SECTION 100. CITY-COUNTY HEALTH DEPARTMENT

The City-County Health Department, as authorized by Oklahoma statutes, shall consist of a City-County Board of Health, a Director of the City-County Health Department and such employees as shall be appointed in the Department.

SECTION 101. OPERATION OF CITY-COUNTY HEALTH DEPARTMENT

The City-County Health Department shall be operated in accordance with the rules, regulations, policies, stipulations and agreements contained in the various agreements
entered into by the City of Tulsa and the County of Tulsa under the dates of February 6, 1950, May 26, 1952, October 24, 1955, December 19, 1961, and January 20, 1970, copies of which are on file in the office of the City Clerk.

SECTION 102. BOARD MEETINGS - POWERS

The Board of Health ("Board") shall meet at regular monthly intervals and at such other times as the Board deems necessary. It shall act in an advisory capacity to the Director of Health. It shall determine with the Director of Health the general policies of the Department and shall have the power to promulgate regulations to safeguard and promote the health of the City which are not in conflict with the state laws, the City Charter or the Revised Ordinances of the City of Tulsa.

SECTION 103. ENVIRONMENTAL ADVISORY COUNCIL

There is hereby created an Environmental Advisory Council ("Council") to act in an advisory capacity to the Board in the development, formulation, alteration and administration of ordinances and resolutions for the control and abatement of environmental pollution. All members shall serve without compensation.

A. The Council shall consist of eight (8) members, all of whom shall be appointed by the Board as follows: Two (2) members knowledgeable in the field of environmental matters to be selected at large from industry; four (4) members knowledgeable in the field of environmental matters to be selected from the public at large with due consideration to be given to an individual with a background in medicine, law, planning, agriculture, ecology, biology, engineering, or other environmentally related field; two (2) members to be selected from the public at large.

B. The appointed members of the Council shall serve two-year terms of office, but all members shall hold office until their successors are appointed.

C. The Council shall select annually a Chairman from among its members. The Council shall hold at least four (4) regular meetings each year and such additional meetings as the Chairman deems desirable. Special meetings shall be called by the Chairman upon written request by the Director. Four (4) members of the Council shall constitute a quorum.

SECTION 104. HEALTH OFFICERS DEFINED - POWERS - DUTIES

The words "Health Officer" or "Director of Health" as used in this title shall mean the Director of the City-County Health Department.

The Director of Health shall be the executive head of the Health Department. He shall have the administrative duties of the Department and shall have full power in the
matter of selecting and discharging subordinate personnel in accordance with the Department Personnel Rules and Regulations. He shall have the power, with the consent of the Board of Health, the Personnel Board and the City of Tulsa Civil Service Commission, to establish qualifications for the various positions in the Health Department in keeping with those recommended by the State Department of Health. He and his assistants shall have the authority of police officers in the enforcement of the health codes and regulations.

It shall be the duty of the Director of Health to keep informed to the extent possible of the appearance of any potential pestilential, infectious or contagious disease at any place within the City of Tulsa or within five (5) miles thereof which may endanger the sanitary condition and the health of the inhabitants of the City of Tulsa and to take whatever action he may deem advisable for the prevention and removal of same. He shall declare a quarantine against any infected place and prescribe rules and regulations for the conduct of the quarantine not inconsistent with the laws of the state of Oklahoma and the City of Tulsa. He shall keep reports of births, deaths, disease and nuisances, as prescribed by the state laws.

**SECTION 105. HEALTH ENFORCEMENT**

The Director of Health, or any person acting under his orders, shall have the authority, with warrant where necessary, to enter into and examine at any and all times all buildings, lots and places of all descriptions within the City for the purpose of ascertaining the sanitary condition thereof. He shall have the power, jurisdiction and authority to give directions and adopt such measures for cleansing and purifying such buildings, lots and places which in his opinion shall be necessary in the interest of public health. He shall have the power to order the owner or occupant of any private premises, at the expense of the owner or occupant, to remove any nuisance, source of filth or cause of sickness found therein within twenty-four (24) hours or such time as may be reasonable; and the neglect, failure or refusal to do so by such person shall constitute an offense and each day thereof shall constitute a separate offense.

**SECTION 106. NUISANCES**

The Board of Health or Director of Health shall proceed to abate any health nuisance existing under the laws of the state of Oklahoma or under the Revised Ordinances of the City of Tulsa in the manner specified by law for the abatement of such nuisances.

**SECTION 107. OBSTRUCTING HEALTH OFFICERS**

It shall be unlawful and an offense for any person to willfully obstruct or interfere with the Director of Health or his assistants in the enforcement of any health laws or rules.

**SECTION 108. DEFINITIONS**
Shall. The term "shall," as used in this title, expresses that which is mandatory.

Ord. No. 12608
CHAPTER 2

VENereal diseases

Section 200. Diseases Named.
Section 201. Doctors' and Laboratory Reports.
Section 202. Treatment Required.
Section 203. Reports Confidential.
Section 204. Prevention Measures.
Section 205. Investigations.
Section 206. Special Duties of Director.
Section 207. Quarantine.
Section 208. Exposure.
Section 209. Police Duties.
Section 210. Arrested Suspects.

SECTION 200. DISEASES NAMED

Syphilis, gonococcus infection and chancroid, granuloma inguinale and lymphogranuloma venereum are hereby and hereinafter recognized and declared to be contagious and infectious, communicable and dangerous to the public health. The term "venereal disease" as used in this chapter shall include all such diseases.

SECTION 201. DOCTORS' AND LABORATORY REPORTS

Each and every physician, laboratory, facility or other practitioner of the healing arts practicing in the City of Tulsa or any superintendent or manager of a hospital, dispensary or laboratory who treats or examines any person or persons, or performs any test or procedures which indicates the presence of, or suspicion of the presence of any venereal disease in any stage or manifestation shall report such positive tests or procedures to the Director of Health. Such reports shall be made in such form and manner as determined by the Director of Health.

SECTION 202. TREATMENT REQUIRED

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

SECTION 203. REPORTS CONFIDENTIAL

All information and reports concerning persons infected with venereal diseases shall be confidential and shall be inaccessible to the public, except insofar as publicity may attend the performance of the duty imposed upon the Director of Health by this chapter or
any other regulations hereafter promulgated and put into effect or by the rules of the state of Oklahoma; provided that statistics may be published without giving names.

**SECTION 204.  PREVENTION MEASURES**

Upon receipt of a report of a case of venereal disease, it shall be the duty of the Director of Health to institute such measures for the protection of other persons from infection by such venereally diseased persons as the Director is already empowered to use to prevent the spread of other contagious, infectious or communicable diseases.

**SECTION 205.  INVESTIGATIONS**

In all suspected cases of venereal diseases in the infectious stages, the Director of Health shall immediately use every available means to determine whether the person or persons suspected of being infected are suffering from such diseases, or any of them, and wherever such diseases are found to exist, the Director of Health shall whenever possible ascertain the sources of the infection. In such investigation, the Director of Health is vested with full powers of inspection, examination, isolation and disinfection of all persons, places and things as provided herein.

**SECTION 206.  SPECIAL DUTIES OF DIRECTOR**

The Director of Health ("Director") is directed and empowered to perform the duties enumerated herein.

A. **Examinations.** The Director shall make examinations of persons reasonably suspected of having syphilis in the infectious stages, or gonococcus infection. Because of the prevalence of such diseases among prostitutes, their associations may be within the class of persons reasonably suspected.

B. **Isolation.** The Director shall isolate persons infected with any such diseases whenever isolation is necessary to protect the public health. In establishing isolation, the Director of Health shall define the limits of the area in which the persons reasonably suspected or known to have syphilis or gonococcus infection and his or her immediate attendants are to be isolated; and no person, other than the attending physician, shall enter or leave the area of isolation without the permission of the Director of Health.

C. **Examination of Women.** In making examinations and inspections of women for the purpose of ascertaining the existence of syphilis or gonococcus infection, the Director shall appoint a woman physician for the purpose if the service of a woman physician is requested or demanded by the person examined.

D. **Quarantine.** In case of quarantine or isolation, the Director shall not terminate the quarantine until the cases have become noninfectious.
E. **Smears Taken.** Cases of gonococcus infection are to be regarded as infectious until at least two (2) successive smears, taken not less than forty-eight (48) hours apart, fail to show gonococci.

F. **Confidential Reports.** The Director shall keep all reports of such inspections and examinations from public inspection and make every reasonable effort to keep secret the identity of those affected by venereal diseases.

**SECTION 207. QUARANTINE**

Whenever it is necessary for the protection of the public health that the persons infected with venereal diseases be quarantined, the Director of Health shall quarantine such diseased person in a detention hospital or other suitable place, and cause to be administered to such person a proper course of treatment.

**SECTION 208. EXPOSURE**

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 a nurse, domestic servant, barber, hair-dresser, chiropodist, manicurist, bath attendant, masseur or foot handler.

**SECTION 209. POLICE DUTIES**

It shall be the duty of the Chief of Police of the City of Tulsa and all peace officers to apprehend all persons coming within the provisions of this chapter and to aid and assist in every way possible the Director of Health in enforcing each and every provision contained in this chapter.

**SECTION 210. ARRESTED SUSPECTS**

It shall be the duty of the Chief of Police and police officers of the City of Tulsa, whenever a person is arrested and charged with adultery, lewd conduct or occupying a room for immoral purposes, if they believe that the person is infected with one of the above-named venereal diseases, to immediately report the same to the Director of Health.
CHAPTER 3

SANITARY TOILETS

Section 300. Definitions.
Section 301. Disposal of Excreta.
Section 302. Privies Unlawful.
Section 303. Privies - A Nuisance.
Section 304. Sanitary Pit Privies.
Section 305. Temporary Privies - Construction Work.

SECTION 300. DEFINITIONS

A. Human Excreta shall mean the bowel and kidney discharges of human beings.

B. Sanitary Water Closet shall mean the flush-type toilet which is connected with a sewer line of sufficient capacity and so constructed as to carry away the contents at all times.

C. Sanitary Pit Privy small mean a privy which is built, rebuilt or constructed so as to conform to the specifications approved by the State Health Department and does not include septic tanks.

SECTION 301. DISPOSAL OF EXCRETA

It shall be unlawful for any person to dispose of human excreta or to permit the disposal of human excreta on property under his control, except in a sanitary water closet or closets, septic tank, or sanitary pit privy or privies of sufficient capacity to accommodate the occupants thereof at all times.

SECTION 302. PRIVIES UNLAWFUL

It is unlawful and a nuisance for any person in possession or control of any premises within the corporate limits of the City to construct or maintain thereon any privy, privy vault or dry closet if such property now or hereafter abuts on any lateral sewer or if such property is located in any sewer district already or hereafter established or is within two hundred and fifty (250) feet of any public, district or lateral sanitary sewer line. It shall be the duty of every property owner who owns property abutting to or along the sewer lines to connect or cause to be connected his or their toilet or toilets with the sanitary sewer of the City and to make and every connection so that each and all toilets are properly connected with such sewer system in such manner that the refuse therefrom will be delivered to the sanitary sewer.
SECTION 303. PRIVIES - A NUISANCE

All privies on any premises within the corporate limits of the City of Tulsa not located, constructed or maintained in conformity with the provisions of this chapter are hereby declared to be a nuisance and a menace to public health and shall be abated in the manner provided for abatement of nuisances.

SECTION 304. SANITARY PIT PRIVIES

Wherever it is necessary for any person residing on any lot or premises in the City of Tulsa which is not located within two hundred and fifty (250) feet of any sanitary sewer to have privies or closets not connected with the sanitary sewer, such person shall construct and maintain sanitary pit privies in accordance with the following rules:

A. The privy shall be completely boarded up at the rear and all sides except the doorway;

B. No sanitary pit privy shall be located within twenty (20) feet of any residence nor shall it be located within two (2) feet of any abutting property, either public or private;

C. All sanitary pit privies shall be kept clean at all times; the cover of the seat of the privies shall be kept closed at all times when the privy is not being used; no wash water, kitchen slop, or anything other than human excreta and toilet paper shall be emptied in the privy; provided, however, that in addition to these requirements all sanitary pit privies shall conform to the specifications approved by the State Health Department; and

D. The maintenance of any sanitary pit privy which does not comply with the provisions of this chapter shall constitute a misdemeanor and a violation of this chapter.

SECTION 305. TEMPORARY PRIVIES - CONSTRUCTION WORK

All employers of workmen engaged in construction operations shall provide on-site toilet facilities for the workmen, which facilities shall be weather tight and shall be maintained in a sanitary condition, completely fly proof and odorless, with a tight-fitting door on the toilet seat and a screened vent. Such facilities shall, in addition, consist of a water-flushed toilet, a temporary chemical toilet, or a sanitary pit-type privy approved by the Tulsa City-County Health Department as to the manner of construction and operation. If a pit-type privy is provided, the waste matter in the pit shall be covered with at least eighteen (18) inches of earth at the time the privy is moved.
CHAPTER 4

FOOD CODE

Section 400. Adoption of a Food Code.
Section 401. Reserved.

SECTION 400. ADOPTION OF A FOOD CODE

That a certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as the "Food Code of the City of Tulsa, Oklahoma, Effective Date July 1, 2001" (hereinafter "Food Code") is hereby adopted to cover all eating and drinking establishments as provided therein; and each and all of the regulations, provisions, penalties, conditions, and terms of the Food Code are hereby adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions, and changes, if any, prescribed in Section 401 of this chapter.

Ord. Nos. 18138, 20145

SECTION 401. RESERVED

Ord. Nos. 18138, 20145
CHAPTER 5

MEAT INSPECTION

Section 500. Definitions.
Section 501. Duties of Director of Health.
Section 502. Sanitary Standards.
Section 503. Standards and Definitions of Meat Food Products.
Section 504. Licensing.
Section 505. Importation of Uninspected Meat, Meat Food Products, Meat By-Products or Food Articles Unlawful.
Section 506. Required Labeling and Use of Inspection Legend.
Section 507. Sale or Possession of Meat Food Products, Meat By-Products or Food Articles Not Inspected by an Approved Inspection Agency Prohibited.
Section 508. Misbranding Prohibited.
Section 509. Inspection.
Section 510. Adulteration.
Section 511. Hold Order Authorized.
Section 512. Fish - Special Requirements.
Section 513. Contamination - Protection.
Section 514. Equipment to be Cleaned.
Section 515. Personal Hygiene.
Section 516. Display of Meat.
Section 517. Peddling Prohibited.
Section 518. Physical Facilities - Construction Standards.

SECTION 500. DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

A. **Animal** shall mean any cattle, sheep, goat, hog, rabbits or bison.

B. **Approved Inspection Agency** shall mean and include:

1. The United States Department of Agriculture Meat Inspection Division;
2. The Oklahoma Department of Agriculture Meat Inspection Division;
3. The Tulsa City-County Health Department; and
4. Other Inspection Agency approved by the Tulsa City-County Health Department.
C. **Approved Supplier** or **Approved Sources** shall mean those suppliers and sources which have been approved by a federal, state, or local agency.

