

Chapter 8

HEALTH AND SANITATION¹

- Art. I. In General, §§ 8-1–8-20
- Art. II. Food Service Sanitation, §§ 8-21–8-50
- Art. III. Smoking in Public Places, §§ 8-51–8-56

ARTICLE I. IN GENERAL

Sec. 8-1. Health department.

The Garvin County Health Department and the health officer shall have the powers of the municipal health department and health officer, respectively, for the city.

(Code 1977, § 1-19)

Cross reference—Administration, Ch. 2.

State law reference—Authority for above section, 63 O.S. § 1-209.

Sec. 8-2. Duty of police to enforce chapter-Generally.

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

(Code 1977, § 10-32)

Sec. 8-3. Same—Report of arrest of certain suspects.

It shall be the duty of the chief of police and all peace officers, whenever a person is arrested and charged with adultery, fornication, lewd conduct or occupying a room for immoral purposes, if they believe said person or persons is or are infected with any of the venereal diseases listed in section 8-8, to immediately report the same to the county or state superintendent of health.

(Code 1977, § 10-33)

Cross references—Sanitary facilities in private clubs, § 3-49; rabid animals generally, § 4-12; dogs, §§ 4-26 *et seq.*; abatement of health nuisances, § 12-8; controlled substances, §§ 13-23 *et seq.*; solid waste, §§ 18-166 *et seq.*

State law references—Municipal health authorities, ordinances, 63 O.S. § 1-209; ordinances relating to public health, 11 O.S. § 22-120.

Sec. 8-4. Milk and milk products-Public Health Service Milk Ordinance adopted.

The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products sold for ultimate consumption within the city; the inspection of dairy herds, dairy farms and milk plants; and the issuance and revocation of permits to milk producers, haulers and distributors shall all be regulated in accordance with the provisions of the 1978 edition of the U.S. Public Health Service Milk Ordinance and Code, certified copies of which shall be filed in the office of the city clerk.

(Code 1977, § 10-6)

Charter reference—Adoption of standards by reference, § 2-15.

Cross reference—Licenses and business regulations, Ch. 9.

State law reference—Adoption of milk regulations, 11 O.S. § 14-107.

¹Charter reference—Power of city to protect health, § 1-3.

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Sec. 8-5. Same--Grades which may be sold.

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

(Code 1977, § 10-7)

State law reference--Sale of Grade A milk and milk products, 63 O.S. § 1-1301.6.

Sec. 8-6. Same--Enforcement.

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

(Code 1977, § 10-8)

Sec. 8-7. Report of disease.

Every practicing physician and/or clinical laboratory in the city shall report cases of diseases as required by rules and regulations promulgated by the state board of health. The laws of the state governing such diseases will apply to all cases of this nature after said report is made.

(Code 1977, § 10-30)

State law reference--Reports of disease, 63 O.S. § 1-503.

Sec. 8-8. Venereal disease.

(a) The term "venereal disease," as used in this section, means syphilis, gonorrhea, chancroid, granuloma inguinale, lymphogranuloma venereum and any other disease which may be transmitted from any person to any other person through, or by means of, sexual intercourse, and found and declared by medical science or accredited schools of medicine to be infectious or contagious; and is hereby declared to be communicable and dangerous to the public health.

(b) It shall be unlawful for any person afflicted with any venereal disease to refuse, fail or neglect to report such fact to, and submit to examination and treatment by, some reputable physician.

(c) It shall be unlawful for any person to inoculate any person with any of the venereal diseases named in paragraph (a) of this section, and it shall be unlawful for any person to perform or commit any act which exposes any other person to inoculation of, or infection with, any of the said diseases.

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

(Code 1977, § 10-31)

State law reference--Venereal disease, 63 O.S. §§ 1-517 *et seq.*

Secs. 8-9--8-20. Reserved.

