be taken or shipped from the City without written permission of the Animal Control Officer of the City.
- C. During such period of rabies quarantine as herein designated, every Animal bitten by an Animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian or held under six (6) months quarantine by the owner in the same manner as other Animals are quarantined.
- D. In the event there are additional positive cases of rabies occurring during the Period of quarantine, such period of quarantine may be extended for an additional six (6) months.

SECTION 91.029 **KILLING OR REMOVING RABID ANIMAL PROHIBITED**

- A. No person shall kill or cause to be killed any rabid Animal, any Animal suspected of having been exposed to rabies, or any Animal biting or scratching a human, except as herein provided, nor to remove the Animal from the City limits without written permission from the health officer of the City, or the Animal Control Officer.
- B. The carcass of any dead Animal exposed to rabies shall upon demand be surrendered to the Animal Control Officer.
- C. The Animal Control Officer shall direct the disposition of any Animal found to be infected with rabies.
- D. No person shall fail or refuse to surrender any Animal for quarantine or destruction as required herein when demand is made therefore by an employee empowered to enforce this Chapter. Such refusal shall be deemed an offense.

SECTION 91.030 **REPORTS OF BITE CASES; REPORT BY VETERINARIAN**

- A. It is the duty of every physician, veterinarian or other practitioner to report to the Animal Control Officer the names and addresses of persons treated for bites inflicted by Animals, together with such other information as will be helpful in rabies control.
- B. It is the duty of every licensed veterinarian to report to the Animal Control Officer his diagnosis of any Animal observed by him to be a rabid suspect.

SECTION 91.031 **INVESTIGATIONS FOR VIOLATION OF CHAPTER**

- A. For the purpose of discharging the duties imposed by this Chapter and to enforce its provisions, the Animal control or health officers are empowered to call upon the residents of any premises upon which an Animal is kept or harbored, and to demand the examination of such Animal. The officer may demand, at the front door of any residence, presentation by the owner of current Animal licenses at any time.
- B. The Animal control or health officer, in the manner authorized by law, may enter the premises where any Animal is kept in a reportedly cruel or inhumane manner and demand to examine such Animal, and to take possession of such Animal when, in his opinion, it requires humane treatment.

SECTION 91.032 RECORDS

The Animal Control Officer shall keep or cause to be kept:

1. An accurate and detailed record of the licensing, impounding and disposition of all Animals coming into his custody; and
2. An accurate and detailed record of all bite cases reported to the City, with a complete report of the investigation of each case.

SECTION 91.033 POTENTIALLY DANGEROUS ANIMALS AND DANGEROUS ANIMALS: DEFINITIONS

1. Definition of Potentially Dangerous Animal:

A Potentially Dangerous Animal is defined as any Animal that:

- a) When unprovoked bites a person either on public or private property; or
- b) When unprovoked and unrestrained or at large, attacks a dog, cat, Animal, or livestock which results in the injury or death of said dog, cat, Animal, or livestock either on public or private property; or
- c) Engages in any behavior that requires a defensive action by any person to prevent bodily injury; or causes a reasonable person to believe they should take defensive action to prevent bodily injury;

2. Definition of Dangerous Animal:

A Dangerous Animal is defined as any Animal that:

- a) Has inflicted severe injury on a human being without provocation on public or private property; or
- b) Has been previously found to be potentially dangerous, and the Animal thereafter aggressively bites, attacks, or endangers the safety of humans; or
- c) Has been previously found to be potentially dangerous, the owner having received notice of such by the Animal Control Officer in writing and the Animal thereafter attacks an Animal which results in the injury or death of said Animal on public or private property.

SECTION 91.034 INCIDENT INVESTIGATION

- A. The Animal Control Officer or other Law Enforcement Officer shall investigate any incident appearing to involve a Potentially Dangerous Animal or Dangerous Animal, or any citizen complaint of a Potentially Dangerous Animal or Dangerous Animal, or any impoundment of an Animal believed to be a Potentially Dangerous Animal or Dangerous Animal. If the incident or impoundment meets the criteria for classification of an Animal as potentially dangerous or dangerous, a citation shall be issued unless the Animal has an unknown owner.
- B. During the course of the investigation, the investigating officer shall cause photographs to be taken of the Animal and shall collect other information gathered pertaining to the Animal's size, weight, markings or other distinctive characteristics.
- C. The Animal Control Officer shall maintain a record of all Animals upon which Potentially Dangerous Animal or Dangerous Animal charges have been filed and the disposition of each case, together with the photographs and other information pertaining to each Animal.

SECTION 91.035 IMPOUNDMENT

- A. An Animal that is impounded at the time of an incident that resulted in the owner being charged with harboring or possessing a Potentially Dangerous Animal or Dangerous Animal, or an Animal impounded by order of the Municipal Judge, shall be confined in the City Animal Shelter pending the disposition of the Animal. Such confinement shall be at the owner's expense unless the Municipal Judge does not find the Animal to be a Potentially Dangerous Animal, Dangerous Animal or the charge is declined or is dismissed. In the event no affirmative finding is made or the charge is declined, the Animal shall be released, upon proof of vaccination, proof of spaying or neutering, and payment of all permits or tags as required in this Chapter.
- B. All Animals previously determined to be a Dangerous Animal or a Potentially Dangerous Animal meeting the requirements of this Chapter, must be confiscated and impounded until disposition is made by the Municipal Judge.
- C. Any Animal which is suspected of being potentially dangerous or dangerous which breaks out of the City Animal Shelter while awaiting a finding by the Municipal Judge may be confiscated and confined.

SECTION 91.036 HEARING AND TRIAL

- A. In all cases, the City Attorney may determine whether prosecution shall be undertaken or declined with respect to the Animal. If prosecution is determined appropriate, a notice of hearing may be combined with an order to impound the Animal and served upon the owner of the Animal no less than ten (10) days before such hearing date. Said order and notice shall be served by the Pawhuska Police Department.

- B. At the hearing, the Municipal Judge, upon the presentation of all evidence at the hearing and upon a finding that the Animal is a Potentially Dangerous Animal or Dangerous Animal, may enter an order according to the provisions of this Chapter.
- C. If the finding of the Municipal Judge is that the Animal is not a potential danger nor dangerous, the Animal shall be released to the owner.

SECTION 91.037 POTENTIALLY DANGEROUS ANIMALS

- A. It shall be unlawful for any person to own, keep, or harbor within the City any Animal, licensed or unlicensed, which is a Potentially Dangerous Animal.
- B. If the Municipal Judge finds that the Animal is a Potentially Dangerous Animal, the judge shall order that the owner or person in possession of the Animal, to:
 - 1. Order the owner or person in possession of the Animal to pay all Court costs and a fine as established by the Court in addition to all impound fees as set forth in Section 91.021; and
 - 2. Order the execution of a written agreement signed by the owner consenting to the immediate confiscation of his or her Potentially Dangerous Animal, and the payment upon proper conviction of all costs associated, if the Animal again commits any offence of the Code of Ordinances.
 - 3. The Municipal Judge may:
 - a. Order the owner or person in possession of the Animal to keep the Animal indoors or install on their property appropriate fencing, restraints, or enclosures which will provide the degree of protection warranted by the danger presented by the Potentially Dangerous Animal, which at a minimum, must provide for the Potentially Dangerous Animal to be in a securely enclosed and locked pen containing at least one hundred and fifty (150) square feet of space, and made suitable to prevent the entry of children, and designed to prevent the Animal from escaping. The pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the Animal; and
 - b. May order the owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the “Potentially Dangerous” Animal, but in all events not less than Fifty Thousand Dollars (\$50,000); or
 - c. The Court may order the Animal to wear a properly-fitted muzzle when it is outside of the enclosure, except while the Animal is receiving

medical care, to prevent it from biting humans or other Animals. Such muzzle shall not interfere with the Animal's breathing.

d. The Court may order that whenever the Animal is outside of the enclosure, it shall be restrained by an adult capable of controlling the Animal and may designate the length and type of leash to be used. If so ordered, when being transported, such Animals shall be safely, humanely and securely restrained within a vehicle or carrier capable of preventing the Animal from escaping or making physical contact with persons outside the vehicle.

e. Take any other corrective or preventative action so ordered by the judge in furtherance of this Section.

4. Order the owner or person in possession of the Animal to cause the same to be removed from the City limits of Pawhuska; or
5. Order the Animal Control Officer or Police to immediately confiscate and destroy the Animal in a humane manner.

SECTION 91.038 **DANGEROUS ANIMALS**

- A. It shall be unlawful for any person to own, keep, or harbor within the City any Animal, licensed or unlicensed, which is a Dangerous Animal.
- B. If the Municipal Judge shall find that the Animal is a Dangerous Animal, he or she shall order:
 1. Order the owner or person in possession of the Animal to pay all Court costs and a fine as established by the Court in addition to all impound fees as set forth in Section 91.021, together with the costs of all testing performed on the Animal at the direction of the Police Department; and
 2. Order the owner or person in possession of the Animal to cause the same to be removed from the City limits of Pawhuska; or
 3. Order the Animal Control Officer or Police to immediately confiscate and destroy the Animal in a humane manner.

SECTION 91.039 **RELEASE OF ANIMAL**

- A. Upon the payment of all fines, costs, and fees including all tags and shots required, and the completion of any actions so ordered by the Municipal Judge if any, which were to be completed prior to the Animal's release, the Animal may then be released to its owner.
- B. Any Animal found to be potentially dangerous or dangerous which is not claimed by the owner within five (5) days or redeemed by its owner in accordance with this Section, shall

in both cases be deemed abandoned and shall be disposed of in a manner within the discretion of the Animal Control Officer.