D. **Approved Water Source** shall mean a water source approved by the Tulsa City-County Health Department.

E. **Carcass** shall mean all parts of a slaughtered animal or poultry capable of being used for human food.

F. **City** shall mean the City of Tulsa, Oklahoma.

G. **Cooked** shall mean the heating of meat food products or food articles to a degree that conforms with requirements of cooked designations. These internal temperature requirements are:

1. Rare roast beef, one hundred thirty degrees (130°F) Fahrenheit;
2. Beef, one hundred forty degrees (140°F) Fahrenheit;
3. Pork, one hundred fifty degrees (150°F) Fahrenheit;
4. Poultry, game birds, and rabbits, one hundred sixty-five degrees (165°F) Fahrenheit; and
5. All other food articles, one hundred fifty degrees (150°F) Fahrenheit.

H. **Condemned** shall mean that the carcasses, parts of carcasses, meat, meat by-products, or meat food products so marked have been inspected and found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food.

I. **Cured** shall mean that meat food products or food articles have been subjected to approved chemical additives to retard bacterial growth.

J. **Director** shall mean the Director of the Tulsa City-County Health Department or his authorized representative.

K. **Food Article** shall mean any article of food derived wholly or in part from meat, meat by-products, or meat food products, which is not subject to United States or Oklahoma meat inspection laws. These food articles include fish, quail, pheasant and other products intended for human consumption.

L. **Fish** shall mean any edible commercially distributed aquatic food article.
M. **Fresh** shall mean meat food products or food articles that have never been frozen, cooked, cured, nor smoked and which are maintained at a refrigerated temperature not to exceed forty-five degrees (45°F) Fahrenheit, except that fresh fish shall be maintained at a refrigerated temperature not to exceed forty degrees (40°F) Fahrenheit.

N. **Frozen** shall mean a meat food product or food article which is frozen at an internal temperature of ten degrees (10°F) Fahrenheit or below, or which previously has been frozen.

O. **Immediate Container** shall mean the receptacle or other covering in which any product is directly contained or is wholly or partially enclosed.

P. **Inspected and Passed** shall mean that the carcasses, parts of carcasses, meat, meat by-products, or meat food products have been inspected and passed under this chapter, and at the time they were inspected they were found to be sound, healthful, wholesome and fit for human food.

Q. **Inspection Legend** shall mean a mark or statement, authorized by this chapter, containing the establishment number, and indicating that the product has been inspected and passed for food by an inspector.

R. **Inspector** shall mean the Director of the Tulsa City-County Health Department or any individual duly authorized by him to act as an inspector or an individual appointed by an approved inspection agency.

S. **Licensed Establishment** shall mean any establishment holding an unrevoked and a valid license from the City as required by this chapter.

T. **Meat** shall mean all or any part of an animal or poultry which is skeletal or which is found in the tongue, diaphragm, heart or esophagus, with or without the overlying fat and portions of bone, skin, sinew, nerves, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. This definition does not include the muscles found in the lips, snout or ears.

U. **Meat By-Products** shall mean any edible part of an animal or poultry other than meat.

V. **Meat Food Products** shall mean any article of food which is derived or prepared, in whole or in substantial and definite part, from any portion of any cattle, swine, sheep, goat, bison, poultry or rabbits which are included under mandatory meat inspection laws authorized by the Oklahoma Meat Inspection Act, 2 O.S.1991, §§ 6-181, et seq., and the Wholesome Meat Act, 81 Stat. 584. Articles such as organotherapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession, are an exception to this definition.
W.  **Misbranding** shall mean the application of a false stamp, brand, or label or any advertisement or practice that would be misleading or deceptive.

X.  **Hold Order** shall mean an order by the Director prohibiting the relocation of, or any use being made of the retained, attached, or article under hold order from its point of seizure.

Y.  **Person** shall mean any person, firm, partnership, corporation, association or company.

Z.  **Poultry and Poultry Products** shall mean domestic fowl, including chickens, ducks, pigeons, geese, guineas, turkeys or their parts, intended for human consumption.

AA.  **Previously Frozen** shall mean a meat food product or food article that has been frozen at an internal temperature of ten degrees (10°F) Fahrenheit or below, then thawed to a temperature not to exceed forty-five degrees (45°F) Fahrenheit, except that the temperature of fish, either fresh or previously frozen, shall not exceed forty degrees (40°F) Fahrenheit.

BB.  **Retail Food Establishments** shall mean any person engaged in the meat business within the City of Tulsa other than a wholesale establishment or a wholesale distributor.

CC.  **Sale or Offer for Sale** shall mean a sale or offer for sale for human consumption of any of the products mentioned in this chapter. Possession of such products by any retail establishment, wholesale establishment, or wholesale distributor shall be prima facie evidence that such products are for sale.

DD.  **Shipping Container** shall mean the outside container containing or wholly or partially enclosing any product packed in one or more immediate containers.

EE.  **Slaughterhouse** or **Abattoir** shall mean a place, or building or structure in connection therewith, where animals or poultry are slaughtered for food intended for human consumption.

FF.  **Smoked** shall mean subjecting meat food products or food articles to smoke (hardwood or other approved nonresinous material) to obtain desired flavor and increase shelf life. Smoked products may or may not be cooked.

GG.  **Wholesale Distributor** shall mean any person whose base of operation is located in the City, who distributes meat food products or food articles within the City, and who does not have a wholesale establishment as defined herein. Such meat food products or food articles are intended for human consumption.
HH. **Wholesale Establishment** shall mean every place, other than an abattoir, in which any meat food product or food articles designed or intended for human consumption is refrigerated, smoked, cured, prepared, canned or otherwise treated, or is sliced, ground or otherwise processed so as to lose its former identity, and/or any place that does the major part of its business on the wholesale level.

*Ord. No. 17284*

**SECTION 501. DUTIES OF DIRECTOR OF HEALTH**

The Director shall make sanitary inspections of any premises where meat, meat by-products, meat food products, or food articles are introduced in the City for sale for human consumption or sold, assigned, delivered, or in any way transferred. It shall be the further duty of the Director to adopt guidelines for the inspection and processing of any products defined in this chapter for human consumption, for enforcing and administering this chapter and rules and regulations authorized hereby, adopted by the City Council, and for carrying out such other duties as may from time to time be assigned to him by the City of Tulsa.

*Ord. No. 17284*

**SECTION 502. SANITARY STANDARDS**

Unless modified, as hereinafter provided, the sanitary standards for all slaughterhouses, abattoirs, wholesale establishments, wholesale distributors, and retail food establishments licensed and/or regulated under the terms of this chapter shall be the standards established by the Tulsa City-County Health Department as to construction and physical facilities. Such standards may be altered or modified by the rules or regulations of the Director in the manner herein provided.

The sanitary standards for all wholesale establishments, wholesale distributors, and retail food establishments where meat food products or food articles are processed or stored shall be such as to maintain all products in a wholesome condition and to avoid all contamination thereof which might endanger the life or health of any human. The Director shall adopt guidelines pertaining to the physical facilities, methods of operation, qualification of employees, handling, packaging and the inspection of the establishments, plants, facilities and products as may be necessary to maintain the sanitary standards herein required.

*Ord. No. 17284*
SECTION 503. STANDARDS AND DEFINITIONS OF MEAT FOOD PRODUCTS

The standards and definitions of meat food products shall be those established by the United States Department of Agriculture, Meat Inspection Division. Such standards may be altered or modified by the Director, if deemed necessary.

Ord. No. 17284

SECTION 504. LICENSING

Any person maintaining, operating, or conducting within the City any slaughterhouse, abattoir, or wholesale establishment or any person engaged in the business of wholesale distribution must obtain and thereafter hold a valid license from the City as issued by the Tulsa City-County Health Department. Where any such person operates or conducts more than one such place of business, a separate license shall be required for each separate place. Such license may be suspended or revoked by the Director upon violation by the holder of any provision of this chapter. The holder of any license suspended or revoked shall be afforded an opportunity for a hearing before the Director as provided for in Chapter 10, Section 10-601 of the Food Code of the City of Tulsa.

A. Application to Obtain License. Every person applying for a license hereunder shall, with respect to the premises and methods of handling meat food products or food articles, comply with all applicable federal laws, Oklahoma statutes and the standards set forth in this chapter.

Application for a license shall be made on forms supplied by the Director, containing information concerning the ownership, location, type of operation, and other details as the Director may deem necessary for the proper enforcement of this chapter. Each approved application shall be presented to the Finance Officer of the Tulsa City-County Health Department and, upon payment of a license fee in the amount of One Hundred Dollars ($100.00) for each classification, a license or licenses shall be issued.

B. Action on Application. Upon filing of an application, the Director may cause an inspection to be made of the premises for which a license is requested. After inspection, the Director shall either approve the application or notify the applicant in writing of any requirements which must be met before the license will be issued.

C. Annual Renewal of License. A renewal application for a license authorized under this chapter shall be made in writing to the Director on or before the first day of July of each year. Applications for a license to operate a new establishment shall be made in the same manner as set forth in Subsections A and B above, except that the license fee shall be one-half (1/2) of the annual fee if an application is made between January 1st and June 30th. After June 30th, the entire fee shall be paid.

Ord. No. 17284
SECTION 505. IMPORTATION OF UNINSPECTED MEAT, MEAT FOOD PRODUCTS, MEAT BY-PRODUCTS, OR FOOD ARTICLES UNLAWFUL

It shall be unlawful and an offense to bring into or receive into the City for purposes of sale, as herein defined, any meat, meat food products, meat by-products, or food articles not inspected previously by an approved inspection agency.

Ord. No. 17284

SECTION 506. REQUIRED LABELING AND USE OF INSPECTION LEGEND

In addition to the regulations contained in this chapter, it shall be unlawful for any person to sell, offer for sale, deliver, barter, or give away for commercial purposes any animal, meat, meat food product, or meat by-product for human consumption within the City, unless the same shall bear an inspection legend. The legend, containing the establishment number and the kind of inspection service, shall be stamped or branded on all fresh and cured meat, each wholesale cut, and in the printing on all the casings and wrappers when used as true containers of ground, chopped, or fabricated meats, hamburger, meat food products, and meat by-products. All meat food products and food articles in package form shall have affixed a label, in legible English, showing the common or usual name of the product, an ingredient statement listing the ingredients in the order of their predominance by weight (if two or more ingredients), the net weight, the name and address of the manufacturer or distributor and an inspection legend, where applicable. All labels must conform to federal labeling laws.

Ord. No. 17284

SECTION 507. SALE OR POSSESSION OF MEAT FOOD PRODUCTS, MEAT BY-PRODUCTS, OR FOOD ARTICLES NOT INSPECTED BY AN APPROVED INSPECTION AGENCY PROHIBITED

The sale, offer, exposing or having in possession for sale within the City of meat, meat food products, meat by-products or food articles which have not been inspected by an approved inspection agency at the time of slaughter or processing is hereby prohibited; provided, however, that nothing stated here shall exempt meat inspection when arriving for sale. It shall be unlawful for any person to sell, expose, or offer to sell or have in his possession for sale for human consumption, any meat, meat food product, meat by-product, or food article otherwise not fit for such purposes; and possession of such meat, meat food products, meat by-product, or food articles shall be prima facie evidence of an intent to sell.

Ord. No. 17284
SECTION 508. MISBRANDING PROHIBITED

No person shall use or apply to any meat, meat by-product, meat food product or food article the quality designations used by the United States Department of Agriculture in its official grading service, e.g., "Prime," "Choice," "Good," "Standard," "Commercial," "Utility," "Cutter," and "Canner," unless such meat, meat by-products, meat food products or food articles have been given these quality designations by an agency of the United States Department of Agriculture. Nor shall any person apply to any meat, meat by-product, meat food product or food article any label, statement or advertisement, device or design regarding such article or the ingredients or substitutes contained herein, any false or misleading statement or advertisement concerning such article, including any statement, act, or advertisement concerning the person or persons by whom it was produced or manufactured. Misbranding also shall mean the use of colored lights in display areas which could deceive or misrepresent the true natural color of meat food products or food articles. Misbranding includes previously frozen meat food products and food articles that have been thawed and displayed without a written designation of "previously frozen" or, if such products or articles are an imitation of another food, misbranding shall occur unless the word "imitation" immediately precedes the name of the food imitated and is written in a type of uniform size, and prominently indicated.

Ord. No. 17284

SECTION 509. INSPECTION
The Director shall conduct inspections as frequently as necessary for the protection of the public health. He shall determine with reference to each establishment that the premises used in the handling of meat, meat food products, meat by-products or food articles conform to the standards set forth in this chapter. In the event he finds in any such abattoir, wholesale establishment, retail food establishments or truck any condition which, in his judgment, would constitute a danger to the public health, he shall immediately notify the holder of the license both of his findings and of the requirements necessary to protect the public health. The Director may revoke and demand the immediate surrender of the license previously issued for any such abattoir, wholesale establishment or wholesale distributor or retail food establishment if, in his judgment, the conditions then existing make unsafe the slaughter or sale of meat, meat food products, meat by-products, or food articles on such premises; and in the event of such action, it thereafter shall be unlawful for the holder of such permit to sell, or offer for sale any of the meats, meat food products, meat by-products or food articles then on such premises. Or, the Director may allow a reasonable time for the holder of such license to comply with the requirements of the Director; and in such event it shall be the duty of the license holder to immediately remove all of the conditions found to be dangerous to the public health or not in conformity with the standards of this chapter. If the Director finds any meat, meat food products, meat by-products or food articles to be contaminated, adulterated, unstamped or falsely stamped, unbranded with an inspection legend, unlabeled or falsely labeled, or otherwise unfit for human consumption, and if in his judgment it is necessary to prevent the sale thereof, he may condemn immediately or seize or take into his possession or spoil any such product at the entire cost of the person having possession, whether or not the holder's license is revoked.

Ord. No. 17284

SECTION 510. ADULTERATION

No sodium sulfite, sodium benzoate, or any other preservative or additive not approved by the Standards of the United States Department of Agriculture, Meat Inspection Division, or by the Director, shall be added to any fresh meat, cured meat, meat food product, meat by-product, or food articles. Any product which contains any poisonous or deleterious substance, or is in an unwholesome condition which may render it injurious to health or otherwise unfit for human food, shall be deemed adulterated.

Ord. No. 17284
SECTION 511. HOLD ORDER AUTHORIZED

Whenever the Director finds, or has probable cause to believe that any meat, meat food product, meat by-product, or food article is adulterated or so misbranded as to be dangerous or fraudulent within the meaning of this chapter, he shall affix to such article a tag or other appropriate marking, stating that the article is, or is suspected of being adulterated or misbranded and has been detained or is under a hold order. The statement shall warn all persons not to remove or dispose of such article, by sale or otherwise, until permission for removal or disposal is given by the Director or a court. The detained item may be properly stored; however, it shall be unlawful for any person to remove or dispose of the item, by sale or otherwise, without permission from the Director.

