

CHAPTER 14

NUISANCES

Article 1. General Provisions.

Article 2. Abatement of Nuisances.

Article 3. Penalty.

Article 1. General Provisions

Section 14-1. Nuisance Unlawful.

It shall be unlawful for any person (owner, lessee or other) to create or maintain a nuisance, or to permit a nuisance to remain on premises under his control, within the corporate limits of the City of Elk City, Oklahoma.

Section 14-2. City Commission May Determine and Define Nuisances.

The City Commission has power to determine what is and what shall constitute a nuisance within the corporate limits of the City of Elk City, Oklahoma, and, for the protection of the public health, parks and water supply, outside of said City's corporate limits.

Section 14-3. Nuisance Defined.

A nuisance consists of unlawfully doing an act, omitting to perform a duty or anything or condition which:

1. Annoys, injures or endangers the comfort, repose, health or safety of others;
2. Offends public decency;
3. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for use, any lake or drainage way, stream, stream basin, public park, street or other public property; or
4. In any way renders other persons insecure in life or in the use of property.

Section 14-4. Public Nuisances; Possible Remedies.

1. A public nuisance is one which affects, at the same time, an entire community, neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.
2. The possible remedies against a public nuisance are:
 - a. Prosecution on complaint before the Municipal Court;
 - b. Prosecution of information or indictment before another appropriate court;
 - c. Civil action; and
 - d. Abatement:
 1. By the person injured; or
 2. By the municipality, in accordance with law or ordinance.
 3. No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

Section 14-5. Private Nuisances; Possible Remedies.

1. Every nuisance not included in Section 14-4 (above) is a private nuisance.
2. The possible remedies against a private nuisance are:
 - a. Civil action; and
 - b. Abatement:
 1. By the person injured; or
 2. By the municipality, in accordance with law or ordinance.

Section 14-6. Person Liable.

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

Section 14-7. Procedure Cumulative.

The various procedures for abating nuisances prescribed by this Chapter and by other provisions of law and Ordinances shall be cumulative one (1) to the other; the City Commission may elect to follow any such procedure which is applicable in abating any particular nuisance.

Sections 14-8 through 14-9. (Reserved for future use.)

Article 2. Abatement of Nuisances

Section 14-10. Summary Abatement of Nuisances.

1. Whenever it is practical to do so, the City Commission has the power summarily to abate any such nuisance, after notice to the owner and an opportunity for him to be heard, if this can be done.

2. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one (1) or more persons of the public generally, and it is recognized that, in such circumstances, the City Manager (or his representative) may be justified or required to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger, until more deliberate action can be taken toward such abatement.

3. The Fire Chief, the Chief of Police, the City Attorney, the Health Officer, the City Manager, the Mayor, any Commissioner, any resident of the City of Elk City, Oklahoma, or any other officer subordinate to the City Commission, may submit to said City Commission, a statement as to the existence of a nuisance as defined by State Law or the Ordinances of the City, and a request or recommendation that it be abated.

4. The City Commission, shall determine whether or not the alleged nuisance is a nuisance in fact, and before proceeding to have the nuisance abated, the said City Commission shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other alleged or deemed responsible for, or to be causing, the nuisance, and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service (by a police officer), if their names and addresses are known; if the names and addresses are not known, and the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a newspaper of general circulation within the City or County.

5. If the City Commission finds that a nuisance does in fact exist, it shall direct the owner and/or other persons responsible for, or causing the nuisance, to abate it within a specified time if the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety,

morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance does not abate it within the specified time, the City commission shall direct the City Manager to abate the nuisance or have it abated, if summary abatement is practical.

6. The City Clerk shall send a statement of the costs of such summary abatement to the owner and/or other persons responsible for, or causing, the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the City, collectible as other debts of the City may be collected.

Section 14-11. Abatement of Public Health Nuisances.