SECTION 91.040 **FAILURE TO COMPLY**

It shall be unlawful for the owner, keeper or harbinger of a Dangerous Animal or Potentially Dangerous Animal in the City to fail to comply with the requirements and conditions set forth in this article. Any Dangerous or Potentially Dangerous Animal found to be the subject of a violation of this Chapter shall be subject to immediate seizure and impoundment. All expenses associated with the impounding including shelter, food, handling and veterinary care shall be borne by the owner of such Animal during the period of impoundment. Failure to comply with all the requirements and conditions set forth in this article within fifteen (15) days of impoundment will result in the destruction of this Animal.

SECTION 91.041 **DOGS NOT TO BE DECLARED A NUISANCE, POTENTIALLY DANGEROUS, OR DANGEROUS**

On the complaint of any person or by a third party on behalf of a person or persons, no dog shall be declared a nuisance dog, potentially dangerous or dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass on the property of the dog owner or the person in possession of the dog, or committing some other tort upon the premises occupied by the owner or the person in possession of the dog, or was tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime on the premises.

SECTION 91.042 **PENALTY**

Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be punished as provided in Section 10.99 of this Code.

CHAPTER 92 FAIR HOUSING

Section 92.01	Purposes; Construction
Section 92.02	Acts Prohibited
Section 92.03	Exemptions
Section 92.04	Fair Housing Board Created
Section 92.05	Duties of Fair Housing Board
Section 92.06	Procedures
Section 92.07	Notices
Section 92.99	Penalty

SECTION 92.01 PURPOSES; CONSTRUCTION

The general purposes of this Chapter are:

- A. To secure for all people equal access to housing in all neighborhoods; and
- B. To preserve the public safety, health, and welfare.

SECTION 92.02 ACTS PROHIBITED

It is unlawful for any person, real estate broker, real estate salesperson, or agent:

- A. To refuse to sell, lease, rent, assign, or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed to any person, or to discriminate in the terms of conditions of the sale, rental, or leasing of any residential housing unit, because of race, color, sex, religion, or national origin;
- B. To refuse to negotiate with any person for the sale, rental, or leasing of any residential property, or to represent that the property is not available, because of the person's race, color, sex, religion, or national origin;
- C. To solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent, or lease, or not to sell, rent, or lease the housing to any person on the ground of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, sex, religion, or national origin, either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of the inducement, or to distribute or cause to be distributed material or making statements designed to induce a residential property owner to sell or lease his or her property due to the change in neighborhood; or
- D. To file a complaint alleging a violation of this Chapter with knowledge that the complaint is false in any material respect or to file the complaint for the sole purpose of harassment.

SECTION 92.03 **EXEMPTIONS**

Nothing in this Chapter shall apply to:

- A. Any religious organization, association, society, or private club; a religious nonprofit organization, operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale or rental of dwelling units owned and operated for other than a commercial purpose;
- B. Any single-family house sold or rented by an owner, provided that the private individual owner does not own more than three (3) single family houses and was not the most recent resident of the house prior to the sale with the exception granted to one (1) the sale within a twenty-four (24) month period; provided further that the owner does not own or retain in his or her behalf title to a portion of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; provided further that the sale or rental of the single-family house shall be excepted if the house is sold or rented without the use in any manner of a sale or rental facilities or employee thereof; and/or
- C. Any dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independent of each other and the owner actually occupies one (1) living quarter as his or her residence.

SECTION 92.04 **FAIR HOUSING BOARD CREATED**

There is hereby created a Fair Housing Board of the City, hereinafter referred to as the Board, composed of five (5) members, to be appointed by the Board of Trustees of the City for terms of three (3) years; excepting that of the members first appointed under this Chapter, two (2) shall be appointed for a term of one (1) year, and two (2) shall be appointed for a term of two (2) years, and one (1) shall be appointed for a term of three (3) years.

SECTION 92.05 **DUTIES OF FAIR HOUSING BOARD**

It is the duty of the Fair Housing Board to:

- A. Initiate, receive, and investigate complaints charging unlawful housing practices;
- B. Seek conciliation of the complaints, hold hearings, make findings of fact, and publish its findings of fact; and
- C. Adopt the rules and regulations as may be necessary within the limits of this Chapter and carry out the purposes and provisions of this Chapter.

SECTION 92.06 **PROCEDURES**

- A. Any person aggrieved by discriminatory practice prohibited by this Chapter may file with the Fair Housing Board a complaint in writing, under oath. The complaint shall be signed

by the person claiming to be aggrieved and shall State the name and address of the person alleged to have violated the provisions of this Chapter and shall further set forth the particulars of the violation and may include the other information as may be required by the Board. Complaints filed under this Section must be filed within thirty (30) days after the alleged violation, and failure to file within the time shall be considered a waiver of the application of this Chapter. The Board may issue a complaint on its own initiative, at any time it is within the knowledge of the Board that a person has violated any of the provisions of this Chapter.

- B. The Board shall investigate each complaint filed with the Board and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference, and conciliation. Upon determination that a complaint is not well-founded, the Board shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the Board takes no action within ninety (90) days of the filing of the complaint, it shall be considered as dismissed.
- C. If conference or conciliation does not result in compliance with this Chapter, the Board shall cause to be issued and served in the name of the City a written notice, together with a copy of the complaint, requiring the person named in the complaint, hereinafter referred to as respondent, to answer charges of the complaint at a hearing before the Board at a time and place to be specified in the notice.
- D. At the hearing, provided for in Division (C) above, the complaint shall be heard by the Board. At the hearing, the complainant or person aggrieved may appear in person or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The Board, when conducting any hearing, pursuant to this Section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the Board. If the Board finds at the hearing that the respondent has engaged in any discriminatory practice or practices, prohibited by this Chapter, it shall State its findings of fact, and shall so certify the matter to the City Attorney for appropriate action. No prosecution shall be brought under this Chapter except upon the certification. If the Board, upon hearing, finds that respondent has not engaged in any discriminatory practice, it shall State its findings of fact, and shall issue and file an order, dismissing the complaint. The Board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure and shall maintain the files provided for herein.

SECTION 92.07 NOTICES

Any and all notices required under the provisions of this Chapter to be served upon any person, may be served personally on the person, or by mailing a copy thereof by certified or registered mail, with return receipt requested, to the most current business or residence address of the person.

SECTION 92.99 **PENALTY**

It is unlawful and an offense for any person to violate any of the provisions of this Chapter, and any person found guilty of violating any provisions shall be deemed guilty of an offense, and is subject, upon conviction, to a fine as provided in Section 10.99.

CHAPTER 93 HEALTH AND NUISANCES

Section 93.001	Definitions
Section 93.002	Leaving Junk Motor Vehicle, Boat or Appliance Prohibited, Nuisance
Section 93.003	Trash on Private or Public Property
Section 93.004	Weeds, Grass and Bushes on Private Property
Section 93.005	Notice to Remove and Procedure
Section 93.006	Responsibility for Removal
Section 93.007	Content of Notice
Section 93.008	Request for Hearing, Procedure
Section 93.009	Removal of Weeds and Grass
Section 93.010	Removal of Junk Vehicles, Boats, Appliances or Trash
Section 93.011	Notice of Removal of Junk Vehicles, Boats or Appliances
Section 93.012	Appraisal
Section 93.013	Redemption of Vehicles or Appliances
Section 93.014	Liability of Owner or Occupant, Charge to Utility Bill
Section 93.015	Certificate to County Treasurer
Section 93.016	Abandoned Refrigerators
Section 93.017	Unlawful to Litter
Section 93.018	Unlawful to Litter from Automobiles
Section 93.019	Council Appointment of City Manager
Section 93.020	Provisions Cumulative
Section 93.035	Reserved
Section 93.036	Grades of Milk Which May Be Sold
Section 93.037	Enforcement by Whom
Section 93.038	U.S. Food Service Sanitation Ordinance Adopted
Section 93.050	Nuisance Defined; Public Nuisances; Private Nuisances
Section 93.051	Persons Responsible
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Section 93.054	Remedies Against Private Nuisances
Section 93.055	City Has Power to Define and Summarily Abate Nuisances
Section 93.056	Certain Public Nuisances in The City Defined
Section 93.057	Summary Abatement of Nuisances
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Section 93.061	Toilet Facilities Required; Nuisance
Section 93.062	Procedure Cumulative
Section 93.075	County Health Department Designated to Enforce Health Ordinances
Section 93.076	Obstructing Health Officer
Section 93.077	Quarantine; Violations
Section 93.078	Definitions-Abandoned Building
Section 93.079	Nuisance Declared-Abandoned Building
Section 93.080	Notice of Hearing-Abandoned Building

Section 93.081	Abatement By City-Abandoned Building
Section 93.082	Abandoned Building Fee
Section 93.083	Collection of City's Costs-Abandoned Building
Section 93.084	Application for Removal From Abandoned Building List
Section 93.085	Exemptions-Abandoned Building
Section 93.999	Penalty

SECTION 93.001 DEFINITIONS

For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them in this Section unless the context clearly requires otherwise:

APPLIANCE. Any equipment, instrument or article designed for household, office or commercial use, including furniture;

BOAT. Any vehicle designed to operate or travel on water.

CODE ENFORCEMENT OFFICER. any employee of the City of Pawhuska authorized to enforce all the provisions of this Chapter.

HEARING OFFICER. As used in this Chapter shall mean the Chairman of the Planning and Zoning Commission for the City of Pawhuska.

JUNKED APPLIANCE. Any appliance which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;

JUNKED MOTOR VEHICLE OR BOAT. Any motor vehicle or boat which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

MOTOR VEHICLE. Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts and golf carts.

PRIVATE PROPERTY means any real property within the City which is not public property.

PUBLIC PROPERTY. Property which is dedicated to the public use and over which the federal, State, county or City government or agency thereof exercises control and dominion.

