

HEALTH AND SANITATION

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Section 8-115	Penalty.

SECTION 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

It is unlawful for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the town to allow trash or weeds to grow, stand or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-110.

SECTION 8-102 DEFINITIONS.

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

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

of the public and community of a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;

- b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
- c. Harbors rodents or vermin;
- d. Gives off unpleasant or noxious odors;
- e. Constitutes a fire or traffic hazard; or
- f. 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;

2. "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

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer,

SECTION 8-103 REPORTS OF ACCUMULATION OF GRASS, WEEDS OR TRASH ON PROPERTY.

Any officer or employee of the town who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the town, shall report the condition to the town clerk if, as a result of the accumulation or growth, the premises appear to be:

- 1. Detrimental to the health, benefit and welfare of the public and the community;
- 2. A hazard to traffic;
- 3. A fire hazard to property; or
- 4. Any two (2) or more of these conditions.

State Law Reference: Cleaning and mowing of property, procedures and powers 11 O.S. Section 22-111.

SECTION 8-104 RECEIPT OF REPORT, HEARING AND NOTICE.

A. Upon receiving the report provided for in Section 8-101 of this code, or upon receipt of equivalent information from any reliable source, the town clerk shall place the matter upon the agenda of the town board for hearing and consideration at an appropriate date which will permit the giving of the notices prescribed by state law. At the hearing the board shall consider whether the premises, by reason of the conditions specified, are detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, or a fire hazard to property, or any two (2) or more of such conditions.

B. At least ten (10) days prior to the hearing, the town clerk shall give written notice of the hearing by posting upon the premises and by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date of the hearing.

C. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the town board shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the board determines that any of the conditions specified in Section 8-101 of this code exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed unless within ten (10) days from the date of receipt of the notice or date of publication the owner either:

1. Cuts, removes or destroys the trash or weeds in accordance with the notice; or
2. Gives written consent authorizing the town to abate the trash or weeds, thereby waiving his right to a hearing.

SECTION 8-105 WORK DONE BY EMPLOYEES OR CONTRACT.

The work ordered to be performed under Section 8-102 of this code may be done by the employees of this town under supervision of the town utility or sanitation department, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts.

SECTION 8-106 DETERMINATION AND ASSESSMENT OF COSTS.

Upon the completion of the work ordered to be performed under Section 8-103 of this code, the town clerk shall report the cost thereof to the town board. Such report shall be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs of five percent (5%) of direct actual costs. The board shall examine the report and, after receiving appropriate information, shall determine the total costs of the work. The board shall direct the town clerk to forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies.

SECTION 8-107 LIEN ON THE PROPERTY, CIVIL REMEDY.

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the notice prescribed by Section 8-104 hereof, the town clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of this state. The lien is 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, The lien shall continue until the cost is fully paid. At any time prior to collection as provided in this section the town may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the town clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

SECTION 8-108 SERVICE OF NOTICE.

The service of all notices prescribed by this chapter shall be evidenced by the return of the officer making such service, certified in his official capacity, and filed in the office of the town clerk.

SECTION 8-109 UNLAWFUL TO DEPOSIT RUBBISH.

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this town, or in any dumpster located on Town property. (Amended July 10, 2003)

SECTION 8-110 BURNING REFUSE.

A. It is unlawful within the town to willfully burn any trash or refuse or any type material

B. It is unlawful for any person to burn trash, waste paper, rubbish or refuse except under a permit issued by the State Health Department or U.S. Environmental Protection Agency.

SECTION 8-111 REMOVAL OF DEAD ANIMALS.

The owner or any person having charge of any animal dying in this town, shall within twenty-four (24) hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.

SECTION 8-112 UNLAWFUL TO LITTER.

A. Littering is defined as throwing any trash, refuse, waste paper, tin can, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the town or upon any real property owned' or occupied by another.

B. It is unlawful for any person to litter.

SECTION 8-113 UNLAWFUL TO LITTER FROM AUTOMOBILES.

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the town any litter, trash, waste paper, tin cans or any other substance or refuse whatever;

SECTION 8-114 LITTER NOT TO ACCUMULATE ON PROPERTY.

A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property' or premises being so occupied or rented to such an extent as to constitute a littering nuisance.

B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

SECTION 8-115 PENALTY.

Any person, firm or corporation found violating any provision of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

FOOD REGULATIONS

Section 8-201	U.S. food service sanitation ordinance adopted.
Section 8-202	Milk ordinance adopted.
Section 8-203	Grade requirements.
Section 8-204	Violation; penalty.

SECTION 8-201 U.S. FOOD SERVICE SANITATION ORDINANCE ADOPTED.

A. The unabridged form of the latest edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" is hereby adopted and incorporated in this code by reference. Three (3) copies of the sanitation ordinance and code shall be on file in the office of the town clerk. The sanitation ordinance and code shall govern the definitions, inspection of food service establishments, the issuance, suspension and revocation of permits to operate food service establishments, the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section. In the sanitation ordinance and code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: Subsection H.2.e., H.7 and H.8.

B. "Health Authority" shall mean the director of the county health department of this county or his designated representative.

C. Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-08 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation.

State Law Reference: State food regulations, 63 O.S. Sections 1-1101 et seq.

SECTION 8-202 MILK ORDINANCE ADOPTED.

Part II of the Grade A Pasteurized Milk Ordinance 1965, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the town limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least three (3) copies of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16 and 17 of the abridged ordinance shall be replaced, respectively by Sections 8-203 and 8-204 of this code.

State Law Reference: State laws regulating milk standards, 63 O.S. Sections 1-1301 et seq.; manufacture of milk, 2 O.S. Sections 7-1 et seq.

SECTION 8-203 GRADE REQUIREMENTS.