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ARTICLE II. FOOD SERVICE SANITATION²

Sec. 8-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adulteration. An article shall be deemed to be adulterated:

- (1) In the case of confectionery: if it contains terra alba, barytes talc, chrome yellow or other mineral substance or poisonous color or flavor or other ingredient deleterious or detrimental to the public health; or
- (2) In the case of food:
 - (a) If any substance has been mixed and placed within it so as to reduce or lower to injuriously affect its quality or strength;
 - (b) If any substance has been substituted, wholly or in part, for the article;
 - (c) If any valuable constituent of the article has been wholly or in part abstracted;
 - (d) If it be mixed, colored, powdered, coated or stained in a manner whereby an inferiority is concealed; or
 - (e) If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

Food. The word "food" means:

- (1) Articles used for food or drink for man;
- (2) Chewing gum; and
- (3) Articles used for components of any such article.

Misbranded. The term "misbranded" shall apply to all articles of food or articles which enter into the composition of goods, the package or label of which shall bear any statement, design or device regarding such article or ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory, country or place in which the article was made. An article shall be deemed to be misbranded:

- (1) If it be an imitation of, or offered for sale under the distinctive name of, another article;
- (2) If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been placed in such package, or if it fails to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucane, acetanilide or any derivative or preparation of any of such substances contained therein; or
- (3) If in package form, and the contents are not stated on the outside of the package.

²State law references -Food, 63 O.S. §§ 1-1101 *et seq.*; sellers of food, 63 O.S. §§ 1-1118 *et seq.*; prohibited acts relating to food, 63 O.S. §§ 1-1102 *et seq.*

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All articles shall be labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, shall be plainly stated on the package in which it is offered for sale; provided, that the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only, not injurious to the public health. And provided further, that nothing in this article shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except insofar as the provisions of this article may require to secure freedom from adulteration or misbranding.

(Code 1977, §§ 10-19, 10-20)

Sec. 8-22. Persons acting for organizations.

When construing and enforcing the provisions of this article, the act, omission or failure of any officer, agent or other individual acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the individual.

(Code 1977, § 10-22)

State law references—Definitions as to food, 63 O.S. § 1-1101; adulterated food, 63 O.S. § 1-1109; misbranding of food, 63 O.S. § 1-1110.

Sec. 8-23. United States Food Service Sanitation Ordinance adopted.

(a) The inspection of food service establishments; the issuance, suspension and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or mis-branded food or drink; and the enforcement of this article shall be regulated in accordance with the unabridged form of the 1976 Edition of the United States Public Health Service Food Service Sanitation Ordinance and Code, certified copies of which shall be on file in the office of the city clerk.

(b) In said ordinance, section 10-601 shall be understood to be deleted.

(Code 1977, § 10-9)

Sec. 8-24. Powers and duties of health officer generally.

(a) *Inspection of articles of food or drink.* The health officer shall have power to inspect all articles of food or drink, wherever located, that may be sold or offered for sale, and to analyze samples of the same upon his own motion. Any person violating any of the requirements or prohibitions of this article shall be guilty of an offense.

(b) *Destruction of unwholesome food.* The health officer shall have authority to destroy any foods, drinks, meats and fish that he finds to be unwholesome and unfit for use.

(c) *Determination of sanitary conditions.* The health officer shall have full power to pass on the sanitary condition of any place where foods, milk, drinks and meats are offered for sale or served to the public. Any person who shall, after having been duly notified to clean up or place his place of business in sanitary condition, refuse to do so, shall be guilty of an offense.

(d) *Examination of food for adulteration or misbranding.* The examination of specimens of food or confectionery shall be made by the health officer or under his direction. If it shall appear from such examination of any of such specimens that they are adulterated or misbranded, within the meaning of this article, the health officer shall cause a complaint to be sworn out.

(e) *Orders and regulations as to sanitary practices.* The health officer may periodically issue such orders and regulations relating to the sanitary practices of food handling as he deems necessary to protect the public health of the community, and such orders and regulations shall be in writing, maintained on file in his office, open to inspection by the public, and shall, after publication in a newspaper of general circulation in the city, have the same force and effect as if fully set out in this subsection.