TRASH. As used in this Chapter, means and extends to the widest sense or definition of that term, and includes, but without limitation upon any other meaning, refuse, litter, ashes, leaves, debris, paper, combustible materials, offal, rubbish, waste and useless or unused or uncared for property of all kinds, whether solid or liquid in form, dead animals, and any other form of junked personal property, and including dilapidated, burned out or falling

down buildings or structures.

WEEDS, GRASS AND BUSHES. An accumulation of growth of weeds and/or grass or bushes on any private property which the City Manager or his designate determines is either:

1. Weeds or grass exceeding 10 inches in height or which, by its condition, is detrimental to the health, benefit and welfare of the public and the community;
2. Bushes which because of their location are a hazard to traffic or detrimental to the health, benefit and welfare of the public and the community;
3. A fire hazard to the danger of property.

SECTION 93.002 LEAVING JUNK MOTOR VEHICLE, BOAT OR APPLIANCE PROHIBITED, NUISANCE

It is unlawful for any person to park, store, leave or permit the parking, storing, or leaving of any junked motor vehicle, boat, junked appliance, whether attended or not, upon any public or private property within the City for a period of time in excess of seventy-two (72) hours. The presence of any junked motor vehicle, boat or junked appliance or parts thereof on private or public property is hereby declared a public nuisance which may be abated as such in accordance with this Ordinance or by any other applicable law. This Chapter shall not apply to any motor vehicle or appliance within a totally enclosed and secure building on private property or held in connection with a lawful business enterprise conducted in the appropriate zoning district of the City, pursuant to the zoning laws of the City.

SECTION 93.003 TRASH ON PRIVATE OR PUBLIC PROPERTY

It is unlawful for any person to allow trash to accumulate on private or public property within the City for a period of time in excess of seventy-two (72) hours. The presence of trash on private or public property is hereby declared to be a nuisance which may be abated as such in accordance with this Subchapter or by any other applicable law.

SECTION 93.004 WEEDS, GRASS AND BUSHES ON PRIVATE PROPERTY

It is unlawful for a person to allow the growth of weeds, bushes or grass to accumulate on any private property within the City as defined herein. The presence of weeds, bushes or grass as defined herein on private property is hereby declared to be a nuisance which may be abated as such in accordance with this Subchapter or any other applicable law.

SECTION 93.005 NOTICE TO REMOVE AND PROCEDURE

Whenever it comes to the attention of the City Manager or the Code Enforcement Officer that any nuisance as defined in this Chapter exists in the City, a notice in writing shall be served upon the occupant of the property where the nuisance exists which service may be on the occupant in person

or by posting the notice in a conspicuous place on the premises. In case there is no such occupant, then it shall be served upon the owner of the property, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Chapter. Service upon the owner, if the property is vacant, shall be satisfied by mailing by U.S. mail, with postage prepaid, a copy of the notice to the owners as shown by the records in the office of the Osage County Treasurer. The notice of removal to the owner or occupant of the private property shall require that the owner and/or occupant abate the nuisance within ten (10) days from the date of the notice by removal of the junked vehicle, boat, appliance or trash, or as to weeds, grass or bushes by the mowing and/or removal thereof.

SECTION 93.006 **RESPONSIBILITY FOR REMOVAL**

Upon proper notice and opportunity to be heard, the owner of the junked motor vehicle, boat, junked appliance or trash, and the owner or occupant of the private property on which the same is located, either or all of them, and as to weeds, grass and bushes, the owner or occupant shall be responsible for its removal. In the event of the removal and disposition by the City or its designee, the owner and/or occupant of the private property where the same is located shall be liable for the expenses incurred.

SECTION 93.007 **CONTENT OF NOTICE**

The notice shall require the removal of the designated property within the time specified in this Chapter and shall advise that upon failure to comply with the notice to remove, the City shall cause citation to issue for failure to abate the nuisance; and at the City's option, it shall undertake such removal with the cost to be levied against the owner or occupant of the property.

SECTION 93.008 **REQUEST FOR HEARING, PROCEDURE**

A person to whom the notice is directed or his duly authorized agent may file a written request for hearing before the Hearing Officer within the ten (10) day period of compliance for the purpose of defending the charges by the City. The hearing shall be held as soon as practicable after the filing of the request and all persons to whom a notice is directed shall be advised of the time and place of the hearing. At any such hearing the City and any person to whom the notice has been directed may introduce such witnesses and evidence as either party deems necessary.

SECTION 93.009 **REMOVAL OF WEEDS AND GRASS**

- A. If the violation described in the notice has not been remedied within the ten (10) day period for compliance, or in the event a hearing is requested and the violation not remedied within seven (7) days after being affirmed by the Hearing Officer, then the City shall prosecute charges on the daily basis for failure to abate the nuisance and shall also have the right to go on to said property and cut/mow and remove said weeds, grass or bushes. It shall be unlawful for any person to interfere or attempt to stop or prevent any person or persons acting on behalf of the City to enter upon private property for the purpose of removing said weeds, grass and bushes under the provisions of this Chapter.

- B. If notice has been given to the occupant and/or owner of the property to remove weeds, grass or bushes and the same have been removed by either the occupant, property owner or the City, any subsequent accumulation of weeds, grass or bushes within a six (6) month period may be summarily declared to be a nuisance and the same abated by the City without further notice to the occupant or property owner and all costs thereof charged to the occupant/owner and collected as herein provided.

SECTION 93.010 REMOVAL OF JUNK VEHICLES, BOATS, APPLIANCE OR TRASH

If the violation described in the notice has not been remedied within the ten (10) day period for compliance, or in the event a hearing is requested and the violation not remedied within seven (7) days after being affirmed by the Hearing Officer, then the City shall prosecute charges on a daily basis for failure to abate the nuisance and shall also have the right to take possession of the junked motor vehicle, boat, junked appliance or trash and remove it from the premises. It shall be unlawful for any person to interfere or attempt to stop or prevent any such person or persons acting on behalf of the City to enter upon private property for the purpose of removing a junked vehicle, boat, appliance or trash under the provisions of this Chapter.

SECTION 93.011 NOTICE OF REMOVAL OF JUNK VEHICLES, BOATS, APPLIANCE

Within forty-eight (48) hours after the removal of any junked vehicle, boat or junked appliance, the City Manager or Code Enforcement Officer shall give notice to the registered owner, if known, and notice to the owner or occupant of the private property from which the vehicle or appliance was removed that the vehicle or appliance has been impounded and stored for violation of this Chapter. The notice shall State the proper procedure for redeeming the vehicle or appliance, including cost of redemption. The notice shall be served by U. S. Mail, postage prepaid, or by posting on the premises and shall allow ten (10) days for redemption.

SECTION 93.012 APPRAISAL

Upon removing a junked motor vehicle, boat or junked appliance under the provisions of this Chapter, the City Manager or Code Enforcement Officer shall appraise the item. If the item is appraised at Two Hundred Dollars (\$200.00) or less, the City Manager or Code Enforcement Officer shall execute a Statement so attesting and describing the vehicle, including license plates, if any, or the appliance. After complying with this Section and notice to them as provided in Section 93.011, the City may summarily dispose of the vehicle or appliance by destruction or by sale and execute a certificate of sale. If the vehicle is appraised at Two Hundred Dollars (\$200.00) or more, notice of public sale shall be given not less than ten (10) days before the date of the proposed sale and the same may be sold to the highest bidder.

SECTION 93.013 REDEMPTION OF VEHICLES OR APPLIANCES

The owner of any vehicle or appliance seized under the provisions of this Chapter may redeem

such vehicle or appliance at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the City of the sum of Two Hundred Dollars (\$250.00) removal fee and Twenty-Five Dollars (\$25.00) per day storage fee. Any such property redeemed may not be re-located on any lot in the City of Pawhuska in violation of this Ordinance or it shall be subject to forfeiture to the City and immediate removal by the City without any further notice to the owner.

SECTION 93.014 **LIABILITY OF OWNER OR OCCUPANT, CHARGE TO UTILITY BILL**

Upon the failure of the owner or occupant of property on which a junked motor vehicle, boat, junked appliance or trash has been removed or weeds, grass or bushes removed by the City to pay the unrecovered expense incurred by the City in such removal, the amount of the unrecovered cost may be added to the City utility bill of (1) the private property from which removed; or (2) the utility bill of the owner of the real property or the owner of the property removed, if they are receiving City utilities at any other location in the City of Pawhuska. The charges as added will be removal fees of not less than Two Hundred and Fifty Dollars (\$250.00), storage fees, and any other reasonable charges or expenses incurred by the City in the removal. The charges as added for mowing and removal of weeds and grass shall be in the amount of Two Hundred Dollars (\$200.00) for such occasion.

SECTION 93.015 **CERTIFICATE TO COUNTY TREASURER**

If collection efforts are not successful, the costs may be certified by the City Clerk to the County Treasurer who shall add the same to the ad valorem taxes assessed against the property until paid and shall be collected in the same manner as ad valorem taxes assessed against the property, until paid, and when collected shall be paid to the City.

SECTION 93.016 **ABANDONED REFRIGERATORS**

No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door or lock or an airtight snap lock which may not be released or opened from the inside of the icebox, refrigerator or container.

SECTION 93.017 **UNLAWFUL TO LITTER**

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

SECTION 93.018 **UNLAWFUL TO LITTER FROM AUTOMOBILES**

It is unlawful for any person to throw from any automobile or motor vehicle being operated and

driven upon and over the streets, alleys and roadways of the City any litter, trash, waste paper, tin cans or any other substance or refuse whatever.

SECTION 93.019 **COUNCIL APPOINTMENT OF CITY MANAGER**

In all matters herein where action is required before the City Council, the City Council hereby directs and designates that said action shall be taken by and before the City Manager.

SECTION 93.020 **PROVISIONS CUMULATIVE**

The provisions of this Subchapter shall be deemed cumulative and in addition to any other provisions in this Code relating to nuisance or trash removal and remedies relating thereto.

