TITLE 8

HEALTH AND SAFETY

Chapters:

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Chapter 8.04

EMERGENCY MEDICAL SERVICES

Sections:

Section 8.04.010 Definitions.

For the purpose of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section:

"Ambulance" means any vehicle which is designed and equipped to transport ill or injured persons in a reclining position to or from health care facilities.

"Ambulance response time standards" means:

1.	Priority 1	8 minutes 0 seconds;
2.	Priority 2	12 minutes 0 seconds;
3.	Priority 3	60 minutes 0 seconds; and
4.	Priority 4	15 minutes 0 seconds*.

(*after agreed-upon pickup appointment)

"Ambulance service" means a person or organization, governmental or private, which operates one or more ambulances as defined herein for purposes of transporting ill or injured patients in a reclining position to or from health care facilities.

"Amended and Restated Trust Indenture" means the amendment to the EMSA trust indenture adopted by the City of Tulsa. Beneficiary member jurisdiction means the City of Tulsa and, if it elects to join the Amended and Restated Trust Indenture, the City of Oklahoma City.

"Base station physician" means a physician licensed to practice medicine in the state, from whom ambulance and first responder personnel may take medical direction by radio or other remote communications device; and who has been certified by the regional medical director as being knowledgeable of the EMS system' s medical protocols, radio procedures, and the general operating policies of the EMS system.

"Beneficiary member jurisdiction" means the City of Tulsa, and if it elects to join the Amended and Restated Trust Indenture, the City of Oklahoma City.

"Eastern division" means that portion of the regulated service area which is located east of Stroud.

"Emergency medical services authority (EMSA)" means the trust established by the City of Tulsa, pursuant to Sections 176 et seq. of Title 60 of the Oklahoma Statutes and whose beneficiaries are, jointly, the City of Tulsa and the City of Oklahoma City, and which is established to provide ambulance services to the Cities of Tulsa, Oklahoma City, and other jurisdictions within the regulated service area.

"Emergency call" means a request for ambulance service by or for a patient whose apparent condition, at the time the call is received, presumptively meets the criteria for classification as Priority 1 or Priority 2, when classified in accordance with telephone algorithms and priority dispatch protocols approved by the medical control board.

"Emergency medical personnel" means those persons who participate directly in the performance of one or more emergency medical services, as defined herein.

"Emergency medical services (EMS)" means the following prehospital and interhospital services:

1. Access and Coordination. The answering and processing of telephone requests from the public for ambulance or first responder services, and including EMS dispatching, emergency and routine; the giving of medical prearrival instructions to callers by telephone; but excluding the process of 911 complaint-taking when the caller is immediately transferred to an EMS control center;

2. First Responder Services. Those emergency services, excluding transportation, which are performed by a first responder agency certified by the medical director;

3. Medical Transportation. Ambulance services, both emergency and routine, including patient assessment, transportation, and medical procedures performed on-scene, enroute, during interfacility transport, or at an emergency receiving facility when performed at the request of the receiving physician; and

4. On-line Medical Direction. Instructions given by base station physicians to first responders or ambulance personnel at the scene of an emergency, while enroute to a hospital, or during an interfacility patient transfer.

"Emergency physicians foundation (EPF)" means that administrative agency established jointly by this and other jurisdictions which have approved the EMS Interlocal Cooperation Agreement, pursuant to Sections 1001 et seq. of Title 74 of the Oklahoma Statutes and have adopted this chapter.

"EMS control center" or "control center" means either of two facilities operated by EMSA, one of which serves as central EMS communications center for the Eastern Division, and the other of which serves as central EMS communications center for the

Western Division. EMSA may, at its option, consolidate the operations of the two EMS control centers to create a single EMS control center to serve the entire regulated service area;

"EMS Interlocal Cooperation Agreement" means that certain agreement of same title approved by the governing body of this jurisdiction concurrently with the adoption of this chapter.

"First responder" means any person, fire department unit, law enforcement unit, or nontransporting rescue unit capable of providing appropriate first responder service, excluding transportation, under the auspices of a certified first responder agency.

"Helicopter rescue unit" means any rotary wing aircraft which provides basic or advanced life support and transportation of ill or injured patients by responding directly to scenes of medical emergencies. A helicopter used solely for the purpose of interfacility patient transports shall not be classified as a helicopter rescue unit.

"Licensing officer" means the public official designated by each beneficiary jurisdiction, as defined in the Amended and Restated Trust Indenture, empowered to issue permits, as defined in this chapter in accordance with policies and procedures governing such issuance set forth herein.

"Medical control board" means that body of nine physicians established jointly by this and other jurisdictions pursuant to the EMS interlocal cooperation agreement and this chapter for purposes of providing medical supervision, monitoring, and regulation of the regional EMS system.

"Medical director" or "regional medical director" means the licensed physician appointed by the medical control board to perform the duties and responsibilities granted and ascribed to the medical director herein and in the EMS interlocal cooperation agreement.

"Medical protocol" means any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, promulgated by the medical director and approved by the medical control board as the medically appropriate standard of pre-hospital care for a given clinical condition.

"Member jurisdiction" means any municipality or EMS district which adopts and enforces this chapter and which approves the EMS interlocal cooperation agreement.

"Mutual aid agreement" means a written agreement between the holder of an emergency ambulance service license issued pursuant to this chapter, and a neighboring primary provider of emergency medical service approved by the medical director as to its quality of care and medical accountability, whereby the signing parties agree to lend emergency aid to one another subject to conditions and terms specified in the agreement.

"Operations contract" means that contract awarded by EMSA by competitive bid award for provision of ambulance services throughout the regulated service area.

"Operations contractor" means the person or firm contracted by EMSA pursuant to the operations contract.

"Patient" means an individual who is ill, sick, injured, wounded, or incapacitated, and who is in need of, or is at risk of needing, medical care or assessment during transportation to or from a health care facility, and who is or should be transported in a reclining position, as determined in accordance with applicable provisions of the system standard of care.

"Permit" means any of the documents required to be obtained from the licensing officer pursuant to this chapter and to the interlocal cooperation agreement, as recommended by the medical control board, as given herein:

1. Ambulance Service License--Emergency and Routine Transport. Ambulance services responding to emergency calls within the regulated service area shall be required to obtain an emergency ambulance service license. Ambulance services responding to requests for routine transport service shall be required to obtain a routine transport ambulance service license;

2. Rescue Helicopter License. A license shall be required for the operation of a rescue helicopter for purposes of emergency response to scenes of medical emergencies within the regulated service area;

3. Personnel Certification Required. All emergency medical personnel shall be required to obtain personnel certification, and such certification shall be valid for a period of two years. Personnel may be certified as first responder, EMT-Basic, EMT-D, EMT-Intermediate, EMT-Paramedic, or System Status Controller (SSC), in accordance with certification standards established by the medical control board;

4. First Responder Agency Certification Required. Not later than eighteen (18) months after the effective date of this chapter, every first responder agency shall be required to obtain a first responder agency certification, which shall be valid for a period of two years;

5. Ambulance Vehicle Permit Required. Every ambulance vehicle operated by an ambulance service shall, subject to inspection and recommendation by the medical director (or his or her staff) be issued an ambulance vehicle permit by the licensing officer;

6. Specialized Mobile Intensive Care Permit. This permit authorizes the operation of a specialized mobile intensive care unit, which unit shall be used solely for the purpose of interhospital transport of patients requiring enroute medical monitoring and advanced life support which exceed the capabilities of a paramedic ambulance;

7. First Responder Vehicle Permit Required. Within eighteen (18) months after the effective date of this chapter, every vehicle operated by a first responder agency shall, subject to inspection and approval by the medical director (or his or her staff) be issued a first response vehicle permit, and such permits may be issued at any of the following levels of clinical capability:

a. Basic first response,

b. EMT first response,

c. EMT-D first response,

d. EMT-intermediate first response, or

e. EMT-paramedic first response.

"Person" means and includes any individual, firm, association, partnership, corporation, or other group or combination acting as a unit.

"Presumptive priority classification" means the designation by a system status controller (SSC) of a request for service as Priority 1, 2, 3, or 4, in accordance with telephone algorithms and priority dispatching protocols approved by the medical control board.

"Primary provider of emergency medical services" means a public or private ambulance service organization which has been designated by one or more governmental entities to provide emergency ambulance coverage throughout a defined geographic area.

"Priority" means the call priority number (i.e., Priority 1, 2, 3, or 4) assigned to every request for service received by an EMS control center. Such priorities shall be assigned only by a certified SSC, pursuant to telephone algorithms and priority dispatch protocols established by the medical director and approved by the medical control board. Classifications shall be consistent with the following definitions:

1. "Priority 1 call" means a presumptively classified life-threatening emergency call;

2. "Priority 2 call" means a presumptively classified nonlife-threatening emergency call;

3. "Priority 3 call" means a presumptively classified request for routine patient transport scheduled less than twenty-four (24) hours in advance of the requested time of pickup; and

4 "Priority 4 call" means a presumptively classified request for routine patient transport scheduled twenty-four (24) hours or more in advance of the requested time of pickup.

"Quality assurance fund" means the fund account which is established pursuant to the EMS interlocal cooperation agreement and, concurrently, by adoption of this chapter, and which is administered by EMSA on behalf of the medical control board, and which shall be used solely to fund the activities and related expenses of the medical control board in carrying out its duties and responsibilities as set forth herein and in the EMS interlocal cooperation agreement.

"Regional EMS system" means that network of organizations, individuals, facilities, and equipment which provides emergency medical services, as defined herein, to this jurisdiction and other jurisdictions within the regulated service area, subject to the system standard of care approved by the medical control board.

"Regulated service area" means the combined area which is contained within the boundaries of the municipalities and EMS districts which have adopted and agreed to enforce this chapter, and which have approved the EMS interlocal cooperation agreements.

"Response time--ambulance" means the actual elapsed time between receipt by the EMS control center of the "essential information" needed to initiate dispatch, and the arrival of a permitted ambulance or mutual aid ambulance (approved by the medical director) at the scene of the incident. For purposes of this provision, the "essential information" shall include location, callback number, chief complaint or nature of problem and, if the initial location information was obtained from a 911 data base, confirmation that the patient’ s location is the same as that of the caller, or the patient’ s actual location.

"Response time--first responder" means the actual elapsed time between notification of the first responder agency by the EMS control center that a first response unit is needed at a given location, and the arrival of a first response unit at the incident scene.

"Routine transport call" means a request for ambulance service by or for a patient whose apparent condition, at the time the call is received, presumptively meets the criteria for classification as Priority 3 or Priority 4, when classified in accordance with telephone algorithms and priority dispatch protocols approved by the medical control board.

"Special events ambulance standby service" means the positioning of an ambulance and crew at the location of a publicly or privately-sponsored event.

"System standard of care" means the written body of standards, policies, and protocols governing all clinical aspects of the EMS system, which is approved by the governing bodies of the beneficiary member jurisdictions, and which is developed and periodically updated in accordance with procedures set forth in the EMS interlocal cooperation agreement. As used in this context, system standard of care is a comprehensive term including:

1. Input standards includes but is not limited to personnel certification requirements, in-service training requirements, equipment specifications, on-board inventory requirements, and other requirements which the system must fulfill before receipt of a request for service;

2. Performance standards includes but is not limited to priority dispatching protocols and prearrival instructions, medical protocols, standing orders, response time standards, protocols governing authority for on-scene control of patient care, and other performance specifications describing how the system should behave upon receipt of a request for service; and

3. Outcome standards includes but is not limited to target survival rates for certain narrowly defined presenting problems or presumptive diagnoses, such as witnessed cardiac arrests involving patients whose medical histories meet defined criteria. Outcome standards are results the system intends to achieve by meeting its input and performance standards.

"System status controller (SSC)" means a person certified by the medical director as trained and competent to properly employ telephone algorithms, priority dispatching protocols, and prearrival instructions approved by the medical control board, and to operate the EMS control center’ s computer-aided dispatch system in accordance with the system status plan, so as to maintain the best possible ambulance coverage of the regulated service area, given the remaining resources available at any point in time.

"System status plan" means the plan and protocols for staffing, deployment, and redeployment of ambulances which is developed and utilized by an ambulance service, and which specifies how many ambulances will be staffed and available within the regulated service area each hour of the day, each day of the week, including the locations of available ambulances (not assigned to calls) within the regulated service area, specified separately for each hour of the day, for each day of the week, at every remaining number of ambulances then available in the system, and including protocols for event-driven redeployment of those remaining ambulances.

"Western division" means that portion of the regulated service area which is located west of Stroud, and which may include the city of Stroud subject to requirements set forth in the EMS interlocal cooperation agreement.

"Zone" means that geographic area extending twenty-five (25) miles outward from the legal boundary of each jurisdiction which is located within the regulated service area. (Prior code § 9-501)

Section 8.04.020 Medical director.

The medical director shall be appointed by the medical control board as provided for in the EMS interlocal cooperation agreement; and shall recommend a system standard of care designed to achieve a state-of-the-art quality of emergency medical care within the regulated service area; and shall have those powers and duties granted and ascribed to him or her in the EMS interlocal cooperation agreement, plus such additional powers and duties as are granted and ascribed to him or her herein. (Prior code § 9-502)

Section 8.04.030 Medical control board.

The medical control board is hereby designated as the elected representatives constituting the board of directors of the EPF. Its members shall be appointed by the emergency physicians foundation as provided for in the EMS interlocal cooperation agreement. The medical control board shall be the policy-making, rule-making, and fact-finding body of the EPF, and shall review and establish all aspects of the system standard of care; and shall have those powers and duties granted and ascribed to it in the EMS interlocal cooperation agreement. (Prior code § 9-503)

Section 8.04.040 Emergency physicians foundation (EPF).

The emergency physicians foundation, acting through its appointed medical control board, is established, concurrently herewith, by adoption of the EMS interlocal cooperation agreement as the administrative agency to oversee clinical aspects of the care rendered by the regional EMS system to the citizens of the regulated service area. The EPF shall have the powers and duties granted and ascribed to it in the EMS interlocal cooperation agreement. (Prior code § 9-504)

Section 8.04.050 Emergency medical services authority (EMSA).

Because experience has shown that regulation alone does not guarantee the reliable availability of quality ambulance services, EMSA is hereby authorized and directed to take such steps as are necessary to ensure the availability of both emergency and routine ambulance services within the regulated service area beginning upon the effective date of this chapter, subject to the following requirements:

A. EMSA shall at all times comply with the terms of: the EMS interlocal cooperation agreement, the amended and restated trust indenture, this chapter, and all other applicable laws, rules, and regulations;

B. Except during emergencies as provided by law, EMSA shall at all times employ a competitively-selected operations contractor who shall operate the EMS control centers (Eastern and Western Divisions) and directly provide all ambulance services rendered under EMSA’ s trade name;

C. In contracting for the provision of ambulance services, EMSA shall employ such bidding processes and contracting methods as are reasonable and effective in ensuring the uninterrupted and reliable delivery of quality ambulance service to the citizens of the regulated service area;

D. All services provided by EMSA through its operations contractor or, in the event of an emergency directly by EMSA, shall meet or exceed the standards set forth herein and in the system standard of care, as approved and periodically updated by the medical control board; and

E. Within one hundred twenty (120) days after the effective date of this chapter, EMSA shall require its operations contractor to apply for, obtain and maintain throughout the term of its contract an emergency ambulance service license and routine transport ambulance service license; provided, however, that such licenses issued to the operations contractor shall be restricted solely to the delivery of services rendered in its capacity as subcontractor to EMSA, and under EMSA' s state EMS license. (Prior code § 9-505)

Section 8.04.060 Mandatory centralized call processing.

A. All telephone requests for ambulance services, both emergency and routine, originating within the regulated service area shall terminate at an EMS control center designated by the medical director, where a certified system status controller (SSC) shall establish the call' s priority classification, determine the patient' s location, and if appropriate, deliver prearrival instructions. The SSC shall also determine the need for first responder service; alert the first responder agency if appropriate; determine the ambulance service to which the call shall be allocated; and transfer the required information to that ambulance service, or directly dispatch the call, if that ambulance service has so directed.

B. It shall be unlawful for any ambulance service to publish or advertise a telephone number for the purposes of soliciting requests for emergency ambulance service, except the emergency number (911) of the EMS control centers. It shall also be unlawful for any ambulance service to publish or advertise a telephone number for the purposes of soliciting routine transport calls, except telephone numbers which terminate at an EMS control center.

C. If multiple ambulance services are simultaneously licensed hereunder, the allocation of emergency calls among the multiple ambulance services shall be in accordance with "nearest unit" dispatch protocols approved by the medical control board. Routine transport calls shall be allocated to ambulance service whose service is requested by the caller. If no preference is stated, routine transport calls shall be allocated to the operations contractor.

D. For any provider receiving centralized dispatch services from the EMS control centers, the control centers shall prepare a quarterly analysis of the EMS control centers' average cost per run dispatched, using generally accepted accounting principles (GAAP), and shall bill to each ambulance service the actual average cost of such dispatches to the ambulance service, and each ambulance service shall make payment to the control centers within thirty (30) days after receipt of the billing, as a

condition of maintenance of the ambulance service's license in good standing. Failure to pay within thirty (30) days shall result in the immediate suspension of such license, which suspension shall remain in effect until full payment is made.