If requested in writing, the Director shall provide the owner or person in charge with a hearing to examine the evidence. The hearing shall be held within ten (10) days after the order is issued. If no written request is made, the Director shall make an inspection and examine the evidence. After a hearing or an inspection, the Director shall:

A. Issue a written order directing the owner or person in charge to denature or destroy the food;

B. Allow the food to be brought into compliance with the code; or

C. Vacate the hold order.

Ord. No. 17284

SECTION 512. FISH - SPECIAL REQUIREMENTS

Fish shall be harvested from approved water sources and be obtained from approved suppliers. Fresh or previously frozen fish shall be stored under mechanical refrigeration at forty degrees (40°F) Fahrenheit or less. Cooked fish and fish products to be held under cold storage shall be rapidly cooled and maintained to an internal temperature of forty-five degrees (45°F) Fahrenheit. Frozen fish shall be stored at an internal temperature of ten degrees (10°F) Fahrenheit.

Ice intended for cooling stored fish shall meet the same standards as ice for food. Ice which has been used for cooling fish shall not be used for human consumption. When ice is used to cool stored fish it shall be free draining to a floor drain. Direct contact of cooked fish with ice is prohibited. During display, to prevent cross-contamination, physical barriers or other approved methods shall be used to separate cooked fish from raw fish.
SECTION 513.  CONTAMINATION - PROTECTION

All meat food products or food articles shall be protected during processing, storage, and transportation from flies, dust, dirt, vermin, roaches, foreign material, and other contamination. Meat food products or food articles shall be maintained at proper temperatures as established in other sections of this chapter. In order to prevent cross-contamination, the utensils and equipment that have been used for preparation of raw meat or raw food articles shall not be used for preparation of cooked or finished products, unless such utensils and equipment have been thoroughly cleaned, rinsed, and sanitized. Separate tables shall be provided for slicers and equipment used for the handling, preparing and repackaging of finished foods.

ORD. NO. 17284

SECTION 514.  EQUIPMENT TO BE CLEANED

All knives, utensils, blocks, and other equipment used in the handling and dispensing of meat or food products shall be thoroughly cleaned, rinsed, and sanitized at the end of the day, or as becomes necessary throughout the day, based on food temperature, type of food, and amount of food particle accumulation. All processing areas must be cleaned as often as necessary to maintain a sanitary condition.

All utensils and equipment shall be constructed of safe materials and shall be smooth, easily cleanable, and durable. Any utensils used in the handling, caring for, or dispensing of meat food products or food articles, when found by the Director to be improper and imperfect and not in conformity with the regulations hereof, shall be discarded and removed from the premises.

ORD. NO. 17284

SECTION 515.  PERSONAL HYGIENE

Each establishment shall have adequate toilet facilities, equipped with hot and cold running water, blending faucet, soap and towels. The owners, proprietors, managers, and employees in any way connected with the handling of meat shall exert the utmost care in personal cleanliness, and shall, at all times while engaged in the handling of food, be cleanly clothed.

ORD. NO. 17284

SECTION 516.  DISPLAY OF MEAT

Meat food products or food articles shall not be displayed without protection from atmospheric contaminations nor at a temperature higher than forty-five degrees (45°) Fahrenheit; except that fresh or previously frozen fish shall not exceed forty degrees (40°) Fahrenheit.
Meat food products or food articles shall be protected from contamination when being weighed, and shall not be left on blocks while not being immediately dispensed.

Ord. No. 17284

SECTION 517. PEDDLING PROHIBITED

No huckster, peddler, or other street vendor shall offer for free or sale or be allowed to sell, vend or peddle any meat food products or food articles upon any of the streets, alleys, or avenues within the City.

Ord. No. 17284

SECTION 518. PHYSICAL FACILITIES - CONSTRUCTION STANDARDS

The physical facilities of retail and wholesale meat processing establishments shall conform to the regulations given herein.

A. Plans and Specifications. Drawings with specifications, in triplicate, that fully and clearly illustrate the applicant's establishment as it now exists or as he proposes to have it remodeled or constructed and equipped for inspection, shall be submitted to the Environmental Health Services Division, Tulsa City-County Health Department, 4616 East 15th Street, Tulsa, Oklahoma, 74112. The plans should include the floor plan, plumbing, mechanical, finish schedule, and equipment layout sheets with specifications. One copy of such drawings shall be retained by the Division. When a building permit is required in the City, such drawings must be submitted first to the Protective Inspections Department of the City. The number of required drawings and specifications submitted shall be determined by the Office of Protective Inspections.
B. Establishment Drainage.

1. Floor Drains. All parts of floors where wet operations are conducted shall be well drained. As a general rule, one drainage inlet should be provided for each four hundred (400) square feet of floor space. A slope of one-fourth (1/4) inch per foot to drainage inlets shall be required for usual conditions.

   In areas such as retail sales areas where design and use is somewhat different, the slope may be approximately one-eighth (1/8) inch per foot. It is important that the floor slope uniformly to drains with no spots to collect liquid. Floor drains shall not be required in freezers or dry storage areas.

2. Sanitary Drainage Lines. Drainage lines from toilet bowls and urinals shall not be connected with other drainage lines within the plant, unless an acceptable and effective method or device to prevent backflow of sewage from the toilets is provided. Drainage lines from toilet bowls and urinals shall not discharge into a grease catch basin.

3. Size and Construction of Drainage Lines. All drains and lines shall have an inside diameter of at least four (4) inches, except floor drains used for receiving condensate from refrigeration units may have an inside diameter of two (2) inches. These condensate drains should be set near floor level with floors grading away to larger clean-up drains. Where several four (4) inch drainage lines discharge into one (1) trunk line, this line must be proportionately larger so as to handle efficiently the drainage discharged into it. Each floor drain must be equipped with a proper trap, and all drains in coolers or food storage areas must have a back water ball or other effective method to prevent back flow of sewage. Any variations must have prior approval of Tulsa City-County Health Department, and all plumbing must conform with the City Plumbing Codes.

C. Floors. Floors shall be constructed of an impervious material, such as quarry tiles and sealed concrete. An effective method or design is recommended in excessively slick areas to avoid accidents.

D. Coves. Coves with radii sufficient to promote sanitation shall be installed at junctures of floors and walls in all rooms.

E. Interior Walls. Interior walls shall be smooth and flat, and shall be constructed of impervious material, such as glazed tile, glazed brick, smooth surfaced portland cement plaster, or other non-toxic, non-absorbent material applied to a suitable base. Walls should be light colored with a light reflectivity of fifty percent (50%) or more.

F. Ceilings. Ceilings should be of good height and, as structural conditions permit, shall be smooth and flat. Ceilings shall be light colored, non-absorbent and easily cleanable.
G. **Window Ledges.** Window ledges shall be sloped approximately forty-five degrees (45°) to promote sanitation.

H. **Electrical.** All electrical outlets located in processing areas shall be of a waterproof type fixture to allow the proper cleaning of walls, floors, and equipment with a water hose if desired. The main switch boxes shall be located in the dry storage area or in an area of sufficient distance from processing. Exposed conduits shall be minimized and shall be bracketed at least one-fourth (1/4) inch from the wall. All electrical wiring and outlets must meet City Electrical Codes.

I. **Lighting.** Well distributed artificial lighting of good quality shall be required at all places where, and at all times when adequate natural light is not available or sufficient. The overall intensity of artificial illumination in workrooms shall be not less than twenty (20) foot candles. At all places where inspections are made or where special illumination is required to enable establishment employees to properly prepare products of any character to meet the requirements of the inspection, the illumination shall be not less than fifty (50) foot candles. Bulb protectors shall be installed on lights directly over, by, or within exposed-food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.

J. **Hot Water.** There shall be a sufficient quantity of hot water to permit cleaning of all equipment and rooms after each day’s processing.

K. **Equipment Sink.** A three-compartment sink, including drainboards, large enough to accommodate the largest utensils normally disassembled or used in the daily operation, shall be installed. It shall be plumbed with hot and cold running water to swing spigot mixing faucet or faucets adequate to serve all compartments. The vat may be plumbed to a two (2) inch drain line not to exceed eight (8) feet in length, connected to the four (4) inch trunk line.

L. **Handwashing Facilities.** Each processing room must be equipped with a foot or knee operated handwashing lavatory. Each lavatory must be supplied with hot and cold running water delivered through a combination mixing faucet with outlet approximately twelve (12) inches above the rim of the bowl to facilitate washing arms as well as hands, liquid soap and an ample supply of sanitary towels in suitable dispensers, and an enclosed receptacle for used towels. The distance between the hot water source and fixture shall be in compliance with the City Plumbing Codes.

M. **Hose Bibb.** A sufficient number of hot and cold water outlets with mixing hose bibb connections, equipped with vacuum breaker, shall be placed in each cooler or processing room. The faucet should be a minimum of forty-eight (48) inches above the floor. The use of long hoses should be avoided. A hose rack shall be provided.
N. **Cooler Shelves and Racks.** Cooler shelves and racks shall be constructed of corrosive resisting material. No "open end" pipe will be acceptable. Cooler storage racks shall be at least twelve (12) inches above the floor. Wood, other than approved hard wood, shall not be used in construction of meat cooler equipment.

O. **Equipment.** Equipment, such as grinders and band saws, shall be properly constructed and installed to allow thorough daily cleaning. They should be erected on adjustable legs a minimum of six (6) inches from the floor.

P. **Size of Departments.** Meat preparation, processing and storage departments shall be of sufficient size to permit the installation of all necessary equipment, to provide ample space for establishment operation, and to allow proper cleaning.

Q. **Toilets and Dressing Rooms.** There shall be provided an ample dressing room area, and adequate toilet facilities with lavatory, hot and cold water, soap and sanitary towels. The floors, walls, and ceilings shall be smooth and of non-absorbent material. Walls shall be light colored with a light reflectivity of fifty percent (50%) or more. Wall to floor junctures shall be coved. Toilets shall be vented to outside air and have self-closing, tight fitting doors. Ventilation to the outside atmosphere shall be by means of forced air sufficient to provide three (3) air changes of the room per hour.

R. **Ventilation.** There shall be sufficient and proper ventilation by approved methods for each establishment. Ventilation shall comply with existing City Codes.

S. **Trash and Waste Receptacles.** Trash and waste receptacles shall be of a sufficient size, of smooth, solid construction, of nonabsorbent, easy-to-clean material, and shall have tight fitting lids.

T. **Equipment Cleaning Room.** There shall be a properly equipped area or room for the purpose of cleaning equipment, such as garbage cans or barrels, which are too large for vats.

U. **Walk-In Cooler Tops.** When walk-in coolers are located in meat processing areas, the tops shall be completely enclosed to the ceiling to prevent a flat, dust collecting surface; and such coolers shall be sealed to the wall and floors, when applicable.

The tops of coolers located in non-processing areas may be used for storage if they are properly floored, lighted, and accessible by a stairway or ladder. Such areas shall be maintained in a sanitary manner.

V. **Wet Storage for Poultry, Livers, Thawing Meat, etc.** If wet storage is employed, it shall be by a method approved by the Director that will control the drainage in a sanitary manner and prevent contamination of other products. The container shall be designed to be thoroughly and easily cleaned.

*Ord. No. 17284*
CHAPTER 6

FROZEN DESSERTS

Section 600. Definitions.
Section 601. The Sale Prohibited of Mix or Frozen Dessert Which Is Adulterated or Misbranded.
Section 602. Permits.
Section 603. Labeling.
Section 604. Inspection of Frozen Dessert Plants.
Section 605. Examination of Frozen Desserts and Their Ingredients.
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Section 608. Suspension and Re-Issuing of Permit.
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Section 610. Mix and Frozen Desserts from Points Beyond the Limits of Routine Inspection.
Section 611. Future Frozen Dessert Plants.
Section 612. Notification of Disease.
Section 613. Procedure When Infection Suspected.

SECTION 600. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this chapter.

A. **Frozen Desserts** shall mean any clean, frozen or partly frozen combination of two or more of the following: Milk or milk products, eggs or egg products, sugar, water, fruit or fruit juices, candy, nut meats or other harmless and wholesome food products, flavors, color, or harmless edible emulsifier or stabilizer. Frozen desserts shall be deemed to include ice cream, frozen custard, ice milk, milk sherbet, ices and other similar products.

B. **Milk and Milk Products** as used in mix or frozen desserts shall include cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, concentrated skim milk from which part of the lactose has been removed by crystallization, concentrated cheese whey, and dried cheese whey. Water may be added or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in
this section means cow's milk, and any other product made by the addition of a substance to milk, or to any of these milk products, mix or frozen dessert, used for similar purposes, and designated as a frozen dessert by the health authority.

C. **Mix** shall mean the unfrozen combination of all ingredients of a frozen dessert with or without fruits, fruit juices, confectioneries, nut meats, flavor, or harmless color.

D. **Confectioneries** shall mean candy, cakes, cookies and glace fruits.

E. **Pasteurization**, or **pasteurized**, and similar terms, shall be taken to refer to the process of heating, in approved and properly operated equipment, every particle of mix to one of the following minimum temperatures and holding at this temperature continuously for the specified time as indicated below:

- $155^\circ$ F. and holding at such temperature for at least 30 minutes;
- $175^\circ$ F. and holding at such temperature for at least 25 seconds; or
- $194^\circ$ F. using the "Vacreator" process;

provided, however, that nothing contained in this definition shall be construed as barring any other method of process as may be demonstrated to be equally efficient and which is approved by the State Board of Agriculture and the Director of the City-County Health Department.

F. **Person** shall mean a person, firm, corporation or association.

G. **Frozen Desserts Plant** is defined as any place or premises where frozen desserts or mix are manufactured, processed or frozen for distribution or sale.

H. **Milk Products Plant** shall mean any place or premises where milk or milk products are skimmed, concentrated, evaporated, powdered, manufactured into butter, or otherwise processed for subsequent manufacture of mix or frozen desserts.

I. **Health Officer** shall mean the Director of the City-County Health Department of the City of Tulsa or his authorized representative.

J. **Adulterated** shall mean the condition of frozen dessert:

1. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
2. If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established;

3. If it consists in whole or any part of any substance unfit for human consumption;

4. If it has been processed, prepared, packed or held under unsanitary conditions whereby it may have been rendered injurious to health;

5. If its container is composed in whole or in part of any toxic or deleterious substance which may render the contents injurious to health; or

6. If it contains any substance that does not conform to the definitions contained in this chapter.

K. Misbranded shall mean the presence of any written, printed or graphic matter upon or accompanying any frozen dessert or containers for frozen desserts which is false or misleading or which violates any applicable statute of the state of Oklahoma or Revised Ordinance of the City of Tulsa pertaining to labeling laws or regulations.