SECTION 93.035 **RESERVED**

SECTION 93.036 **GRADES OF MILK WHICH MAY BE SOLD**

Only certified pasteurized and grade A pasteurized, and certified raw and/or grade A raw milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority; in which case, the milk and milk products shall be labeled “ungraded.”

SECTION 93.037 **ENFORCEMENT BY WHOM**

All sampling, examining, grading, and regrading of milk and milk products, and all inspections, and issuing and suspension or revocation of permits shall be done by the Director of the County Health Department or his or her authorized representative.

SECTION 93.038 **U.S. FOOD SERVICE SANITATION ORDINANCE ADOPTED**

- A. The unabridged form of the latest edition of the United States Public Health Service Food Service Sanitation Ordinance and Code is hereby adopted and incorporated in this Code by reference. Three copies of the sanitation Ordinance and Code shall be on file in the office of the City Clerk. The sanitation Ordinance and Code shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this Section. In the sanitation Ordinance and Code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: Subsection H.2.e., H.7., and H.8.
- B. For the purpose of this Section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

HEALTH AUTHORITY. The Director of the County Health Department of this county or

his or her designated representative.

- C. Any person who violates any of the provisions of this Section shall be guilty of misdemeanor and, upon conviction thereof, shall be punished as provided in Section 10.99. In addition, thereto, any person convicted of violation may be enjoined from continuing the violation.

Statutory reference: State food regulations, see 63 O.S. § 1-1101 et seq.

SECTION 93.050 **NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES**

- A. A nuisance is unlawfully doing an act, or omitting to perform a duty, or is anything or condition which either:
1. Annoys, injures, or endangers the comfort, repose, health, or safety of others;
 2. Offends decency;
 3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal, or basin, or any public park, square, street, or other public property; or
 4. In any way renders other persons insecure in life or in the use of property, or
 5. Any condition as defined in Title 11 Section 22 of the Oklahoma Statutes, including but not limited to Title 11 Okla. St. Ann §22-111, Okla. St. Ann. §22-112, or Okla. St. Ann. §22-112.1
- B. A public nuisance is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.
- C. Every nuisance not included in Division (B) above is a private nuisance.

Statutory reference: Power of City to define, abate nuisances, procedures, see 50 O.S. § 1 et seq.

SECTION 93.051 **PERSONS RESPONSIBLE**

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

SECTION 93.052 **TIME DOES NOT LEGALIZE**

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

SECTION 93.053 REMEDIES AGAINST PUBLIC NUISANCES

The remedies against a public nuisance are:

- A. Prosecution on complaint before the Municipal Court;
- B. Prosecution on information or indictment before another appropriate court;
- C. Civil action; or
- D. Abatement:
 - 1. By person injured as provided in 50 O.S. § 12; or
 - 2. By the City and its Code Enforcement Officer in accordance with Title 11 Section 22 of the Oklahoma Statutes, including but not limited to Title 11 Okla. St. Ann §22-111, Okla. St. Ann. §22-112, or Okla. St. Ann. §22-112.1, and any amendments made thereto concerning the General Powers of Municipalities, and Title 63-1-1011 and any amendments made thereto concerning health nuisances, specifically dealing with the prohibition and abatement of nuisances as defined in this Chapter. The notice requirements of dilapidated buildings under Okla. St. Ann. §22-112 shall follow the procedures set forth in 98.080.
 - 3. The Chairman of the Planning and Zoning Committee, as the Hearing Officer, is designated for all abatement hearing determinations under this Chapter, unless expressly stated otherwise. Where there is a conflict, this section shall control.

SECTION 93.054 REMEDIES AGAINST PRIVATE NUISANCES

The remedies against a private nuisance are:

- A. Civil action; and/or
- B. Abatement:
 - 1. By person injured as provided in 50 O.S. § 14 and 15; or
 - 3. By the City in accordance with law or Ordinance.

SECTION 93.055 **CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES.**

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

SECTION 93.056 **CERTAIN PUBLIC NUISANCES IN THE CITY DEFINED**

- A. In addition to other public nuisances declared by other Sections of this Code or law, the following are hereby declared to be public nuisances:
1. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where the sales or offerings are made;
 2. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the State law or Ordinances of the City; or keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the State law or Ordinances of the City;
 3. The exposure, display, sale, or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects; or the keeping of a place where they are exposed, displayed, sold, or distributed;
 4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards, or otherwise;
 5. The keeping of a place where prostitution, illicit sexual intercourse, or other immoral acts are practiced;
 6. The keeping of a place where activities in violation of State law or Ordinance are practiced or carried on;
 7. The conduct or holding of public dances in violation of the Ordinances of the City; or the keeping of a place where the 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 the noises;
 10. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;

11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on the street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or Ordinance;
12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;
13. All wells, pools, cisterns, bodies, or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;
14. Rank weeds or grass, carcasses, accumulations of manure, refuse, or other things, which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;
15. Any building or structure which is dangerous to the public health or safety because of damage, decay, or other condition;
16. Any pit, hole, or other thing which is so constructed, formed, conditioned, or situated as to endanger the public safety;
17. Any fire or explosion hazard which endangers the public safety;
18. Any occupation or activity which endangers the public peace, health, morals, safety, or welfare;
19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district;
20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this City, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance;
21. The keeping of any dog kennels within this City for the breeding and raising of dogs that shall become offensive or annoying to the public by reason of the barking and noise made by the animals therein contained, is hereby declared to be a nuisance;
22. Any vault, cesspool, or sink used to receive human excrement, slops, garbage, refuse, or other filthy substance, is hereby declared to be a nuisance;
23. Any pond, slop, trash, refuse, cobs, manure, decayed or decaying vegetable matter,

left, kept, or maintained in the condition as to endanger the public health is hereby declared to be a nuisance;

24. The keeping of any hog pen within the limits of this City is hereby declared to be a nuisance;
 25. Every privy or water closet which shall be in an overflowing, leaking, or filthy condition, or in a condition dangerous, injurious or annoying to the comfort, health, and welfare of any resident of this City is hereby declared a nuisance;
 26. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this City is hereby declared to be a nuisance;
 27. Any unclean, foul, leaking, or broken or defective ditch, drain, gutter slop, garbage, or manure barrel, box, or other receptacle in this City is hereby declared to be a nuisance; and
 28. Every building or other structure that shall become unsafe and dangerous from fire, decay, or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety, or welfare of this City or its inhabitants from any cause, is hereby declared to be a nuisance.
- B. The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or Ordinances defining public or private nuisances either in more general or more specific terms.

SECTION 93.057 SUMMARY ABATEMENT OF NUISANCES

- A. Some nuisances are of the nature as to constitute a grave and immediate danger to the peace, health, safety, morals, or welfare of one (1) or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and to require the Code Enforcement Officer or other appropriate officer or agency of the City government to take immediate and proper action summarily to abate the nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward the abatement.
- B. The Chief of the Fire Department, the Chief of Police, the City Attorney, the Building Inspector, the Electrical Inspector, the Plumbing Inspector, Code Enforcement Officer or any other officer subordinate to the Mayor may submit through or with the consent of the Hearing Officer, a Statement as to the existence of a nuisance as defined by the Ordinances of the City or law, and a request or recommendation that it be abated. The Mayor himself or herself, the Health Officer, any Councilmember, or any resident or residents of the City may submit such a Statement and request a recommendation to the Code Enforcement Officer to be submitted to the Hearing Officer.
- C. The Hearing Officer shall determine whether or not the alleged nuisance is a nuisance in

fact. For the purpose of gathering evidence on the subject, the Hearing Officer shall have power to subpoena and examine witnesses, books, papers, and other effects. Before proceeding to abate the nuisance or have it abated, the Hearing Officer 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 the notice and opportunity for a hearing can be given. The 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 persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the City.

- D. If the Hearing Officer finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals, or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If the 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 Hearing Officer shall direct the Code Enforcement Officer and the appropriate department to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by 50 O.S. § 16. The City Clerk shall send a Statement of the cost of the summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, the cost shall constitute a debt to the City collectible as other debts of the City may be collected.

SECTION 93.058 **ABATEMENT BY SUIT IN DISTRICT COURT**

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

SECTION 93.059 **NUISANCE UNLAWFUL**

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

SECTION 93.060 **HEALTH NUISANCES; ABATEMENT**

- A. Pursuant to authority granted by 63 O.S. § 1-1011, the Health Officer shall have authority to order the owner or occupant of any private premises in the City to remove from the premises, at his or her own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within the other time as may be reasonable, and a failure to do so shall

constitute an offense. The order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the Health Officer or by a Police Officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant, or agent, if known and within the State. If the premises are unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the State, the order may be served by posting a copy thereof on the premises, or by publication in at least 1 issue of a newspaper having a general circulation in the City.

- B. If the order is not complied with, the Health Officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the City Clerk, and the cost of removing or abating the nuisance shall be added to the water bill or other City utility bill of the owner or occupant if he or she is a user of water from the City water system or the other utility service. The cost shall be treated as a part of the utility bill to which it is added, and shall become due and payable, and be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If the owner or occupant is not a user of any City utility service, the cost, after certification to the City Clerk, may be collected in any manner in which any other debt due the City may be collected.

Statutory reference: Authority to abate health nuisances, see 63 O.S. § 1- 1011

SECTION 93.061 TOILET FACILITIES REQUIRED; NUISANCE

- A. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HUMAN EXCREMENT. The bowel and kidney discharge of human beings.

SANITARY PIT PRIVY. A privy which is built, rebuilt, or constructed so as to conform with the specifications approved by the State Health Department.

SANITARY WATER CLOSET. The flush-type toilet which is connected with a sanitary sewer line of the capacity and construction as to carry away the contents at all times.