E. During times of disaster or severe EMS system overload, declared by the medical director or his or her designee, the EMS control center shall at all times have full authority to direct the positioning, movements, and run responses of all ambulance units of all ambulance services until such time as the declaration has been lifted.

F. All calls processed by an EMS control center shall be recorded to facilitate subsequent auditing of the SSC' s actions and decisions by the medical director, and all such recordings shall be safely stored and shall be erased after an appropriate interval or as provided by law. (Prior code § 9-506)

Section 8.04.070 Mandatory EMS data system and reporting standards.

A. As a condition of maintaining its license in good standing, each ambulance service, and every certified first responder agency, shall comply with EMS data system and reporting standards as prescribed by the medical director; provided, however, that changes in data collection or reporting requirements which may reasonably be expected to require costly modification of existing computer hardware or software shall be approved by EMSA prior to implementation.

B. Failure to comply with data system and reporting requirements or to keep the EMS control center completely informed concerning the location and status of all ambulance units at all times, or failure to carry out EMS control center directives shall constitute grounds for immediate suspension or revocation of the ambulance service license. (Prior code § 9-507)

Section 8.04.080 Insurance requirements.

A. Each ambulance service shall keep in full force and effect a policy or policies of public liability and property damage insurance, issued by a casualty insurance company authorized to do business in the state, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the operation of the ambulance service's ambulance, and providing that amount of recovery shall be in limits of not less than the following sums:

1. For the damages arising out of bodily injury to or death of one person in any one accident, not less than five hundred thousand dollars ($500,000.00);

2. For damages arising out of bodily injury to or death of two or more persons in any one accident, not less than one million dollars ($1,000,000.00); and

3. For any injury to or destruction of property in any one accident, not less than five hundred thousand dollars ($500,000.00).

B. Each ambulance service shall keep in full force and effect a general comprehensive liability and professional liability policy or policies issued by a casualty insurance company authorized to do business in the state, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the actions of the ambulance service or any of his or her employees, and providing that the amount of recovery shall be in limits of not less than three million dollars ($3,000,000.00).

C. Each ambulance service shall furnish, prior to issuance of its license, an original and duplicate certificates of insurance which shall indicate the types of insurance, the amount of insurance and the expiration dates of all policies carried by the ambulance service. Each certificate of insurance shall name this jurisdiction as an additional named insured, and shall contain a statement by the insurer issuing the certificate that the policies of insurance listed thereon will not be cancelled or materially altered by the insurer absent thirty (30) days written notice received by this jurisdiction.

D. Cancellation or material alteration of a required insurance policy or coverage shall automatically revoke the ambulance service' s license, and the ambulance service shall thereupon cease and desist from further ambulance service operations. (Prior code § 9-508)

Section 8.04.090 Ambulance service license required.

A. No person may provide ambulance services in response to a request for emergency ambulance transport originating within the regulated service area without first obtaining an emergency ambulance service license issued pursuant to the provisions of this chapter, except for those uses exempted in subsection B of Section 8.04.160.

B. No person may provide routine transport ambulance services in response to a request for routine transport originating within the regulated service area without first obtaining a routine transport ambulance service license issued pursuant to the provisions of this chapter, except for those uses exempted in subsection B of Section 8.04.160.

C. No person may provide special events ambulance standby service within the regulated service area without first obtaining an emergency ambulance service license issued pursuant to the provisions of this chapter.

D. No license shall be issued, and no license application shall be processed, unless the applicant has paid a license application processing fee payable to the quality assurance fund in the amount of five hundred dollars ($500.00), and no license shall be continued in good standing unless the holder is current in its obligations to pay the medical quality assurance fee for the right to engage in the ambulance business within the regulated service area, as provided for in subsection E of this section.

E. Every holder of an emergency ambulance service license, routine transport ambulance service license, or specialized mobile intensive care permit, probationary or other, shall, as a condition of maintaining its license or permit in good standing, pay a medical quality assurance fee of three dollars ($3.00) per each patient transported by the holder from a location within the regulated service area. Such fee shall be paid to the quality assurance fund of the medical control board, and shall be paid for all transports made during each calendar month within thirty (30) days after the end of the month. Beginning the month of January 1993, such three dollars ($3.00), amount shall be increased annually by the same percentage as the increase, if any, in the consumer price index over the most recent twelve (12) month period for which published statistics are then available.

F. No license or permit shall be assignable or transferable by the person to whom issued except as herein provided.

G. No transfer or assignment of existing licenses or permits shall be effective absent the recommendation of the licensing officer and approval of the medical control board.

H. Any transfer of shares of stock or interest of any person or ambulance service so as to cause a change in the directors, officers, shareholders, or managers of such person or ambulance service shall be deemed a transfer or assignment, subject to these provisions.

I. This jurisdiction has elected to become a member jurisdiction, as defined herein, in order to obtain for its citizens the following advantages over monojurisdictional EMS regulation: Improved economies of scale and cost containment; shared access to EMS resources superior in quality, quantity, and economic stability to those obtainable under monojurisdictional regulation; more aggressive periodic bid competition among better qualified bidders for the right to serve this jurisdiction as part of more economically desirable EMS market, pursuant to EMSA' s competitively-awarded operations contract; and, access to disaster response capabilities superior to those which would otherwise be available to the citizens of this jurisdiction. To achieve and preserve these advantages of multijurisdictional EMS regulation, all licenses, certifications, and permits issued by the licensing officer pursuant to this chapter shall be valid throughout the entire regulated service area.

J. Except in regard to licenses and permits issued to the operations contractor, who shall operate solely as a subcontractor to EMSA and under EMSA's state EMS permit, the issuance of any ambulance service license by the license officer shall be made only to an ambulance service holding a valid state emergency permit, and such issuance by the licensing officer shall be conditioned upon recommendation by the medical control board, based upon the following items:

1. A proforma system status plan which shall describe the applicant's coverage plan for the entire regulated service area by time-of-day and day-of-week, and which shall include post locations and priorities, and which shall demonstrate a reasonable probability that the applicant, if licensed, will meet or exceed all required levels of response time reliability required hereunder throughout all parts of the regulated service area;

2. A proforma internal medical quality assurance plan, which shall describe applicant' s medical quality assurance program, and demonstrate a reasonable probability that the applicant, if licensed, will deliver medical care meeting the system standard of care, as recommended by the medical control board;

3. A proforma staffing plan which shall result in all ambulances operating within the regulated service area being equipped and staffed to operate at the then-applicable level or levels of clinical capability;

4. Evidence of insurance, as required in Section 8.04.080 of this chapter; and

5. Valid permits for each EMS vehicle and EMS personnel as indicated in the proforma staffing and system status plans.

K. Upon approval by the medical control board of the applicant's submission, the licensing officer shall issue a probationary emergency ambulance license valid for a

period of six months. Such probationary license shall allow applicant to respond, from the effective date of the probationary license, to emergency calls originating within the regulated service area.

L. Each holder of a probationary license shall fully comply with its proforma system status plan, as approved by the medical control board, from the effective date of its probationary license, unless a change in the plan to correct response time deficiencies is proposed by the holder of the probationary license, and approved by the medical director.

M. During the six month probationary period, the applicant' s response time performance and clinical quality of care shall be carefully evaluated by the medical director. If performance is consistently and substantially within the proforma plans, and in compliance with the requirements of this chapter, such probationary emergency ambulance service license shall become a valid emergency ambulance service license, renewable annually upon continual compliance with this chapter.

N. After the probationary period, chronic failure to comply with response time standards or clinical quality of care requirements or data and reporting requirements shall be grounds for revocation of the emergency ambulance service license.

O. If any ambulance service' s emergency ambulance service license is suspended three times within any three-year period for failure to make required payments under subsection E of this section, such license shall be automatically revoked, upon the third event.

P. Any holder of a valid emergency ambulance service license issued pursuant to this chapter shall, upon application to the medical control board, be issued a routine transport ambulance service license to transport Priority 3 and 4 patients from locations within the regulated service area, and such license shall be valid so long as the emergency ambulance service license remains in effect, and shall automatically expire upon the expiration, suspension, or revocation of the emergency ambulance service license. (Prior code § 9-509)

Section 8.04.100 Specialized mobile intensive care permits.

Any hospital, or ambulance service licensed hereunder, shall be eligible to apply to the medical control board for a permit to operate a specialized mobile intensive care unit, which unit shall be used solely for interhospital transport of patients requiring specialized enroute medical monitoring and advanced life support which exceed the capabilities of the equipment and personnel on board a paramedic ambulance. Such special permits shall be issued for a period of two years. Failure by the holder of such permit to limit the vehicle to interhospital transports of the types of patients specified within the permit shall constitute grounds for revocation of the permit. (Prior code § 9-510)

Section 8.04.110 Clinical quality of ambulance services.

Upon the effective date of this chapter, every ambulance responding to a Code 1, 2, 3, or 4 call at any location within the Eastern Division of the regulated service area shall be equipped, staffed, and licensed to operate at the EMT-Paramedic level; and every ambulance responding to a Code 1, 2, 3, or 4 call at any location within the Western Division of the regulated service area shall be equipped, staffed, and licensed

to operate at the EMT-Paramedic level, or at the EMT-Intermediate level. Not later than eighteen (18) months after the effective date of this chapter, every ambulance responding to a Code 1, 2, 3, or 4 call at any location within the regulated service area shall be equipped, staffed, and licensed to operate at the EMT-Paramedic level. (Prior code § 9-511)

Section 8.04.120 Ambulance response time performance required.

A. Every ambulance service, as a condition of obtaining and maintaining its license, shall employ sufficient personnel, acquire sufficient equipment, and manage its resources as necessary to achieve the following response time standards on all emergency calls and routine transport calls originating within the regulated service area and received by the ambulance service, or referred to the ambulance service by an EMS control center:

1. Eastern Division Response Time Standards. On the effective date of this chapter, subject to the exemptions set forth in subsection D of this section, the following standards of response time reliability shall be applicable to all patient transports originating from within each member jurisdiction of the Eastern Division of the regulated service area:

a.	Priority 1 standard	90% reliability or better;
b.	Priority 2 standard	90% reliability or better;
c.	Priority 3 standard	90% reliability or better; and
d.	Priority 4 standard	90% reliability or better.

2. Western Division Response Time Standards. On the effective date of this chapter, subject only to the exemptions set forth in subsection D of this section, the same standards of response time reliability as are applicable to Priority 3 and 4 patient transports originating within the Eastern Division shall also be applicable to all Priority 3 and 4 patient transports originating within the Western Division of the regulated service area. However, to allow reasonable opportunity to upgrade emergency response time reliability in the Western Division to the level required in the Eastern Division prior to adoption of this chapter, the following schedule of response time improvement shall apply:

a. On the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards on not less than fifty (50) percent of all such calls originating with each member jurisdiction of the Western Division;

b. Beginning the fourth month after the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards on not less than sixty (60) percent of all such calls originating with each member jurisdiction of the Western Division;

c. Beginning the seventh month after the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards on not less than seventy (70) percent of all such calls originating with each member jurisdiction of the Western Division;

d. Beginning the nineteenth month after the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards not less than eighty (80) percent on all such calls originating with each member jurisdiction of the Western Division;

e. Beginning the twenty-fifth month after the effective date of this chapter, each ambulance service shall meet Priority 1 and 2 response time standards on not less than ninety (90) percent of all such calls originating with each member jurisdiction of the Western Division, i.e., the same standard as the Eastern Division standard for Priority 1 and 2 calls;

3. Special Response Time Standards. Those standards of response time reliability which are specified in subsections 1 and 2 immediately above shall be applicable throughout the respective divisions of the regulated service area unless specifically amended by separate ordinance by a given jurisdiction which, because of location or other barriers to efficient service delivery, is unable to obtain the standard levels of response time reliability for that jurisdiction at a user-fee schedule or subsidy level acceptable to that jurisdiction. Such amended response time standards, if adopted by separate ordinance, shall be applicable only within that jurisdiction, and shall not affect response time requirements in any other portion of the regulated service area.

B. Response time performance measurement for each ambulance service shall be calculated, maintained, and reported on a monthly basis for each member jurisdiction separately. Provided, however, that for jurisdictions experiencing low call volumes, monthly response time data shall be accumulated for reporting when the data from not less than seventy-five (75) emergency calls are available for inclusion in response time performance calculations.

C. Within the cities of Tulsa and Oklahoma City, response time performance shall also be measured separately for each ward or councilmanic district, on all Priority 1 and 2 calls. A chronic pattern of response time discrimination against any ward or district, as determined by the medical control board, shall be a violation of this section and may, subject to notification and reasonable opportunity to correct the deficiency, constitute grounds for suspension or revocation of the emergency ambulance service license.

D. In the event of an onset of such inclement weather that the medical director or his or her designee, in his or her sole discretion, believes that the threat to system-wide patient care in attempting to comply with response time standards outweighs the threat to individual patient care from a delayed response, the medical director or his or her designee may declare a weather emergency in either or both divisions of the regulated service area, thus suspending these response time requirements until the declaration is lifted. During such periods, all ambulance services shall use best efforts to provide maximum safe coverage throughout the entire regulated service area. Runs made to calls originating from within a division in which a weather emergency has been declared shall be excluded from response time calculations until

the declaration has been lifted. A weather emergency will be declared only in times of unusual and extremely hazardous driving condition, such as ice storms, freezing drizzle, extensive flooding, thick fog or similarly dangerous or impassible road conditions.

E. The medical control board may, at its option, establish recommended response time standards for certified first responder agencies. Response times of certified first responder agencies shall be measured and reported to each member jurisdiction. However, no mandatory requirements for response time performance shall be applicable to first responder agencies, except as may be adopted by each member jurisdiction separately. (Prior code § 9-512)

Section 8.04.130 Prohibition against refusal to transport.

It shall be a violation of this chapter for any ambulance service to fail to respond to a call or to transport or to render emergency medical patient assessment and treatment, as appropriate, or to otherwise refuse or fail to provide any ambulance services originating within the regulated service area because of the patient' s perceived, demonstrated or stated inability to pay for such services, or because of the location of the patient within the regulated service area or because of the unavailable status or the location of any ambulance unit at the time of the request. Chronic violation of this provision, as determined by the medical control board, shall be grounds to revoke the emergency ambulance service license. (Prior code § 9-513)

Section 8.04.140 First responder agency certification.

Within eighteen (18) months after the effective date of this chapter, every first responder agency responding to calls within this jurisdiction shall qualify for issuance of a valid first responder agency certification issued by the licensing officer of the appropriate division. (Prior code § 9-514)

Section 8.04.150 Procedures for denial, revocation or suspension of a permit.

For any proposed denial, suspension or revocation of a permit of either a permitted provider or a certified EMS personnel operating within the regulated service area, the following standards, which shall not be less than those standards contained in the Health Care Quality Improvement Act of 1986, 42 U.S.C. 11112, or less than any standards contained in applicable Oklahoma Statutes or applicable Oklahoma case law, shall apply. Such procedures in any event, shall contain at least the following:

A. Written notice of the charges pending against the provider or EMS personnel whose license or certification may be suspended or revoked;

B. A right to an appeal, requested in writing within thirty (30) days of any adverse action by the medical director to the medical control board;

C. The right to a de novo hearing on any adverse action by the medical control board conducted by an impartial and independent hearing officer, including a right to cross-examine witnesses, and to present witnesses and evidence on the person' s own benefit, provided such hearing is requested in writing within thirty (30) days; and

D. A right to an appeal, referred to in subsection C of this section, of any adverse action by the hearing officer to the governing body of the beneficiary jurisdiction designated to hear such appeal by the hearing officer who conducted the preceding hearing. (Prior code § 9-515)

Section 8.04.160 Violations.

A. It shall be unlawful and an offense for any person to commit any of the following acts:

1. To perform duties as an ambulance driver, attendant (EMT-Basic, Intermediate, or Paramedic), system status controller, or certified first responder without a current valid certification issued pursuant to this chapter, or for any EMT, EMT-D, EMT-Intermediate, or EMT-Paramedic to seek or accept medical direction by radio contact from anyone who is not a certified base station physician, as defined herein;

2. To allow any person to work as an ambulance driver, attendant or dispatcher without a current valid certification issued pursuant to this chapter;

3. To use, or cause to be used, an ambulance service other than an ambulance service holding a valid license issued pursuant to this chapter, except for those services described in subsection B of this section;

4. For any person, firm or organization to respond to emergency calls originating within the regulated service area, other than an ambulance service which is a holder of a valid emergency ambulance service license issued pursuant to this chapter;

5. For any person, firm or organization to provide rescue helicopter service to emergency incidents within the regulated service area, other than a rescue helicopter service which is a holder of a valid rescue helicopter service license issued pursuant to this chapter;

6. For any person, firm or organization to respond to routine transport calls originating within the regulated service area, other than an ambulance service which is a holder of a valid routine transport ambulance service license issued pursuant to this chapter; or

7. To knowingly give false information to induce the dispatch of an ambulance, first responder unit, or helicopter rescue unit.