L. And/Or. Where the term "and/or" is used, "and" shall apply where possible; otherwise, "or" shall apply.

M. Ice Cream is a frozen dessert prepared by freezing a pasteurized mix composed of two or more of the following: milk, milk products, sweetening ingredients, egg ingredients, stabilizers and/or emulsifiers, harmless flavoring and colors and shall contain not more than 0.5 percent by weight of stabilizer, not less than 10 percent by weight of milk fat, and not less than 20 percent by weight of total milk solids; except when fruits, nuts, cocoa or chocolate, malted milk, confectionery or cooked cereal are used for the purpose of flavoring; then it shall contain not less than 10 percent by weight of milk fat and 20 percent by weight of total milk solids, except for such reduction in milk fat and in total milk solids, as is due to the addition of such flavoring, but in no case shall it contain less than 8 percent by weight of milk fat and 16 percent by weight of total milk solids. The finished ice cream shall contain not less than 1.6 pounds of total solids to the gallon and shall weigh no less than 4.5 pounds to the gallon.

N. Frozen Custard, French Ice Cream, French Custard Ice Cream. French ice cream and french frozen custard is ice cream to which has been added egg ingredients in such quantity that the total weight of egg yolk solids therein is not less than 1.4 percent of the weight of the finished product; provided, however, that when fruits, nuts, cocoa or chocolate, malted milk, confectionery or cooked cereal are used the content of egg yolk solids may be reduced in proportion to those flavorings added; but in no case shall the content of egg yolk solids be less than 1.12 percent.
O. **Ice Milk** is a frozen dessert prepared by freezing a pasteurized mix composed of two or more of the following: milk, milk products, sweetening ingredients, egg ingredients, stabilizers or emulsifiers and harmless flavoring or color; and it shall contain not more than 0.5 percent by weight of stabilizer, not less than 3-1/4 percent by weight of milkfat nor less than 12-1/4 percent by weight of total milk solids. Caseinate may be added when the content of total milk solids is not less than 12-1/4 percent. There shall be no reduction in milkfat and total milk solids due to the addition of fruits, nuts, cocoa or chocolate, malted milk, confectionery or cooked cereal. The quantity of food solids shall be not less than 1.3 pounds to the gallon, and the finished project shall weigh not less than 4.5 pounds to the gallon.

When ice milk is packaged in containers larger than one-half (1/2) gallon, it shall not contain color nor any characterizing flavor.

P. **Mellorine** means the pure, clean, frozen product made from a combination of two or more of the following ingredients: milk products, edible fat (other than butterfat), eggs, water, fruit, salt, nuts, chocolate or cocoa, sugar or corn syrup in dry or liquid form with or without added stabilizer compound of wholesome edible material. It contains not more than one-half of one percent (1/2 of 1%) by weight of stabilizer and/or emulsifier, not less than six percent (6%) by weight of vegetable fat or other fats, excluding butterfat, and not less than ten percent (10%) by weight of total milk solids. In no case shall any Mellorine contain less than 1.3 pounds of total food solids per gallon and weigh less than 4.5 pounds per gallon. Such product shall carry a label identifying it by its common name and, in script of equal prominence with Mellorine, the generic type of edible fat or fats (exclusive of milk fats) contained in such product. When Mellorine is packaged in containers of greater than one-half gallon in content, it shall not contain color or any characterizing flavor.

Q. **Sherbet.** Fruit sherbets are foods prepared by freezing (while stirring) a mix composed of one or more of the following ingredients:

1. Ground spice, ground vanilla beans, infusion of coffee or tea, or any natural food flavoring;

2. Any artificial food flavoring;

3. Chocolate or cocoa, which may be added as such or as a suspension in syrup and which may contain disodium phosphate or sodium citrate in such quantity that the finished ice cream contains not more than 0.2 percent by weight of disodium phosphate or sodium citrate; for the purposes of this section, the term "cocoa" means one or any combination of two or more of the following: Cocoa, breakfast cocoa, low-fat cocoa, and the unpulverized residual material of the fat from ground cocoa nibs;
4. Mature fruit or the juice of mature fruit, either of which may be fresh, frozen, canned, concentrated or partially or wholly dried. The fruit may be whole, shredded or comminuted; it may be sweetened, thickened with pectin, or with one or more of the following ingredients: Agar-agar, algin (sodium alginate), calcium sulfate, gelatin, gum acacia, quarg seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, Irish moss, extract of Irish moss, lecithin, psyllium seed husk, sodium carboxymethyl cellulose. The total weight of the solids of any such ingredient used single, or any combination of two or more such ingredients used (including any such ingredient and pectin added separately to the fruit ingredient), is not more than 0.5 percent of the weight of the finished ice cream. Such ingredients may be added in a mixture with dextrin. The fruit may be acidulated with citric or ascorbic acid and is prepared by the removal of pits, seeds, skins and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. In the case of fruit or fruit juice from which part of the water is removed, the substances contributing flavor volatized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of the citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used and in the case of citrus juice or concentrated citrus juice, cold-pressed citrus oil may be added in an amount not exceeding that which would have been obtained if the peel from the whole fruit had been used. For the purposes of this section, the flesh of the coconut shall be considered a fruit;

5. Nut meats, which may be roasted, cooked in an edible fat or oil or preserved in syrup and which may be salted;

6. Malted milk;

7. Confectionery;

8. Properly prepared and cooked cereal;

9. Any distilled alcoholic beverage, including liqueurs or any wine or mixtures of two or more of these with one or more of the dairy ingredients specified in Subsection 600.B, sweetened with one or more of the following sweetening ingredients:

   a. Sugar (sucrose) or sugar syrup;

   b. Dextrose;

   c. Invert sugar (in paste or syrup form);

   d. Corn syrup, dried corn syrup, glucose syrup, dried glucose syrup;

   e. Maple syrup, maple sugar;

   f. Honey;

   g. Brown sugar;
h. Malt syrup, maltose syrup, malt extract;
i. Dried malt syrup, maltose syrup, malt extract;
j. Refiner’s syrup;
k. Molasses (other than blackstrap);
l. Lactose; or
m. Fructose N.F.; and

10. One or more of the following ingredients which may be added to ice cream mix containing not less than 20% total milk solids: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form but must be free of excess alkali.

The mix of combined dairy ingredients with or without other ingredients is pasteurized. The titratable acidity of the finished fruit sherbet, calculated as lactic acid, is not less than 0.35 percent. Coloring may be added. The mix with or without added water may be seasoned with salt and may be homogenized. The optional dairy ingredients used and the content of milk fat is not less than one percent (1%) and not more than two percent (2%) and the weight of total milk solids is not less than two percent (2%) and not more than five percent (5%) of the weight of the finished fruit sherbet. The finished fruit sherbet weighs not less than six (6) pounds to the gallon.

SECTION 601. THE SALE PROHIBITED OF MIX OR FROZEN DESSERT WHICH IS ADULTERATED OR MISBRANDED

Within the City of Tulsa or its police jurisdiction, no person shall manufacture, freeze, sell, offer or expose for sale or have in possession with intent to sell any mix or frozen dessert which is adulterated or misbranded.

SECTION 602. PERMITS

It shall be unlawful for any person who does not have a permit from the Health Officer to deliver directly or indirectly into, to receive within the City of Tulsa or its police jurisdiction for sale or to produce or sell to offer for sale therein or to have in storage where mix or frozen desserts are sold or served any mix or frozen desserts.

If, in the judgment of the Health Officer, it be necessary in the interest of public health to make inspections of any frozen desserts plant outside of the City of Tulsa and Tulsa County, a mileage fee for inspection of twenty-two cents ($ .22) per mile each way for
the distance such frozen desserts plant may be located from the Tulsa City-County Health Department and Forty-Five Dollars ($45.00) per day of inspection time if an overnight stay is required. Such inspection fees are in addition to fees specified by other City ordinances. These fees shall be paid to the Finance Officer of the Tulsa City-County Health Department.

Such a permit may be suspended by the Health Officer upon violation by the holder of any of the terms of this chapter. The holder of any license or permit under this chapter whose license or permit is revoked shall be afforded, upon written petition, an opportunity for a hearing before the Director within five (5) days of such petition. Appeals from the decision of the Director at such hearing shall be to the Council of the City of Tulsa.

Every frozen desserts manufacturer having a permit to operate in the City of Tulsa shall, when required, furnish the Health Officer a full and complete report giving the sources of all ingredients used in the manufacture of frozen desserts.

All permits shall expire on December 31 of the calendar year in which they are issued. No such permit shall be issued until the applicant shall have paid a fee of One Hundred Dollars ($100.00) therefor to the Finance Officer of the Tulsa City-County Health Department.

Ord. No. 15665

SECTION 603. LABELING

All cans, packages and other containers enclosing mix or frozen dairy desserts, except those filled from labeled bulk frozen dairy desserts or mix containers in retail dispensing or fountain freezing, shall be plainly labeled or marked with:

A. The name of the contents;

B. The name and place of business of the manufacturer, packer or distributor; and

C. An accurate statement of the quantity of the contents, in terms of weight or measure.

A descriptive word or phrase indicating in more detail the composition or flavoring of the mix or frozen dairy dessert, such as strawberry, chocolate, custard, lemon, etc., may be used on the label. The label or mark shall be in letters of a size not less than three-eights (3/8) inch. Trade names and trademarks may be permitted. The label shall contain no marks or words which are misleading. All places dispensing ice milk or mellorine for retail trade shall display a sign in a conspicuous place naming the product or products served. The letters of such sign shall be not less than two (2) inches in height. An advertisement of a frozen dairy dessert shall be deemed false if it is misleading in any particular.
SECTION 604. INSPECTION OF FROZEN DESSERT PLANTS

At least monthly, the Health Officer shall inspect all frozen dessert plants, the products of which are intended for consumption within the City of Tulsa or its police jurisdiction. In case the Health Officer discovers the violation of any item or sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of three (3) days, and the second inspection shall be used in determining compliance with the requirements of this chapter. Any violation of the same provision of this chapter on two consecutive inspections may call for immediate suspension of permit. One copy of the inspection report shall be delivered to the owner of the premises inspected or his agent, and shall be readily available for inspection for a period of twelve (12) months. Another copy of the inspection report shall be filed with the records of the Health Department.

SECTION 605. EXAMINATION OF FROZEN DESSERTS AND THEIR INGREDIENTS

Within every six-month period, at least four (4) samples of milk, cream and milk products intended for use in the manufacture of mix and four (4) samples of pasteurized mix and/or frozen desserts as offered for sale, shall be taken and examined by the Health Officer. The examination of samples of milk, cream, and milk products intended for use in the manufacture of mix shall be performed as directed by the Health Officer, in an official or officially designated laboratory. The examination of samples of pasteurized mix and/or frozen desserts shall be performed in an official laboratory or in an officially designated laboratory under contract to do work for the Health Department.

Bacterial counts, coliform determinations, phosphatase tests, and other laboratory and screening tests shall conform to the procedures in the latest edition of "Standard Methods for the Examination of Diary Products" of the American Public Health Association. Examinations and tests shall include such other biological, chemical and physical determinations as the Health Officer shall deem necessary for the detection of adulteration.

Three out of the last five bacterial counts, coliform determination, or cooling temperatures of samples of milk, cream, milk products, mix or frozen desserts shall be within the limit specified by this section.

Whenever two of the last four consecutive bacterial counts, coliform counts, or cooling temperatures of samples of milk, cream, milk products, mix or frozen desserts taken on separate days are beyond the limit specified in this section, the Health Officer shall send written notice thereof to the person concerned. He shall then take an additional sample, within a reasonable period of time, but not before the lapse of three (3) days. Immediate suspension of the permit shall be called for when more than two of the last five bacterial counts, coliform determinations or cooling temperatures are beyond the limits specified by this section.
The Health Officer shall examine at least four samples of pasteurized mix or frozen desserts during each six-month period for adequate pasteurization as determined by a phosphatase test. In the case of a positive result, the probable cause shall be determined and corrected to the satisfaction of the Health Officer before the mix is frozen or the frozen dessert is sold.

Milk, cream, milk products, pasteurized mix and frozen desserts shall comply with the following standards.

<table>
<thead>
<tr>
<th>BACTERIAL, COLIFORM, AND TEMPERATURE STANDARDS FOR MILK, CREAM, MILK PRODUCTS, PASTEURIZED MIX AND FROZEN DESSERTS</th>
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<tbody>
<tr>
<td><strong>Raw for Pasteurization</strong></td>
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<tr>
<td><strong>Bacteria Count</strong></td>
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<tr>
<td>Milk</td>
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<tr>
<td>Cream</td>
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<td>Milk Products</td>
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<tr>
<td>Mix</td>
</tr>
<tr>
<td>Frozen Dessert</td>
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**Ord. No. 17171**

**SECTION 606. SANITATION REQUIREMENTS FOR ALL FROZEN DESSERT PLANTS**

All frozen dessert plants shall comply with the sanitation requirements given herein.

A. **Floors.** The floors of all rooms in which mix, frozen desserts or their ingredients are manufactured, frozen, or stored, or in which containers and utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned
material, and shall be smooth, properly drained, provided with trapped drains, and kept clean.

B. **Walls and Ceilings.** Walls and ceilings of rooms in which mix, frozen desserts, or their ingredients are manufactured or frozen, or in which containers or utensils are washed shall have a smooth washable, light-colored surface and shall be kept clean.

C. **Doors and Windows.** Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened and doors shall be self-closing.

D. **Lighting and Ventilation.** All rooms shall be well lighted and ventilated.

E. **Miscellaneous Protection from Contamination.** The various plant operations shall be so located and conducted as to prevent any contamination of the mix, frozen desserts, their ingredients, cleaned equipment or containers. All means necessary for the elimination of flies shall be used. A separate room for the mixing of ingredients is recommended. Separate rooms shall be provided for:

1. The pasteurizing, processing, cooling, freezing and packaging operations; and

2. The washing and bactericidal treatment of containers; provided, however, that the requirement in Paragraph 1 herein shall be satisfied in frozen dessert plants which freeze and sell only at retail on the premises, if all mixing, freezing, and packaging processes (but not necessarily the hardening and storage compartments) are enclosed in a tight glass or other sanitary enclosure which is open only on the side farthest from the public, which has a dust-tight top extending over the entire freezer and which is protected by a fan so installed and of such power as to prevent the entrance of flies.

Containers of frozen desserts ingredients shall not be unloaded directly into the room or rooms used for pasteurization or subsequent processes. Pasteurized mix or frozen desserts shall not be permitted to come in contact with equipment with which unpasteurized mix, frozen desserts, milk, or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subject to bactericidal treatment. None of the operations connected with a frozen desserts plant shall be conducted in a room used for domestic purposes.

F. **Toilet Facilities.** There shall be provided toilet facilities conforming with the Revised Ordinances of the City of Tulsa and which are kept clean, well-ventilated and in good repair. Toilet rooms shall not open directly into any room in which frozen desserts, their ingredients, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. A sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.
G. **Water Supply.** The water supply shall be easily accessible, adequate and of
a safe and sanitary quality.