1. The local or county health officer shall have the authority to order, in writing, the owner or occupant of any private premises in the City to remove from such premises, within a reasonable length of time and at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease or any other condition adversely affecting the public health; failure to do shall constitute an offense. Such order shall be served on the owner or occupant (or his agent) of the premises by the local or county health officer, or a policeman. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown or is without the State, the order may be served by posting a copy thereof on the premises or by publication in at least one (1) issue of a newspaper having a general circulation in the City or county.

2. If the order is not complied with, the Health Officer may cause the order to be executed, and the cost thereof shall be certified to the City Clerk; the cause of abating such nuisance shall be added to the municipal utility bill of the owner or occupant (if he is a user of any municipal utility service) and shall become due and payable and be subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any municipal utility service, such costs, after certification to the City Clerk, may be collected in any manner in which any other debt due the City may be collected.

Section 14-12. Dilapidated Buildings, Procedure, Removal.

1. The City Commission may cause dilapidated buildings within the city limits to be torn down and removed in accordance with the following procedures:

- a. After ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the City Commission holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the County Treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the County Clerk to the last known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the City shall obtain a receipt of

mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by, publication. Such notice may be published once, not less than ten (10) days prior to any hearing or action by the City Commission;

- b. A hearing shall be held by the City Commission to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property;
- c. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the City Commission may cause the dilapidated building to be torn down and removed. the City Commission shall fix reasonable dates for the commencement and completion of the work. The City Clerk shall immediately file a notice of dilapidation and lien with the County Clerk describing the property, the findings of the City at the hearing, and stating that the City claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice. The agents of the City are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the City if the work is not performed by the property owner with dates fixed by the City Commission.

2. The City Commission shall determine the actual cost of the dismantling and removal of dilapidated buildings and other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The City Clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to any mortgage holder at the address provided for in subparagraph 1(a) of this Section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the City dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

3. When payment is made to the City for cost incurred, the City Clerk shall file a release of lien, but if payment attributable to actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the cost to the County Treasurer of the county in which the property is located. The costs shall be levied on the

property and collected by the County Treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the County Clerk. In addition, the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collecting provided for in this paragraph, the City may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the City Clerk shall forward to the County Treasurer a notice of such payment and shall direct discharge of the lien.

4. The City Manager of the City of Elk City is hereby designated as the administrative officer to carry out the duties of the City Commission specified in Section 14-12 of the Code of Ordinances of the City of Elk City, Oklahoma, pertaining to dilapidated building complaints. The property owner shall have the right of appeal to the City Commission from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten (10) days after the administrative order is rendered.

5. For the purposes of this Section, "dilapidated building" means

- a. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public;
- b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public;
- c. a structure which is determined by the municipal governing body or administrative officer of the municipal governing body to be an unsecured building as defined by Title 11 Section 22-112.1 of State Statutes, more than three times within any twelve-month period;
- d. a structure which has been boarded and secured as defined by Title 11 Section 22-112.1 of State Statutes, for more than six (6) consecutive months, or
- e. a structure declared by the municipal governing body to constitute a public nuisance; and

"Owner" means the owner of record as shown by the most current tax rolls of the County Treasurer. (amended 9/21/2022)

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

7. The officers, employees or agents of the City shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this Section or as otherwise prescribed by law.

8. The provisions of this act shall not apply to any property zoned and used for agricultural purposes.

9. After a building has been declared dilapidated, as provided in this Section, and before the commencement of the tearing and removal of a dilapidated building, the City Commission may authorize that such a building be boarded and secured.

10. The City Commission may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with the provisions of Sections 14-13 through 14-20, inclusive, herein.

11. The City Commission may cause an unsecured building to be boarded and secured in accordance with the following procedures:

12. Before the City Commission orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in sub-paragraph 1(a) of this Section. At the time of mailing of notice to any property owner or mortgage holder, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor the mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the City pursuant to the provisions of this Section. If the City Commission anticipates summary abatement of a nuisance in accordance with the provisions of sub-paragraph 21 of this Section, the notice shall state: that any subsequent need for boarding and securing the building within a six-month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the City Commission; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment; all without further prior notice to the property owner or mortgage holder.

13. The owner of the property may give his written consent to the City authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving said written consent, the owner waives his right to a hearing by the City Commission.