B. It shall not be a violation of this chapter, and no emergency or routine transport license shall be required if the vehicle or ambulance is:

1. A privately owned vehicle not used in the business of transporting patients who are sick, injured, wounded, incapacitated or helpless;

2. A vehicle rendering services as an ambulance in the event of a major catastrophe or emergency when ambulances with permits based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the services needed;

3. An ambulance owned or operated by, or under contract with, the federal or state government;

4. An ambulance transporting a patient to a location within the regulated service area, which transport originated from a point outside the regulated service area;

5. An ambulance responding to a call pursuant to a mutual aid agreement with the holder of a valid emergency ambulance service license issued pursuant to this chapter;

6. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home or free-standing dialysis center (i.e., a dialysis center not located on hospital grounds) which is located within the regulated service area to any jurisdiction outside the regulated service area (the "receiving jurisdiction"), if the

receiving jurisdiction allows any ambulance service licensed hereunder to lawfully engage in routine transport calls to transport patients from hospitals, nursing homes, and free-standing dialysis centers located within that receiving jurisdiction to destinations within the regulated service area;

7. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home, or free-standing dialysis center located within the regulated service area to any unincorporated area;

8. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home, or free-standing dialysis center located within the regulated service area to any point outside the regulated service area and the zone;

9. A vehicle engaged in a routine transport call to transport a patient from a hospital, nursing home, or free-standing dialysis center located in either the Eastern or Western Division of the regulated service area, to a destination in the other division of the regulated service area; or

10. A vehicle engaged in the interstate transport of a patient. (Prior code § 9-516)

Section 8.04.170 Penalties.

A. Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of a Class “A” offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this code. (1221, Amended by Recodification, 11/19/2012)

B. Each day that any violation of the provisions of this chapter is committed or permitted to continue shall constitute a separate offense. (Prior code § 9-517)

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Chapter 8.08

EXPLOSIVES

Sections:

Section 8.08.010 General.

Except as is hereinafter otherwise specifically provided, the equipment, processes and operations involving the manufacture, possession, storage, sale, transportation, maintenance and use of explosive materials shall comply with the requirements of International Fire Code as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC). (Prior code § 5-1101; 1221, Amended by Recodification, 11/19/2012)

Section 8.08.020 Explosives defined.

A. The terms “explosives” or “explosive” whenever used in this chapter shall be held to mean and include any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term “explosive” includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. The term “explosive” as used hereinafter shall not be interpreted or construed to include small arms ammunition in its manufactured state. (Prior code § 5-1102; 1221, Amended by Recodification. 11/19/2012)

Section 8.08.030 Manufacture prohibited.

It is unlawful for any person to manufacture any explosive within the corporate limits of the city except that any explosives may be manufactured in laboratories of the public school system, and similar institutions for the purpose of investigation and instruction and provided that hand loading of black powder weapons and small arms

ammunition for private use shall be allowed. The mixing of two or more explosives for immediate use for blasting shall not be considered a violation of this chapter. (Prior code § 5-1103)

Section 8.08.040 Explosives prohibited.

It is unlawful for any person to have, keep, store, sell, offer for sale, give away, use, transport or have in his or her possession in the city, any explosive. (Prior code § 5-1104)

Section 8.08.050 Storage of explosives.

Under no circumstances shall any person, firm, organization or other entity keep or store any explosives on any premises which are used and occupied as a school, theatre, church, or other place of public assembly; and further, no person shall keep or store any explosive at any location, except in a properly authorized magazine. (Prior code § 5-1105)

Section 8.08.060 Magazines, rules and regulations, explosives.

A. Explosive magazines shall be made of fireproof materials and shall be conspicuously marked "Magazine - Explosives."

B. Each magazine shall be kept locked during the night, and at all times when the room in which it is kept is not occupied by safe and trustworthy persons; and all magazines must be kept clean and free from grit, paper, rubbish, and empty packages.

C. It is unlawful to place, keep or store any blasting caps or detonators of any kind in the same magazine with other explosives.

D. Packages of explosives in a magazine must be neatly piled in such a way that all of them may be easily examined, and packages of high explosives must always be placed right side up.

E. An accurate inventory or log shall be kept showing quantity of explosive stored, date of acquisition, date of removal and purpose of removal, which shall at all times be subject to the inspection of the fire marshal of the city, and when any kind of explosive is removed from the magazine, the oldest of that particular kind must always be taken, and it is the duty of the magazine keeper to see that is done.

F. No smoking, matches, firearms or other things which might discharge or cause the discharge of explosives in the city shall be permitted within one hundred (100) feet of any magazine. (Prior code § 5-1106)

Section 8.08.070 Capping.

It is unlawful for any person to cap a cartridge within a radius of fifty (50) feet of magazine, or in any case to cap more cartridges than necessary for immediate use. (Prior code § 5-1107)

Section 8.08.080 Deteriorated explosives.

If any explosive is contained in a magazine so as to be in a dangerous condition, then the magazine keeper must immediately remedy the cause; or should the fire

marshal receive a report of deteriorated or leaking explosives, the fire marshal must cause it to be removed outside the corporate limits of the city, and disposed of as he or she may deem fit, at the expense of the magazine keeper. (Prior code § 5-1108)

Section 8.08.090 Transportation of explosives.

A. It is unlawful for any person to transport or carry any explosives within the corporate limits of the city, in or upon any public conveyance, except as set out herein.

B. It is unlawful for any person to place or carry or cause to be placed or carried, in any vehicle, or container containing explosives, any exploders, detonators, blasting caps or other similar explosive material.

C. It is unlawful for any person in the transportation of explosives to stop such conveyance in any populated area within the city limits, except pursuant to a permit secured as set out herein. Motor vehicles transporting any quantity of explosive materials shall display all placards, lettering or numbering in accordance with DOT regulations. A vehicle transporting explosive materials shall not be parked, attended or unattended, on any roadway within the jurisdiction or adjacent to or in proximity to any structure, including a bridge, tunnel, dwelling, building or place where people work, congregate or assemble, before reaching the vehicle' s destination. Explosive materials shall not be transferred from one vehicle to another except under emergency conditions. Vehicles transporting explosive materials shall not be left unattended at any time within the jurisdiction. (Prior code § 5-1109)

Section 8.08.100 Driving requirements.

A person shall not smoke, carry matches or any other flame-producing device, or carry unauthorized firearms or cartridges while in or near a vehicle transporting explosive material. Such vehicle shall not be driven, loaded or unloaded in a careless or reckless manner. (Prior code § 5-1110)

Section 8.08.110 Discharge in city.

A. It is unlawful for any person to use or discharge any explosives within the corporate limits of the city, except in connection with blasting operations or demolitions by permit as set out herein or where authorized by ordinance. The use of black powder shall be prohibited.

B. No person shall blast or carry on any blasting operations without first having obtained permission from the inspections division of the city. The applicant for such permit must file a certificate of blasting liability insurance coverage in an amount of not less than three million dollars $3,000,00.00) per occurrence or a greater amount as deemed adequate in each case, as determined by the inspections division, to become available for the payment of any real and actual damages or injury to person blasting or his or her agents or employees, the amount of the insurance not being a limit to the liability of the person blasting. Any insurance certificate must be executed by a company licensed to do business in the state of Oklahoma, acceptable to the city. Insurance carrier shall provide a copy of the license upon request. (1221, Amended by Recodification, 11/19/2012)

C. In applying for a permit, the person blasting must present a current state of Oklahoma blasting license, a plan showing the location, expected time of blasting, size of charge, type of explosive and any other information requested or pertaining to the blasting operation, including but not limited to a preblasting survey of dwellings, structures, pipe lines, transmission lines, utility service lines and other information. The preblasting survey shall consist of a structural inspection performed by a qualified person to determine the condition of the structures in terms of resistance to vibrations of structural and nonstructural elements, and document any preblasting damage, weakness, and other physical factors that could reasonably be expected to be affected by the blasting.

D. The permit shall be valid for a period of thirty (30) days from the date of issuance. (Prior code § 5-1111)

Section 8.08.120 Regulating permitted blasts.

A. No blasting operations shall be conducted except in the presence of the City Engineer or his or her designated inspector.

B. Surface blasting operations shall be conducted during daylight hours, except on Saturdays, Sundays and legal holidays, unless otherwise approved by the City Engineer under the circumstances set forth hereinafter.

C. Blasting mats, back cover or other protective devices shall be utilized to prevent fragments from being propelled.

D. All explosives shall be transported, handled, stored and used by or under the direction and supervision of a person of proven experience and ability in blasting operations or experience and ability in blasting operations or experienced and able in the discharge of explosives, to whom the required permits have been issued. Loading and firing shall be performed or supervised by a person to whom the required permits have been issued. Explosive materials shall not be utilized by inexperienced persons who are unfamiliar with the hazards involved or who have not obtained all of the required permits.

E. All discharge of explosives or blasting operations shall be prohibited within a minimum of three hundred (300) feet of structures, overhead power lines, communication lines, or utilities services lines (or within a greater distance as may be deemed necessary by the City Engineer or his designated inspector) without the person to whom the required permit has been issued first notifying the owners, operators, or occupants thereof at least twenty-four (24) hours in advance of the blasting operation whenever blasting is conducted in the vicinity. The notification shall specify the location and intended time of such blasting and shall be first by verbal notice and then confirmed with a written notice. Such notice shall be no sooner than forty-eight (48) hours nor later than twenty-four (24) hours prior to each blasting operation. If and in the event the blast does not occur at the predesignated intended time, and as a consequence blasting with the City Engineer's approval is to occur on another date, including but not limited to Saturday, Sunday or a legal holiday, the person to whom the required permit is issued shall renotify, verbally and in writing, of the alternative blast date and time. (1221, Amended by Recodification, 11/19/2012)

F. Precautions shall be taken to prevent accidental discharge of electric detonators from currents induced by radar and radio transmitters by the posting of signs warning that mobile radio transmitters shall be prohibited on all roads located within three hundred fifty (350) feet of blasting operations. Signs shall also be placed at points of ingress to the blasting area warning that blasting operations are in progress.

G. Blasting shall not be conducted until the blaster in charge has confirmed that all surplus explosive materials are in a safe place, all persons and equipment, including vehicles, are at a safe distance or under sufficient cover and an adequate warning signal has been given, by use of a compressed air whistle, a horn, or equivalent means, and shall be clearly audible at the most distant point in the blast area. After blasting, the area shall be thoroughly inspected by the person blasting and an all clear signal or announcement sounded prior to permitting anyone to enter the blasting site area.

H. Operations involving the handling or use of explosive materials shall be discontinued and personnel moved to a safe area during the approach or progress of a thunderstorm or dust storm.

I. All tamping is to be accomplished by the use of a wooden stick or device having no metal parts, and there shall be a separation of at least fifty (50) feet between a loaded hole and any drilling operations in preparation of additional blasts. All loaded holes shall be fired on the same shift that they are loaded, and the person in charge of blasting shall clear all unexploded holes and charges and shall not leave the site until all unexploded charges shall have been removed or detonated pursuant to a permit. The insertion of a drill, pick or bar in an unexploded hole shall not be permitted. No unexploded explosive materials shall be abandoned.

J. A record of each blast shall be made by the City Engineer or his designated inspector and shall be retained by the inspections division and made available for inspection by the public upon request. The record shall contain the following data:

1. Name of permittee, operator, or other person conducting the blast;
2. Location, date, and time of blast;
3. Name of blaster in charge;
4. Weather conditions;
5. Type of material blasted;
6. Number of holes, burden, and spacing;
7. Diameter and depth of holes;
8. Types of explosives used;
9. Total weight of explosives used;
10. Maximum weight of explosives per delay period of eight milliseconds or less;
11. Maximum number of holes per delay period of eight milliseconds or less;
12. Method of firing and type of circuit;
13. Type and height of length of stemming;
14. If blasting mats, back cover or other protections were used; and
15. Type of delay electric blasting caps used, and delay periods used.

K. The storage of explosives at the job site shall be prohibited. (Prior code § 5-1112; 1221, Amended by Recodification, 11/19/2012)

Section 8.08.130 Fees.

Upon issuance of a permit to discharge explosives in the city, a fee shall be paid as established by a motion or resolution of the City Council. A separate fee, as established by motion or resolution of the City Council, shall be paid for each blast conducted in accordance with the permit issued. (1079, Amended, 05/24/2004, Section 8.08.130; 1221, Amended by Recodification, 11/19/2012)

Section 8.08.140 Penalty.

Each separate violation of any provision of this chapter shall be a Class “A” offense and any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1.20.010 of this code for each violation. (Prior code § 5-1114; 1221, Amended by Recodification, 11/19/2012)

Chapter 8.12

FIRE PREVENTION CODE

Sections:

Section 8.12.010 International Fire Code Adopted

The International Fire Code, as published by the International Codes Council and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations governing conditions hazardous to life and property from fire or explosion. Each and all of the regulations, provisions, conditions and terms of the International Fire Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1221, Amended by Recodification, 11/19/2012)

Section 8.12.030 Trash burned inside city limits.

It is unlawful for any person to start or maintain any fire, or cause any fire to be started or maintained, outside or inside of any building or structure, for the purpose of burning any trash or refuse, or other inflammable material of any description, as provided for in this chapter or in specific variance situations authorized by the fire chief, fire marshal or designees thereof. (Prior code § 13-107; 1221, Amended by recodification, 11/19/2012)

Section 8.12.040 Fees for Permits and Inspections.

Compliance permit and inspection fee charges related to the Fire Prevention Code as adopted by the city shall be made and collected in such amounts as established by motion or resolution of the City Council. (1079, amended, 05/24/2004)

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Chapter 8.16

GARBAGE COLLECTION AND DISPOSAL

Sections:

Section 8.16.010 Definitions.

For the purpose of this chapter, the following terms shall have the meanings defined herein:

"Solid Waste" means all putrescible and nonputrescible matter – including garbage, trash, refuse, rubbish, offal, debris, or other matter as specifically defined herein or in other sections of this code – that is solid or semi-solid in form and is considered non-hazardous by specific local, county, state or federal laws or regulations.

"Residential Dwelling" means any structure or other facility on property having a residential zoning classification or having a principle use as a single- or multiple-family dwelling.

"Commercial Establishment" means any structure or other facility on property having a zoning classification other than residential, or having a principle use other than a single- or multiple-family residential dwelling.

"Solid Waste Collector" means any individual, firm or corporation engaged in the business of collecting and/or disposing of solid waste.

"Vehicle" means any truck, trailer, semi-trailer or other equipment used to collect, remove, transport or dispose of solid waste over any public street or way. (Prior code § 17-401; 1137, Amended 10/09/2006.)

Section 8.16.020 Collection of Solid Waste Within City Limits.

A. The city manager, or his designee, shall assure that suitable and proper arrangements are made for the collection and disposal of solid waste from every residential dwelling and commercial establishment within the city limits. Such collection shall occur at intervals of not less than once each week.

B. To assure protection of the public's health, safety and welfare, collection and disposal of solid waste from residential dwellings within the city limits shall be performed by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof. The city manager, upon written request, shall consider exemptions to

this provision based upon individual circumstance or if collection and disposal of solid waste by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof, is unfeasible or impractical.

C. Collection and disposal of solid waste from commercial establishments shall be performed by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof; or by private firms or corporations issued permits by the city to perform such activities.

D. Solid waste shall not be collected within six-hundred (600) feet of an occupied residential dwelling between the hours of 10:00 p.m. and 6:00 a.m.

E. The city council shall, by ordinance or resolution, establish fees for the collection and disposal of solid waste where such collection and disposal is performed by the City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof. Such fees shall be assessed to utility accounts on a monthly basis and shall be paid in accordance with policies adopted by the city council, city manager or his designee.

F. The city council shall, by ordinance or resolution, establish permit fees for the collection and disposal of commercial solid waste by private firms or corporations. Such fees shall serve to recover costs associated with regulation of the activity as a protection of the public's health, safety and welfare. (Prior code § 17-402; 1137, Amended. 10/09/2006.)

Section 8.16.030 Solid Waste Containers.

A. All owners or occupants of residential dwellings or commercial establishments in the City Limits shall pace or keep solid waste accumulated upon the premises in a suitable container approved by the city manager or his designee. There shall be no less than one container, or equivalent arrangement thereof, per residential dwelling or commercial establishment.

B. Containers shall be of an appropriate size, and collection and disposal of such shall be of appropriate frequency, to prevent a peril upon the public's health, safety and welfare.

C. Containers for placement of solid waste shall be designed and maintained in such a manner as to not create leakage, offensive odors or otherwise present a nuisance, or safety or health hazard. Such containers shall be equipped with a closing lid and other means of securement as necessary to prevent the blowing of solid waste, offensive odors, intrusion by animals, or other health and safety hazards.

D. Each container utilized for collection and disposal of solid waste shall have affixed the name of the individual, firm or corporation providing the collection and disposal service. Such individual, firm or corporation name shall be affixed and maintained in a permanent and legible manner. (Prior code § 17-403; 1137, Amended, 10/09/2006.)

Section 8.16.040 Placement of Solid Waste Containers.

A. Containers for collection of residential solid waste, and any allowable ancillary items thereto, shall be placed adjacent to the curb or pavement edge of the street or alleyway in such a manner as to not create a health hazard, traffic hazard, pedestrian hindrance, drainage way impediment or public nuisance.

B. The City of Sand Springs, Sand Springs Municipal Authority, or agents or lessees thereof, shall assign a specific day for regular weekly collection of residential solid waste for each residential dwelling within the city limits. The container, and any allowable ancillary items thereto, shall be placed at the curb or pavement edge of the street or alleyway no sooner than 24 hours before the start of the scheduled collection day. The emptied container and any uncollected items shall be removed from the street or alleyway no later than 24 hours after the end of the scheduled collection day.