- B. Every owner of a residence or other building in which humans reside, are employed, or congregate within this City shall install, equip, and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto, and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the State Health Department.
- C. All human excrement disposed of within this City shall be disposed of by depositing it in closets and privies of the type provided for in this Section. It is unlawful for any owner of property within the City to permit the disposal of human excrement thereon in any other

manner, or for any person to dispose of human excrement within the City in any other manner.

- D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop, or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery, or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.
- E. All facilities for the disposal of human excrement in a manner different from that required by this Section, and all privies and closets so constructed, situated, or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense, and each day upon which any such nuisance continues is a separate offense.

SECTION 93.062 PROCEDURE CUMULATIVE

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

SECTION 93.075 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES

Anywhere in this Chapter where the word or words "Health Officer" are used it shall be construed to mean the Director of the Osage County Health Department or his or her duly designated representative. It is the intent and purpose of the Mayor and City Council to delegate the enforcement of the health Ordinances of this City as set out in this Section and any such decisions rendered under this Section shall be subject to review by the governing board upon an appeal from an offender.

SECTION 93.076 OBSTRUCTING HEALTH OFFICER

It is unlawful for any person to willfully obstruct or interfere with any health officer or physician charged with the enforcement of the health laws of this City.

SECTION 93.077 QUARANTINE; VIOLATIONS

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

SECTION 93.078 DEFINITIONS-ABANDONED BUILDINGS

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:

ABANDONED BUILDING means any commercial building located within the City of Pawhuska that is not currently occupied i.e. unoccupied, or is without current utilities i.e. gas, water, electric, sewer, trash, and is detrimental to the public health, safety or welfare of the inhabitants of and visitors to the City, and damages or devalues abutting and nearby real properties, or is declared unsecured or dilapidated pursuant to Section 22-112 or Section 22-112.1 of Title 11 of the Oklahoma Statutes and remains in such condition;

OWNER means the Owner of record as shown by the current year's tax rolls in the office of the Osage County Treasurer.

UNOCCUPIED means that condition when a building or residential structure or a portion thereof lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings or residential structures ordered vacated by an Officer or Code Enforcement Officer. In determining whether a bui

lding or residential structure is unoccupied, the Enforcement Officer may consider these factors, among others:

1. Whether lawful residential or business activity has ceased;
2. The percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units and their proximity to each other;
3. The building or residential structure is substantially devoid of contents or the fixtures or personal property located in the building or residential structure are of a minimal value;
4. The building or residential structure lacks utility services;
5. The building or residential structure is the subject of a foreclosure action;
6. Duration of vacancy; and/or
7. The presence or reoccurrence of code violations

SECTION 93.079 NUISANCE DECLARED-ABANDONED BUILDING

Abandoned Buildings are hereby declared to constitute a nuisance and detrimental to the public health, safety, or welfare of the inhabitants of and visitors to the City and the City has determined a purpose to identify and register Abandoned Buildings; to determine the responsibilities of Owners of Abandoned Buildings and structures; and to speed the rehabilitation of the Abandoned Building; to shift the cost of burden from the general citizenry to the Owners of the blighted buildings.

SECTION 93.080 NOTICE OF HEARING-ABANDONED BUILDING

At least ten days' notice that an Abandoned Building is to be abated shall be given to the Owner of the property before the Hearing Officer holds a hearing. A copy of the notice shall be sent by mail to the Owner at the address shown by the current year's tax rolls in the office of the Osage County Treasurer. Written notice shall also be sent by mail to any mortgage holder as shown by the records in the office of the Osage County Clerk to the last-known address of the mortgage holder. At the time of mailing of notice to any Owner or mortgage holder, the City 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 person(s) to whom the written notice was sent. However, if neither the 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 days prior to any hearing or action by the City pursuant to the provisions of this Section.

A hearing shall be held by the Hearing Officer to determine if the property is an Abandoned Building.

An appeal of a determination may be made to the City Council by the Owner by filing written notice with the City Clerk within ten (10) days from the date of said determination. The filing of said notice shall operate to stay the enforcement of any order of abatement by the Hearing Officer. As soon as thereafter possible, and upon not less than ten (10) days' notice to the Owner, the City Council shall consider this matter in its entirety.

SECTION 93.081 ABATEMENT BY CITY-ABANDONED BUILDING

Pursuant to a determination that the building is an Abandoned Building, the Hearing Officer is authorized to order the City Departments to pursue abatement of the public nuisance caused by the building and shall order the City Clerk to place the building on an Abandoned Building list to be maintained by the City Clerk. At any time after such determination and order, the Hearing Officer 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 this Section.

Abatement of an Abandoned Building by the City shall include any or all of the following:

- a. 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 inspection or regulatory action taken in relation to the Abandoned Building or the Owner of such building as authorized above,
- b. 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

- c. An assessment for any other actual expenses incurred by the City in relation to the Abandoned Building, including, but not limited to, the costs of notices, mailings and publications;
- d. After the determination that a building is an Abandoned Building, and before commencement of any of the abatement actions authorized by this Chapter, the City Clerk shall file a notice of lien with the Osage County Clerk describing the property, the findings of the City Manager at the hearing, and stating that the City claims a lien on the property for all abatement costs and that such cost shall also constitute the personal obligation of the Owner from and after the date of filing of the notice.

SECTION 93.082 ABANDONED BUILDING FEE

The Owner of an Abandoned Building shall pay an annual \$2,500.00 administrative fee incurred for the registration and processing of Abandoned Buildings onto the Abandoned Building list, and for the ongoing upkeep of the Abandoned Building list by the City Clerk. This administrative fee shall be assessed and due annually on February 15.

93.083 COLLECTION OF CITY'S COSTS-ABANDONED BUILDING

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 Section 93.084, the City Clerk shall determine the actual quarterly abatement costs for the abatement procedures authorized by Section 93.081. After such determination, the City Clerk shall mail a statement of the actual quarterly abatement costs for the abatement procedures authorized by Section 93.081 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 this subsection. At the time of mailing of the statement of costs to any property Owner or mortgage holder, the City 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

When full payment is made to the City Clerk for actual abatement costs incurred and billed in accordance with this subsection, the City 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 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 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 lien was filed with the Osage 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 Osage 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. Upon receiving full payment, the City Clerk shall forward to the Osage County Clerk a notice of discharge of the lien.

SECTION 93.084 APPLICATION FOR REMOVAL FROM ABANDONED BUILDING LIST

Any Owner or mortgage holder of any building determined by the Hearing Officer of the City to be an Abandoned Building may petition the City Council in writing at any time after such determination for removal of such building from the Abandoned Building list maintained by the City Clerk. Any such petition shall be filed with the City Clerk. Within thirty (30) days after such petition is filed with the City Clerk, the City Council shall hold a hearing to determine if the building is no longer an Abandoned Building. Upon such a determination, the City Council shall order the building removed from the Abandoned Building list. The City 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 City prior to the determination and order by the City Council that the building should be removed from the Abandoned Building list. Upon full payment of any costs certified against the property, the City Clerk shall file a release of the notice of the lien in the Osage County Clerk's office within ten days after receiving such payment.

SECTION 93.999 PENALTY

- A. Any person who violates any provision of this Chapter or any law or Code adopted by reference in this Chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 10.99. In addition, thereto, such person may be enjoined from continuing the violations.
- B. In addition to the procedure set out herein for removal of any junked motor vehicle, boat, junked appliance, trash, or weeds, grass or bushes, any person who violates any of the provisions of this Chapter shall be guilty of an offense and upon conviction thereof shall be punishable as provided in Section 10.99 of this Code. Each day the offense continues will be a separate offense.

CHAPTER 94 CEMETERY REGULATIONS

Section 94.01	Government of Cemetery
Section 94.02	Duties of Cemetery and Park Department
Section 94.03	Pawhuska Cemetery Fund
Section 94.04	Deeds and Records; Transfer of Ownership; Cemetery Care Fund
Section 94.05	Improvements on lots
Section 94.06	Supervision
Section 94.07	Shrubs in Cemetery
Section 94.08	Disposal of Trash
Section 94.09	Payment for Lot
Section 94.10	Permits for Interment
Section 94.11	Receptacles for Caskets

SECTION 94.01 **GOVERNMENT OF CEMETERY**

The cemetery of the City shall be arranged and governed as herein provided.

Statutory reference: Municipal operation of cemeteries, see 11 O.S. § 26-101 et seq.

SECTION 94.02 **DUTIES OF CEMETERY AND PARK DEPARTMENT**

It is the duty of the Cemetery and Park Department to manage the cemetery properties, to enforce rules and regulations as provided by Ordinances of the City. It shall supervise the placing of all monuments on a cemetery lot as to footing and proper base.

SECTION 94.03 **PAWHUSKA CEMETERY FUND**

The City Clerk shall provide all necessary records and keep all revenues arising from the sale of lots in a separate fund, which shall be known as the “Pawhuska Cemetery Fund.” No payment shall be made out of the cemetery fund except for cemetery purposes. All warrants drawn on the fund shall State upon their face the fund drawn against, and the date and for what purpose.

SECTION 94.04 **DEEDS AND RECORDS; TRANSFER OF OWNERSHIP; CEMETERY CARE FUND**

All deeds for the sale of lots by the City shall be signed by the Mayor and countersigned by the City Clerk, under the seal of the City upon the payment of the price of the lot or lots as entered upon the list of lots, and the prices shall be filed in the Clerk’s office. Any subsequent transfer of ownership of lots shall be by proper deed of conveyance or by operation of law, and duly executed copies of the deeds or documents evidencing transfer by operation of law shall be delivered to the City Clerk for recording in the ownership books. The City Clerk shall keep a complete record of all sales, transfers, and the burials in books as provided by the City for the purpose. All funds arising from the sale of lots or part of lots shall be paid to the City Clerk, of which sum or sums

seventy-five percent (75%) shall be paid by him or her to the City Treasurer, taking receipt therefor; the remaining twenty-five percent (25%) shall be deposited to the credit of the Cemetery Care Fund.