14. If the property owner does not give his written consent to such actions, a hearing may be held by the City Commission to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of this Chapter. In making such determination, the City Commission shall apply the following standard: the City Commission may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children. Upon making the required determination, the City Commission may order the boarding and securing of the unsecured building.

15. After the City Commission orders the boarding and securing of such unsecured building, the City Clerk shall immediately file a notice of unsecured building and lien with the County Clerk describing the property, stating the findings of the City Commission at the hearing at which such building was determined to be unsecured, and stating that the City claims a lien on said property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing said notice.

16. Pursuant to the order of the City Commission, the agents of the City are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the City.

17. After an unsecured building has been boarded and secured, the City Commission shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and mailing. The City Clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mail to any property owners and mortgage holders as provided in sub-paragraph 1(a) of this Section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee.

18. If the City boards and secures any unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

19. When payment is made to the City for costs incurred, the City Clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the costs to the County Treasurer of the county. Said costs shall be levied on the property and collected by the County Treasurer as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the

notice of unsecured building and lien is filed with the County Clerk. In addition, the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. At any time prior to collection as provided for in this sub-paragraph, the City may pursue any civil remedy for collection of the amount owing and interest thereon, including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, the City Clerk shall forward to the County Treasurer a notice of such payment and shall direct discharge of the lien.

20. The City Manager of the City of Elk City is hereby designated as the administrative officer to carry out the duties of the City Commission specified in Section 14-13, 14-14, 14-15, and 14-16 of the Code of Ordinances of the City of Elk City, Oklahoma, pertaining to weeds and trash complaints. The property owner or mortgage holder shall have a right of appeal to the City Commission from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten (10) days after the administrative order is rendered.

21. If the City Commission causes a structure within the city limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the City shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the City Clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in sub-paragraph 12 of this Section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in sub-paragraph 17, 18 and 19 of this Section.

22. The City Commission may determine that a building is unsecured and order that such building be boarded and secured, even though such building has not been declared, by the City Commission, to be dilapidated.

23. For the purposes of this subsection:

- a. "boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure, and
- b. "unsecured building" shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in

exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

24. The provisions of this Section shall not apply to any property zoned and used for agricultural purposes.

Section 14-13. Cleaning and Mowing of Property.

The City Commission may cause property within the city limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedures:

- a. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the County Treasurer's office before the City Commission holds a hearing or takes action. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and said notice shall further state that unless such work is performed within ten (10) days of the date of the notice the work shall be done by the City and a notice of lien shall be filed with the County Clerk against the property for the costs due and owing the City. At the time of mailing of notice to the property owner, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing by the City Commission, notice may be given by posting a copy of the notice on the property or by publication, one time not less than ten (10) days prior to any hearing or action by the City Commission. If the City Commission anticipates summary abatement of a nuisance in accordance with the provisions of Section 14-18, herein, the notice, whether by certified mail, posting or publication, shall state: that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to such notice may be summarily abated by the City Commission; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner;
- b. The owner of the property may give his written consent to the City authorizing the removal of the trash or the mowing of the weeds or grass. By giving said written consent, the owner waives his right to a hearing by the City Commission.
- c. A hearing may be held by the City Commission to determine whether the accumulation of trash or the growth of weeds or grass has caused the

property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property;

Section 14-14. Entry and Lien.

Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the City are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the City. Immediately following the cleaning or mowing of the property, the City Clerk shall file a notice of lien with the County Clerk describing the property and the work performed by the City, and stating that the City claims a lien on said property for the cleaning or mowing costs;

Section 14-15. Determination of Cost.

The City Commission shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The City Clerk shall forward by mail to the property owner specified in Section 14-13 (A), herein, a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the City, the cost to the property owner for said cleaning and mowing shall not exceed the actual cost of the labor, maintenance, and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder;

Section 14-16. Collection of Cost-Lien on Property.