Only 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, or the grade which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

SECTION 8-204 VIOLATION; PENALTY.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

CHAPTER 3

NUISANCES

Section 8-301	Nuisance defined; public nuisances; private nuisances.
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Section 8-309	Abatement by suit in district court.
Section 8-310	Nuisance unlawful.
Section 8-311	Health nuisances, abatement,
Section 8-312	Toilet facilities required; nuisance.
Section 8-313	Procedure cumulative.

SECTION 8-301 NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES.

A. A nuisance is unlawfully doing an act or omitting to perform a duty or is any thing or condition which either:

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

B. A public nuisance is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

C. Every nuisance not included in Subsection B above is a private nuisance.

State Law Reference: Nuisances defined, municipal powers to abate, 50 O.S. Sections 1 et seq.

SECTION 8-302 PERSONS RESPONSIBLE.

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

SECTION 8-303 TIME DOES NOT LEGALIZE.

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

SECTION 8-304 REMEDIES AGAINST PUBLIC NUISANCES.

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement:
 - a. By person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or
 - b. By the town in accordance with law or ordinance.

SECTION 8-305 REMEDIES AGAINST PRIVATE NUISANCES.

The remedies against a private nuisance are:

1. Civil action; or
2. Abatement:
 - a. By person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or
 - b. By the town in accordance with law or ordinance.

SECTION 8-306

TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE
NUISANCES.

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

SECTION 8-307

CERTAIN PUBLIC NUISANCES IN THE TOWN DEFINED.

In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

1. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the state law or ordinance of the town;
3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
5. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;
6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
7. The conduct or holding of public dances in violation of the ordinances of the town; or the keeping of a place where such dances are held;
8. The public exposure of a person having a contagious disease;
9. The continued making of loud or unusual noises which annoy persons or ordinary sensibilities; or the keeping of an animal which makes such noises;

10. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;

11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;

12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;

13. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;

14. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;

15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;

16. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;

17. Any fire or explosion hazard which endangers the public safety;

18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;

19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district; or

20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance.

The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

SECTION 8-308

SUMMARY ABATEMENT OF NUISANCES.

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the mayor or other appropriate officer or agency of the town government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

B. The chief of the fire department, the chief of police, the town attorney, the building inspector, the electrical inspector, the plumbing inspector or any other officer subordinate to the mayor may submit through or with the consent of the mayor to the town board of trustees, a statement as to the existence of a nuisance as defined by the ordinances of the town of law, and a request or recommendation that it be abated. The mayor himself, the health officer and board of trustees or any resident or residents of the town may submit such a statement and request a recommendation to the board of trustees.

C. The board of trustees shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the board of trustees shall have power to subpoena and examine witnessed, books, papers and other effects. Before proceeding to abate the nuisance or have it abated, the board of trustees shall give notice of a hearing on 'the proposed abatement to the owner of any property concerned and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the town.

D. If the board of trustees finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the board of trustees shall direct the mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The town clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town collectible as other debts to the town may be collected.

SECTION 8-309 ABATEMENT BY SUIT IN DISTRICT COURT.

In cases where it is deemed impractical summarily to abate a nuisance the town may bring suit in the district court of the county where the nuisance is located, as provided in Section 17 of Title 50 of the Oklahoma Statutes.

SECTION 8-310 NUISANCE UNLAWFUL.

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

SECTION 8-311 HEALTH NUISANCES; ABATEMENT.

A. Pursuant to authority granted by Section I-1011 of Title 63 of the Oklahoma Statutes, the health officer shall have authority to order the owner or occupant of any private premises in the town to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a policeman or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town;

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

SECTION 8-312 TOILET FACILITIES REQUIRED; NUISANCE.

A. For the purpose of this section, the following terms shall have the respective meanings ascribed to them herein:

1. "Human excrement" means the bowel and kidney discharge of human beings;

2. "Sanitary water closet" means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and

3. "Sanitary pit privy" means a privy which is built, rebuilt or constructed so as to conform with the specifications approved by the state health department.

B. Every owner of a residence or other building in which humans reside, are employed or congregate within this town shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the state health department.

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

D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop or anything other than human excrement and toilet paper shall be emptied into a privy; No excrement from any person suffering from typhoid fever, dysentery or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.

E. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies and closets so constructed, situated or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.

SECTION 8-313 PROCEDURE CUMULATIVE.

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

CHAPTER 4

ENFORCEMENT AND PENALTY

Section 8-401	County health department designated to enforce health ordinances.
Section 8-402	Obstructing health officer.
Section 8-403	Quarantine; violations.
Section 8-404	Penalty.
Section 8-405	Prohibition of tobacco products in certain places.

SECTION 8-401 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.

Anywhere in this chapter where the word or words "health officer" are used it shall be construed to mean the director of the county health department or his duly designated representative. It is the intent and purpose of the mayor and town board of trustees to delegate the enforcement of the health ordinances of this town as set out in this section and any such decisions rendered under this section shall be subject to review by the governing board upon an appeal from an offender.

SECTION 8-402 OBSTRUCTING HEALTH OFFICER.

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

SECTION 8-403 QUARANTINE; VIOLATIONS.

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

SECTION 8-404 PENALTY.

Any person who violates any provision of this chapter or any law or code adopted by reference in this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, such person may be enjoined from continuing such violations.

- A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public except where specifically allowed by law.
- B. All buildings and other properties, including indoor and outdoor areas, owned or operated by this city, shall be entirely smoke free, to include all forms of tobacco products.
- C. All indoor and outdoor recreational areas and parks owned or operated by the city, shall be entirely tobacco free to include all forms of tobacco products except where specifically allowed by state statute.

(Added 2/6/2014)