Statutory reference: Cemetery care fund, establishment and use, see 11 O.S. § 26-109

SECTION 94.05 **IMPROVEMENTS ON LOTS**

No lot in the City cemetery shall have improvements made upon the lot until proper deed has been issued by the City Clerk. No monument shall be placed upon the lot until deed has been issued by the City Clerk. No cement or brick curb shall be placed around a lot in the City cemetery.

SECTION 94.06 **SUPERVISION**

The caretaker shall have supervision of the City mausoleum at all times. He or she shall have key to the mausoleum. He or she shall keep gates to the cemetery unlocked from 8:00 A.M. until 5:30 P.M. every day.

SECTION 94.07 **SHRUBS IN CEMETERY**

All shrubs shall be planted on lots under the supervision of the caretaker. The caretaker shall have the authority to remove all shrubs and plants which extend beyond the boundary line of the lot.

SECTION 94.08 **DISPOSAL OF TRASH**

All trash removed from cemetery lots must be carried away and must not be deposited in the walkways of the City cemetery.

SECTION 94.09 **PAYMENT FOR LOT**

No lot for interment shall be opened for burial purposes nor shall any burial be performed until the time as the purchase price for the lot has been paid together with all charges for opening and closing the site of interment.

SECTION 94.10 **PERMITS FOR INTERMENT**

Prior to interment or opening the site of interment there shall be issued a permit from the office of the City Clerk authorizing such, which permit shall be delivered to the Superintendent of the Cemetery Department. No permit shall be issued except for interment of the person owning the lot as shown by the ownership records in the office of the City Clerk, or, if for a different person, upon presentation to the City Clerk of written permission of the owner of the lot for the interment.

SECTION 94.11 **RECEPTACLES FOR CASKETS**

All caskets interred in the City cemetery shall, prior to interment, be placed in an outside receptacle which outside receptacle shall be a box constructed of steel reinforced concrete at a minimum.

CHAPTER 95 FIRE PREVENTION AND PROTECTION

Section 95.01	Adoption of International Fire Code
Section 95.02	Fire Department to Enforce Code
Section 95.03	Limits Within Which Storage of Flammable Liquids in Outside Aboveground Tanks Is Prohibited
Section 95.04	Limits in Which Bulk Storage of Liquefied Petroleum Gases is to Be Restricted
Section 95.05	Limits in Which Storage of Explosives and Blasting Agents Are Prohibited
Section 95.06	Modifications
Section 95.07	New Materials, Processes, or Occupancies Which May Require Permits
Section 95.08	Appeals
Section 95.09	Transportation of Inflammable Liquids
Section 95.20	Fire Department Created
Section 95.21	Appointment and Removal; Compensation
Section 95.22	Definition
Section 95.23	Duties of the Fire Chief
Section 95.24	Duties of the Assistant Chief
Section 95.25	Company Officers
Section 95.26	The Secretary-Treasurer
Section 95.27	New Members
Section 95.28	Bylaws
Section 95.29	Rules and Regulations
Section 95.30	Use of Fire Equipment; Inventory and Repair
Section 95.31	Fire Prevention Outside City
Section 95.32	Payments for Runs
Section 95.33	May Answer Calls Outside City
Section 95.34	Firefighters Serving in Line of Duty
Section 95.35	Agent of State
Section 95.99	Penalty

SECTION 95.01 ADOPTION OF INTERNATIONAL FIRE CODE

That a certain document, a copy of which is on file in the office of the City Clerk of Pawhuska, Oklahoma, being marked and designated as the *International Fire Code*, 2021 Edition, including Appendix Chapters, and any future editions, supplements, and revisions thereof as published by the International Code Council, be and is hereby adopted as the Code of the City of Pawhuska for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in this City and providing for the issuance of permits for hazardous uses or operations; and repealing all other Ordinances in conflict therewith.

SECTION 95.02 **FIRE DEPARTMENT TO ENFORCE CODE**

- A. The Fire Prevention Code shall be enforced by the Fire Department of the City, under the supervision of the Chief of the Fire Department. The terms “Bureau of Fire Prevention” and “Chief of the Bureau of Fire Prevention,” wherever found in the Fire Prevention Code, shall mean Fire Department and Chief of the Fire Department, respectively, of this City.
- B. The Chief of the Fire Department may designate from the members of the Fire Department as Fire Code Official as may from time to time be necessary.
- C. Where the Fire Code Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code, or in a dangerous or unsafe manner, the Fire Code Official is authorized to issue a stop work order.
- D. A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.
- E. Where an emergency exists, the Fire Code Official shall not be required to give a written notice prior to stopping the work.
- F. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as set forth in Appendix A.
- G. The Fire Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The Fire Code Official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, then the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 95.03 **LIMITS WITHIN WHICH STORAGE OF FLAMMABLE LIQUIDS
IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED**

- A. The limits referred to in the fire prevention Code, in which storage of flammable liquids in outside aboveground tanks is prohibited, shall be the City limits, but this provision shall not apply to storage tanks in use or built as of 4-1-1983.
- B. The limits referred to in the fire prevention Code, in which new bulk plants for flammable liquids are prohibited, shall be the City limits, but this provision shall not apply to bulk

plants in use or built as of 4-1-1983.

SECTION 95.04 **LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED**

The limits referred to in the fire prevention Code, in which bulk storage of liquefied petroleum has been prohibited, shall be the City limits, but this provision shall not apply to bulk storage in use or built as of 4-1-1983.

SECTION 95.05 **LIMITS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS ARE PROHIBITED**

The limits referred to in the fire prevention Code, in which storage of explosives and blasting agents is prohibited, shall be the City limits.

SECTION 95.06 **MODIFICATIONS**

- A. The Chief of the Fire Department, with the approval of the City Council, shall have power to modify any of the provisions of the fire prevention Code upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done.
- B. The particulars of the modification when granted or allowed and the decision of the Fire Chief and Council thereon shall be entered upon the records of the Council, and a signed copy shall be furnished the applicant.

SECTION 95.07 **NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS**

- A. The Chief of the Fire Department and two (2) persons appointed by the Mayor with the approval of the Council shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the Code.
- B. The Fire Chief shall post the list in a conspicuous place in his or her office and distribute copies thereof to interested persons.

SECTION 95.08 **APPEALS**

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within thirty (30) days from the date of the decision appealed.

SECTION 95.09 **TRANSPORTATION OF INFLAMMABLE LIQUIDS**

- A. It is unlawful for any person, firm, or corporation to transport, to deliver, unload, or transfer at any point within the City any gasoline, kerosene, or other inflammable or combustible substance in or from a tank, tank truck, transport, or vehicle.
- B. However, the transporting, delivering, unloading, or transferring may be done with and from a tank truck if the following safety precautions are observed:
 - 1. The tank vehicle during unloading or loading must have the driver thereof in attendance at the shut-off valve at all times during the operation;
 - 2. No person shall smoke or be permitted to smoke in the vicinity of the vehicle during the unloading or transferring operations;
 - 3. No unloading or transferring from any tank truck shall be made to any storage tank within the fire limits unless the storage tank has above the ground level a vent pipe of at least eight (8) feet in height.

SECTION 95.20 **FIRE DEPARTMENT CREATED**

There shall be a Fire Department, the head of which is the Chief of the Fire Department. The Chief of the Fire Department is an officer of the City and has supervision and control of the Fire Department.

Statutory reference: Municipal fire departments, procedures, see 11 O.S. § 29-101 et seq.

SECTION 95.21 **APPOINTMENT AND REMOVAL; COMPENSATION**

The Chief and Assistant Chief shall be appointed by the City Manager and shall serve for indefinite terms, subject to removal for cause by the City Manager. The Chief, Assistant Chief, and each firefighter shall receive the compensation as may be determined by the Council.

SECTION 95.22 **DEFINITION**

For the purpose of this Subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VOLUNTEER FIREFIGHTER. One who is enrolled as a member of the Fire Department and who serves in that capacity without receiving a regular salary.

Statutory reference: Volunteer fire departments, provisions and requirements, see 11 O.S. § 29-201 et seq.

SECTION 95.23 **DUTIES OF THE FIRE CHIEF**

- A. The Chief shall be at the head of the Department, subject to the laws of the State, Ordinances of the City, and the rules and regulations adopted in this Subchapter.
- B. The Chief shall have the following powers and duties:
 - 1. The Chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him or her;
 - 2. The Chief may inspect or cause to be inspected by members of the Department, the fire hydrants, cistern, and other sources of water supply at least twice each year;
 - 3. The Chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;
 - 4. The Chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;
 - 5. The Chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the Department;
 - 6. The Chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve all possible evidence for future use in the case;
 - 7. The Chief is authorized to enter any building or premise in the City at any reasonable hour for the purpose of making inspections and to serve written notice on owners or occupants to correct any hazards that may be found; and
 - 8. The Chief shall see that complete records are kept of all fires, inspections, apparatus, and equipment, personnel, and other information of the Department and shall make reports to the City Manager as he or she may require.

SECTION 95.24 **DUTIES OF THE ASSISTANT CHIEF**

In the absence of the Chief, the Assistant Chief on duty shall command the Department and be held responsible therefor in all respects with the full powers and responsibilities of the Chief. The Assistant Chief shall be elected from among the members of the Fire Department.

SECTION 95.25 **COMPANY OFFICERS**

Company officers shall be selected by the Chief based upon the following criteria:

- A. Knowledge of firefighting;

- B. Leadership ability; and
- C. Knowledge of firefighting equipment.