H. **Handwashing Facilities.** Convenient handwashing facilities shall be
provided, including warm running water, soap and approved sanitary towels. The use of a
common towel is prohibited. No employee shall resume work after using the toilet room
without washing his hands.

I. **Sanitary Piping.** All piping used to conduct ingredients, mix, or frozen
desserts shall be sanitary milk piping of a type which can be easily cleaned and which is
approved by the Health Officer.

J. **Construction and Repair of Containers and Equipment.** All multi-use
containers and equipment with which mix, frozen desserts or their ingredients come in
contact shall be constructed in such manner as to be easily cleaned and shall be kept in
good repair. All equipment hereafter installed shall comply with 3-A Standards.

K. **Disposal of Wastes.** All wastes shall be properly handled and disposed of in
accordance with the Revised Ordinances of the City of Tulsa.

L. **Cleaning and Bactericidal Treatment of Containers and Equipment.** All
multi-service containers and equipment with which mix, frozen desserts or their ingredients
come in contact shall be thoroughly cleaned after each usage in a manner approved by the
Health Officer. All containers, after each cleaning, and all equipment, immediately before
each use, shall be subjected to an approved bactericidal process. Before being returned
by a frozen desserts plant, each milk and milk products container shall be effectively
cleaned and subjected to bactericidal treatment.

M. **Storage of Containers.** After bactericidal treatment, all multi-use containers
and equipment of mix, frozen desserts and their ingredients shall be stored in such manner
as to be protected from contamination.

N. **Handling of Containers and Equipment.** Between bactericidal treatment
and usage and during usage, containers and equipment shall not be handled or operated
in such a manner as to permit contamination of the frozen desserts, mix, or their
ingredients.

O. **Storage and Handling of Single Service Containers and Utensils.** Caps,
parchment papers, wrappers, can liners, and single-service sticks, spoons, and containers
for frozen desserts, mix or their ingredients shall be purchased and stored only in sanitary
containers, shall be kept therein in a clean, dry place and shall be handled in a sanitary
manner.
P. **Pasteurization of Mix.** All mix shall be pasteurized as described in this chapter.

Q. **Cooling and Handling.** All milk and fluid milk products received at the frozen desserts plant for use in frozen desserts or mix shall immediately be cooled in approved equipment to 50°F or less and maintained at that temperature until pasteurized, and all pasteurized mix shall immediately be cooled in approved equipment to an average temperature of 50°F or less and maintained at that temperature until pasteurized, and all pasteurized mix shall immediately be cooled in approved equipment to an average temperature of 50°F or less, as defined in this chapter, and so maintained until frozen. All mix which is not frozen at the plant at which it was pasteurized shall be transported to the place of manufacturing or freezing in sealed containers, and the mix shall be handled in a sanitary manner. Dipping from containers of pasteurized mix is prohibited.

R. **Packaging.** Packaging, cutting, molding, dipping, freezing, hardening, and other preparation of mix or frozen desserts or their ingredients shall be done in an approved manner. Containers shall be adequately covered immediately after filling. Caps or covers shall be handled in such manner as to prevent contamination of the package contents.

S. **Overflow or Spillage.** Product drip, overflow or spilled mix of frozen desserts or their ingredients shall not be sold for human consumption.

T. **Returns.** Mix or frozen desserts in open or broken containers may, after delivery, be returned to the plant for inspection, but shall not be used for making mix or frozen desserts.

U. **Personnel, Health.** The Health Officer or any duly authorized licensed physician, shall examine and take a careful morbidity history of every person connected with a frozen desserts plant or about to be employed therein, whose work brings him in contact with the production, handling or storage of mix or frozen desserts, containers or equipment. Every person herein described shall be required to take a physical examination annually. Such examination shall include, but not be limited to the following:

1. Chest X-ray;
2. Serological test for syphilis; and

V. **Personnel, Cleanliness.** All persons coming in contact with mix, frozen desserts, their ingredients, containers or equipment shall keep their hands clean at all times while thus engaged.
W. **Miscellaneous.** All vehicles used for the transportation of mix or frozen desserts or their ingredients shall be so constructed and operated as to protect their contents from the sun and from contamination. Such vehicles shall be kept clean, and no substance capable of contaminating mix or frozen desserts or their ingredients shall be transported therewith in such manner as to permit contamination. All vehicles used for the distribution of mix or frozen desserts shall have the name of the distributor prominently displayed. The immediate surroundings of all mix and frozen desserts plants shall be kept in a neat, clean condition.

X. **Ingredients.** All mix and frozen desserts ingredients shall be clean, shall have a fresh, wholesome flavor and odor and normal appearance, shall be of satisfactory quality, and shall be handled or processed in an approved manner.

**SECTION 607. FROZEN DESSERT PLANTS WHICH MAY SELL THEIR PRODUCTS**

No mix of frozen desserts shall be sold for ultimate consumption within the City of Tulsa or its police jurisdiction unless it has been manufactured and frozen in a plant conforming with the requirements of this chapter. When any frozen plant fails to so qualify, the Health Officer is authorized to revoke the permit.

**SECTION 608. SUSPENSION AND RE-ISSUING OF PERMIT**

If at any time a suspension of the permit shall become justified in any case, the Health Officer shall, subject to the provisions of this chapter, immediately suspend the permit of the frozen dessert plant.

Any person whose permit for any frozen dessert plant has been suspended by the Health Officer may, at any time, make application for the re-issuing of the permit.

Upon receipt of a satisfactory application, in case the suspension of permit is the result of an unsatisfactory bacterial condition or cooling temperature, the Health Officer shall take further samples at the rate of not more than two (2) samples per week. The Health Officer shall re-issue the permit whenever the average of the last five (5) sample results indicate the necessary compliance.

In case the suspension of permit is because of violation of any item or items of the specifications prescribed in Section 606, other than bacterial condition or cooling temperature, the application must be accompanied by a statement signed by the applicant to the effect that the violated item or items of the specifications have been corrected. Within one week of the receipt of such an application and statement, the Health Officer shall make a reinspection and as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the requirements; and in case his findings indicate compliance, the Health Officer shall re-issue the permit.
SECTION 609. TRANSFERRING AND DISPENSING FROZEN DESSERTS

No person shall transfer frozen desserts from one container to another or package the same on the street or in any vehicle or in any place except a sanitary room under approved conditions.

SECTION 610. MIX AND FROZEN DESSERTS FROM POINTS BEYOND THE LIMITS OF ROUTINE INSPECTION

Mix and frozen desserts from points beyond the limits of routine inspection of the City of Tulsa may not be sold in the City of Tulsa or its police jurisdiction unless controlled under provisions equivalent to the requirements of this chapter, and the Health Officer shall satisfy himself that the Health Officer having jurisdiction over the manufacture is properly enforcing such provisions.

SECTION 611. FUTURE FROZEN DESSERT PLANTS

All frozen dessert plants from which mix or frozen desserts are supplied to the City of Tulsa, which are hereafter constructed, reconstructed or extensively altered, shall conform in their construction to the requirements of this chapter. Properly prepared plans for all frozen dessert plants which are hereafter constructed, reconstructed or extensively altered, shall be submitted for approval before work is begun, and signed approval shall be obtained from the Health Officer.

SECTION 612. NOTIFICATION OF DISEASE

Notice shall be sent to the Health Officer immediately by any frozen desserts manufacturer or distributor among whose employees any infectious, contagious or communicable disease occurs.

SECTION 613. PROCEDURE WHEN INFECTION SUSPECTED

When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of mix, frozen desserts or their ingredients, the Health Officer is authorized to require any or all of the following measures:

A. The immediate exclusion of that person from handling mix, frozen desserts, or their ingredients;

B. The immediate exclusion of the supply concerned from distribution and use; and
C. Adequate medical and bacteriological examination of the person, of his associates, and of his and their bodily discharges.
CHAPTER 7

CLEAN AIR CODE

Section 700. Definitions.
Section 701. Zoning and Planning.
Section 702. Building Permits.
Section 703. Nuisance.
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Section 706. Rules and Regulations.
Section 707. Control of Open Burning.
Section 708. Incinerators.
Section 709. Control of Visible Emissions.
Section 710. Control of Particulate Emissions from Specific Activities.
Section 711. Malfunction of Equipment and Emergency Conditions.
Section 712. Permit to Construct and Operate Required.
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Section 714. Control of Emissions of Organic Material.
Section 715. Control of Air Pollution from Sulphur Compounds.
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Section 719. Variances.
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Section 721. Limitations.

SECTION 700. DEFINITIONS

For the purpose of this chapter, the following terms, phrases and words have the meanings given herein.

A. Agricultural Wastes means the waste generated from the production of crops or livestock for food or for fiber.

B. Air Contaminant means the presence in the outdoor atmosphere of fumes, aerosol, mist, gas, smoke, vapor, particulate matter, or any combination thereof, which creates a condition of air pollution.

C. Air Pollution means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as tends to or may be injurious to human, plant or animal life or to property, or which interferes with the comfortable enjoyment of life and property.
D. Applicant means any person who owns, leases, operates, controls or supervises a source.

E. Atmosphere means the air that envelopes or surrounds the earth.

F. Begin Construction means initiation of permanent, physical, on-site construction activities for a source or facilities associated with the source.

G. Best Available Control Technology (BACT) means the control technology to be applied which is the best available, determined on a case-by-case basis, considering environment, energy, economic impact and costs.

H. Board means the Tulsa City-County Board of Health.

I. Certified Visible Emissions Evaluator means a person who has completed a course conducted by the Tulsa City-County Health Department or other such appropriate agency and has met the requirements for evaluating visible emissions as set forth by criteria approved by the Oklahoma Air Quality Council and the Tulsa City-County Health Department.

J. Complete Application means all information necessary for evaluation of the proposed new, modified, reconstructed relocated or existing source including, but not limited to, completed forms provided by the Director, fees, test data, plans and specifications.

K. Demolition means the wrecking or taking out of any load supporting, structural member of a facility, together with any related handling operation.

L. Department means the Tulsa City-County Health Department.

M. Director or Director of Health means the Medical Director of the Tulsa City-County Health Department or his duly designated representative.

N. Dust means solid particulate matter released into or carried in the air by natural forces by any fuel-burning, combustion, process equipment or device, construction work, or mechanical or industrial processes.

O. Emergency means a condition created from the emission of a pollutant or pollutants that may or will be an immediate or substantial endangerment to human health or welfare.

P. Equipment Malfunction means any departure from normal operating procedures which results in the temporary emissions of a pollutant, or pollutants above the standards set forth in this ordinance.
Q. **Existing Source** means an air contaminant source which is in being on the effective date of this code.

R. **Facility** means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, excluding right of way, and are under the control of the same person or persons under common control. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same four-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1987 Supplement.

S. **Fuel-Burning Equipment** means any equipment, device or contrivance and all appurtenances thereto, including ducts, breachings, fuel-feeding equipment, ash removal equipment, combustion controls, stacks, and chimneys used primarily to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

T. **Fugitive Dust** means solid airborne particulate matter emitted from any source other than a stack or chimney.

U. **Fume** means minute solid particulates generated by the condensation of vapors to solid matter after volatilization from the molten state, or generated by sublimation, distillation, calcination, or chemical reaction when these processes create airborne particles.

V. **Gasoline Transports** means trailers with fuel tanks attached. Volumes are 5,000 gallons to 12,000 gallons.

W. **Gasoline Vapors** means the gases that are naturally generated from liquid gasoline during loading, transporting or unloading.

X. **In Being**, as used in the definition of existing source, means that an owner or operator has undertaken a continuous program of construction, reconstruction or modification, or that the owner or operator has entered into a binding agreement or contractual obligation to undertake and complete within a reasonable time, a continuous program of construction, reconstruction or modification prior to the compliance date for the applicable ordinance.

Y. **Incinerator** means a combustion device specifically designed for the destruction, by high temperature burning, of solid, semi-solid, liquid or gaseous combustible wastes and from which the solid residues contain little or no combustible material.
Z. **Mist** means a suspension of any finely divided liquid in any gas or atmosphere, excepting uncombined water.

AA. **Modification** means any physical change or change in the method of operation of a source which changes the emissions.

BB. **Multiple Chamber Incinerator** means any article, machine, equipment or contrivance or part of a structure used to dispose of refuse by burning, which consists of three 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.

CC. **New Source** means any source which is constructed, modified, reconstructed or altered after the effective date of this ordinance.

DD. **Opacity** means the degree to which an emission of air contaminants obstruct the transmission of light expressed as the percentage to which the vision is obstructed as measured by a certified Visible Emissions Evaluator.

EE. **Open Burning** means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.

FF. **Organic Materials** means chemical compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

GG. **Paper Mill** means a plant in which paper, paper board, cardboard, paper felt, or similar material is produced from waste paper products, wood chips and/or pulp slurry including, but not limited to mixers, forming screens, suction boxes, dryers, filters, paper rolls and other auxiliary equipment pertinent to the process.

HH. **Particulate Matter** means any material, except uncombined water, that exists in a finely divided form as a liquid or solid.

II. **Person** means an individual or partnership, corporation, association, firm, company, organization, local or state governmental agency, or any other legal entity, or its representative, officer, agent or assigns.

JJ. **Portable Source** means a source designed to allow periodic disassembly and/or relocation and which is relocated at least once each twenty-four (24) months.

KK. **Potential Emissions** means the quantity of an air contaminant that would occur in the absence of air pollution control equipment. Potential emissions shall be
determined at maximum design capacity, but operating hours may be limited by permit conditions.

LL. **Pretest Plan** means a detailed document to supply the Director with sufficient information and specifications to determine if a proposed format of stack testing procedures is adequate to accurately measure the emissions from a point source.

MM. **Process Equipment** means any equipment, device or contrivance for changing any material or for the storing or handling of any materials, the use or existence of which may cause any discharge of air contaminants into the open air, but not including that equipment specifically defined as fuel-burning equipment.

NN. **Process Weight** means the weight of all materials introduced in a source operation, including solid fuels but excluding liquids and gases used solely as fuel, and excluding air introduced for the purposes of combustion. Process weight rate means a rate established as follows:

1. For continuous or long-run, steady-state operations, the total process weight for the entire period of continuous operation, or for a typical portion thereof, divided by the number of hours of such a period or portion thereof;

2. For cyclical or batch source operations, the total process weight for a period which covers a complete or an integral number of cycles, divided by the hours of actual process operation during such period; and

3. In any situation in which the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, that interpretation which results in the minimum value for allowable emission shall apply.

OO. **Products of Combustion** means all particulate and gaseous contaminants emitted as a result of the burning of refuse and combustible materials.

PP. **Pulp Mill** means the process equipment used in production of pulp from wood chips or bolts which may include, but are not limited to debarker, chipper digester, blow tank, washers, condensers, evaporators, recovery furnace, lime kiln, smelt-dissolving tank, mixers, heat exchangers, gas scrubbers and other auxiliaries pertinent to the process.