(Code 1977, §§ 10-13, 10-16, 10-27–10-29)

Cross reference—Administration, Ch. 2.

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Sec. 8-25. Appeal from action of health officer.

Any person may appeal the action of the health officer to the city council, which shall either approve or reverse said action.

(Code 1977, § 10-9)

Sec. 8-26. Work permit.

(a) *Required.* No person shall work, or permit any other person to work, in a bakery, café, meat market, restaurant or other place where food is handled or served, whether for compensation or not, unless that person possesses a current and unrevoked permit from the health officer.

(b) *Examination of applicant or holder.* The health officer may require physical, medical and laboratory examinations of any applicant or holder of food handling work permits, as he deems necessary to ensure compliance with the health laws of the state and the Code of Ordinances of the city.

(c) *Pre-approval instructions.* Prior to the approval of food handling work permits, the health officer shall give the applicant such instructions as he may deem necessary regarding the approved methods of sanitation and food handling applicable to the business in which the applicant intends to work and shall further instruct such applicant as to the applicable laws and Code provisions relating to such work.

(Code 1977, §§ 10-10-10-12)

State law references—Physical examinations of employees, 40 O.S. §§ 191 *et seq.*; employees in milk and dairy product establishments, etc., 20.S. § 7-206.

Sec. 8-27. Temporary work permit.

The health officer is hereby authorized to issue temporary permits, permitting applicants for regular work permits to work in a restaurant until the next regular course of instructions in sanitary practices of food handling is conducted; provided, that such temporary permits shall expire on the day the above mentioned course of instruction begins.

(Code 1977, § 10-14)

Sec. 8-28. Sale of unwholesome food.

No butcher, grocer, trader or other person shall sell, expose or offer for sale in any public market, or at any place within the limits of this city, any unsound, diseased, stale, rotten, fermented, nauseous or unwholesome meat, poultry, fish, vegetables, fruits or other articles of food or provisions, or any unwholesome bread, cake or pastry, manufactured in whole or in part from unwholesome flour or meal.

(Code 1977, § 10-26)

Sec. 8-29. Maintenance of adulterated or misbranded food.

It shall be unlawful for any person to maintain within the city an article of food or confectionery which is adulterated or mis-branded within the meaning of this article.

(Code 1977, § 10-15)

Sec. 8-30. Food samples for analysis.

Whosoever offers, exposes or has in his or her possession, for sale to dealers or consumers in the city, any article of food, shall upon application of the health officer or his assistant or agent, upon tender of the value thereof, furnish a sample sufficient for the analysis of such article of food.

(Code 1977, § 10-21)

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Sec. 8-31. Poisonous preservative.

Any meat, fish or other food which shall be treated with or shall contain any of the salts of sulfurous acid or other poisonous preservation or coloring matter are hereby declared to be unwholesome; any person who shall sell or offer to sell, serve or deliver or cause the same to be done, any meats, fish or any other kind of food in any form having therein and containing any of the salts of sulfurous acid or other poisonous preservative or coloring matter, shall be deemed guilty of an offense.

(Code 1977, § 10-23)

Sec. 8-32. Bake houses in cellars.

No cellar, basement, room or other place, shall be occupied as a bake house, which is less than one-half its height above the level of the street.

(Code 1977, § 10-24)

Sec. 8-33. Sleeping areas for employees.

The sleeping place for workmen and other employees in bake houses and restaurants shall be separate and distinct from the place used for making bread, pastry and other articles of food, and from such places where foods are prepared to be served.

(Code 1977, § 10-25)

Secs. 8-34–8-50. Reserved.

ARTICLE III. SMOKING IN PUBLIC PLACES³

Sec. 8-51. Short title.

This article shall be known and may be cited as the "Smoking in Public Places Ordinance of the City of Pauls Valley."

(Ord. No. 815, § I, 7-21-92)

Sec. 8-52. Definitions.