C. Residential solid waste containers shall not be kept in the front or exterior side yard of a residential dwelling unless being placed there for collection.

D. All containers for commercial solid waste shall be kept upon private property. The container shall only be placed upon public property on collection day(s) and only if access to such from private property is deemed by the city to be impractical or unfeasible.

E. The city manager or his designee shall, upon written request, consider granting exceptions to this section upon determination that compliance with its provisions are impractical, unfeasible or cause an undue hardship.

F. Failure to comply with the provisions of this section shall result in insurance of a written warning upon first occurrence. Any subsequent violation shall be deemed an offense and shall be punishable by the penalty provision of this chapter. (Prior code § 17-404; 1137, Amended, 10/09/2006.)

Section 8.16.050 Permits for Private Firms or Corporations.

A. It shall be unlawful and an offense for any private individual, firm or corporation to collect solid waste within the city limits for hire without securing a Solid Waste Collection Permit for each container where collection and disposal is to occur. Such permit shall be issued from the city clerk in advance of any collection activity, and a fee as set by ordinance or resolution of the city council shall be paid prior to the permit's issuance as a regulation of the activity. Each permit shall be valid beginning July 1 of each year and shall expire June 30 the following year.

B. An application for a Solid Waste Collection Permit shall include the individual, firm or corporation name, the principle person with overall responsibility for collection and disposal of solid waste within the city limits, the address where operations shall originate, a mailing address, and other information as deemed necessary by the city manager or his designee. The permit application shall also list the street address where solid waste collection is to occur within the city limits, the location and size of each container to be collected, the frequency of collection, and the name and address of the disposal facility where collections will regularly be disposed of.

C. All individuals, firms and corporations collecting solid waste within the city limits shall maintain with the city clerk a current certificate of general liability insurance coverage in amounts of not less than $1,000,000 per each occurrence for death to or bodily injury of a person, and per each occurrence for property destruction or damage.

D. The city manager or his designee shall have cause to deny or revoke any Solid Waste Collection Permit for violations of any of the provisions of this chapter, or for violations of other local, county, state or federal laws or regulations. Notice of such revocation shall be done in writing to the individual, firm or corporation, which shall then have ten (10) days from the date of the notice to appeal the denial or revocation in

writing to the city council. The determination of the city council to sustain, modify or reverse the denial or revocation shall be final. Any appeal from the denial or revocation of a Solid Waste Collection Permit shall serve to stay such denial or revocation unless the city manager or his designee shall determine that such stay would serve to imperil the public's health, safety or welfare. (Prior code § 17-405;1137, Amended, 10/09/2006)

Section 8.16.060 Vehicles Operated for Collection and Disposal of Solid Waste.

A. It is unlawful and an offense to operate any vehicle used for the transport, collection or disposal of solid waste within the city limits without proper licensing by the state and without other licenses or certifications as required by local, county, state or federal laws and regulations. Such vehicles shall be operated and maintained in a safe manner in compliance with all local, county, state and federal laws and regulations, and shall not be operated or maintained in a manner that creates a traffic hazard, nuisance or a peril to the public's health, safety or welfare.

B. Vehicles used for the collection and disposal of solid waste shall utilize suitable provisions to prevent blowing, spilling, leaking or otherwise non-containment of, such solid waste. (Prior code § 17-406; 1137, Amended, 10/09/2006.)

Section 8.16.070 Disposal

All collections of solid waste within the city limits shall be disposed of at a facility that is appropriately licensed by state regulatory agencies, and/or other agencies as required by local, county, state or federal laws and regulations, for the disposal of such. Disposal shall be conducted in a manner that is in compliance with all local, county, state or federal laws or regulations. (Prior code § 17-407; 1137, Amended, 10/09/2006.)

Section 8.16.080 Lease of solid waste systems and facilities.

The City of Sand Springs hereby consents and agrees to the leasing of all of the city's revenue-producing solid waste collection, transportation, processing and disposal system and facilities, together with any and all additions, enlargements, extensions and improvements thereto acquired by the city during the life of the lease for a primary term of fifty (50) years, renewable for successive like terms, to the trustees of the Sand Springs Municipal Authority (A public trust of which the city is the beneficiary), with such lease to become effective as of 12:01 a.m. on the day following May 16, 1983. (Prior code § 17-408; 1137, Amended, 10/09/2006.)

Section 8.16.090 Penalties.

Unless otherwise specified, any individual, firm or corporation found to be in violation of any of the provisions of this chapter shall be deemed guilty of a class "C" offense punishable as provided in Section 1.20.010 of this Code. (Prior code § 17-409; 1137, Amended, 10/09/2006.)

Chapter 8.18

HEALTH DEPARTMENT

Sections:

Section 8.18.010 County Health Department Designated to Enforce Health Ordinances

The director of the Tulsa City-County Health Department, or his/her duly designated representative, shall serve as the health officer for the city and shall enforce all health ordinances, codes, rules and regulations within the city limits. The Tulsa City-County Health Department shall promulgate all ordinances, codes, rules and regulations as necessary to assure the health, safety and welfare of all citizens within the city. Decisions rendered by the health officer shall be subject to review or appeal under procedures established by the Tulsa City-County Health Department.
(1082, Added 11/08/2004; 1231, Amended 09/10/2012)

Section 8.18.020 Food Code Adopted

A document designated as Title 310, Oklahoma State Department of Health, Chapter 257, Food Services Establishments (OAC 310:257), as published in the Oklahoma Administrative Code (OAC) and as amended, revised and/or supplemented by the Tulsa City-County Health Department (TCCHD) shall be adopted by the City of Sand Springs, Oklahoma, to set standards for the management of food personnel, operations, equipment and facilities in the City of Sand Springs. Each and all of the terms, conditions, regulations and provisions of OAC 310:257 published by the Oklahoma State Department of Health; and as amended, revised or supplemented by TCCHD, shall hereby be referred to, adopted and made a part of the City of Sand Springs Code of Ordinances as if fully set out in this Chapter, and may be referred to as the “Food Code.” A copy of the Food Code shall be maintained by the office of the City Clerk. (1231, Adopted 09/10/2012)

Section 8.18.030 Penalties

Any individual, firm or corporation found by the health officer to be in violation of any health ordinance, code, rule or regulation shall be deemed guilty of a Class C offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation is committed shall constitute a separate offense. (1082, Added, 11/08/2004; 1231, Amended 09/10/2012)

Section 8.18.040 Summary Actions

A. Should the health officer of the City; or a peace officer, a fire officer, code enforcement officer or building official of the City acting within the scope of his/her authority, determine that a condition or situation exists at a food service establishment, as defined in the Food Code, that is creating imminent period to the public's health, said officer shall initiate summary actions in writing that he/she deems necessary to protect the public's health – including an immediate directive to the food service establishment to cease all activities prescribed or otherwise regulated by the Food Code.

B. An appeal of any summary action shall be set forth in writing by the food service establishment for expeditious hearing under procedures established by the Tulsa City-County Health Department. The appeal shall state reasons or causes why the summary action shall not remain in effect. (1231, Adopted 09/10/2012)

Chapter 8.20

JUNKED AND ABANDONED VEHICLES

Sections:

Section 8.20.010 Definitions relating to abandoned or junked vehicles.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Private property" means any real property within the corporate limits of the city which is not public property as described herein.

"Public property" means any property owned or controlled by the city, the county, the state, or any public entity thereof, or the United States Government within the city limits, and shall include all streets and highways.

"Vehicle" means any machine propelled by other than human muscle and shall include without limitation any airplane, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, or self-propelled farm or construction equipment.

"Dismantled, junked, abandoned, unserviceable, or inoperable vehicle" shall be deemed to include the major parts thereof including bodies, engine transmissions, frames and rear ends, or any vehicle which does not have current and valid license tags. (Prior code § 8-601; 1221, Amended by Recodification 11/19/2012)

Section 8.20.020 Keeping vehicles.

It is unlawful and an offense for any person to deposit, store, keep or permit to be deposited, stored or kept upon public or private property, in the open, a dismantled, unserviceable, inoperable, junked or abandoned vehicle or any vehicle legally or physically incapable of being operated, for a period exceeding one hundred sixty-eight (168) hours, unless such vehicle is completely enclosed within a building, or stored in connection with a business lawfully established pursuant to the zoning ordinances of the city, or stored on property lawfully designated under the zoning ordinances of the city as a place where such vehicles may be stored. (Prior code § 8-602)

Section 8.20.030 Accumulation a nuisance.

The accumulation or storage of one or more vehicles as described in Section 8.20.020 of this chapter shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city. It is the duty of the owner or person in control of such vehicle, or the owner of the private property, lessee or person in possession or control of the property upon which such vehicle is located to cause to be removed or remove the vehicle from such property, or have the vehicle housed in a building where it will not be visible from the street or other private property. Such removal or enclosure shall be made within one hundred sixty-eight (168) hours after notice, as set out in Section 8.20.040 of this chapter, has been given to the owner or person in control of the vehicle or the owner, lessee or person in control of the property upon which such vehicle is located. The one hundred sixty-eight (168) hour time limit may be extended by the code enforcement official in the case of obvious hardship. (Prior code § 8-603; 1221, Amended by Recodification 11/19/2012)

Section 8.20.040 Notice.

The code enforcement official upon complaint of any citizen or on his or her own determination, shall cause notice to be posted on such abandoned, junked, unserviceable, inoperable, or dismantled vehicle, that the vehicle is a nuisance and shall be removed within one hundred sixty-eight (168) hours. When such abandoned, junked, unserviceable, inoperable, or dismantled vehicle is located upon private property. Notice shall also be provided in writing to the property owner as shown by the most current tax roll of the county treasurer, as well as any lessee or occupant(s) as shown by the current utility records of the city. (Prior code § 8-604; 1221, Amended by Recodification 11/19/2012)

Section 8.20.050 Removal.

Upon any failure of the owner or person in control of the vehicle or the owner, lessee, or person in control of the property upon which the vehicle may be located, to remove the vehicle or place it in an enclosed building within one hundred sixty-eight (168) hours after notice has been placed on the vehicle, code enforcement official shall notify, in writing, the police department of the city which shall promptly cause the vehicle to be removed and impounded in accordance with the police department's impound procedures. The wrecker service where the vehicle is impounded shall cause notification of the vehicle owner and lien holder of its impoundment as provided by state law. (Prior code § 8-605; 1221, Amended by Recodification 11/19/2012)

Section 8.20.060 Regaining possession.

The owner or person in control of any vehicle or vehicles so removed may regain possession thereof by obtaining an impound release from the police department in accordance with the police department's impound procedures. All costs owing for impound towing and storage fees shall be paid to the wrecker service where the vehicle is impounded. Should the vehicle go unclaimed, the wrecker service shall dispose of such in accordance with state law (Prior code § 8-606; 1221, Amended by Recodification 11/19/2012)

Section 8.20.070 Penalties.

Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that may violation is committed shall constitute a separate offense (Prior code § 8-608; 1221, Amended by Recodification 11/19/2012)

Section 8.20.080 Appeals

An appeal of any dismantled, unserviceable, inoperable, junked or abandoned vehicle public nuisance determination may be made to the City Manager of the City of sand Springs, Oklahoma, or his designee, by filing a written notice with the City Clerk, City of Sand Springs, 100 East Broadway, Sand Springs, Oklahoma, 74063, within 168 hours (seven days) from the date notice was affixed to the vehicle. Said written appeal shall stay enforcement of any action. As soon as thereafter possible, and upon not less than ten (10) days' notice to the appealing party, the City Manager, or his designee, shall consider this matter in its entirety. (1221, Amended by Recodification, 11/19/2012)

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Chapter 8.28

LITTERING

Sections:

Section 8.28.010 Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

"Authorized private receptacle" means a litter storage and collection receptacle as required by the ordinances of the city pertaining to depositing of trash and garbage for the purpose of collection.

"Handbill" means any printed or written matter, sample, device, pamphlet, notice, paper, circular, or any other printed or otherwise reproduced original of any matter or literature, which advertises for sale any merchandise, product or thing, or which directs attention to any business, commercial establishment, political campaign, theatrical performance, exhibition, event or other activity, for the purpose of promoting the interest thereof by sales or for the purpose of acquiring private gain, profit or benefit.

"Newspaper" means any newspaper of general circulation, including any periodical or current magazine published with not less than four issues per year, and sold to the public.

"Private property" means any real property, which is not owned by or under the control of a person who may be accused of committing the act described in Sections 8.28.030 et seq., of this code.

"Public place" means any street, road, sidewalk, alley, easement, park, ditch, drain or area of land or property open to the general public use. (Prior code § 8-501)

Section 8.28.020 Littering.

It is an offense for any person to willfully throw or leave or deposit any garbage, grass or weed cuttings, refuse, litter or other items and matters, commonly referred to as trash, upon or into any public street, road, parking area, drainage ditch or other public place, not designated as a public dump ground established and under the control of the city. (Prior code § 8-502)

Section 8.28.030 Depositing litter on private property.

A. It is unlawful and an offense for any person to willfully throw, leave or deposit any garbage, grass cuttings, refuse, litter or any other items and matters, commonly referred to as trash, upon or into any private property, ditch, drain or driveway, which is not owned by or under the control of the person committing such act. A conviction for violation of the provisions or provision of this chapter shall not preclude the prosecution of the charge of trespass, should the facts involved include a violation of the crime of trespass as provided by the ordinances.

B. No person shall throw or deposit litter on any occupied private property except that the person in control of private property may keep private receptacles for collection of litter to be prevented from being deposited upon streets, sidewalks and other public places. (Prior code § 8-503)

Section 8.28.040 Litter in public places.

It is unlawful for any person to throw or deposit litter in or upon any street, sidewalk or other public place within the city, except in public receptacles, authorized private receptacles for collection, or in official city dumps. (Prior code § 8-504)

Section 8.28.050 Litter placement in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. It is unlawful for any person to place litter in public receptacles or in authorized receptacles except in the way and manner as provided by this section. (Prior code § 8-505)

Section 8.28.060 Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building, yard or lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks abutting their premises free of litter or obstructions. (Prior code § 8-506)

Section 8.28.070 Vehicle loads causing litter.

No person shall drive or move any truck, cart, or other vehicle, within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown, scattered or deposited upon any street, alley or other public place. (Prior code § 8-507)

Section 8.28.080 Throwing, depositing and distributing handbills.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city. (Prior code § 8-508)

Section 8.28.090 Throwing or depositing handbills in vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. It is unlawful in any public place for a person to hand out or distribute without charge to the receiver any handbill to any occupant of any vehicle who is unwilling to accept it. (Prior code § 8-509)

Section 8.28.100 Handbills thrown or deposited on uninhabited property prohibited.

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited. (Prior code § 8-510)

Section 8.28.110 Throwing handbills on private property prohibited.

It is unlawful to throw, deposit or distribute any handbill upon any private premises, if requested not to do so or where signs are displayed bearing the words "No Trespassing," "No Peddlers or Agents," “No Soliciting,” "No Advertisement," or similar notice indicating that the occupants do not desire to have their privacy disturbed. (Prior code § 8-511; 1221, Amended by Recodification 11/19/2012)

Section 8.28.120 Distributing handbills on inhabited property.

A. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by transmitting directly to the owner, occupant, or persons present upon such private premises. In cases of inhabited private premises which are not posted, handbills must be placed securely to prevent same from blowing on sidewalks, streets, or other public places. Mailboxes may not be used when so prohibited by Federal postal laws or regulations.

B. The provisions of this section shall not apply to the distribution of mail by the United States Postal Service, nor to newspapers except that newspapers shall be placed on private property so as to prevent being carried or deposited upon any street, sidewalk, gutter, drain, or public place or on other private property. (Prior code § 8-512; 1221, Amended by Recodification 11/19/2012)

Section 8.28.130 Posting on public property prohibited.

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object. No person, except a duly elected or appointed officer or employee of the city while acting within the proper authority of such office or employment, shall post or affix any notice, commercial or noncommercial handbills, poster or other paper calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree in a public place, or on any public structure, except as may be authorized or required by law. (Prior code § 8-513)

Section 8.28.140 Litter on vacant property prohibited.

It is unlawful for any person to throw or deposit litter on any open or vacant property within the city, whether owned by such person or not. (Prior code § 8-514)

Section 8.28.150 Penalties

Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each occurrence shall constitute a separate offense. (1221, Amended by Recodification 11/19/2012)

Chapter 8.32

911 EMERGENCY SYSTEM

Sections:

Section 8.32.010 Short title.

This chapter shall be known and may be cited as "The Sand Springs Nine-One-One (911) Emergency Number Ordinance." (Prior code § 13-601)

Section 8.32.020 Definitions.

As used in this chapter the following words and phrases shall have the following meanings:

"Emergency telephone service" means a telephone system utilizing a three digit number, nine-one-one (911), for reporting any emergency to the appropriate public agency providing law enforcement, fire, medical, or other emergency services within the corporate limits of the city.

"Emergency telephone fee" means a fee used to finance the operation of the emergency telephone service, so as to provide service users within the corporate limits of the city access to the emergency telephone service.

"Local exchange telephone company" means any company providing exchange telephone service to any service user within the corporate limits of the city.

"Person" means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, the state, political subdivisions of the state, state agencies, departments, commissions, boards, bureaus or any other service user within the corporate limits of the city.