QQ. **Reconstruction** means a change of a source in which the replacement costs of proposed depreciable components exceeds fifty percent (50%) of the replacement costs of all depreciable components.

RR. **Refuse** means the inclusive term for solid, liquid or gaseous waste products which are composed wholly or partly of such materials as garbage, sweepings, cleanings,
trash, rubbish, litter, trade waste, agricultural waste, industrial, commercial and domestic solid, liquid or gaseous waste; trees or shrubs; tree or shrub trimmings, grass clippings; brick, plaster, lumber or other waste resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk or other such substances.

SS. **Renovation** means altering in any way one or more facility components. Operations in which load supporting structural members are wrecked or taken out are excluded.

TT. **Ringelmann Chart** means the chart published and described in the U.S. Bureau of Mines Information Circular Number 8333, or as it may be amended.

UU. **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 materials.

VV. **Smoke** means any gasborne or airborne particles resulting from combustion operations and consisting of carbon, ash and other products of combustion, any or all of which is present in sufficient quantity to be observable.

WW. **Source** means any individual process or activity capable of emitting an air contaminant.

XX. **Standard Temperature and Pressure** means twenty degrees centigrade and 760 millimeters of mercury.

YY. **Submerged Fill Pipe (Drop Tube)** means any fill pipe or discharge nozzle which meets any one of the following conditions:

1. The bottom of the discharge pipe or nozzle is below the surface of liquid in receiving vessel for at least ninety-five percent (95%) of the volume filled;

2. The bottom of the discharge pipe or nozzle is less than six (6) inches from the bottom of the receiving vessel;

3. The bottom of the discharge pipe or nozzle is less than two (2) pipe or nozzle diameters from the bottom of the receiving vessel; or

4. Other conditions acceptable to the Director.

ZZ. **Terminals** means loading facilities with throughputs greater than forty thousand (40,000) U.S. gallons per day.
AAA. **Tight Fill** means the manner in which organic materials are transferred from the delivery vessel into a storage vessel so that vapor and liquid loss of organic materials is eliminated.

BBB. **Trade Waste** means solid, liquid or gaseous material resulting from construction, the operation of any business, trade or industry, or any demolition operation including, but not limited to, plastics, cartons, grease, oil, chemicals and cinders.

CCC. **Transport Service Company** means any company that sells parts for transports and also services them. Such company must be qualified to repair transports.

DDD. **Vessel** means tanks used for transportation of organic compounds.

EEE. **Visible Emissions** means any air contaminant, vapor or gas stream which contains or may contain an air contaminant which is passed into the atmosphere and which is perceptible to the human eye.

*Ord. No. 17168*

**SECTION 701. ZONING AND PLANNING**

The Director of Health shall gather and supply to the Tulsa Metropolitan Area Planning Commission facts concerning air pollution in the City and County of Tulsa, pertaining to zoning and planning, as requested by the Planning Commission or deemed pertinent by the Director of Health. Notice of all proposed zoning changes shall be given to the Director of Health by the Tulsa Metropolitan Area Planning Commission at least ten (10) days prior to any public hearing or planning commission meeting in which a change is to be considered.

Before making a report, the Director of Health shall study such changes, considering the effects they may have on the community’s atmosphere. The Director of Health shall consider factors such as meteorology, topography, the nature of the zoning change, the area in which the change is to be made and any other pertinent facts regarding pollution of the community’s atmosphere. A report and recommendation of the Director of Health may be given in writing to the Planning Commission with a copy to the applicant, or at any public hearing in which the application is considered.

**SECTION 702. BUILDING PERMITS**

The Building Inspector's Office shall not issue a permit for occupancy, erection, construction, reconstruction, alteration of any commercial, industrial or apartment house structure as defined in the zoning code of the City of Tulsa when the plans and specifications for such structure or occupancy include any fuel-burning or refuse-burning equipment, or any chimney or smoke stack, until such plans and specifications have been submitted to the Director of Health for approval. Use of AGA-approved equipment for heating or cooling shall be deemed to comply with provisions of this section. No building
permit shall be issued if the Director of Health finds that emissions from the building or structure will violate the provisions of this code. Failure of the Director of Health to approve or reject such plans or specifications within ten (10) days shall be deemed approval.

**SECTION 703. NUISANCE**

No person shall cause or allow the discharge, emission or release into the atmosphere from any source whatsoever of such quantities of air contaminant or other material as may cause injury, endanger health, damage property, or affect public health, well being or safety. Such quantities shall be deemed a public nuisance and subject to penalty as hereinafter provided.

**SECTION 704. LISTING OF DEVICES AND EQUIPMENT**

Upon written request of the Director of Health, all persons constructing or operating any article, machine, device, equipment or other contrivance or facility capable of causing or permitting emission or air contaminants into the atmosphere shall list equipment set out above with the Director of Health. Such list shall include information as to the ownership, location, design, construction, installation, operation, alteration of any article, machine, device, equipment, contrivance or facility and information concerning the general composition and such other pertinent information deemed necessary by the Director of Health.

**SECTION 705. INSPECTION**

The Director of Health, after proper identification, shall not be denied access at reasonable times in or upon any private or public property, except private residences, for the purposes of inspection and investigating any condition which the Director shall have reasonable cause to believe to be an air pollution source.

**SECTION 706. RULES AND REGULATIONS**

The Board may prepare standards, rules and regulations which it deems necessary to protect the public health and safety and to carry out the requirements of the Clean Air Code. Such standards, rules and regulations shall be recommended to the City Council and the County Commission for their adoption.

**SECTION 707. CONTROL OF OPEN BURNING**

A. **Purpose.** It is the purpose of this regulation to establish controls in the open burning of combustible material to prevent undesirable levels of air contaminants in the atmosphere.
B. **Open Burning Restrictions.** No person shall cause, suffer, allow, or permit the open burning of refuse, trade waste, salvage waste, agricultural waste or other combustible material except as may be allowed in compliance with Subsection C herein.

C. **Exceptions to Restriction against Open Burning.**

1. Regardless of provisions of Subsection B, in areas of low population density in which no private or municipal refuse service is available, the open burning on residential premises of refuse originating in dwelling units on the same premises shall not be a violation of this code. The Director of Health, after consultation with public agencies and private facilities concerned with 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 code. In selecting such areas, he shall issue a density of one dwelling unit per ten acres as an approximate definition of areas of low population density. The Director of Health shall select and publish revised boundaries of such areas at least once every two years to reflect changes in population density and available refuse service.

2. Outdoor burning in connection with the preparation of food shall be permitted.

3. Campfires and fires used solely for recreational purposes or for ceremonial occasions shall be permitted.

4. Fires set for purpose of training public or private fire-fighting personnel shall be permitted with the approval of the Director.

5. Fires set or required by a public officer for the abatement of nuisances and which are necessary in carrying out public health functions shall be permitted with the approval of the Director.

6. The burning of trees, brush and shrubs in a properly designed, operated and maintained open pit incinerator is permitted on the premise from which the trees, brush and shrubs originated if approval prior to burning has been granted by the Director.

7. The open burning of trade wastes may be permitted when it can be shown that such open burning is necessary and in the interest of public health. Any person intending to engage in open burning of trade wastes shall file a request with the Director of Health. The request shall be made on forms provided by the Tulsa City-County Health Department. The Director shall respond to the request within three working days after receipt of request.

8. 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 in the interest of public health. Any person intending to dispose of plant life
by open burning shall file a request to do so with the Director of Health on forms provided by the Director.

9. Any open burning permitted under provisions of paragraphs 1, 6, 7, and 8 shall be begun only during the following time period: from three (3) hours after sunrise until three (3) hours before sunset. Additional fuel may not be intentionally added to the fire except during the time period prescribed herein.

SECTION 708. INCINERATORS

A. Purpose. It is the purpose of this regulation to control the emissions of air contaminants from incinerators in the City of Tulsa.

B. General Provisions.

1. No person shall burn refuse in any incinerator, except in a multiple chambered incinerator or in equipment determined by the Director to be equally effective for the purpose of air pollution control. These incinerating devices shall make full and proper use of components and appurtenances thereof to ensure the most efficient and complete combustion.

2. No person shall cause, suffer, allow or permit the emission into the open air from any incinerator equipment fly ash or other particulate in quantities greater than the allowable emissions as determined by the use of the formula

   \[ Y = 0.01221X^{0.7577} \]

where "X" is the charge rate (lbs. per hour) and "Y" is the allowable emissions. Solid fuels charged will be considered as part of the refuse waste, but No. 1 and 2 fuel oil and gaseous fuels and combustion air will not be so considered.

3. No person shall cause, suffer, allow or permit the discharge from an incinerator of any air contaminant in quantities detrimental to health or property or adversely affecting the use or enjoyment of property.

C. Multiple Chambered Incinerators.

1. No person shall cause, suffer or allow the operation of a multiple chambered incinerator unless:

   a. It is provided with an auxiliary burner for the purpose of maintaining a temperature of at least 800°F. in the primary combustion chamber; and
b. It is provided with a secondary burner for use when necessary to eliminate smoke.

2. No person shall cause, suffer, allow or permit the discharge into the outdoor atmosphere:

a. From any incinerator burning less than 200 pounds of refuse per hour, particulate matter to exceed 0.3 grains per standard cubic foot of dry flue gas, adjusted to 12% carbon dioxide and calculated as if no auxiliary fuel had been added; or

b. From any incinerator burning 200 or more pounds of refuse per hour, particulate matter to exceed 0.2 grains per standard cubic foot of dry flue gas adjusted to 12% carbon dioxide and calculated as if no auxiliary fuel had been used.

SECTION 709. CONTROL OF VISIBLE EMISSIONS

A. Purpose. It is the purpose of this regulation to prevent undesirable ambient concentrations of smoke and particulate matter through regulation of visible emissions.

B. Control of Smoke and Visible Emissions.

1. General Prohibition. No person owning, leasing or controlling the operation of any air contaminant source shall willfully, negligently or through failure to provide necessary equipment or facilities or through failure to take necessary precaution, permit the emission from the contaminant source of such quantities of air contamination as will cause a condition of air pollution.

2. Visible Emissions.

a. No person shall cause, suffer, allow or permit the discharge of any fumes, aerosol, mist, gas, smoke, vapor, particulate matter, or any combination thereof of a shade or density equal to or darker than a number one (1) on the Ringelmann Chart or twenty percent (20%) equivalent opacity.

b. Subparagraph 2a shall not apply to:

(1) Smoke or visible emissions emitted during the cleaning of a fire, the building of a new fire or short-term occurrence, the shade or density of which is not darker than Number two and one-half (2-1/2) of the Ringlemann Chart or fifty percent (50%) opacity for a period aggregating no more than five (5) minutes in any sixty (60)
consecutive minutes or more than twenty (20) minutes in any twenty-four (24) hour period;

(2) Smoke resulting from fires covered by the exception outlined in Section 707; or

(3) An emission where the presence of uncombined water is the only reason for failure to meet the requirements of Subparagraph 2a.

3. **Method of Measurement.** The Ringelmann Chart and its opacity equivalents shall be used in grading the shade or opacity of visible air contaminant emissions. The Director of Health may specify other means of measurement which give comparable results or results of greater accuracy.

**SECTION 710.** CONTROL OF PARTICULATE EMISSIONS FROM SPECIFIC ACTIVITIES

A. It is the purpose of this regulation to prevent undesirable ambient concentrations of particulate matter originating from specific industrial activities in the City of Tulsa.

B. **General Prohibition.** No person owning, leasing or controlling the operation of any air contaminant source shall willfully, negligently or through failure to provide necessary equipment or facilities or through failure to take necessary precaution, permit the emission from the air contaminant source of such quantities of air contamination as will cause a condition of air pollution.

C. **Emission of Particulate Matter from Industrial Processes.**

1. **General Provisions.**

   a. This section applies to any operation, process or activity, except:

      (1) The burning of fuel for indirect heating in which the products of combustion do not come directly into contact with process material;

      (2) The burning of refuse; and

      (3) The processing of salvageable refuse by burning.

   b. The process weight per hour, referred to in this section, shall be based on the normal operation of 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 emissions.

2. **Emission Limitations.** No person shall cause, suffer, allow or permit the emission of particulate matter from any source in excess of:

   a. The amount shown in Table 1 for the process weight allocated to such source; and

   b. A concentration of .30 grains per standard dry cubic foot of exhaust gases.

D. **Emission of Particulate Matter from Fuel Burning Equipment.**

1. 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 rates set forth in the following Table I:

   **TABLE I**

<table>
<thead>
<tr>
<th>Heat Input Per Hour</th>
<th>Maximum Allowable Emissions of Particulate Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Thermal Units</td>
<td>Pounds Per Million BTU</td>
</tr>
<tr>
<td>less than or equal to 10</td>
<td>0.60</td>
</tr>
<tr>
<td>100</td>
<td>0.35</td>
</tr>
<tr>
<td>1,000</td>
<td>0.20</td>
</tr>
<tr>
<td>10,000 and greater</td>
<td>0.12</td>
</tr>
<tr>
<td>(CNTY)</td>
<td>0.10</td>
</tr>
</tbody>
</table>
Heat Input Per Hour
Kilocalories

Maximum Allowable Emissions of Particulate Matter
Grams Per Million

less than or equal to 2.52  
2.52  
252  
2,520  

1.08  
0.63  
0.34  
0.18

2. For heat input between any two (2) consecutive heat inputs stated in the preceding table, maximum allowable emissions of particulate matter are shown in Table II below.

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

4. When two (2) 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.

5. When a single fuel burning unit is connected to two (2) or more stacks, the allowable emission from all the stacks combined shall not exceed that allowable for the same unit connected to a single stack.

<table>
<thead>
<tr>
<th>Process Weight Rate</th>
<th>Rate of Emission</th>
<th>Process Weight Rate</th>
<th>Rate of Emission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lb/Hr</td>
<td>Tons/Hr</td>
<td>Lb/Hr</td>
</tr>
<tr>
<td>100</td>
<td>0.05</td>
<td>0.551</td>
<td>16,000</td>
</tr>
<tr>
<td>200</td>
<td>0.10</td>
<td>0.877</td>
<td>18,000</td>
</tr>
<tr>
<td>400</td>
<td>0.20</td>
<td>1.40</td>
<td>20,000</td>
</tr>
<tr>
<td>600</td>
<td>0.30</td>
<td>1.83</td>
<td>30,000</td>
</tr>
<tr>
<td>800</td>
<td>0.40</td>
<td>2.22</td>
<td>40,000</td>
</tr>
<tr>
<td>1,000</td>
<td>0.50</td>
<td>2.58</td>
<td>50,000</td>
</tr>
<tr>
<td>1,500</td>
<td>0.75</td>
<td>3.38</td>
<td>60,000</td>
</tr>
<tr>
<td>2,000</td>
<td>1.00</td>
<td>4.10</td>
<td>70,000</td>
</tr>
<tr>
<td>2,500</td>
<td>1.25</td>
<td>4.76</td>
<td>80,000</td>
</tr>
<tr>
<td>3,000</td>
<td>1.50</td>
<td>5.36</td>
<td>90,000</td>
</tr>
<tr>
<td>3,500</td>
<td>1.75</td>
<td>5.96</td>
<td>100,000</td>
</tr>
<tr>
<td>4,000</td>
<td>2.00</td>
<td>6.52</td>
<td>120,000</td>
</tr>
<tr>
<td>5,000</td>
<td>2.50</td>
<td>7.59</td>
<td>140,000</td>
</tr>
<tr>
<td>6,000</td>
<td>3.00</td>
<td>8.56</td>
<td>160,000</td>
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<tr>
<td>7,000</td>
<td>3.50</td>
<td>9.49</td>
<td>200,000</td>
</tr>
<tr>
<td>8,000</td>
<td>4.00</td>
<td>10.4</td>
<td>1,000,000</td>
</tr>
<tr>
<td>9,000</td>
<td>4.50</td>
<td>11.2</td>
<td>2,000,000</td>
</tr>
<tr>
<td>10,000</td>
<td>5.00</td>
<td>12.0</td>
<td>6,000,000</td>
</tr>
</tbody>
</table>

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

\[ E = 4.10 \left( p^{0.67} \right) \]
and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/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.