SECTION 95.26 **THE SECRETARY-TREASURER**

- A. One member elected by the members of the Fire Department shall be a Secretary-Treasurer.
- B. His or her duties shall consist of the following:
 - 1. Calling the roll at the opening of each meeting;
 - 2. Keeping the minutes of each meeting; and
 - 3. Collecting any money due the Department by the members.

SECTION 95.27 **NEW MEMBERS**

New members of the Department shall be appointed by the Chief and shall be on probation for one (1) year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the Fire Department.

SECTION 95.28 **BYLAWS**

- A. *Generally.* The bylaws of the Department shall include the following:
- B. *Specifically.*
 - 1. All volunteer Fire Department members are required, when notified, to respond to alarms of fire and other emergencies;
 - 2. A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters;
 - 3. At least one (1) regular business meeting of the members shall be held each month;
 - 4. Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;
 - 5. Any member leaving the City for an extended period of time is required to notify the Chief;
 - 6. Any member refusing to attend training classes provided for members of the

Department will be dropped; and

7. Any member of the Fire Department may be dropped from the rolls for the following offenses:
 - a. Conduct unbecoming a firefighter;
 - b. Any act of insubordination;
 - c. Neglect of duty;
 - d. Any violation of rules and regulations governing the Fire Department; or
 - e. Conviction of a felony.

SECTION 95.29 **RULES AND REGULATIONS**

The City Council by motion or resolution may adopt and change regulations relating to the Fire Department, its organization, operation, and compensation.

SECTION 95.30 **USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR**

- A. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, an officer or authorized member of the Department.
- B. The Chief shall prepare and keep a complete inventory of all property belonging to the Fire Department and shall at the expiration of his or her term turn over the inventory and all the property to his or her successor, together with all books, records, reports, and data of the Department.
- C. The Chief shall report to the City Manager any necessary repairs, alterations, or improvements needed by the Fire Department with an estimate of their probable cost, and shall superintend the making of the repairs, alterations, or improvements, and if any apparatus shall become disabled for immediate use, he or she shall repair the same and report his or her action to the Council.

SECTION 95.31 **FIRE PROTECTION OUTSIDE CITY**

The City is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations, or associations, or political subdivisions of the State for fire protection outside the corporate limits of the City, and to contract to provide fire protection jointly with other organizations and municipalities of the State.

Statutory reference: Contracts for fire protection, see 11 O.S. § 29-106 through 29-108.

SECTION 95.32 **PAYMENTS FOR RUNS**

- A. Any contract entered into by the City with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, or association, or political subdivision to the City for the fire apparatus and personnel at the rate of One-Thousand Dollars (\$1000.00) for each fire run.
- B. All moneys received from the calls shall go into the Fire Department permanent improvement fund to be used solely for the purpose of purchasing or repairing Fire Department equipment.

SECTION 95.33 **MAY ANSWER CALLS OUTSIDE CITY**

The Fire Department of the City is hereby authorized and directed to answer all outside calls within a distance of five (5) miles from the nearest fire station unless in the opinion of the Fire Chief it is inexpedient to do so on account of another fire in the City, broken apparatus, impassable or dangerous highways, or other physical conditions.

Statutory reference: Answering calls outside City, see 11 O.S § 29-106 through 29-108

SECTION 95.34 **FIREFIGHTERS SERVING IN LINE OF DUTY**

All firefighters of the Fire Department of the City attending and serving at fires or doing fire prevention work outside the corporate limits of the City as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the City. The firefighters shall be entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the City.

SECTION 95.35 **AGENT OF STATE**

The Fire Department of the City, in answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the City, shall be considered as an agent of the State and acting solely and alone in a governmental capacity. The City shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this Subchapter.

SECTION 95.99 **PENALTY**

- A. Any person who violates any of the provisions of the fire prevention Code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed Statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and

from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable by a fine as provided in Section 10.99. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all the persons shall be required to correct or remedy the violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 96 STREETS AND SIDEWALKS

Section 96.01	Trees and Shrubbery to Be Trimmed
Section 96.02	Violation of Section 96.01
Section 96.03	Unlawful to Injure Trees and Shrubbery
Section 96.04	Business Use of Streets Prohibited
Section 96.05	Unlawful to Obstruct Unduly Sidewalks and Streets
Section 96.06	Unlawful to Deposit Trash Upon Streets or Sidewalks
Section 96.07	Unlawful to Play on Sidewalks and In Streets
Section 96.08	Water, Mud, From Vehicle Not to Drain onto Street
Section 96.09	Water from Filling Stations and Other Businesses
Section 96.10	Owner or Occupant Not to Permit Sidewalk or Sidewalk Area to Become a Hazard
Section 96.11	Cutting and Repairing of Sidewalks, Curbs, Prohibited Except as Provided
Section 96.12	Application; Payment of Costs
Section 96.13	Sidewalks Repaired Within 7 Days; Exceptions
Section 96.99	Penalty

SECTION 96.01 TREES AND SHRUBBERY TO BE TRIMMED

The owner of any premises abutting on any street of this City shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel or vision along the streets, sidewalks, and alleys. When the premises are occupied by some person other than the owner, the occupant shall trim the trees and shrubbery in the same manner as hereinbefore required of the owner. The trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

SECTION 96.02 VIOLATION OF SECTION 96.01

Any owner or occupant who fails, refuses, or neglects to trim trees and shrubbery as provided in the above Section, after receiving five (5) days' notice from the City Manager or Street Superintendent to do so, is guilty of an offense against the City. Every day that the owner or occupant fails, refuses, or neglects to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.

SECTION 96.03 UNLAWFUL TO INJURE TREES AND SHRUBBERY

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the City. This Section shall not prohibit the lawful and proper care and removal of the trees and shrubbery.

SECTION 96.04 **BUSINESS USE OF STREETS PROHIBITED**

It is unlawful for any person, firm, or corporation to construct, erect, place, operate, maintain, or permit to exist any ice box, ice dock, gasoline pump, gasoline storage reservoir, tire rack, tire tools, or equipment, water hose connection, any mercantile business, or any tools, stand, equipment, merchandise, or appurtenances thereof, aerials, poles or wires therefor, whether permanent or temporary, or any other obstruction, upon any part of any street, alley, boulevard, parkway, curbing, or parking within the City.

SECTION 96.05 **UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS**

It is unlawful for any person to use or obstruct the sidewalks of the City in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the City in any manner so as to interfere unduly with lawful traffic and parking thereon.

SECTION 96.06 **UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS**

It is unlawful to deposit, throw, let fall, or sweep into or upon a street, alley, parking, or sidewalk of the City any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes, or other refuse of any kind.

SECTION 96.07 **UNLAWFUL TO PLAY ON SIDEWALKS AND IN STREETS**

It is unlawful for any person to play on the sidewalks or upon the main traveled portion of the streets and alleys of the City, except as may be authorized by Ordinance.

SECTION 96.08 **WATER, MUD, FROM VEHICLE NOT TO DRAIN ONTO STREET**

No automobile or other vehicle shall be washed at any place within the City where the water, dirt, mud, or other substances removed therefrom by or during the washing thereof, will drain into or upon any street or sidewalk of the City.

SECTION 96.09 **WATER FROM FILLING STATIONS AND OTHER BUSINESSES**

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease, or other fluid to flow or drain into, upon, over, or across any sidewalk, parking, street, alley, or other public way.

SECTION 96.10 **OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD**

It is unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk or sidewalk area.

SECTION 96.11 **CUTTING AND REPAIRING OF SIDEWALKS, CURBS, PROHIBITED EXCEPT AS PROVIDED**

No person, firm, or corporation shall cut, destroy, break, injure, or repair any pavement, bridges, culverts, sidewalks, crosswalks, or curbing's within the City for any purpose whatsoever, except as provided in this Chapter.

SECTION 96.12 **APPLICATION; PAYMENT OF COSTS**

Any person, firm, or corporation having just cause or reason to cut or break into any pavement, bridge, culvert, sidewalk, crosswalk, or curbing in the City shall make application in writing to the City Manager, showing the location, dimensions, and purpose for which, the cut or break is desired. Thereupon the City Engineer, at the request of the City Manager, shall prepare an estimate of cutting and repairing the pavement, bridge, culvert, sidewalk, crosswalk, and curbing, and upon the payment by the applicant to the City, at the office of the City Clerk, of the estimated cost therefor, the City shall cut, break, and repair the pavement, bridge, culvert, sidewalk, crosswalk, and curbing.

SECTION 96.13 **SIDEWALKS REPAIRED WITHIN 7 DAYS; EXCEPTIONS**

Any part of the pavement, bridge, culvert, sidewalk, crosswalk, and curbing which is cut or broken shall be repaired within seven (7) days after the same is cut or broken, unless the applicant shall show to the City Engineer the necessity for an extension of time.

SECTION 96.99 **PENALTY**

Any person or persons violating any provision of this Chapter shall be guilty of an offense, and upon conviction thereof, be punished as provided in Section 10.99.

CHAPTER 98

AIRPORTS

Section 98.01	Municipal Airport Authority Created; Membership
Section 98.02	Officers
Section 98.03	Meetings
Section 98.04	Compensation and Expenses of Board Members
Section 98.05	Budget
Section 98.06	Powers of Authority
Section 98.07	Approval Required for Certain Improvements
Section 98.08	Treasurer; Expenditures by Authority
Section 98.09	Revenues of Authority
Section 98.10	Use of City Personnel
Section 98.11	Rules and Regulations
Section 98.12	Records and Reports
Section 98.13	Emergency
Section 98.25	Height Restriction Zoning Ordinance Adopted
Section 98.35	Establishment

SECTION 98.01 **MUNICIPAL AIRPORT AUTHORITY CREATED; MEMBERSHIP**

There is hereby created the Pawhuska Municipal Airport Authority governed by a Board of five (5) members. The term of office for each member shall be for three (3) years, except that of the members first appointed, one (1) shall serve for a term of one (1) year, and two (2) shall serve for terms of two (2) years. The initial appointments, regardless of the calendar date when the appointments are made, shall expire on June 1st closest to the full one (1), two (2), or three (3) year term to which the members are appointed. Thereafter, after the expiration of initial terms, all members shall serve terms of three (3) years. All terms of office, including the initial appointments, shall expire on June 1 of each calendar year. All members shall be appointed by the Mayor subject to the approval of the Council of the City and removed for cause by the City Council upon written charges and after public hearing. All vacancies on the Board shall be filled by appointment by the City Council for the unexpired term of any member whose term becomes vacant.