(a) As used in this article:

- (1) *Educational facility* means a building owned, leased or under the control of a public or private school system, college or university which lies within the corporate limits of the City of Pauls Valley;
- (2) *Health facility* means an entity which provides health services, including but not limited to hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers operating and located within the corporate limits of the City of Pauls Valley;

³Editor's note-Nonamendatory Ord. No. 815, §§ I-VII, adopted July 21, 1992, has been included herein as Art. III, §§ 8-51–8-57 at the discretion of the editor.

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- (3) *Licensed premises* means any portion of a building, structure, room or enclosure located on real estate which is owned, leased, used, controlled or operated to sell liquor for consumption on the premises within the corporate limits of the City of Pauls Valley, but shall not include a separate or enclosed lounge or bar area as specified in Section 598 of Title 37 of the Oklahoma Statutes, service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(8)(10) or (19) of the Internal Revenue Code, a licensed premises that is part of a bowling alley area, or a racetrack licensed by the Oklahoma Racing Commission;
- (4) *Meeting* means a meeting as defined in the Open Meeting Act, Section 304 of Title 25 of the Oklahoma Statutes;
- (5) *Public body* means a public body as defined in the Open Meeting Act, Section 304 of Title 25 of the Oklahoma Statutes;
- (6) *Public place* means:
- a. An enclosed, indoor area within the corporate limits of Pauls Valley owned or operated by a state or local governmental agency and used by the general public or serving as a place of work for public employees or a meeting place for a public body, including an office, educational facility, health facility, auditorium, arena, meeting room or public conveyance, or
 - b. An enclosed, indoor area within the corporate limits of Pauls Valley which is not owned or operated by a state or local governmental agency which is used by the general public and which is:
 1. An educational facility,
 2. A health facility,
 3. An auditorium,
 4. An arena,
 5. A theater,
 6. A museum,
 7. A restaurant,
 8. A licensed premises,
 9. A concert hall, or
 10. Any other facility during the period of its use for a performance or exhibit of the arts;
- (7) *Restaurant* means any eating establishment located within the corporate limits of the City of Pauls Valley with a seating capacity of fifty (50) persons or more; and
- (8) *Smoking* means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.
- (9) *Code enforcement officer* is the officer of the City of Pauls Valley appointed and acting pursuant to the Pauls Valley Zoning Ordinance, City of Pauls Valley Ordinance No. 698/703.
- (10) *Police officer* means any duly commissioned and acting law enforcement officer in the State of Oklahoma.
- (11) *Municipal court* means the municipal court of the City of Pauls Valley, Oklahoma.
- (b) Public place shall not include a private, enclosed room or occupied exclusively by a smoker or smokers, even if the or enclosed office may be visited by a nonsmoker.
- (12) *Municipal property* means all buildings, outdoor areas (including recreational areas), equipment, vehicles, and other property, or portions thereof, owned or operated by the City.

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- (13) *Tobacco Product* means any product that contains tobacco and is intended for human consumption.⁴ Tobacco Product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.
- (14) *Vapor Product* means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device.

(Ord. No. 815, § II, 7-21-9, Ord. No. 959, § 2, 4-26-16)

Editor's note - § III of Ord. No. 959 added certain definitions as Code § 8-52.1. However, the editor has incorporated all definitions in Code § 8-52.

Sec. 8-53. Smoking in certain places prohibited; exemptions.

(a) No person shall smoke in a designated nonsmoking area in a public place or at a meeting of a public body.

(b) A health facility or educational facility may prohibit all smoking in such facility or may designate smoking and non-smoking areas within the facility. An educational facility in which children in grades kindergarten through twelve are educated may also prohibit smoking, the use of snuff, chewing tobacco or any other form of tobacco product in the buildings and on the grounds of the facility. In an educational facility in which children in grades kindergarten through twelve are educated, smoking areas may be designated only for adults. Provided further, educational facilities in which children in grades kindergarten through twelve are educated which designate a smoking area within the facility shall also designate a nonsmoking area within the facility which may be used by school personnel for breaks, lunch or similar activities.

(c) This section shall not apply to a room, hall or building used for a private function if the seating arrangements are under the control of the sponsor of the function and not under the control of the state or local governmental agency or the person who owns or operates the room, hall or building, or to a licensed premises that is a part of a bowling alley area, or to a racetrack licensed by the Oklahoma Racing Commission.