SECTION 711. MALFUNCTION OF EQUIPMENT AND EMERGENCY CONDITIONS

A. **Purpose.** It is the purpose of this regulation to control air pollution during irregularities and malfunction of equipment and during emergency conditions.

B. **Scheduled Maintenance.** In the case of a shutdown of air pollution control equipment for necessary scheduled maintenance, the person responsible for this equipment shall report the intent to shut down such equipment to the Director at least twenty-four (24) hours prior to the planned shutdown. Such prior notice shall include, but is not limited to, the following:

1. Identification of the specific facility to be taken out of service as well as its location and permit number;

2. The expected length of time that the air pollution control equipment will be out of service;

3. The nature and quantity of emissions of air contaminants likely to occur during the shutdown period;

4. Measures, such as the use of off-shift labor and equipment, that will be taken to minimize the length of the shutdown period;

5. The reasons that it would be impossible or impractical to shutdown the source operation during the maintenance period; and

6. If the estimated or actual duration is greater than seventy-two (72) hours, application shall be made for a variance.

C. **Equipment Malfunction.** In the event that any emission source, air pollution control equipment, or related facility malfunctions in such a manner as to cause the emission of air contaminants in violation of this code, the person responsible for such equipment shall immediately notify the Director of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Director shall be notified when the condition causing the failure or breakdown has been
corrected and the equipment is again in operation. If the estimated or actual duration is greater than seventy-two (72) hours, application shall be made for a variance.

D. Emergency Provisions. In the event that an air pollution emergency exists, the person in charge of the facility shall notify the Director immediately. Notwithstanding any other provisions of this code, upon receipt of evidence that a source of pollution or a combination of sources of pollution present an air pollution emergency, the Director shall take such action as may be necessary to abate the alleged pollution.

SECTION 712. PERMIT TO CONSTRUCT AND OPERATE REQUIRED

A. Scope and Purpose. This regulation is adopted to define Air Resource Management Requirements, to protect and enhance Air Resources of the City of Tulsa and to assure attainment and maintenance of the ambient air quality through the use of a construction and operation permit system.

B. General Requirements for Permits to Construct. No person shall cause or permit the construction of a new source or the modification, reconstruction or relocation of a source, without first obtaining a permit to construct from the Director, approving the location and the design of such source and assuring compliance with applicable rules, regulations and ambient air quality standards. Any person who violates the requirements of this section shall be deemed to be creating a public nuisance.

C. Application for Permits to Construct.

1. A separate application is required for each source described in Subsection B which has the potential of emitting pollutants to the atmosphere.

2. Each application shall be signed by the applicant. The signature of the applicant shall constitute an agreement that the applicant assumes responsibility for the construction, modification, reconstruction, relocation and use of the proposed source in accordance with this code.

D. Information Required for Permits to Construct. Each application for a permit to construct shall be accompanied by two (2) complete copies of plans and specifications showing how the proposed source is designed and will be operated and how air pollutants will be controlled.

E. Standards for Granting Permits to Construct.

1. No permit to construct shall be granted unless the applicant demonstrates that:

   a. The source is designed and will be constructed to operate without causing a violation of federal, state and local air pollution laws;
b. The source is designed, built and equipped in accordance with the best available control technology (BACT);

c. The source will not endanger maintenance nor attainment of any applicable ambient air quality standard; and

d. The source will provide reasonable, practical and available control measures for those air contaminants not controlled by the above regulations if the Director determines such controls are necessary and in the interest of public health, welfare and property.

2. The Director may establish special conditions if it appears likely from all of the information submitted that, as a result of the conditions, the source will satisfy the requirements of this subsection.

F. Action on Applications for Permits to Construct.

1. The application shall be acted upon within thirty (30) days of receipt of a complete application for a permit to construct. The Director shall notify the applicant in writing of his approval, conditional approval, or denial of the application.

2. If any application is denied, the Director shall set forth his objections in the notice of denial. If the objection cannot be resolved by conference and conciliation, the applicant may appeal pursuant to the provisions of this chapter.

G. Cancellation of a Permit to Construct.

1. The Director shall cancel a permit to construct if the construction has not begun within eighteen (18) months from the date of issuance, or if the work involved in the construction is suspended for eighteen (18) months or more.

2. An applicant may secure an extension of the expiration date by written request to the Director stating the reasons for the extension. Extensions may be granted for a period of not more than eighteen (18) additional months.

H. General Requirements for Permits to Operate. No person shall cause, suffer or allow the operation of a source constructed after October 1, 1972, without a state or City permit to operate.

1. Within sixty (60) days of startup of a new, modified or reconstructed source, an application for a permit to operate must be filed with the Director.
2. No owner or operator shall cause or permit the operation of a new, modified or reconstructed source if the Director denies or revokes a permit to operate.

3. Sources existing on the effective date of this ordinance shall have sixty (60) days in which to secure a permit to operate.

I. **Applications for Permits to Operate.** Applications for a permit to operate shall include two (2) signed application forms. Plans and specifications need not be submitted unless changes have been made since issuance of permit to construct.

J. **Asbestos Permits Required.** A permit shall be required prior to commencing any asbestos renovation or demolition project at any facility.

For the purposes of this subsection, the terms "project" and "facility" shall be defined as follows: "project" shall mean any renovation or demolition operation at any one facility submitted under separate notification; "facility" shall mean any institutional, commercial or industrial structure, installation or building (excluding apartment buildings having no more than four dwelling units).

K. **Standards for Granting Permits to Operate.** No permit to operate a source shall be granted unless the applicant shows that the source has satisfied the requirements of the applicable rules, regulations, and has been constructed, modified or reconstructed in accordance with the requirements and conditions contained in the permit to construct.

L. **Performance Testing for Permits to Operate.** Before a permit to operate a source is granted, the applicant may be required to conduct performance tests in accordance with Section 717 herein. The test will be made at the expense of the applicant. The Director shall monitor performance tests conducted by the applicant and may also conduct performance tests.

M. **Action on Applications for Permits to Operate.**

1. The Director shall act within a seventy-five (75) day period on an application for a permit to operate and shall notify the applicant in writing of his approval, conditional approval or denial of the application. The seventy-five (75) day period shall begin when all test data, plans and specifications are received. The source may operate during this review period.

2. If any application is denied, the Director shall set forth his objections in the notice of denial. If the objection cannot be resolved by conference and conciliation, the applicant may appeal pursuant to Section 718.
N. **Conditional Permits to Operate.** The holder of a permit to operate shall comply with the conditions contained in his permit as well as with all applicable delegated federal, state and local laws.

O. **Suspension or Revocation of Permits to Operate.**

1. A permit may be revoked or suspended for willful or continued violation of code or permit conditions.

2. Suspension or revocation of a permit to operate shall become final thirty (30) days after service of notice on the holder of the certificate unless the violation is corrected or appealed to the review board pursuant to Section 718.

3. A permit to operate which has been revoked pursuant to these provisions shall be surrendered forthwith.

P. **Transfer of Permit.** A permit to operate shall not be transferred to another person or location. If a transfer of ownership or location occurs, a new permit to operate is necessary, but the cost of the new permit shall be one-half the amount provided in Subsection Q. Transfer of stock does not constitute change of ownership unless such transfer results in a change of the controlling (50%) interest.

Q. **Permit Fees Required.**

1. **Definitions.** For the purpose of this subsection, the following words and phrases shall have the meanings given herein.

   a. **Major Source** means any new or modified stationary source which directly emits or has the capability at maximum design capacity, and if appropriately permitted, authority to emit 100 tons per year or more of a given pollutant.

   b. **Minor Source** means any source for which a permit is required but is not a major source.

   c. **Permit Renewal** means the process whereby operating permits are extended for another one-year term. In no case shall the term "permit renewal" be construed to allow the imposition of additional permit requirements not otherwise required or authorized by law or ordinance.

   d. **Relocate** means to move a source from one geographical location to another. The term shall not include de minimis moves within the proximity of the original site, or contiguous areas when such moves are readily observable by inspectors.
e. **Annual Permit Renewal Fee Equivalent** means the annual fee assessed on facilities which, because of the date of startup or construction, are exempt from the requirements to have a permit.

2. **Construction and Operating Permit Fees - New Sources.** All new permits, the construction permit application for which is received after the effective date of this section, will be assessed a fee which must accompany the application, in accordance with the following schedule.

   a. Major Source

      (1) Construction Permit $ 2,000

      (2) Operating Permit $ 1,500

   b. Minor Source (actually emitting 25 tons, but less than 100 tons per year of any one pollutant and minor NSPS sources)

      (1) Construction Permit $ 1,000

      (2) Operating Permit $ 250

   c. Minor Source (emitting more than one pound per hour, but less than 25 tons per year of any one pollutant)

      (1) Construction Permit $ 200

      (2) Operating Permit $ 100

      (3) Asbestos Renovation/ Demolition Permit $ 50

3. **Review to Determine Applicability - New Sources.** Upon submittal of a written request, a one hundred dollar ($100.00) determination fee and any relevant information needed to make a permit determination, the Tulsa City-County Health Department will make a determination of whether or not a permit is required. If a determination is made that a permit is required, the one hundred dollar ($100.00) fee will be credited against the construction and operation permit fees. If it is determined that a permit is not required, the one hundred dollar ($100.00) fee will be retained by the Tulsa City-County Health Department to cover the cost of making the determination.

4. **Permit Renewal and Renewal Equivalents.**
a. **Applicability.**

(1) The Tulsa City-County Health Department shall annually assess and collect a permit renewal fee or permit renewal fee equivalent from all facilities in the County according to their classification as set forth in Table III below. Assessments for existing facilities grandfathered from permit requirements (i.e., permit renewal fee equivalents) shall be made in the same manner and on the same basis as a new facility of the same type (permit renewal fees).

(2) New facilities shall not be subject to a permit renewal fee until a minimum of one year shall have elapsed from the operating permit application due date.

b. **Facility Classification.**

(1) Any new facility for which an appropriate classification does not exist shall be assigned a classification and class number in Table III as a permit condition.

(2) Any existing facility for which an appropriate classification does not exist shall be assigned a facility classification and class number in the same manner as (b)(1) above except that:

   (a) Such assignment shall be made in writing, setting forth the reasons why the facility has been assigned to any particular category; and

   (b) Any person aggrieved by such assignment shall be entitled to a hearing on the reasonableness of the assignment.

c. **De Minimis.**

(1) A permit renewal fee or renewal fee equivalent shall not be required, regardless of the requirement to have a permit, provided that total emissions from the facility do not exceed ten (10) tons per year for any one criteria pollutant.

(2) Exceptions to the ten (10) ton de minimis facilities are the service station industry and the dry cleaning industry.

d. **Assessments.**
(1) Fees established under this section shall be assessed and paid on the basis of facility classification as identified in Table III. The annual fee collected for a facility in any class shall be determined by multiplying the class number for the facility, as determined by Table III, by Fifty Dollars ($50.00). In no case shall more than one fee per source be assessed, unless such source shall constitute two or more facilities as defined herein.

(2) On or before the first working day of each year, the Tulsa City-County Health Department will mail fee assessments to all facilities subject to this regulation. Such assessments shall be made pursuant to data contained in the emissions inventory and shall set forth:

(a) The facility classification;
(b) The class number assigned to the facility; and
(c) The amount of the fee that is to be remitted to the Tulsa City-County Health Department.

(3) Service stations and dry cleaners shall be assessed on an annual renewal fee of Twenty-Five Dollars ($25.00).

(4) For the calendar year 1989, fee assessments will be mailed on or about the effective date of this regulation and shall be due in the Offices of the Tulsa City-County Health Department, Air Quality Control, thirty (30) days from the date of receipt of the assessment.

e. **Exemption.** Fees set out herein shall not apply to oil and gas wells and their associated facilities or oil and gas pipelines and their associated facilities involved in the production (prior to custody transfer) of oil and gas. This exemption does not apply to storage facilities with greater than 10,000 BBL. total capacity, compressor facilities on transmission lines, and gas processing facilities.

f. **Fees.** Fees will be paid by check or money order made payable to the reviewing agency, Tulsa City-County Health Department. No cash will be accepted. Fees shall be due in the Offices of the Tulsa City-County Health Department thirty (30) days from the date of postmark. A ten (10) calendar day grace period will be given before any enforcement action will be taken. Upon the expiration of the ten-day grace period, notices of violation (NOV) may be issued. Further action will be in accordance with Sections 718 and 720 of this chapter.
g. **No Pre-emption.** The fee provisions set forth herein shall apply to those permits, renewals and renewal fee equivalents processed by the Tulsa City-County Health Department and are not intended to preempt any state fee program.

R. **Exemptions.** Permits to construct or operate shall not be required for:

1. The installation or alteration of an air contaminant detector, air contaminant recorder, combustion controller or combustion shut-off device;

2. An air conditioning or ventilating system not designed to remove air contaminants generated by or released from process equipment;

3. Fuel-burning equipment which uses natural gas as a fuel for space heating, air conditioning or heated water, or which is used in a private dwelling or which has a BTU input of less than 500,000 BTU per hour;

4. Stationary internal combustion engines smaller than 240 cubic inches per cylinder;

5. Laboratory equipment used exclusively for chemical or physical analyses; and

6. Changes which do not increase or change the characteristics of the emissions.

S. **Opportunity for Public Review and Comment.**

1. The permit application and Tulsa City-County Health Department review for sources with potential emissions greater than 100 tons per year or 1,000 pounds per day of any air contaminant must be available for review in a suitable public building in the geographical area affected by the proposed source, project or facility. The letter of intent of the Director to approve or disapprove the application shall accompany the review package.

2. The Director will advertise in a prominent local newspaper the availability and location of all items described above. The format of the announcement will be adequate to ensure that the public is aware that an air pollution source is to be constructed. The notice shall be published once per week for a five (5) week period. The cost of publication will be borne by the applicant.