"Service user" means any person, not lawfully exempted from the fee defined herein, who is provided exchange telephone service within the corporate limits of the city.

"Tariff rate" means the rate or rates billed by the local exchange telephone company stated in tariffs applicable for such company as approved by the Oklahoma Corporation Commission, which represents the recurring charges of the local exchange telephone company for exchange telephone service or its equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever. (Prior code § 13-602)

Section 8.32.030 Emergency telephone fee.

A. There is hereby levied, upon all service users subject to the jurisdiction of the city for which emergency telephone service has been contracted, an emergency telephone fee, pursuant to Sections 2811 et seq., of Title 63 of the Oklahoma Statutes, Supp. 1986, of the Oklahoma Statutes et seq., in the amount of five percent of the tariff rate in the first year of the fee, and in the amount of three percent of the tariff rate for the following two years. Such fee, as herein provided, shall be imposed for a period of three years, after first collection of the fee; after which the governing body of the city may renew the levy of such fee for no longer than three years at a time. Upon renewal in 1991, the fee shall be three percent of the telephone tariff rate. Amounts collected in excess of that necessary for operation within a given year shall be carried forward to subsequent years. No such fee shall be imposed upon more than one hundred (100) exchange access lines or its equivalent per person per location.

B. At least once each calendar year after first collection of the fee, subsection A of this section notwithstanding, the governing body of the city shall establish a fee rate, by amendment hereof, if necessary, not to exceed an amount authorized by the Oklahoma Nine-One-One (911) Emergency Number Act. The rate so fixed, together with any surplus revenues, shall not exceed sufficient revenues to fund authorized expenditures for operation of the emergency telephone service. The governing body shall make its determination of the fee rate each year after the first collection of the fee no later than September 1st and shall fix the new rate, if any, to take effect commencing with the first billing period of each service user on or following the next January 1st.

C. The governing body of the city shall, at least ninety (90) days before any new rate shall become effective, notify each local exchange telephone company providing emergency telephone service to areas within the jurisdiction of the city of the new rates by certified mail. (Prior code § 13-603)

Section 8.32.040 Collection of fee.

There is hereby imposed upon the tariff charges for exchange telephone service or its equivalent of the local exchange telephone company providing service within the corporate limits of the City of Sand Springs, Oklahoma, a fee of five percent. Three percent of the proceeds of the fee shall be utilized to pay for the operation of emergency telephone service as specified in Section 2813 of Title 63 of the Oklahoma Statutes. Two percent of the proceeds of the fee shall be utilized of the purchase of ancillary communication systems necessary to pass the reported emergency to the appropriate emergency service and personnel. Such two percent fee shall remain in effect for such time as the City Council of the City of Sand Springs, Oklahoma, deems necessary for the purposes aforestated. (Prior code § 13-604; 916, eff. 07/28/1997)

Section 8.32.050 Administration of emergency telephone service.

Nine-one-one (911) emergency telephone services of the city shall be under the administration of the Sand Springs police department. The police department is hereby authorized, empowered and charged with the duty to maintain, operate and administer the emergency telephone service consistent with the distinctive duties, responsibilities and expertise of the fire department and the police department. (Prior code § 13-605)

Section 8.32.060 Termination of fee.

The emergency telephone fee imposed by this chapter shall terminate no later than three years after the first collection of the fee, unless renewed in accordance with the provisions of the Oklahoma Nine-One-One Emergency Number Act. (Prior code § 13-606)

Section 8.32.070 Failure to remit fee.

Any service user willfully failing or refusing to remit or pay any emergency telephone fee or portion thereof rightfully due under this chapter shall be guilty of an offense, and upon conviction shall be punished by a fine not to exceed two hundred dollars ($200.00), excluding costs. Each separate failure or refusal to remit or pay the emergency telephone fee hereof shall be deemed a separate offense and shall be punished accordingly. (Prior code § 13-607)

Section 8.32.080 False reporting.

No person shall call the number nine-one-one (911) for the purpose of making a false alarm or complaint or reporting false information which could result in the dispatch of emergency services from any public agency. Any person violating the provisions of this section, upon conviction, shall be guilty of an offense punishable by a fine not to exceed two hundred dollars ($200.00), excluding costs. (Prior code § 13-608)

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Chapter 8.36

NUISANCES

Sections:

Section 8.36.010 Nuisance defined.

A nuisance consists in unlawfully doing an act, or omitting to perform a duty within the city which act or omission either:

A. Annoys, injures or endangers the comfort, repose, health or safety of others;

B. Offends decency;

C. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, alley, sidewalk, street or highway; or

D. In any way renders other persons insecure in life, in their person or in the use of property. (Prior code § 8-303; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.020 Public nuisance defined.

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. (Prior code § 8-304; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.030 Private nuisance defined.

Every nuisance not included in the definition of Section 8.36.040 of this chapter is defined as a private nuisance. (Prior code § 8-305; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.040 Effect of time.

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right. (Prior code § 8-308; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.050 Public nuisances affecting health.

The following are hereby declared to be public nuisances affecting health:

A. All ponds, pools of water, or vessels holding stagnant water in which mosquitoes or other insects can breed or proliferate;

B. Dense smoke, noxious fumes, gas, soot or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities;

C. All public exposure of persons having contagious or infectious diseases;

D. The use of a common public drinking cup or roller towel;

E. The distribution of samples of medicine or drugs; unless such samples are handed and delivered to persons by a duly licensed physician. (Prior code § 8-308; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.060 Vegetation Maintenance on Public Street and Alleyway Rights-of-Way.

A. All owners and/or persons in control of real property abutting the public street and alleyway rights-of-way of the city shall bear responsibility for maintaining vegetation upon any portion of such rights-of-way as an extension of their real properties granted to the public for lawful access and usage – including grass, planting, trees and all other forms of vegetation.

B. For purposes of this Section, the area of public street and alleyway rights-of-way for vegetation maintenance shall be defined as the area extending from the curb face or pavement edge to the adjacent private property boundary.

C. Grasses, plantings, trees, or other forms of vegetation upon or affecting the public street and alleyway rights-of-way shall be declared a public nuisance if they create a hindrance to vehicular or pedestrian traffic, cause damages or potential damages to public utility installations, or otherwise present a hazard to the public's health, safety and welfare. Such public nuisance conditions shall be removed or otherwise corrected by the owner and/or persons otherwise in control of the adjacent real property.

D. If the owner and/or persons otherwise in control of the adjacent real property fail to remove or otherwise correct the public nuisance conditions, the city may abate the public nuisance, in accordance with provisions of Chapter 8.48 of this Code.

The city manager, or his designee, may designate certain public street and alleyway rights-of-way, or portions thereof, as exempt from provisions of this section where the public's interests are better served by other means of maintenance. (Prior code § 8-313; 1180, amended 06/08/2009; 1221, Amended by Recodification 11/19/2012)

Section 8.36.070 Public nuisances affecting morals and decency.

The following are hereby declared to be public nuisances affecting morals and decency:

A. All gambling devices, slot machines, punch boards, and other such contrivances;

B. All houses kept for the purpose of prostitution or promiscuous sexual activity or intercourse, gambling houses, houses of ill fame and bawdy houses;

C. All domestic animals in the act of copulation exposed to public view;

D. Betting, bookmaking, and all apparatus used in such occupation.

E. The conviction of one or more occupants of a residence for three separate acts of disturbing the peace or disorderly conduct within a 24-month period in which the victim(s) resides within 500 feet. (Prior code § 8-314; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.080 Public nuisances affecting peace and safety.

The following are declared to be public nuisances affecting public peace and safety:

A. All snow and ice not removed from public sidewalks twelve (12) hours after the snow or ice has ceased to fall or accumulate thereon;

B. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles approaching an intersection of public highways from having clear view of traffic approaching such intersection from cross streets, for one hundred (100) feet along such cross streets measured from the property line;

C. All limbs of trees which project over a public sidewalk or streets, and which are less than eight feet above the surface of such public sidewalk and13.5 feet above the surface of such street;

D. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the ground;

E. All buildings, walls and other structures which have been damaged by fire, decay, deterioration or otherwise, or which are so situated as to endanger the safety and health of the public, or buildings erected or maintained in violation of any ordinance;

F. Obstructions, constructions, or excavations affecting the ordinary use by the public of streets, alleys and sidewalks or public grounds, except under such conditions as are allowed by ordinance;

G. Any use of the public streets or sidewalks which causes large crowds of people to gather, obstructing traffic in the free use of the streets or sidewalks;

H. All hanging signs, awnings and other similar structures over the streets or sidewalks, so situated or constructed as to endanger public safety, or in violation of ordinance;

I. The allowing of rainwater, ice or snow to fall from any building or structure upon any sidewalk or street, or to run or flow across any sidewalk;

J. All barbwire fences which are located within three feet of any public sidewalk. (Prior code § 8-315; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.090 Procedure for general public nuisances.

The procedure for abatement by the city of general public nuisances contained herein applicable to acts or conditions occurring upon or emanating from private property shall be in accordance with abatement procedures for weed and trash public nuisances as provided in Section 8.48 of this title. (Prior code § 8-319; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.100 Damages and prosecution for public offense.

The fact that the city has abated and removed a general public nuisance shall in no way excuse the party responsible therefor from any damages which may have resulted prior thereto. Neither shall the ~~order of~~ abatement action prevent the chief of police, the code enforcement official or other person from filing a complaint where the nuisance constitutes a public offense. Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation is committed shall constitute a separate offense. (Prior code § 8-323; 1221, Amended by Recodification 11/19/2012)

Section 8.36.110 Certify costs.

It is the duty of the chief of police to make bill of costs to include all expenses to which the city was put in the removal and abatement of such nuisance and certify the same to the City Clerk, to which the City Clerk shall add any other costs which are not included in the abatement of the chief of police. (Prior code § 8-324; 1221, Amended by Recodification, 11/19/2012)

Section 8.36.120 Civil liability.

Any person who fails to remove and abate any nuisance after proper notice and opportunity to be heard and proper orders of the City Council shall be liable to the city for all expenses incurred in the removal and abatement of the nuisance, as certified by an itemized bill of costs signed by the City Clerk. The city shall have its right of action to recover all such costs. (Prior code § 8-325; 1221 Amended by Recodification, 11/19/2012)

Section 8.36.130 Right of entry.

The chief of police, chief of the fire department, fire marshal, building official, plumbing inspector, electrical inspector, health officer, City Manager or other authorized persons or their designees, or any person acting under orders from the named officers, shall have the authority to enter into and upon, and examine at any and all times, all buildings, lots and places of all description within the corporate limits of the city for the purpose of ascertaining the condition thereof. The chief of police, chief of the fire department, fire marshal, plumbing inspector, electrical inspector, building official, health officer or City Manager, or designee are vested with the power, jurisdiction and authority to give all such directions and adopt all such measures for rectifying or correcting any condition which may be a nuisance hereunder prior to the institution of

proceedings for the abatement, removal or prevention of same. Where the condition is voluntarily removed, abated or prevented, as directed by the city officials, no formal proceedings for abatement, prevention or removal of such nuisance shall be necessary. (Prior code § 8-326; 1221, Amended by Recodification, 11/19/2012)

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Chapter 8.40

OIL AND GAS DRILLING

Sections:

Section 8.40.010 Purpose and Prohibition of Drilling

In order to protect the public health, peace, safety and welfare of the city and its residents, this chapter is promulgated to establish a prohibition against oil and gas drilling and to further establish reasonable and uniform limitations, safeguards and controls in those instances in which drilling, operation and production of oil, gas and other hydrocarbon substances within the corporate limits of this city either currently exists or is allowed pursuant to existing federal law.

Oil and gas drilling within the corporate limits of the City of Sand Springs is hereinafter prohibited and it shall be an offense for any person or his agent, servant or employee to hereafter drill or produce or cause to be drilled or produced, any oil or gas or to perform any work or labor of any kind upon or in connection with the drilling or producing of oil or gas products; however, it shall not be an offense to do either of the above under the following conditions:

A. When the operation or maintenance of any oil or gas or mining operation was being lawfully carried on before the effective date of this ordinance; or

B. When the cleaning out or plugging of oil or gas wells has been determined necessary, by resolution or ordinance of the City of Sand Springs, to be in the best interest of the public health, safety and welfare.

1. Any violation of this ordinance shall be punishable pursuant to Chapter 1.20 of the Code of Ordinances of the City of Sand Springs.

2. All ordinances in conflict with this ordinance are hereby repealed.

3. An emergency exists for the preservation of the public health, peace and safety, and therefore, this Ordinance shall become effective from and after the time of its passage and approval.

Section 8.40.020 Minimum standards.

The provisions set forth in this chapter shall be considered as minimum requirements and shall not relieve any person, company or other business entity from any duty imposed by law or regulation to use reasonable care and take reasonable precautions for the safeguarding of people and the protection and noninterference with property rights. (Prior code § 5-1002)

Section 8.40.030 All future drilling to be regulated.

In order to protect areas of this city which have been developed or are planned to be developed in the future, in which drilling operations and production of oil, gas and other hydrocarbons are to be carried on, such operations are hereby regulated in order to protect the character of these areas from the inherent hazards of these operations and to provide protection from noise, congestion, heavy traffic and encourage a suitable environment for people, their homes, businesses, schools and parks. (Prior code § 5-1003)

Section 8.40.040 Well blowouts--Notice to city.

If any well blows out or becomes out of control, the operator shall immediately notify the City Manager of the city by telephone and the building official and the fire and police departments by telephone or personal contact. The operator shall immediately protect the area from pollution or other damages. The phone numbers of the City Manager, building official, and police and fire departments shall be posted at the well site in a conspicuous place. (Prior code § 5-1004)

Section 8.40.050 Insurance required.

A. Any person, firm, company or other entity drilling an oil or gas well shall post a certificate of insurance with and running to the city which has been executed by a company authorized to do business in the state showing that the company will pay and discharge any liability imposed by law for damages to public or private property and bodily injury, including death, in the following amounts and conditions:

1.	Bodily injury per person	$1,000,000.00
2.	Property damage per occurrence, including but not limited to underground damage, explosion collapse, blowout, contamination, pollution and cratering	$3,000,000.00

(1221, Amended by Recodification 11/19/2012)

B. Such person, firm, company or other entity drilling an oil or gas well shall maintain a current certificate during the term of any production. (Prior code § 5-1005)

Section 8.40.060 Deposits of oil or by-products in city limits prohibited unless permit granted.

It is a violation of this code for any person, firm or corporation to deposit, place, throw, divert, or in any manner dispose of or cause or permit to be deposited, placed, thrown, diverted or disposed of within the corporate limits of the city any crude petroleum oil or oily by-product thereof, or any tar or any product containing tar or any liquid with petroleum content or any oil substance thereof upon the waters of any lagoon, creek, or tributary thereof, or upon the banks thereof or upon any land adjacent thereto which by reason of this location may cause such petroleum, oil or liquid with

petroleum content to be deposited or diverted or may run or be transferred or carried into any lagoon or creek or the banks or tributaries thereof. However, the City Council may permit the depositing, placing or discharging of mud or slush in such places as they may approve or into pipelines properly approved by the City Council. (Prior code § 5-1006)

Section 8.40.070 Unlawful to deposit mud, oil, saltwater and other waste on land, streets, waters.

It is a violation for any person, firm or corporation to deposit, drain or divert into or upon any public highway, street or alley, drainage ditch, sewer, gutter, paving, creek, river, lake or lagoon, any oil or liquid with petroleum content or any oil substance or any mud, rotary mud, sand, water or salt water, or in any manner to permit by seepage, overflow or otherwise, any of such substances to escape from any property owned, leased or controlled by such person, firm or corporation and to flow or be carried into or upon such public highway, street or alley, drainage ditch, storm ditch, sewer, gutter, paving, creek, river, lake or lagoon within the corporate limits of the city, except in such cases where mud or slush is carried in pipeline as provided in the preceding section, or in such instances where oil by-products are used for maintenance of private lease roads. (Prior code § 5-1007)

Section 8.40.080 Roads to drilling sites.

A. All ingress and egress to oil and gas drilling sites shall be from section line roads, except upon approval of City Council. Special provision to prevent wind or water erosion of roadways by application of dust control agents will be required when in the opinion of the building official such treatment is necessary.

B. The city engineer or his designee shall inspect approved roadways for compliance with this section. (Prior code § 5-1008; 1221, Amended by Recodification 11/19/2012)

Section 8.40.090 Location of wells.

Oil and gas wells drilled in the city shall not be nearer than three hundred (300) feet from a surface property line or structure in existence at the time of commencement of drilling unless the location of the well is approved and written permission is granted by the City Council. (Prior code § 5-1009)

Section 8.40.100 Drilling wells in parks prohibited without permit.

No oil and gas wells shall be permitted to be drilled in any city park without permission of the City Council. (Prior code § 5-1010)

Section 8.40.110 Drilling, production requirements.

Any drilling of oil and gas wells or production in the city shall be subject to the following requirements:

A. During drilling operations, the engine shall be muffled the maximum amount recommended by the manufacturer of the engine;

B. During production, trucks may drain or otherwise service tank batteries only between eight a.m. and six p.m.;

C. The noise level of the pumping unit is not to exceed seventy (70) dba at a distance of thirty-three (33) feet therefrom;

D. An electrical centrifugal mud pump must be provided at each producing location for the purpose of pumping mud to the mud service trucks, thereby reducing ambient noise levels from vacuum pumps of mud trucks unless otherwise waived by the City Council; and

E. Metal tanks shall be used for the holding of all drilling wastes and fiberglass tanks may be used for holding saltwater. (Prior code § 5-1011)

Section 8.40.120 Electrical wiring requirements.

