

CHAPTER 11

HEALTH AND SAFETY

Article 1. Toilet Facilities.

Sec. 11-1. Definitions.

1. The term "human excrement" is used herein to mean the bowel and kidney discharge of human beings.
2. The term "sanitary water closet" is used herein to mean the flush-type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times.
3. The term "sanitary pit privy" is used herein to mean a privy which is built, rebuilt, or constructed as to conform to the specifications approved by the State Health Department.

Sec. 11-2. Owner to Provide Proper Toilet Facilities.

1. 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, namely a sanitary water closet or closets, or a sanitary pit privy or privies.
2. The closets and toilets hereby required shall be of the sanitary water-closet type when located within two hundred and fifty (250) feet of a sanitary sewer and accessible thereto, and of the sanitary pit-privy type or of the sanitary water closet type when not so located.
3. The mayor, in writing, may permit the installation and maintenance of a water closet emptying into a septic tank, a liquefying closet or a chemical closet in lieu of a sanitary pit privy; and such, when permitted, must comply with the requirements of the State Health Department and must not constitute a health hazard.
4. The mayor shall revoke or cancel such permit when he deems that such a closet or tank endangers the public health.

Sec. 11-3. Proper Disposal of Human Excrement Required.

1. All human excrement disposed of within this city shall be disposed of by depositing it in closets and privies of the type herein above provided for.
2. It is unlawful for any owner of property within the city to permit the disposal of human excrement thereon in any other manner, and for any person to dispose of human excrement within the city in any other manner.

Sec. 11-4. Toilets: Cleanliness, What May be Put into Them.

1. 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.
2. No wash water, kitchen slop or anything other than human excrement and toilet paper, shall be emptied into a privy.
3. 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 city superintendent of public health.

Sec. 11-5. Unauthorized Facilities Declared Public Nuisances.

All facilities for the disposal of human excrement in a manner different from that required by ordinance, 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.

Article 2. Milk and Milk Products

Sec. 11-6. Milk Ordinance Adopted.

The productions, transportation, processing, handling, sampling, examination, grading labeling, and sale of all milk and milk products sold for the ultimate consumption within the city or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of the Milk Ordinance -- 1965 Recommendations of the Public Health Service Revised to Comply with Oklahoma State Statutes, a certified copy of which shall be filed in the office of the City Clerk; provided, that Section 9 of said unabridged ordinance shall be replaced by Section 11-7 below.

Sec. 11-7. 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, such milk and milk products shall be labeled as "ungraded".

Sec. 11-8. Enforcement by Whom.

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

Article 3. Food Service Sanitation

Sec. 11-9. U.S. Food Service Sanitation Ordinance Adopted.

The definitions; the 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 article shall be regulated in accordance with the unabridged form of the 1962 edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code", at least one (1) certified copy of which shall be on file in the office of the City Clerk.



Article 4. Contagious Disease

Sec. 11-10. Introducing Disease

No person suffering from or infected with the communicable form of a venereal disease shall engage in any occupation involving intimate contact with children, or in the occupation of nurse, domestic servant, barber, hairdresser, chiropodist, manicurist, bath attendant, masseur or food handler.

Sec. 11-11. Police Duties.

It shall be the duty of the chief of police and all peace officers to apprehend all persons coming within the provisions of this chapter and to aid and assist in every way possible the city, county and state health officers in enforcing each and every provision of this chapter.

Sec. 11-12. Arrest Suspects.

It shall be the duty of the chief of police and all peace officers, whenever a person is arrested and charged with adultery, fornication, lewd conduct, or occupying a room for immoral purposes, if they believe said person or persons is or are infected with one (1) of the above named venereal diseases, to immediately report the same to the city, county or state health officers.

Article 5. Flood Plain Management

Sec. 11-13. Flood Plain Management.