If payment is not made within thirty (30) days from the date of the mailing of the statement, the City Clerk shall forward a certified statement of the amount of the cost to the County Treasurer of the county in which the property is located and the same shall be levied on the property and collected by the County Treasurer as other taxes authorized by law. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the County Treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the County Treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the County Treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. Such fee shall be deposited to the credit of the general fund of the County. At any time prior to the collection as provided in this paragraph, the City may pursue any civil remedy for collection of the amount owing and interest thereon, including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this Section. Upon receiving payment, if any, the City Clerk shall forward to the County Treasurer a notice of such payment and directing discharge of the

lien; and

Section 14-17. Delegation of Duties.

The City Manager of the City of Elk City is hereby designated as the administrative officer to carry out the duties of the City Commission, specified in Sections 14-12, 14-13, 14-14, 14-15 and 14-16 of the Code of Ordinances of the City of Elk City, Oklahoma, pertaining to weeds and trash complaints and dilapidated building complaints. The property owner shall have a right of appeal to the City Commission from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten (10) days after the administrative order is rendered.

Section 14-18. Summary Abatement.

If the City Commission causes property within the city limits to be cleaned of trash and weeds or grass to be cut or mowed, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each summary abatement the City shall notify the property owner of the abatement and the cost thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in Section 14-13 (A), herein. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in Sections 14-15 and 14-16, herein. Provided, however, that these provisions pertaining to summary abatement shall not apply if the records of the County Clerk show that the property was transferred after notice was given pursuant to Section 14-13(A.), herein.

Section 14-19. Enforcement.

The City Commission may enact ordinances to prohibit owners of property or persons otherwise in possession or control located within the city limits from allowing trash to accumulate, or weeds to grow or stand upon the premises and may impose penalties for violation of said ordinances.

Section 14-20. Definitions.

As used in this Section:

1. "Weed" includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:
 - a. exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a

detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;

- b. regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;
- c. harbors rodents or vermin;
- d. gives off unpleasant or noxious odors;
- e. constitutes a fire or traffic hazard;
- f. or is dead or diseased.

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

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

"Owner" means the owner of record as shown by the most current tax rolls of the County Treasurer.

"Cleaning" means the removal of trash from property.

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

Section 14-21. Oklahoma Junkyard and Scrap Metal Processing Facility Control Act Adopted.

1. The Oklahoma Junkyard and Scrap metal Processing Facility Control Act (Title 69, Oklahoma Statutes, Section 1251 through Section 1264, inclusive, as amended and recodified) is hereby adopted and incorporated in the Code of Ordinances of the City of Elk City, Oklahoma, as if set out at length herein, for the purposes of establishing locally appropriate rules and regulations for the promotion of public safety, health, welfare, convenience and enjoyment of public travel, the protection of public investment in public highways, and the preservation and enhancement of scenic beauty of lands bordering public highways within the City of Elk City, Oklahoma.

2. The City Commission is hereby empowered to adopt and enforce regulations necessary to make the provision of this Section and any other related Ordinances of the City of Elk City, Oklahoma, effective, and to adopt and enforce temporary regulations to cover emergencies or special conditions.

3. No person shall willfully fail or refuse to comply with any lawful order or direction of the City Manager or any other authorized municipal employee relating to the enforcement of this Section.

4. All references to the term "Department" shall be deemed to refer to the Inspection Department of the City of Elk City, Oklahoma; all references to the term "Commission" shall be deemed to refer to the City Commission of the City of Elk City, Oklahoma; all references to the term "Director" shall be deemed to refer to the City Manager of the City of Elk City, Oklahoma.

5. Notwithstanding any provisions in the Oklahoma Junkyard and Scrap Metal Processing Facility Control Act to the contrary, the penalty provisions in Article 3 of this Chapter 14 shall apply.

Sections 14-22 through 14-24. (Reserved for future use.)

Article 3. Penalty

Section 14-25. Penalty.

Any person, firm or corporation who shall violate any provision of this Chapter shall be guilty of any offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-40 of this Code, unless a separate and distinct penalty is otherwise specifically set forth in this Chapter. Each day's continuation of any such violation shall constitute a separate offense.