All electrical wiring and fixtures on or about any derrick, buildings, equipment, structures or tract of land upon which any well is drilled or put down, shall be run in accordance with the ordinances of the city governing electrical wiring installation. (Prior code § 5-1012)

Section 8.40.130 Structural inspection.

The building official shall check the well and equipment operated or maintained in connection with each well to determine if they are maintained or operated in a safe condition from a structural stand point. Discrepancies noted shall be detailed in writing and forwarded to the well operators. Discrepancies noted must be corrected within seventy-two (72) hours of the date of notification. (Prior code § 5-1013)

Section 8.40.140 Designation of inspectors by building official.

The building official shall have the right to designate an inspector or inspectors who shall have access to the well site for the purpose of observing the compliance with these rules. (Prior code § 5-1014)

Section 8.40.150 Fire protection, no smoking signs on crude oil tanks.

All crude oil tanks shall be painted within ninety (90) days after well completion and kept in proper painted condition after installation and have conspicuously upon their side in red letters at least six inches high the wording "Flammable Keep Fire Away" and "No Smoking." (Prior code § 5-1015)

Section 8.40.160 Tank construction standards--Wellheads fenced.

A. Metal or fiberglass tanks shall be so constructed as to have a factor of safety of at least 2.5.

B. All tanks shall have roofs or tops and the openings of tanks shall be fully protected. They shall be firmly and securely jointed to the tanks and all joints in both sides and top shall be gas tight and free from leakage as nearly as possible and lockable.

C. Any tank, the top of which is more than one foot above ground, shall have foundations and supports of noncombustible material and shall not be permitted under or within ten (10) feet of any aboveground outside storage tanks.

D. Tanks and wellheads shall be enclosed in woven wire fence of not less than nine gauge chain link wire mesh or not more than two inches, at least six feet high and with locked gates. Angular extension outwardly secured by three strands of barb wire shall be placed on top of the tank fence. Such fence shall be constructed not less than three feet distance from the outside of the base of embankment. The fence shall be installed prior to production. (Prior code § 5-1016)

Section 8.40.170 Location of combustible buildings from wellhole.

No building constructed of combustible materials shall be located or permitted to remain within fifty (50) feet of the wellhole. (Prior code § 5-1017)

Section 8.40.180 Inspection of site, waste, weeds, grass.

The building official shall check each well location within the corporate limits of the city to see that each is kept clean, and that all papers, trash and other flammable waste is picked up and removed. Sufficient quantities of shale or rock shall be in place to keep down weeds and provide a driving surface which will allow no dirt or mud to be left on public streets. The building official shall also check each well location to see that all grass or weeds, which in the judgment of the inspector constitute a fire hazard or a public nuisance, are removed. (Prior code § 5-1018)

Section 8.40.190 Permit fee.

The fee for permits, inspections or other activities provided for in this section shall be established by resolution of the city council. (Prior code § 5-1019; 1221, Amended by Recodification, 11/19/2012)

Section 8.40.200 Restoration of soil, site after completion of well--Lines buried.

Upon completion of the well, all contaminated soil shall be physically removed from the area and the area restored to its normal condition insofar as possible. All lines, including flow lines, gas lines, water lines, and electric lines, shall be buried to a minimum depth of twenty-four (24) inches. All lines, including flow lines, gas lines, water lines and electric lines, shall be buried to a minimum depth of twenty-four (24) inches.

All lines carrying corrosive materials shall be plastic internally and shall be plastic externally if required by soil conditions. The materials shall be of sufficient quality to serve the property for the life of the well. (Prior code § 5-1020)

Section 8.40.210 Enclosing tanks with earthen retaining walls.

Any tanks, batteries, separators, heater, and similar equipment shall be enclosed with earthen or other acceptable retaining walls with a storage capacity of at least one and one-half times the liquid capacity of the tanks within the storage. (Prior code § 5-1021)

Section 8.40.220 Cleanup of site if well abandoned.

In the event of abandoning operation because of failure of the well or wells to produce oil or gas in paying quantities, it is the duty of every person, firm, corporation, or lessee owning any oil or gas well within the corporate limits of the city, and of the

officers, agents and employees of such owners, to begin to remove all derricks, machinery, concrete foundations and any and all other objects that interfere with the leveling of the land, and to grade, level and restore the property to the same surface condition as nearly as possible as when the oil or gas well thereon was first commenced. The cleanup to begin within thirty (30) days from the day of such abandonment and to continue in a workmanlike manner which shall not exceed sixty (60) days. (Prior code § 5-1022)

Section 8.40.230 Inspection of fence and dikes.

The building official shall check the dikes and fences in and about each well to determine if they are properly maintained as required by this chapter or any other ordinances of the city. (Prior code § 5-1023)

Section 8.40.240 Enforcement by City Manager.

The City Manager and any employee designated by him or her is hereby directed and empowered to enforce the provisions of this chapter and persons, firms or companies drilling oil and gas wells shall promptly furnish any information requested by the City Manager or his or her designee, as to the status and conduct of their drilling or production operations. (Prior code § 5-1024)

Section 8.40.250 Authority to shut down well for noncompliance.

The City Manager or his or her designee may shut down the drilling or production of any oil and gas wells which are an immediate threat to the public safety and may also shut down the wells for violation of this chapter which are not corrected in a twenty-four (24) hour period after verbal notice to the operator of the particular violation involved. A written log of such communications will be on file. (Prior code § 5-1025)

Section 8.40.260 Penalty.

Any person, company or other business entity violating any of the provisions of this chapter or causing or permitting the same to be done, shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in Section 1.20.010 of this code. Each day of violation shall be deemed a separate offense under this chapter. (Prior code § 5-1026)

Section 8.40.270 Fire hazards/gasoline prohibited near wells.

No gas or gasoline vapor in sufficient quantity to constitute a fire hazard shall be allowed to accumulate within a radius of one hundred (100) feet from any oil and gas well and the determination of the gas or vapor being in sufficient quantity to constitute a fire hazard shall be at the sole discretion of the city. (Prior code § 5-1027)

Section 8.40.280 Casing and pipe to be securely anchored.

Each string of casing or pipe within any well (except the outside surface casing) shall have the fitting thereon securely anchored to the casing immediately enclosing it. The provisions of this section in regard to requiring two master gates and the stems and

valves used in connection with the master gates shall not apply to wells which are on artificial lift or on pump. It is the duty of the building official to see that the provisions of this section are in compliance. (Prior code § 5-1028)

Section 8.40.290 Mud weighted for deep drilling.

Drilling below three thousand (3,000) feet shall be done with mud weighing at least 8.8 pounds per gallon. The hole should be kept full at designated weight at all times until the producing sand is reached. The mud shall be weighted at such intervals as may be determined by the inspector. When withdrawing the drill pipe, pile shall be filled with mud after each eleven (11) stands have been withdrawn. Drilling the producing oil sand, however, may be done with oil in lieu of mud; provided, however, that if the oil is in circulation such oil shall not be over 30-B gravity with a flash point of not less than three hundred fifty (350) degrees Fahrenheit and after being so used shall be by the operation turned into a circulating tank instead of into the pits. If, at any time, the weight of such mud shall be less than specified herein, the building official of the city shall have the right to suspend drilling and all operations in or about such well until the weight of such mud shall comply herewith or the conditions of the oil shall be made to comply with the provisions of this chapter. (Prior code § 5-1029)

Section 8.40.300 Slush pits permitted, filled in.

Oil and gas wells drilled in the city may use slush pits constructed to prevent pollution of the surrounding land surfaces with the consent of the City Council. Within three months after any oil and gas well within the limits of the city shall have been completed for production of oil or gas, or within three months after the same shall have been completed in cases where the same is abandoned for the reason that a "dry hole" is found, the slush pit shall be filled with dirt and leveled off. (Prior code § 5-1030)

Section 8.40.310 Pits to be above floodplain--Drainage requirements.

A. All earthen pits shall be above the one hundred (100) year floodplain or properly diked above the one hundred (100) year floodplain with a dike which is sufficient to repel floodwater. Prior to the commencement of any drilling operation, an artificial barrier shall be constructed completely surrounding the well site no closer than fifty (50) feet from the well bore. The top of the artificial portion of the barrier to be constructed down drainage from the well shall be level at all points, at a height of no less than two feet above the ground level at the well bore, in order that any deleterious matter from the well or operations thereon would be trapped and stored before such matter can enter the natural drainage of the area. An adequate diversion ditch or dike shall be constructed across and around the uphill edge of the well site so that no surface drainage water can enter the area of the well location.

B. Any valve in the barrier shall be kept closed at all times. Any fluid trapped within the well site shall be pumped into steel tanks for storage and removal. The gate in the barrier may be temporarily opened under supervised conditions for rainwater drainage, and then only if it can be demonstrated that such rainwater has not been contaminated with oil, chemicals, salt or any other deleterious substances. (Prior code § 5-1031)

Section 8.40.320 Reserve pits.

Reserve pits shall be constructed within the barrier or as an alternative, drilling mud operations may be conducted in steel tanks inside the barrier which tanks shall be removed from the property immediately upon completion of the well. (Prior code § 5-1032)

Section 8.40.330 Conductor hole, casing.

Conductor casing shall be set a minimum of fifty (50) feet or to any greater depth required to penetrate the overlying alluvium, and thirty (30) feet into the red beds. The conductor hole shall be drilled with air or fresh water and native mud. No chemicals or foreign substances are to be added to the drilling fluid and cement shall be circulated to the surface. (Prior code § 5-1033)

Section 8.40.340 Surface casing holes, allowable substances.

The surface casing holes shall be drilled with air or fresh water using native mud or near location mud. Chemically inert substances such as bentonite, barrite, or lost-circulation material may be added to the fluid system as long as testing of the fresh water filtrate from a solution of the added material remains inert and of a nonpolluting nature. (Prior code § 5-1034)

Section 8.40.350 Centralizers, setting of cement.

Centralizers shall be placed near the base of the shoe joint, and at least every sixty (60) feet above that depth to the surface, in order to assure a good cement sheath. Cement shall be circulated to surface and allowed to set at least twenty-four (24) hours before reentering the well bore. (Prior code § 5-1035)

Section 8.40.360 Affidavit of well operator as to drilling, setting of well.

The operator shall certify by written affidavit that the well has been set according to good engineering practices. Such affidavit shall stipulate the number of sacks of cement, the class of cement, blended materials, weight of cement in pounds per gallon, cement displacement pressure, and final pumping pressure. Certification shall also stipulate whether check valves (float shoes, float collar) held the pressure. Beginning and ending times of the operation shall be stipulated. The form shall be completed by a cementing service company, signed by both the operator and the cementing service operator. (Prior code § 5-1036)

Section 8.40.370 Blowout preventer required.

A blowout preventer shall be installed on the surface casing prior to drilling below the casing shoe. The preventer shall be tested to assure it is in good working order and drilling or working over the well shall cease if the preventer is inoperative. (Prior code § 5-1037)

Section 8.40.380 Separators for oil and gas, requirements.

Separators shall be used at each well to adequately care for the output of the well, or both oil and gas without spraying oil through the separator vent lines. No gas shall be produced, wasted or allowed to escape through a separator vent line at any

time when the noise caused by such wasting, producing or escaping of gas shall be audible for a distance of three hundred (300) feet or more from the well. When it shall appear that an explosive mixture of gas may be accumulating near the ground, the inspector may require that the well be shut down until the gas is dissipated. All separators shall be vented either separately or through a manifold into a vent, the minimum shall be twenty-five (25) feet above the normal ground surface. The vent shall not be less than two inches in diameter. It shall not be closer than sixty-five (65) feet to the well hole, center line of street or the lease boundary. No separator shall be used which has less than one hundred twenty-five (125) pounds working pressure; provided, that all separators on which a pressure of greater than one hundred twenty-five (125) pounds per square inch shall be carried, shall be tested by the hydrostatic method to at least one and one-half times the working pressure to be carried on the separator. (Prior code § 5-1038)

Section 8.40.390 Vent lines.

All vent lines shall be fastened with at least three steel guy lines to each vent, the guy lines to be securely anchored to "deadmen" buried not less than two feet under ground and not less than twenty (20) feet from such vent. (Prior code § 5-1039)

Section 8.40.400 Permits for crude oil tank storage.

Permits shall be obtained from the City Council for the erection of tanks for the storage of crude oil within the city limits other than those specified in the original permit; each request or permit must be accompanied by a diagram showing exact location, arrangement, size and construction of each tank. (Prior code § 5-1040)

Section 8.40.410 Storage requirements of crude oil.

A. The storage of crude oil shall be outside buildings in aboveground tanks. Tanks must be set no nearer than fifty (50) feet from non-fireproof buildings or from outside block lines; provided however, that an application in writing may be made to the City Manager and, when approved by him or her and the City Council, setting the tanks at a nearer distance may be allowed. Such distance may be increased at the discretion of the City Council after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings or adjoining property, and height and character of construction of such buildings, capacity and construction of proposed tanks and degree of public fire protection in the vicinity.

B. A total capacity of an aboveground battery of crude oil storage tanks shall be limited to one thousand fifty (1,050) barrels utilizing low profile tanks and each tank shall have the capacity not to exceed two hundred ten (210) barrels.

C. All tanks shall be provided with pressure vacuum vent system sufficient to adequately dispense excess gas from the tanks. Vent openings may be made removable, but shall be kept firmly attached. The covers for manholes, handholes and gauge holes shall be made tight fitting and lockable. (Prior code § 5-1041)

Section 8.40.420 Portable pumping unit requirements.

Every person, firm or corporation operating a portable pumping unit used for the pumping of oil within the corporate limits of the city shall equip the same, before the operation or use thereof, on both the suction and discharge sides, with steel flexible tubing or pipe composed of some other material that is approved by the City Manager. All pumping units shall be operated by electric motors unless otherwise permitted by the City Council. (Prior code § 5-1042)

Section 8.40.430 Valves, gates, pipelines to be inspected.

The building official may check all the master gates, valves, pipes, pipelines, tank batteries, pipe connections and fitting upon each well to see if they are maintained in sufficient number and size as provided by the ordinances of the city and the state and shall also check to see if they are tight, safe and not leaking. A high-low safety valve pressure control shall be installed adjacent to the well head in the flow line to control high and low pressure. The high-low pressure valve may be checked once a month. (Prior code § 5-1043)

Section 8.40.440 Tubing, fittings may be inspected.

The building official may check any pressure line, tubing or fittings, equipment or connections maintained in connection with such lines or tubing to see if they are tight, safe and not leaking. (Prior code § 5-1044)

Section 8.40.450 Transmission lines to comply with rules.

All transmission lines for the gathering or transmission of gas or oil shall comply with ordinances of the city and all applicable state and federal laws regulating these lines. (Prior code § 5-1045)

Section 8.40.460 Performance bond required.

All persons, firms, partnerships, corporations or individuals, who drill or produce oil, gas or other hydrocarbons, shall furnish the city with a good and sufficient performance bond, unconditioned irrevocable letter of credit or cash equivalent in joint deposit in the principal amount of ten thousand dollars ($10,000.00), as a guarantee that the drilling or production done shall be in accordance with the requirements of this chapter. (Prior code § 5-1046)

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Chapter 8.44

OPEN BURNING AND EMISSION CONTROL

Sections:

Section 8.44.010 Definitions.

For the purpose of this chapter, the terms defined in this section have the meanings respectively ascribed to them herein:

"Health officer" means the director of the Tulsa City-County Health Department or his or her authorized representative.

"Open-burning" means the burning of any matter in such manner that the products of combustion resulting from the burning are emitted directly into the open atmosphere.

"Refuse" means any combustible waste material other than liquids or gases.

"Salvage operation" means any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material such as metals or chemicals.

"Trade waste" means solid, liquid or gaseous material resulting from the construction or the prosecution of any business, trade or industry, or any demolition operation, including but not limited to, plastics, cartons, grease, oil, chemicals and cinders. (Prior code § 8-701)

Section 8.44.020 Open-burning restrictions.

No person shall dispose of refuse or trade waste by open-burning, or cause or permit such disposal except as provided below:

A. Any open burning of refuse permitted by this section shall be permitted only between three hours after sunrise and three hours before sunset, and no additional fuel may be intentionally added to the fire at times outside the limits above stated;

B. Open-burning of refuse on residential premises or refuse originating in dwelling units on the same premises shall not be a violation of this chapter in areas of low population density. The health officer, after consultation with the City Manager or refuse collection and disposal, shall select and publish the specific boundaries of areas in which such open-burning of refuse will not be in violation of this chapter. In selecting such areas, he or she shall use a density of one dwelling unit per ten (10) acres as an approximate definition of areas of low population density. The health officer shall select and publish revised boundaries, as described above, from time to time as population density changes;

C. Outdoor burning in connection with the preparation of food;

D. Campfires and fires used solely for recreation purposes or for ceremonial occasions, not burning refuse or trade wastes;

E. Fires purposely set for purposes of training public or private firefighting personnel, when authorized by the appropriate governmental entity; and

F. Fires set or required by a public officer for the abatement of nuisances and which are necessary and unavoidable in carrying out public health and safety functions. (Prior code § 8-702)

Section 8.44.030 Prohibition of salvage operations by open-burning.