1. The City of Wilburton ordains regulatory measures and a building permit system for the 100 year Flood Plain for the purpose of establishing Flood Plain Management.
2. The following measures shall be established and required for all improvements within Zone A of the Flood Hazard Boundary Map (FHBM) issued.

Sec. 11-14. Definitions.

Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

1. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
2. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
3. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
4. "Flood Plain" or "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flood").
5. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

6. "Habitable Floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
7. "Mobile Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7 (a)).
8. "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.
9. "Rivera in" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
10. "Structure" means for flood plain management purposes a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.
11. "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
12. "Variance" means a grant or relief by a community from the terms of a flood plain management regulation.

Sec. 11-15. Permit Requirements.

1. No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate permit for each building or structure.

2. No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained.
3. No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home.

Sec. 11-16. Application.

1. To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated permit agent before the issuance of a permit will be considered.
2. Whoever undertakes construction of a structure without first obtaining a permit as provided for herein shall be guilty of a misdemeanor and, upon conviction, shall be fined two hundred fifteen dollars (\$215.00) .

Sec. 11-17. Adoption and Posting of Map.

1. The Flood Hazard Boundary Map issued by the Federal Insurance Administration for this community, and any officially published revisions to this map for the enforcement of this document. Zone A on this map delineates the area within which the requirements of this document will be enforced.
2. The official map shall be posted in the City Clerk's office.

Sec. 11-18. Appointment of Permit Agent.

Building Inspector is appointed as the "permit agent" responsible for receiving applications and examining the plans and specifications for the proposed construction or development.

Sec. 11-19. Duties of Permit Agent.

1. The permit agent shall review proposed developments to assure that necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

2. The permit agent shall review permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:
 - a. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure,
 - b. be constructed with materials and utility equipment resistant to flood damage, and
 - c. be constructed by methods and practices that minimize flood damage.
3. The permit agent shall review subdivision proposals and other proposed new developments to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that
 - a. such proposals are consistent with the need to minimize flood damage within the flood-prone area,
 - b. public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - c. adequate drainage is provided to reduce exposure to flood hazards.
4. The permit agent shall require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems. The permit agent shall require within flood-prone areas
 - a. new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and
 - b. on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding. The permit agent shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.
5. The permit agent shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, until such other data has been provided by the Administrator, as criteria for requiring that

- a. new construction and substantial improvements of non-residential structures have the lowest flood (including basement) elevated to or above the base flood level and
 - b. new construction and substantial improvements of non-residential structures have the lowest flood (including basement) elevated or flood proofed to or above the base flood level.
6. For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHBM, the permit agent shall
 - a. require the applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) or new or substantially improved structures, and whether or not such structures contain a basement,
 - b. require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was flood proofed, and
 - c. maintain a record of all such information for public inspection at the City Clerk's office.
7. The permit agent shall notify, in riverine situations, adjacent communities and the state Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator.
8. The permit agent shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
9. The permit agent shall require that mobile homes to be placed within Zone A on the community's Flood Hazard Boundary Map shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that
 - a. over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, mobile homes less than 50 feet long requiring only one additional tie per side;
 - b. frame ties be provided at each corner of the home with five additional ties per side at intermediate points, mobile homes less than 50 feet long requiring only four additional ties per side;

- c. all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- d. any additions to the mobile home be similarly anchored.

Sec. 11-20. Variances.

1. Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historical Places, or a state inventory of Historical Places without the necessity for compliance to these regulations.
2. Variances shall only be issued by a community upon
 - a. a showing of good and sufficient cause,
 - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.
3. If any provision of this ordinance be declared void or unconstitutional, such declaration shall not affect the remaining portions of this ordinance.

Sec. 11-21. Penalty.

1. Any person who violates any provision of this article or of any ordinance, code, or standard adopted by reference by this chapter, or maintains or permits to continue any public nuisance as defined by this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding Two Hundred Fifteen dollars (\$215.00) including costs.
2. Every day upon which a violation continues shall be deemed a separate offense.