(d) This section shall not apply to areas in which prisoners are housed in municipal jails, county jails or correctional institutions as defined in Section 502 of Title 57 of the Oklahoma Statutes.

(e) This section shall not apply to a separate or enclosed bar area of a licensed premise, as provided in Section 241 of Title 37 of the Oklahoma Statutes, which has as its main purpose the selling or serving of nonintoxicating beverages for consumption on the premises.

(Ord. No. 815, § III, 7-21-92)

Sec. 8-53.2 Prohibited Conduct

- (a) Smoking Tobacco Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.
- (b) Using Vapor Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.
- (c) Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, including outdoor recreational areas.
- (d) Nothing in Article III Chapter 8 prohibits any person or entity with legal control over any property from prohibiting the use of Tobacco Products or Vapor Products on any part of such property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.

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- (e) No person or entity shall knowingly permit the use of Tobacco Products or Vapor Products in an area which is under the legal or defacto control of that person or entity and in which the use of Tobacco Products or Vapor Products is prohibited by law.
- (f) No person or entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that person or entity and in which smoking is prohibited by law. Notwithstanding the foregoing, the presence of ash receptacles shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision of Article III Chapter 8.
- (g) No person shall dispose Tobacco Product or Vapor Product waste within the boundaries of an area in which the use of Tobacco Products or Vapor Products is prohibited.
- (h) No person or entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person or entity that seeks to attain compliance with Article III Chapter 8.

(Ord. No 959, § 1-2, 4-26-16)

Sec. 8-54. Designation of smoking and nonsmoking areas.

(a) Smoking and nonsmoking areas shall be designated by the state or local governmental agency or the person who owns or operates a public place, except in a public place in which smoking is prohibited by law. Existing physical barriers and ventilation systems shall be used to minimize smoke in both smoking and adjacent nonsmoking areas.

(b) In the case of a public place consisting of a single room, the state or local governmental agency or the person who owns or operates the single room shall be in compliance with this article if an area of the room is reserved and posted as a nonsmoking area.

(Ord. No. 815, § IV, 7-21-92)

Sec. 8-55. Measures to prevent smoking in nonsmoking areas.

The state or local governmental agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent smoking in nonsmoking areas:

(1) Post signs which state that smoking in that public place is prohibited in designated nonsmoking areas, pursuant to this act; and

(2) Ask smokers to refrain from smoking upon request of a client or employee suffering discomfort from the smoke or who has hypersensitivity to smoke.

(Ord. No. 815, § V, 7-21-92)

Sec. 8-55.3 Required Signs

(a) The person or entity that has legal or de factor control of an area in which the use of Tobacco Products or Vapor Products are prohibited by Article III Chapter 8 shall post a clear, conspicuous unambiguous sign at each point of ingress to the area, and in at least one other conspicuous point within the area.

(b) The signs shall be posted to clearly communicate what conduct is prohibited: For indoor - signage should mirror state laws for dimensions - 4 inches by 2 inches in size at each entrance to the building discussing what is prohibited. For outdoor - weather resistant sign of at east 15' by 15" in size with at least 1" letting at the entrance to outdoor areas owned or operated by the city.

(c) For purposes of this section, the City Manager or his/her designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City.

(d) Using Vapor Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.

(e) Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, including outdoor recreational areas.

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(f) Nothing in Article III Chapter 8 prohibits any person or entity with legal control over any property from prohibiting the use of Tobacco Products or Vapor Products on any such property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.⁵

(g) No person or entity shall knowingly permit the use of Tobacco Products or Vapor Products in an area which is under the legal or de facto control of that person or entity and in which the use of Tobacco Products or Vapor Products is prohibited by law.

(h) No person or entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that person or entity and in which smoking is prohibited by law. Notwithstanding the foregoing, presence of ash receptacles in violation of this subsection shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision of this Article III Chapter 8.