No person shall conduct or cause or permit the conduct of a salvage operation by open-burning. (Prior code § 8-703)

Section 8.44.040 Exceptions.

The open-burning of trade wastes may be permitted when it can be shown that such open-burning is necessary and in the public interest. Any person intending to engage in open-burning of trade wastes shall file a request to do so with the health officer. The application shall state the following:

A. The name, address and telephone number of the person who submitted the application;

B. The type of business or activity involved;

C. A description of the proposed equipment and operating practices; the type, quantity and composition of trade wastes to be burned;

D. The schedule of burning operations;

E. The exact location where open-burning will be used to dispose of trade waste;

F. Reasons why no method other than open-burning can be used for disposal of trade waste;

G. Evidence that the proposed open-burning has been approved by the city fire department; and

H. Upon approval of the application by the health officer, the person may proceed with the operation without being in violation of this chapter. (Prior code § 8-704)

Section 8.44.050 Restrictions on open-burning of agricultural wastes.

The open-burning of plant life is prohibited. Provided that the open-burning of plant life grown on the premises in the course of any agricultural operation may be permitted when it can be shown that such open-burning is necessary and that no fire hazard will occur. Any person intending to dispose of plant life by open-burning shall file a request to do so with the health officer, on forms provided by him or her. Such form may require the provisions of such information as the health officer may reasonably need to determine the air pollution aspects of the situation and whether the request should be granted. The applicant shall furnish the health officer evidence that the proposed open-burning has been approved by the city fire department. Upon approval of the application by the health officer, the person may proceed with the operation without being in violation of this chapter. Any open-burning permitted under provisions of this section shall be permitted only between the hours of six a.m. and ten a.m. (Prior code § 8-705)

Section 8.44.060 Incinerators--Definitions applicable.

It is the purpose of this section to establish controls for the construction and operation of incinerators to prevent undesirable levels of air contaminants in the atmosphere, while maintaining compliance with the existing fire prevention code of the city. The definitions in Section 8.44.010 of this chapter apply to this section and the additional terms defined in this section have the meanings given them herein when used in this section:

"Incinerator" means any device, structure or contrivance intended or used to dispose of refuse or other wastes by burning and the processing of salvable material by burning.

"Multiple chamber incinerator" means any incinerator consisting of two or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and adequately designed for maximum combustion of the material to be burned.

"Refuse," notwithstanding definitions in other sections, as used in this section, the word refuse includes garbage, rubbish, trade wastes, leaves, salvable material, agricultural wastes and other wastes. (Prior code § 8-706)

Section 8.44.070 Incinerators.

All incinerators shall meet the following provisions:

A. No incinerator shall emit into the atmosphere any air contaminant in quantities detrimental to health or property, or adversely affecting the use or enjoyment of property;

B. Two copies of plans and specifications or manufacturers' descriptive literature, or both, if available, shall be filed with the health officer thirty (30) days prior to the installation, construction, reconstruction or alteration of any incinerator. The material

so filed shall show the general location, design, capacity, amount and type of waste to be incinerated, fire chamber details, stack or chimney details and location with reference to neighboring properties; and

C. All new incinerators shall be multiple-chamber incinerators, provided that the health officer may approve any other kind of incinerator if he or she finds in advance of construction or installation that such other kind of incinerator is equally effective for purposes of air pollution control as an approved multiple-chamber incinerator. (Prior code § 8-707)

Section 8.44.080 Restrictions on emission color.

A. Emissions from new incinerators shall not be:

1. Of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart; or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than No. 1 on the Ringelmann Chart except that air contaminants of a shade or opacity not greater than that designated as No. 2 on the Ringelmann Chart may be emitted for aggregate periods not to exceed six minutes, in any sixty (60) minutes; the shade or opacity of air contaminants shall be measured at its point of emission.

B. Emissions from existing incinerators shall not be:

1. Of a shade or density equal to or darker than that designated as No. 2 on the Ringelmann Chart; or

2. Of such opacity as to obscure an observer' s view to a degree equal to or greater than No. 2 on the Ringelmann Chart, exclusive of water vapor. (Prior code § 8-708)

Section 8.44.090 Restrictions on particulate matter.

No person shall cause, suffer, allow or permit to be discharged into the outdoor atmosphere:

A. From any incinerator burning less than two hundred (200) pounds of refuse per hour, particulate matter to exceed 0.3 grains per standard cubic foot of dry flue gas, adjusted to twelve (12) percent carbon dioxide and calculated as if no auxiliary fuel had been used; or

B. From any incinerator burning two hundred (200) pounds or more of refuse per hour, particulate matter to exceed 0.2 grains per standard cubic foot of dry flue gas, adjusted to twelve (12) percent carbon dioxide and calculated as if no auxiliary fuel had been used. (Prior code § 8-709)

Section 8.44.100 Existing incinerators must comply.

All existing incinerators shall meet all of the provisions of the foregoing sections. (Prior code § 8-710)

Section 8.44.110 Control of air pollution from smoke and particulate matter--Definitions.

It is the purpose of this section to establish air standards for the city in order to define and prevent undesirable levels of smoke and particulate matter. The definitions

of Sections 8.44.010 and 8.44.060 apply to Sections 8.44.120 to 8.44.190. The additional terms defined in this section have the meanings given to them herein when used in these sections:

"Emergency" means any departure from normal operations resulting in the temporary emissions of smoke or particulate matter above the specified standards.

"Equivalent opacity" means the degree to which an emission, other than gray or black smoke, obscures the view of an observer, expressed as an equivalent of the obstruction caused by a gray or black smoke emission of a given density, as measured by a Ringelmann Smoke Chart.

"Particulate matter" means any material, except uncombined water, that exists in a finely divided form as a liquid or solid. The term "suspended particulate matter" is used to distinguish such liquid or solid matter from material which settles rapidly due to gravity.

"Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon and other combustible materials, and present in sufficient quantity to be observable. (Prior code § 8-711)

Section 8.44.120 Control of smoke emissions from new installations.

The emission of smoke from any new combustion unit or from any type of burning in a combustion unit, including the incineration of industrial, commercial and municipal wastes, shall not be of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Smoke Chart, except that smoke emitted during the cleaning of a fire box or the building of a new fire, soot-blowing, equipment changes, ash removal and rapping of precipitators may be as dark as or darker than No. 1 on the Ringelmann Smoke Chart for a period or periods aggregating not more than six minutes in any sixty (60) consecutive minutes. (Prior code § 8-712)

Section 8.44.130 Emissions from installations.

All existing installations shall meet the provisions of Section 8.44.120. The emission of smoke from any existing combustion unit or from any type of burning in a combustion unit, including the incineration of industrial, commercial and municipal wastes, shall be controlled so that the shade or appearance of the emission is not as dark as nor darker than No. 2 on the Ringelmann Smoke Chart, except that smoke emitted during the cleaning of a fire box or the building of a new fire, soot-blowing, equipment changes, ash removal and rapping of precipitators may be as dark as or darker than No. 2 on the Ringelmann Smoke Chart for a period or periods aggregating not more than six minutes in any sixty (60) consecutive minutes. (Prior code § 8-713)

Section 8.44.140 Emissions from safety flares and other similar devices.

All safety flares and other similar devices used for burning in connection with pressure valve releases and for control over process upsets shall be equipped with air pollution control equipment so as to reduce the smoke emissions so that the shade or appearance of the emission is not as dark as nor darker than No. 1 on the Ringelmann

Smoke Chart for more than aggregate time of six hours in any ten (10) day period, except for temporary emission during periods of start-up and shut-down of continuous process units. The temporary emission shall not occur for more than six hours out of any twenty-four (24) consecutive hours. (Prior code § 8-714)

Section 8.44.150 Method of measurement.

The Ringelmann Chart published and described in the U.S. Bureau of Mines Information Circular 7718 or the U.S. Public Health Service Smoke Inspection Guide as described in the Federal Register, Title 42, Chapter 1, Subchapter F, Part 75, shall be used in grading the shade or opacity of visible air contaminant emissions. The health officer may specify other means of measurement which give comparable results or results of greater accuracy. The two publications described in this section are hereby made a part of this chapter by reference. (Prior code § 8-715)

Section 8.44.160 Limits on visible emissions other than gray or black.

No person shall cause, suffer, allow or permit emissions from any existing or new installation a visible plume other than gray or black with an opacity equal to or greater than an equivalent opacity of No. 2 on the Ringelmann Smoke Chart, except uncombined water vapor and except that visible plumes emitted during rapping of precipitators, removal of collected dust and equipment changes may be equal to or greater than an equivalent opacity of No. 2 on the Ringelmann Smoke Chart for a period or periods aggregating not more than six minutes in any sixty (60) consecutive minutes, nor more than six (6) hours in any ten (10) day period. (Prior code § 8-716)

Section 8.44.170 Ambient air quality standards for particulate matter.

The concentrations of particulate matter in the atmosphere higher than the levels specified below for the various land use areas constitute undesirable levels, whether the sources are from natural causes or from the activities of man, and a state of air pollution exists when concentrations of particulates exceed these levels. The ambient air quality for an area shall be determined on the basis of not less than ten (10) twenty-four (24) hour samples taken within a thirty (30) day period of time. The ambient air quality for an area is considered as failing to meet the standards stated below if the ambient atmosphere of the area, based on the requisite twenty-four (24) hour samples, exceeds these levels more than ten (10) percent of the time on a log-normal cumulative frequency distribution.

A. Concentration Levels:

1. Rural is not to exceed sixty (60) micrograms of particulate matter per cubic meter of air;

2. Residential and recreational are not to exceed eighty (80) micrograms of particulate matter per cubic meter of air;

3. Commercial and business are not to exceed one hundred (100) micrograms of particulate matter per cubic meter of air; and

4. Industrial is not to exceed one hundred twenty (120) micrograms of particular matter per cubic meter of air;

B. Area Classification. Rural, residential, commercial and industrial area classifications are defined on the basis of their predominant land use and are not to be considered as part of a local or statewide zoning system. The health officer shall decide the proper definition of an area; and

C. Sampling and analysis to determine the concentration of particulate matter shall be performed in accordance with engineering guides prepared by the health department. These procedures will be consistent with obtaining accurate results which are representative of the conditions being evaluated and will be subject to revision as experience or knowledge dictate. (Prior code § 8-717)

Section 8.44.180 Emission limits for particulate matter from specific activities.

A. Emission of Particulate Matter From Fuel-Burning Equipment. No person shall cause, suffer, allow or permit particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the atmosphere, in excess of the hourly rate set forth in the following table:

Heat Input in Million British Thermal Units Per Hour	**Maximum Allowable Emissions of Particulate Matter in Pound per Million British Thermal Units**
Up to and including 10	0.60
100	0.35
1,000	0.20
10,000	0.12

1. For a heat input between any two consecutive heat inputs stated in the preceding table, maximum allowable emissions of particulate matter are shown on Figure 1 set out hereinafter;

2. For the purposes hereof, heat input shall be calculated as the aggregate heat content of all fuels (using the upper limit of their range of heating value) whose products of combustion pass through the stack or chimney;

3. When two or more fuel-burning units are connected to a single stack, the combined heat input of all units connected to the stack shall be used to determine the allowable emission from the stack; and

4. When a single fuel-burning unit is connected to two or more stacks, the allowable emission from all the stacks combined shall not exceed that allowable for the same units connected to a single stack.

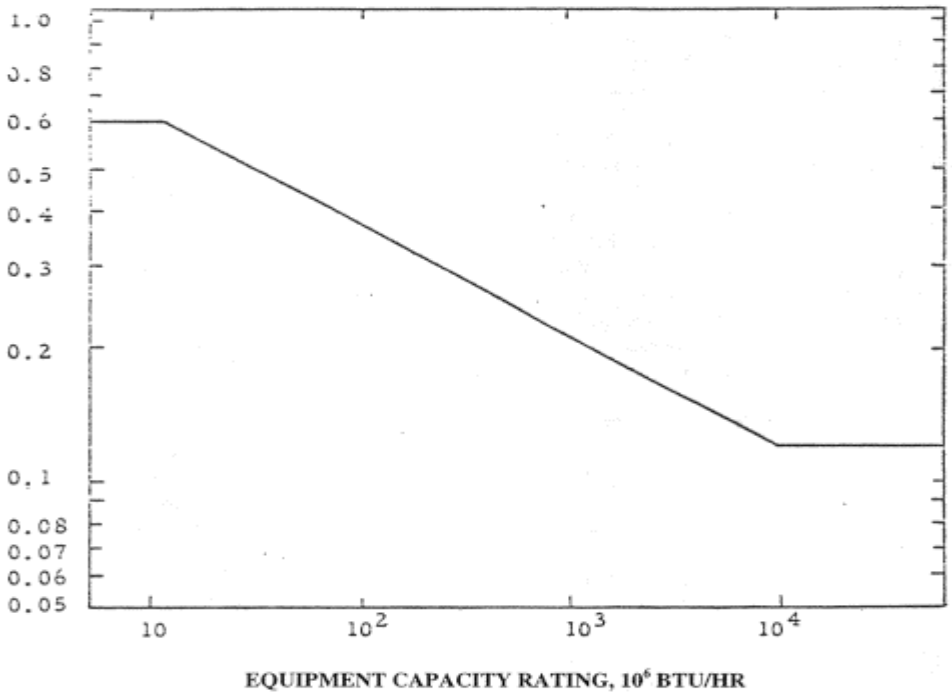

Figure 1. Particulate Matter Emission Limits for Fuel-Burning Equipment.

B. Emission of Particulate Matter From Industrial Processes. General provisions:

1. This section applies to any operation, process or activity except the burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials and except the burning of refuse and except the processing of salvageable material by burning, and except existing foundry cupolas;

2. Process weight per hour is the total weight of all materials introduced into any specific process which process may cause any discharge of particulate matter. Solid fuels charged will be considered as a part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or hatch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation the process weight per hour will be derived by dividing the process weight for a typical period of time by the time period;

3. The process weight per hour referred to in this section shall be based upon the normal operation, maximum capacity of the equipment and if such normal maximum capacity should be increased by process or equipment changes, the new normal maximum capacity shall be used as the process weight in determining the allowable;

4. Emission tests relating to this regulation shall be made following the current standards in ASME "Power Test Code PTC 27" entitled "Determining Dust Concentration in a Gas Stream"; and

5. Except as provided for hereinbefore, the emission of particulate matter in any one hour from any source shall be limited as follows:

a. To the amount shown in Table 1 hereinafter, for the process weight allocated to such source; or

b. No person shall cause, suffer, allow or permit the emission of particulate matter from any source in a concentration in excess of 0.3 grain per standard cubic foot of exhaust gases. If provisions of this subsection would permit a greater emission of particulate matter per hour than allowed by other subsections, the provision of this subsection shall not apply.

C. Emission of Particulate Matter From Existing Foundry Cupolas:

1. Every existing foundry cupola shall be equipped with air pollution control equipment which collects not less than eighty-five (85) percent of the particulate matter which would be emitted without the use of such control equipment; and

2. No person shall cause, suffer, allow or permit the emission of particulate matter from any existing foundry cupola in a concentration in excess of 0.4 grains per standard dry cubic foot of exhaust gas. If provisions of this subsection would permit an emission of a greater weight of particulate matter per hour than is allowed by subsection (C)(1) hereof, then the provisions of this subsection shall not apply.

TABLE 1

Process Weight Rate Lb/Hr		**Rate of Emission Tons/of this subsection Hr**	**Process Weight Rate**		**Rate of Emission Lb/Hr**
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.2
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000	1,000.00	77.6
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

Interpolation of the data in this table for process weight rates up to sixty thousand (60,000) lbs/hr shall be accomplished by use of the equation:

$$E = 4.10\ p^{0.67}$$

and interpolation and extrapolation of the data for process weight rates in excess of sixty thousand (60,000) lbs/hr shall be accomplished by use of the equation:

$E = 55.0\ p^{0.11} - 40$, where E = rate of emission in lb/hr and
P = process weight rate in tons/hr

(Prior code § 8-718)

Section 8.44.190 Other exceptions to emission limits.

A. Temporary emissions of particulate matter during periods of cleaning or adjusting process equipment shall not exceed one hundred fifty (150) percent of the limits as set forth in the above sections for a period or periods aggregating not more than six minutes in any sixty (60) consecutive minutes.

B. Upon the occurrence of an emergency, as defined herein, the emitter shall notify the City Manager as to the nature and estimated duration of the emergency. The health officer may waive the requirements of this regulation for a period up to seventy-two (72) hours. If the estimated or actual duration is greater than seventy-two (72) hours, the emitter may apply to the health officer for a variance. (Prior code § 8-719)

Chapter 8.48

TRASH AND WEEDS

Sections:

Section 8.48.010 Accumulation of Weeds or Trash Unlawful.

It is unlawful for any owner or person otherwise in possession or control of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the city to allow trash or weeds to grow, stand or accumulated upon such premises and it is the duty of such owner or person or control of any lot, tract or parcel of land to remove or destroy any such trash or weeds. (Prior code § 8-401; 1176, amended 04/13/2009.)