SECTION 98.02 **OFFICERS**

The Mayor shall designate from the duly appointed members a Chairperson and Vice-Chairperson, each of whom shall serve for a term of one (1) year with their term expiring on June 1st of each calendar year; however, the first appointment shall be from the date of appointment after passage of this Subchapter and the term shall expire on June 1st of the next calendar year. The Chairperson and Vice-Chairperson shall serve until their successors are elected. After the initial appointment of the Chairperson and Vice-Chairperson by the Mayor, the Municipal Airport Authority shall elect one (1) of its members as Chairperson and one (1) as Vice-Chairperson which shall serve for one (1) year terms beginning on June 1st of each year. The Board may, if it desires, elect a Secretary

to so serve, and in the event a Secretary is not elected the Vice-Chairperson shall act as Secretary and perform all duties required.

SECTION 98.03 **MEETINGS**

Meetings of the Board of the Municipal Airport Authority shall be held at the call of the Chairperson and at any other times as the Board may determine. Meetings may also be called by any three (3) members of the Board and notifications of all meetings shall be given by written notice to each Board member at least twenty-four (24) hours prior to the meeting unless the members waive the written notice in writing. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate the fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board and shall be a public record. All meetings of the Board shall be open to the public and executive sessions of the Board shall only be permitted as is presently provided by the State Open Meeting Act.

SECTION 98.04 **COMPENSATION AND EXPENSES OF BOARD MEMBERS**

No Board member shall receive compensation for traveling expenses, incurred in the discharge of his or her duties. This Section shall not be interpreted to include any traveling charges incurred in traveling to and from Board meetings. Each Board member shall be a resident of the City at the time of his or her appointment. A majority of the Board shall constitute a forum for the purpose of conducting business and exercising the powers of the authority and for all purposes.

SECTION 98.05 **BUDGET**

The Board shall prepare and present to the Council of the City a proposed budget for each fiscal year showing anticipated expenditures and anticipated revenues for each fiscal year. Upon approval of the budget for each fiscal year by the Council in the manner provided for the approval of the general City budget, the Board shall operate, maintain, and improve the airport within the confines of the budget except as may be specifically authorized by the Council of the City.

SECTION 98.06 **POWERS OF AUTHORITY**

- A. The Municipal Airport Authority created hereby shall have the full and complete authority to manage, operate, improve, extend, and maintain the municipal airport known as the Pawhuska Municipal Airport together with its related properties and facilities. It shall have the authority to:
1. Employ or discharge any and all assistants or employees;
 2. Fix and regulate salaries for employees;
 3. Fix, regulate, and collect all rental fees and usage fees for the facilities at the airport;
 4. Enter into agreements, leases, and contracts with private individuals for the

privilege of using or improving the airport and for supplying goods, commodities, services, or facilities at the airport;

5. Enter into preliminary investigation and negotiation with any private individuals, firms, and any State or federal authority for the purpose of making extensive permanent improvements at the airport;
 6. Represent the City before any State or federal authority having jurisdiction over the operation of public or private aircraft or airports; and
 7. Have the other and further powers as are now given to any charter municipality under the laws of the State except as the same may be in conflict with the Charter of the City, enacted Ordinances of the City or other provisions contained in this Chapter or amendments thereto.
- B. In all operations and actions taken by the Municipal Airport Authority under the terms of this Chapter, all of the actions shall be taken and performed in a manner consistent with the laws of the State as affecting charter municipalities except as the same may be in conflict with the provisions of this Chapter or the Charter of the City.

SECTION 98.07 **APPROVAL REQUIRED FOR CERTAIN IMPROVEMENTS**

The Board shall and must obtain the approval of the Council of the City prior to making any major improvement or addition to the airport or facilities related thereto and prior to entering into any binding contractual transaction for any long-range improvement plan for the airport or related facilities. A major improvement or addition shall be deemed to be any improvement or addition requiring an expenditure in excess of One Thousand Dollars (\$1,000.00), and any long-range improvement plan shall be defined as any plan or improvement requiring more than three (3) years to complete.

SECTION 98.08 **TREASURER; EXPENDITURES BY AUTHORITY**

The City Treasurer shall serve as the Treasurer for the Authority. All monies which may be provided in the budget approved by the Council of the City for the operation of the airport shall be kept by the Treasurer. All claims for expenditures made by the Authority shall be made by and through the office of the City Clerk in the same manner as is now used for payment of all other claims of the City. Payment shall be made by the City Treasurer after approval of the claims by the Council of the City.

SECTION 98.09 **REVENUES OF AUTHORITY**

All money and revenue collected by the Authority shall be paid to the Clerk of the City for transmittal to the Treasurer as provided by law and the same shall be used for the payment of all expenditures for the operation, maintenance, and improvement of the airport. In the event that at the end of any fiscal year there remains any excess revenue from the operation of the airport after the payment of all expenditures, then the excess shall be set aside in a special fund to be used for

the payment of additional improvements of the airport or the other expenditure as may be proper and reasonable for the betterment of the airport.

SECTION 98.10 **USE OF CITY PERSONNEL**

The Authority shall have the right and privilege of having services performed at the airport by employees of the City with the use of equipment owned by the City at no cost to the Authority subject to the approval of the City Manager and based upon the availability of the employees and equipment.

SECTION 98.11 **RULES AND REGULATIONS**

The Authority shall adopt the rules and regulations as they deem necessary and expedient for the proper operation and management of the airport together with its related facilities and shall have the authority to alter, change, or amend the rules and regulations at their discretion, as the Authority deems necessary for the proper and safe operation and management of the airport.

SECTION 98.12 **RECORDS AND REPORTS**

The Authority shall at all times keep an accurate record of all revenues received and paid to the City Clerk as hereinabove provided and that record shall at all times be open to inspection of the Council of the City and furnished to them at any time upon reasonable request for inspection and examination. In addition, it shall be the duty of the Authority to furnish the other and further information and reports to the Council of the City as it may request.

SECTION 98.13 **EMERGENCY**

It being immediately necessary for the preservation of the public health, peace, and safety of the City and the inhabitants thereof, an emergency is hereby declared to exist, and by reason thereof this Subchapter shall be in full force and effect from and after its passage and approval as provided by law.

SECTION 98.25 **HEIGHT RESTRICTION ZONING ORDINANCE ADOPTED**

The Height Restriction Zoning Ordinance of the Pawhuska Municipal Airport as duly adopted by the Joint Airport Zoning Board of the Pawhuska Municipal Airport dated 12-22-1997, be and the same hereby is approved, adopted, and ratified.

SECTION 98.35 **ESTABLISHMENT**

- A. An advisory committee shall be formed of local citizens appointed by the Mayor, with the approval of the City Council, to serve on the Pawhuska Municipal Airport Advisory Committee.
- B. The Pawhuska Municipal Airport Advisory Committee shall provide recommendations to the City regarding the resolution of issues relating to the maintenance, operation and

effective management of the Pawhuska Municipal Airport and recommendations regarding the solving of any problems related to such operation and make recommendations to the City, by and through the City Council, with respect to rules and regulations concerning the operation of said Pawhuska Municipal Airport.

- C. The citizens appointed to the Pawhuska Municipal Airport Advisory Committee shall be citizens of the City interested in the utilization and/or efficient operation of the Pawhuska Municipal Airport.
- D. The number of members of the Pawhuska Municipal Airport Advisory Committee shall consist of no less than three (3) members nor more than five (5) members.
- E. Such members shall be appointed by the Mayor, with the approval of the City Council.
- F. Members of the Pawhuska Municipal Airport Advisory Committee shall serve a term of three (3) years from the date of appointment.
- G. Members of the Pawhuska Municipal Airport Advisory Committee may be removed by the City Council for the neglect of duty or malfeasance.

CHAPTER 99
AMBULANCE SERVICE

Section 99.01 Sole Provider Ambulance System

Section 99.01 SOLE PROVIDER AMBULANCE SYSTEM

A. The emergency medical service (“City of Pawhuska Emergency Medical Service”) operated by the City of Pawhuska, or it’s assignee, shall be the sole provider for all of the ground vehicle ambulance service, both emergency and non-emergency, within the corporate limits of the City of Pawhuska and shall hold the City’s exclusive ambulance license, as authorized by the state statute.

B. All ambulance calls originating within the corporate limits of the City of Pawhuska, including transfers from departing healthcare facilities within the corporate limits, must utilize the emergency medical service of the City of Pawhuska Emergency Medical Service.

C. All ambulance services operating outside of the corporate limits of the City must first obtain authorization from the emergency medical service dispatch prior to operating within the corporate limits of the City of Pawhuska.

D. Exceptions:

1. Hospitals shall be an exception to this Section 99.01 provided the first call of transfer was made to the City of Pawhuska.
2. Utilization of air ambulance service to facilitate transport of a patient, but only in the event the City of Pawhuska Emergency Medical Service lacks the appropriate resources needed to transport the patient.
3. Time sensitive illness and/or injury requiring the expediency of air transport.
4. An ambulance providing mutual aid at the request of the City of Pawhuska Emergency Medical Service.