(i) No person shall dispose of Tobacco Product or Vapor Product waste within the boundaries of an area in which the use of Tobacco Products or Vapor Products is prohibited.

(j) No person or entity shall intimidate, threaten any reprisal, or effect any reprisal, or the purpose of retaliating against another person or entity that seeks to attain compliance with Article III Chapter 8.

(k) Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any other provision of this Article III Chapter 8.

(Ord. No 959, § 1-2, 4-26-16)

Sec. 8-56. Enforcement and penalties.

(a) All public places, as defined by this article shall be subject to inspection of premises from time to time for violations of the provisions of this article or if a complaint is brought by a patron of the public place at all reasonable times by the code enforcement officer or by any police officer or other appropriate city, county or state officials. The code enforcement officer or any police officer shall have right of entry as allowed by law whenever necessary to make an inspection to enforce any of the provisions of this article; or whenever the code enforcement officer or any police officer has reasonable cause to believe that there exists in any such public place any condition or violation of this article, the code enforcement officer or any such police officer may enter such public place at all reasonable times to inspect the same or to enforce the provisions of this article, provided that the code enforcement officer or police officer shall first request entry. If such entry is refused, the code enforcement officer or police officer shall have recourse to obtain a proper inspection warrant or any other remedy provided by law to secure entry. No owner or occupants or any other persons having charge, care, or control of any such public place shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code enforcement officer, police officer, or other officials for the purpose of inspection and examination pursuant to this article.

(b) Any person who does any act that constitutes a violation of the provisions of this article, or who omits to perform any act required to be done by this article, or who violates any standard, rule or regulation authorized by and promulgated pursuant to the provisions of Title 63 of the Oklahoma Statutes Sections 1-1521 through 1-1527, inclusive, shall, upon conviction, be guilty of a misdemeanor, and, upon conviction thereof, may be punished by a fine of not more than two hundred dollars (\$200.00). The code enforcement officer, any police officer or any person may file a written complaint pursuant to section 11-8 of the Code of Ordinances, City of Pauls Valley, Oklahoma, for alleged violations of the provisions of this article.

(c) Each day upon which any violation of this article shall continue shall constitute a separate offense and shall be punishable as such.

(Ord. No. 815, § VI, 7-21-92; Ord. No. 880, § 5, 6-27-00)

Sec. 8-56.4 Penalties and Enforcement

(a) The remedies provided by Article III Chapter 8 are cumulative and in addition to any other remedies available at law or in equity.

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(b) Each instance of Tobacco Product or Vapor Product use in violation of Article III Chapter 8 shall constitute a separate violation. For violations of Article III Chapter 8 other than Tobacco Product or Vapor Product use, each day of a continuing violation of Article III Chapter 8 shall constitute a separate violation.

(c) Each instance of Tobacco Product use in violation of Article III Chapter 8 is an infraction subject to a (fifty dollar (\$50)) fine for the first offense within a one-year period, a (one hundred dollar (\$100)) fine for the second offense within a one-year period (or otherwise punishable pursuant to section 8 of this code). Other violations of Article III Section 8 may, at the discretion of the City Attorney, be prosecuted as infractions or misdemeanors when the interests of justice so require. Enforcement of this chapter shall be the responsibility of Code Enforcement. In addition, any peace officer or city official in their official capacity also may enforce this chapter.

(d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of Article III Chapter 8 shall also constitute a violation of Article III Chapter 8.

(e) Any violation of Article III Chapter 8 is hereby declared to be a nuisance. The possession of a lighted Tobacco Product, in violation of Article III Chapter 8 is a nuisance.

(f) In addition to other remedies provided by Article III Chapter 8 or by other law, any violation of Article III Chapter 8 may be remedied by civil action brought by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

(g) Except as otherwise provided, enforcement of Article III Chapter 8 is at the sole discretion of the City. Nothing in Article III Chapter 8 shall create a right of action in any Person against the City or its agents to compel public enforcement of Article III Chapter 8 against private parties.

(Ord. No. 959, § 1-3, 4-26-16)