Section 8.48.020 Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

"Cleaning" means the removal of trash from property.

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

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

"Weeds" means and includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

1. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees, shrubbery, or produce 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 the weeds;
2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
3. Harbors rodents or vermin;
4. Gives off unpleasant or noxious odors;
5. Constitutes a fire or traffic hazard; or
6. Is dead or diseased.

The term "weed" does 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. (Prior code § 8-402; Ord. 961, § 1, eff. December 20, 1999)

Section 8.48.030 Reports of accumulation of grass, weeds or trash on property.

Reports of an accumulation of trash or the growth of grass and weeds, or both of these conditions, shall be received and investigated by the code enforcement officer, or any other person authorized by the city manager, upon citizen complaint or upon his or her own notice. The property where the resulting accumulation or growth is occurring shall be deemed a public nuisance if it appears to be:

A. Detrimental to the health, safety or welfare of the public and the community;

B. A hazard to traffic; or

C. A fire hazard. (Prior code § 8-403; Ord. 961, § 2, eff. December 20, 1999)

Section 8.48.040 Notice, hearing and abatement.

A. Upon receiving a report and making a determination that a public nuisance exists as provided for in Section 8.48.030 of this chapter, the code enforcement officer, or any other person authorized by the City Manager, shall give at least ten (10) days notice 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 a hearing may be held or action taken.

B. 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 such 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.

C. If the property owner cannot be located within ten (10) days from the date of mailing by the city, notice may be given by posting a copy of the notice on the property or by publication in a newspaper of general circulation, as provided for by state law, one time not less than ten (10) days prior to any hearing or action by the city.

D. The property owner, within ten (10) days from the date of the notice, may give his or her written consent to the city authorizing the removal of the trash or the mowing of the weeds or grass. By giving such written consent, the property owner waives his or her right to a hearing by the city.

E. A hearing may be held by the City Manager or his or her designee upon filing written notice with the City Clerk by the property owner within ten (10) days from the date of the notice. A date and time shall be set for said hearing, and the property owner shall be notified of such hearing in writing. The filing of a written notice of hearing with the City Clerk shall operate to stay any action by the city against the property. The City Manager or his or her designee shall then hear the matter and shall receive information thereon, including anything which may be presented by the owner of the property, personally or by agent or attorney. If the City Manager or his or her designee determines that any of the conditions specified in Section 8.48.030 of this chapter exist upon the property, he or she may order the property to be cleaned of trash and/or the weeds or grass to be cut, removed or destroyed unless within ten (10) days from the issuance of his or her order, the property owner either:

1. Cuts, removes or destroys the trash or weeds in accordance with the notice;

2. Gives written consent authorizing the city to abate the trash or weeds, thereby waiving his or her right to further hearing; or

3. Appeals to the City Council from the order of the City Manager or his or her designee.

F. An appeal to the City Council from the order of the City Manager or his or her designee shall be taken by filing written notice with the City Clerk within ten (10) days after the administrative order is rendered. The filing of written notice of appeal with the City Clerk shall operate to stay the enforcement of the order of the City Manager appealed from. As soon thereafter possible, and upon not less than ten (10) days notice to the property owner, the City Council shall consider the matter de novo.

G. If the public nuisance continues to exist upon expiration of the notice, hearing or appeal processes as provided for in subsections A through F of this section, employees of the city or agents contracted by 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.

H. Immediately following the cleaning and/or mowing of the property, the City Clerk shall file a notice of lien with the County Clerk describing the property and the work performed by the city, and stating that the city claims a lien on the property for the cleaning and/or mowing costs.

I. If a notice is given by the city to a property owner ordering the property within the city limits to be cleaned of trash and/or weeds or grass to be cut or mowed in accordance with the procedures provided for in the subsections A through H of this section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be summarily abated without further prior notice to the property owner provided the initial notice to the property owner shall state: "that any accumulations of trash or excessive weed or grass growth on the owner’ s property occurring within six months from and after the date of this notice may be summarily abated by the city, that the costs of such abatement shall be assessed against the owner, and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner." At the time of each summary abatement, the city shall notify the property owner of the abatement and the costs thereof. The property owner may request a hearing regarding the costs of each summary abatement as provided for in Section 8.48.050(A) of this chapter. This subsection shall not apply if the records of the County Clerk show the property was transferred after notice was given. (Prior code § 8-404; Ord. 899, § 1, eff. August 12, 1996; Ord. 961, § 3, eff. December 20, 1999)

Section 8.48.050 Determination and assessment of costs.

A. Upon completion of the work ordered to be performed under Section 8.48.040 of this chapter, the City Clerk shall determine the actual cost of such cleaning and mowing and any other expenses as necessary in connection therewith, including the cost of notice and mailing. The City Manager or his or her designee shall examine the report and, after receiving appropriate information, shall determine the total cost of the work. Thereafter, the City Clerk shall forward by mail to the property owner at the

address shown by the current tax rolls of the County Treasurer of the county in which the property is located a statement of the actual costs and demand for payment. If the cleaning and mowing are done by the city, the cost to the property owner for the cleaning and mowing shall not exceed the actual cost of the labor, maintenance and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

B. The property owner shall have a right to appeal to the City Council from the assessment rendered by the City Manager or his or her designee. Such appeal shall be taken and held in accordance with the provisions of Section 8.48.040(F) of this chapter. (Prior code § 8-406; Ord. 961, § 5, eff. December 20, 1999)

Section 8.48.060 Lien on the property--Civil remedy.

A. 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 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.

B. At any time prior to collection as provided for in this section, 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. (Prior code § 8-407; Ord. 961, § 6, eff. December 20, 1999)

Section 8.48.070 Uses and properties exempted.

The provisions of this section shall not apply to any property zoned and used for agricultural purposes, or to railroad property under the jurisdiction of the Oklahoma Corporation Commission. However, the City may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this section but only if such weeds or trash pose a hazard to traffic and are located in, or within ten (10) yards of, the public right-of-way. (Ord. 961, § 8, eff. December 20, 1999)

Chapter 8.52

SILTATION OF STREETS, SIDEWALKS, ALLEYS AND DRAINAGEWAYS

Sections:

Section 8.52.010 Siltation of Streets, Sidewalks, Alleys and Drainage Ways Prohibited

No individual, firm or corporation shall permit any lot, parcel, yard, parkway or spaces abutting thereon, owned, occupied or controlled by same, or agents thereof, to remain without adequate vegetative cover or sedimentation control measures when the absence of vegetative cover or sedimentation control measures results in the depositing of silt or sediment in such quantities so as to cause a hazard or impediment to pedestrian or vehicular traffic and/or causes or contributes to an obstruction or impediment to any public storm sewers or drainage ways.

Section 8.52.020 Removal of Siltation Upon Streets, Sidewalks, Alleys and Drainage Ways

A. Any silt or sedimentation deposited on streets, sidewalks or alleys in such quantities to as to cause a hazard or impediment to pedestrian or vehicular traffic and/or cause or contribute to an obstruction or impediment to any public storm sewers or drainage ways shall be removed immediately by the individual, firm or corporation, or agents thereof, having control for the lot, parcel, yard, parkway or spaces abutting thereon, where adequate vegetative cover or sedimentation control measures are absent.

B. Upon failure of the individual, firm or corporation, or agents thereof, to remove same, the City of Sand Springs, Oklahoma, shall effect removal in a manner adequate to restore the customary use of streets, sidewalks and alleys by vehicles and pedestrians and/or restore the customary function of public storm sewers or drainage ways.

C. All costs for such silt and sedimentation removal by the City of Sand Springs, Oklahoma, shall be tabulated and charged to the individual, firm or corporation, or agents thereof, having control of the lot, parcel, yard, parkway or spaces abutting thereon where adequate vegetative cover or sedimentation control measures are absent.

Section 8.52.030 Penalties

Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of a Class C offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation of this chapter is committed shall constitute a separate offense.

(1081, Amended, 08/09/2004, Amended 8.52.030 to Class "C")

Chapter 8.53

REMEDIATION OF CONTAMINATED PROPERTY AFTER THE DISCOVERY OF METHAMPHETAMIE OR OTHER NOXIOUS, HAZARDOUS OR TOXIC SUBSTANCES.

Sections:

Section 8.53.010 Purpose and Intent.

A. The purpose of this ordinance is to protect occupants of real property, as well as occupants of adjoining properties and the public at large, from hazardous and contaminated living environments by requiring owners of real property to remediate contamination of property caused by methamphetamine activity, or activities involving other noxious, hazardous and toxic substances, prior to resumed occupancy pursuant to the standards and conditions described in this Chapter. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

B. For purposes of this Chapter, the term “activity” or “activities” shall include the manufacture or otherwise processing of methamphetamine or other noxious, hazardous or toxic substances; or other acts involving such substances that present public health and safety risks to current or future occupants of the property, adjacent properties or the public at large. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 12/19/2012)

C. For purposes of this Chapter, the term “property” or “real property” shall include land, buildings, or other residential or commercial facilities designed for human occupancy that are owned by an individual, firm, corporation or entity, and that are contaminated by activities defined in this Chapter. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

D. Exempt from provisions of this Chapter are commercial or industrial firms properly zoned and/or regulated for the legal manufacture or otherwise processing of such substances in compliance with other provisions of this Code, as well as in compliance with federal, state and local laws, rules and regulations. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.020 Reports of Methamphetamine or Other Noxious, Hazardous and Toxic Substance Activity.

Upon discovery that an owner's property is, or has been, the location for any type of methamphetamine or other noxious, hazardous or toxic substance activity, an owner shall immediately report such activity to the Sand Springs Police Department. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.030 Prohibition of Occupancy.

Until a contractor experienced in hazardous waste removal and remediation, as prescribed in this Chapter, assesses the contaminated property, cleans up any contamination and prepares a Final Report, as prescribed in this Chapter, which shows that the levels of contamination upon the property meet the acceptable levels listed in Section 8.52.060 of this Chapter, use of the property for human habitation is prohibited. Additionally, this prohibition shall apply to any contaminated mobile home relocated to the Sand Springs city limits, if not owner occupied, requiring the owner to provide a report as described herein prior to occupancy. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.040 Public Notice of Contamination.

A. Upon informing of or discovery by the Sand Springs Policy Department, or agents thereof or other law enforcement entities, that contamination has occurred upon a property involving methamphetamine or other noxious, hazardous or toxic substances; the City of Sand Springs Code Enforcement Officer or Building Official shall affix upon the property a "Notice to the Public" with the following information:

(1) The word "WARNING" in bold type.

(2) The address of the contaminated property or, if the property has multiple structures upon it, the address of each contaminated structure.

(3) A statement that: "Hazardous substances, toxic chemicals, or other waste products may be presented on the property."

(4) A warning that: "Any person who enters the structure(s) without permission of the owner or the Sand Springs Police Department, or authorized agents or designees thereof, will have committed a trespass."

It shall be unlawful for any person, including the property owner, property manager or occupant, to remove such Notice to the Public while the property is deemed to be in a contaminated condition. Such "Notice to the Public" shall only be removed by the City's Code Enforcement Officer or Building Official, or other authorized employees or agents of the City, upon completion of the remediation in compliance with provisions of this Chapter. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.050 Assessment and Remediation.

A. Upon discovery that an owner's property is or has been the location for any type of activities involving the manufacture or otherwise processing of methamphetamine or other noxious, hazardous or toxic substances, an owner, prior to resumed occupancy of the property and after the removal of such manufacturing or processing equipment or materials by the Sand Springs Policy Department, or agents

thereof, shall retain the services of a contractor who is experienced in hazardous waste removal and remediation to assess the level of contamination within the property and provide a written report documenting the level of contamination. At a minimum, such contractor shall have completed forty (40) hours of Hazardous Waste Operation and Emergency Response training pursuant to 29 C.F.R. 1910.120, or subsequent regulations thereof, and shall have received certification pursuant to this training. The owner shall obtain a copy of the contractor's 29 C.F.R. 1910.120 certification before allowing the contractor to begin the assessment. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

B. If, upon the completion of the assessment, the contractor determines:

1. The level of contamination does not exceed the acceptable contamination levels, as defined in Section 8.52.060 of this Chapter, the owner shall require the contractor to prepare a Final Report as prescribed in Section 8.52.080 of this Chapter. Once the Final Report is prepared and delivered to the owner, the owner shall deliver a certified copy of the Final Report to the City's Code Enforcement Officer or Building Official. The Code Enforcement Officer or building Official shall, upon affirming from the Final Report that the contamination has been remediated, remove the Notive to the Public and authorize in writing to the owner that occupancy may resume.

2. If the level of contamination exceeds the acceptable levels defined in Section 8.52.060 of this Chapter, the owner shall not allow use of the property for human habitation until a contractor (who has completed forty (40) hours of Hazardous Waste Operation and Emergency Response training pursuant to 29 C.F.R. 1910.120 and who has received certification pursuant to this training) has:

a. Cleaned up any contamination and remediated the property according to the standards of Section 8.52.060 of this Chapter; and

b. Conducted another assessment which shows that contamination levels are acceptable pursuant to Section 8.52.060 of this Chapter.

Once the level of contamination meets the acceptable standards defined in Section 8.52.060 of this Chapter, then the owner shall require the contractor to prepare a Final Report as prescribed in Section 8.52.080 of this Chapter. Once the Final Report is prepared and delivered to the owner, the owner shall deliver a certified copy of the Final Report to the City's code Enforcement Officer or Building Official. The City's Code Enforcement Officer or building Official shall, upon affirming from the Final Report that the contamination has been remediated, remove the Notice to the Public and authorize in writing to the owner that occupancy may resume. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.060 Acceptable Levels of Contamination.

The owner shall require the certified contractor to test the levels of volatile organic compounds (VOCs), pH, Mercury, Lead, and Methamphetamine in both the initial assessment and the post-remediation assessment. Acceptable levels for each are the following:

1. VOCs: 0.9 parts per million or below.
2. pH: Surface level of 7 or below.
3. Mercury: 0.3 microgram per cubic meter of mercury in air or below.
4. Lead: 20 micrograms per square foot or below.

5. Methamphetamine: 0.1 microgram per one hundred square centimeters or below. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.070 Cleanup and Safety Standards.

Contractors hired by an owner to engage in removal and remediation shall conduct assessments and cleanup pursuant to the relevant standards and guidelines proposed or adopted by the Oklahoma Drug Enforcement Agency, the Federal Drug Enforcement Agency, the Oklahoma Department of Environmental Quality, and the Environmental Protection Agency, and shall follow safety procedures mandated by the relevant federal and state agencies governing hazardous waste. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.080 Final Report.

A. All inspections and assessments conducted by a contractor during the removal and remediation process shall be fully documented in writing. The report shall include the dates that activities were performed and the names and signatures of the people and/or companies who performed the activities. The Final Report shall include any other types of relevant documentation, including but not limited to photographs, video recordings, drawings, and charts. Such additional documentation shall likewise be signed and dated. The owner shall immediately provide a certified copy of the Final Report to the City's Code Enforcement Officer or Building Official upon receipt from the contractor. The Final Report, at a minimum, shall include:

1. A case narrative, site description, and site assessment.

2. Physical address of property, number and type of structures on property, and description of adjacent and/or surrounding properties.

3. Law enforcement reports, documented observations, and pre-remediation sampling results that provide information regarding the manufacturing or processing method, chemicals present, manufacturing or processing areas, chemical storage areas, and observed areas of contamination or waste disposal.

4. Name of cleanup contractor(s) and the contractor's qualifications, experience, and copy(s) of any certification(s); and

5. The signature of the contractor who prepared the report.

6. A copy of the contractor's 29 C.F.R. 1910.120 certification.

B. Where property is remediated, a Final Report shall also include:

1. Worker safety and health information.

2. Decontamination and Encapsulation Procedures for <u>each</u> area that was decontaminated.

3. Documentation that the structure was cleaned to acceptable levels, including, but not limited to, the location and results of post-decontamination samples, descriptions of analytical methods used, and the location(s) of laboratory(s) used. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.090 Penalty.

A. Any person, firm, or corporation violating any of the provisions of this Chapter shall be guilty of a Class “C” offense and, upon conviction thereof, shall be punished as provided in Chapter 1.20 of this Code.

B. Each day a violation of this Chapter occurs shall constitute a separate offense.

C. The Provisions of this Chapter shall not preclude the City of Sand Springs or nay other aggrieved party from pursuing any civil remedies to recover any and all costs associated with administration or enforcement of this Chapter.

D. (1200, adopted 02/08/2010; 1221, Amended by Recodification, 11/19/2012)

Section 8.53.100 Testing.

Any person or firm employed for testing must be independent and not under the general employment of the property owner at the time of the notice that the property has become subject to provisions of this chapter. (1221, Amended by Recodification 11/19/2012)

Section 8.53.110 Time Limit for Remediation.

Any owner of real property that has been contaminated and placarded with a “Notice to the Public” by the city for activities described in this section shall complete remediation of said property of such contamination within six (6) months from the notice posting date. Failure to do so may result in the city declaring the real property, structures, and/or parts thereof to be a dilapidation public nuisance as defined in Section 15.36.020 of this code, and may be abated as necessary to remove the public nuisance condition. Should activities described in this section create circumstances that cause immediate or imminent peril to the health, safety and welfare of the general public, the city shall take summary actions as necessary to abate such conditions. (1221, Amended by Recodification, 11/19/2012)

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