3. The Director may cause a public hearing to be held if interested persons show all pertinent air pollution data were not considered or if an error can be shown in the
application or agency review. Requests for public hearing must be made within seven (7) days of final publication.

**TABLE III**

**Industrial Classification Table**

*for Annual Permit Renewal and Equivalent Fees*

<table>
<thead>
<tr>
<th>Class Number</th>
<th>Facility Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Electric Power Generation: Coal</td>
</tr>
<tr>
<td></td>
<td>Industrial Steam Generation: Coal</td>
</tr>
<tr>
<td></td>
<td>Petroleum Refinery</td>
</tr>
<tr>
<td></td>
<td>Portland Cement Plants</td>
</tr>
<tr>
<td></td>
<td>Sulfuric Acid Manufacturing</td>
</tr>
<tr>
<td></td>
<td>Nitric Acid Manufacturing</td>
</tr>
<tr>
<td></td>
<td>Fertilizer Manufacturing</td>
</tr>
<tr>
<td></td>
<td>Municipal Incinerators</td>
</tr>
<tr>
<td></td>
<td>Paper Products</td>
</tr>
<tr>
<td></td>
<td>Carbon Black</td>
</tr>
<tr>
<td></td>
<td>Secondary Steel Production</td>
</tr>
<tr>
<td></td>
<td>New Source Performance Standard (NSPS) Sources</td>
</tr>
<tr>
<td></td>
<td>Explosives</td>
</tr>
<tr>
<td>9</td>
<td>Gasoline Terminals</td>
</tr>
<tr>
<td></td>
<td>Natural Gas Processing and Transportation:</td>
</tr>
<tr>
<td></td>
<td>Grain Elevators:</td>
</tr>
<tr>
<td></td>
<td>Industrial Chemical Manufacturing</td>
</tr>
<tr>
<td></td>
<td>Commercial Pathological Incinerators</td>
</tr>
<tr>
<td></td>
<td>Electric Power Generation: Gas Turbines</td>
</tr>
<tr>
<td></td>
<td>Felt Asphalt Coating and Other Roofing Manufacturing</td>
</tr>
<tr>
<td></td>
<td>Gypsum Process and Wallboard Manufacturing</td>
</tr>
<tr>
<td></td>
<td>Automotive Assembly Plants</td>
</tr>
<tr>
<td></td>
<td>Asphalt Pipe Coating</td>
</tr>
<tr>
<td>8</td>
<td>Non-Metallic Quarrying and Processing:</td>
</tr>
<tr>
<td></td>
<td>Tile and Floor Products Manufacturing:</td>
</tr>
</tbody>
</table>
other than ceramic
Electronics and Related Products Manufacturing
Commercial Printers
Glass Manufacturing
Brick Manufacturing
Ceramic Tile Manufacturing
Magnetic Tape Manufacturing
Gasohol Plants
Secondary Aluminum Processing
Gray Iron Foundries
Coal Crushing Plants
Wood Related Products
Tire Manufacturing

7 Asphalt Concrete Plants:
>=200 tons/hour rated capacity
Natural Gas Processing and Transportation:
1,000 - 10,000 hp/facility
Fiberglass Processing
Paint and Related Products
Alfalfa Drying
Roofing Granules
Cement Bulk Terminals
Flour and Grain Mills
Research and Development Labs
Plastics Processing
Petroleum Storage Facilities
Hospital Incinerators

6 Grain Elevators:
2.5 - 10 million bushels storage capacity
Electric Power Generation:
other than coal
Industrial Steam Generation:
>=10 MMBTU/hr rated capacity, other than coal
Lubricant, Blending and Waste Oil Refining
Vermiculite and Perlite Production
Meat Packing Plants
Drilling Mud Manufacturing
Aircraft and Auxiliary Equipment
Prepared Foods
Canned Pet Food
Canneries
5 Natural Gas Processing and Transportation:
   450 - 1,000 hp/facility
Non-metallic Quarrying and Processing:
   <150 tons/hour rated capacity
Paper Box Manufacturing
Metal Dross Processing
Non-Metallic General Manufacturing
Salt and Brine Extraction
Tire Retreaders

4 Asphalt Concrete Plants:
   <200 tons/hour rated capacity
Ready-Mix Concrete Plants:
   >=100 cubic yards/hour capacity
Millwork and Wood Furniture Manufacturing
Charcoal Manufacturing
Non-Ferrous Foundry
Forging and Metal Stamping
Valves and Pipe Fitting
Feed and Feed Ingredients
Micro-Nutrient Manufacturing
Fertilizer Terminals
Metallic General Manufacturing
Metal Plating
Barrel and Drum Reconditioning
Steel Foundry
Rendering Plants

3 Fabricated Structural Metal Products
Farm Machinery and Equipment Manufacturing
General Industrial Machinery and Equipment Manufacturing
Motor Vehicle Parts and Accessories
Fabricated Rubber Products
Metal Furniture and Appliance Manufacturing
Sand Plants
Signs

2 Ready-Mix Concrete Plants:
   <100 cubic yards/hour capacity
Grain Elevators:
   875,000 - 2.5 million bushels storage capacity
Coal Loadout
Concrete Block Plants
Sawmill and Planing Mills
Metal Shredders
Insulation Manufacturing

1 Wire Recovery Incinerator and Burnout Ovens
Cotton Gins

Ord. No. 17168

SECTION 713. CONTROL OF FUGITIVE DUST

A. **Purpose.** It is the purpose of this regulation to control air pollution which results from fugitive dust in the City of Tulsa.

B. **Fugitive Dust.** No person shall cause or permit the handling, transporting or disposition of any substance or material which is likely to be scattered by the air or wind, or is susceptible to being airborne or windborne or to operate or maintain or cause to be operated or maintained any premise, open area, right-of-way, storage pile of materials, vehicle or construction, alteration, demolition or wrecking operation or any other enterprise, which involves any material or substance likely to be scattered by the wind or air, or susceptible to being windborne or airborne that would be classified as air pollution without taking reasonable precautions or measures to minimize atmospheric pollution.

C. **Precautions.** The Director may require such reasonable precautions and shall include, where applicable, but shall not be limited to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, driveways and parking lots or the clearing of land;

2. Application and maintenance of asphalt, road oil, water or suitable chemicals on dirt roads, driveways and parking lots, materials stockpiles and other surfaces which can be the source of airborne dust;

3. Installation and use of hoods, fans and dust collectors to enclose and vent the handling of dusty materials or the use of water sprays or other acceptable measures to suppress the dust emission during handling; adequate containment methods shall be employed during sandblasting or other similar operations;

4. Covering, at all times, when in motion, open-bodied trucks transporting materials likely to become airborne;

5. The prompt removal of earth or other material from paved roads, driveways and parking lots on which earth or other material has been deposited by trucking, earth moving equipment or erosion by water; and
6. The planting and maintenance of vegetative ground cover.

D. **Damage to Adjacent Properties.** No person shall cause or permit the discharge of any visible fugitive dust emissions beyond the property line on which the emissions originate in such a manner as to damage or to interfere with the use of adjacent properties or the maintenance, or attainment of ambient air quality standards.

**SECTION 714. CONTROL OF EMISSIONS OF ORGANIC MATERIAL**

A. **Purpose.** It is the purpose of this regulation to control the emissions of organic vapors during the storage, transport or dispensing of organic materials.

B. **Storage of Volatile Organic Compounds - 400 - 40,000 Gallons (9.5 - 953 bbls).**

1. No person shall store or permit the storage of gasoline or other volatile organic compounds in any stationary storage container with a nominal capacity greater than 400 gallons (9.5 bbls) and less than 40,000 gallons (952.4 bbls) unless such container is equipped with a submerged fill pipe or is bottom filled. No person shall store or permit the storage of gasoline or other volatile organic compounds in any stationary storage container with a nominal capacity greater than 2,000 gallons (47.5 bbls) and less than 40,000 gallons (952.4 bbls) unless such container is equipped with a vapor control system that has an efficiency of no less than 90 percent by weight of the volatile organic compounds contained in the displaced vapors and is equipped with a pressure relief valve in the atmospheric vent system which maintains a pressure of 16 ounces per square inch and 1/2 ounce per square inch vacuum.
2. The vapor recovery system shall include the following:

   a. A vapor-light return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline or volatile organic compounds can be transferred into the container (i.e., poppeted connectors from the storage container to the delivery vessel);

   b. A float vent valve assembly must be installed in the vapor return/vent line on new and existing dual point installations; however, for coaxial installations on existing stations, a vent sleeve extending six (6) inches below the top of the tank will be allowed; sleeves may be equipped with a 1/16-inch air bleed hole;

   c. The cross sectional area of the vapor recovery line must be at least half of the cross sectional area of the liquid delivery line; and

   d. Other equipment that has a total collection efficiency no less than 90 percent by weight of the total hydrocarbon compounds in the displaced vapor, provided that approval of the proposed design, installation and operation is obtained from the Director prior to start of construction.

3. Exemptions to this regulation may be granted, provided that the owner or operator shows to the satisfaction of the Director that the container is used exclusively for agricultural purposes or that the facility, based on the most current 12 months' data, dispenses 120,000 gallons per year or less.

4. Compliance with this subsection must be accomplished by the affected owner or operator by October 1, 1987.

C. Emission of Gasoline Vapors from Gasoline Transport Vessels.

1. The vapor-laden vessels shall meet the following requirements:

   a. The transport vessel must be maintained so as to be vapor tight except during sampling, gauging or inspection; these activities shall not be done while loading or unloading; and

   b. The transport vessel must be equipped, operated and maintained to receive vapors from the gasoline service stations and retain these vapors until they are delivered to an authorized vapor recovery or disposal system.

2. Compliance with this subsection must be accomplished by the affected owner or operator by October 1, 1987.

D. Compliance for Vapor Tightness.
1. Each gasoline transport vessels delivering or receiving gasoline in the City of Tulsa and Tulsa County must be tested one time per year for vapor tightness. The test must be consistent with Appendix "A," EPA Guidelines Series Document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA 450/2-78-051, or an equivalent method as determined by the Director.

   a. Tests shall be performed by the owner or a reputable transport service company. Service companies methods and procedures must be certified by Tulsa City-County Health Department.

   b. A tag showing the date of pressure test and date of certification must be posted on the rear panel of tank. These tags will be supplied by the Tulsa City-County Health Department.

   c. Terminal owners or operators shall not knowingly allow the gasoline transport to be filled at the terminal if the certification tag is out of date or missing.

2. To ensure the integrity of the program outlined in C.1, the Tulsa City-County Health Department will conduct periodic vapor leak testing. This testing must be consistent with Appendix "B," EPA Guidelines Series Document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA 450/2-78-051.

   a. Vessels with defective equipment such as boots, seals, hoses and leaky pressure or vacuum relief valves must be repaired within five (5) days.

   b. Vessels which fail the vapor test by having leaks that exceed 5,000 ppm must be repaired within ten (10) days.

   c. Repairs must be made by the owner or a supplier certified by Tulsa City-County Health Department.

   d. Letters from the vessel owner certifying compliance, with proof of repair attached, must be sent to the Tulsa City-County Health Department within five (5) days.

   e. Failure to comply with any provision of this subsection will subject the vessel to sanctions which may include removal from service.

3. Compliance with this subsection must be accomplished by the affected owner or operator by October 1, 1987.

E. Loading. All loading of the above organic material storage tanks shall be conducted by tight fill.

F. Exemptions:
1. Methane (CH₄).

2. Any organic material with a vapor pressure less than 1.5 psia under actual storage temperatures and pressures.

3. Crude oil defined as follows: produced, non-refined hydrocarbon which has a gravity equal to or less than 50 API gravity at 60 degrees Fahrenheit, as measured in the stock tank and when flashed to the atmospheric stock tank from the final release separator and/or treating facility, loses no more than 1.5 percent of the stock tank volume or twenty-five (25) standard cubic feet per barrel of stock tank oil.

4. The storage and/or loading of organic materials used for agricultural purposes on farms or ranches.

Ord. No. 16838

SECTION 715. CONTROL OF AIR POLLUTION FROM SULFUR COMPOUNDS

A. Purpose. It is the purpose of this regulation to control emission of sulfur compounds from stationary sources in the City of Tulsa and thereby to promote and protect the health and welfare of its residents.

B. Limitation of Ambient Conditions. No person shall cause, suffer, allow or permit the emission of sulfur compounds from any premise in such a manner and amounts that the concentrations attributable to such emissions exceed the following at any place beyond the boundary of the property on which the source is located:

\[
\begin{align*}
\text{SO}_2 \\
1350 \text{ ug/m}^3 & \text{ - 3 minute average} \\
1200 \text{ ug/m}^3 & \text{ - 1 hour average} \\
650 \text{ ug/m}^3 & \text{ - 3 hour average} \\
130 \text{ ug/m}^3 (.05 \text{ ppm}) & \text{ 24 hour average} \\
\end{align*}
\]

\[
\begin{align*}
\text{H}_2\text{SO}_4 \text{ and/or } \text{SO}_3 \text{ calculated as } \text{H}_2\text{SO}_4 10 \text{ ug/m}^3 (2.45 \times 10^{-3} \text{ ppm}) \\
\text{H}_2\text{S} & \text{ 70 \text{ ug/m}^3 (.05 \text{ ppm})}
\end{align*}
\]

Determination of violations may be made either by ambient air monitoring at the property line on which the source is located or by atmospheric diffusion modeling. Testing procedures, diffusion models and equipment to determine whether or not emissions standards required by this subsection are met shall be approved by the Director.

C. Emission Limitation from Point Sources. No person shall cause, suffer, allow or permit the discharge into the atmosphere of sulfur compounds from any stack, vent or other such exhaust system, in excess of the following:
1. **Existing Installation:**

\[ \text{SO}_2 \text{ 5.32 g/m}^3 (2,000 \text{ ppm}) \]
\[ \text{H}_2\text{SO}_4 \text{ and/or SO}_3 \text{ in any combination calculated as H}_2\text{SO}_4 \]
\[ 70 \text{ mg/m}^3 (17 \text{ ppm}) \text{ H}_2\text{S} 140 \text{ mg/m}^3 (100 \text{ ppm}) \]

2. **New Installations:**

\[ \text{SO}_2 \text{ 1.3 g/m}^3 (500 \text{ ppm}) \]
\[ \text{H}_2\text{SO}_4 \text{ and/or SO}_3 \text{ in any combination calculated as H}_2\text{SO}_4 50 \text{ mg/m}^3 (12.3 \text{ ppm}) \]
\[ \text{H}_2\text{S} 140 \text{ mg/m}^3 (100 \text{ ppm}) \]

Where:

\( g \) = grams
\( \text{mg} \) = milligrams
\( \text{ug} \) = micrograms
\( \text{ppm} \) = parts per million

Testing procedures and equipment to determine whether or not emissions standards required by this subsection are met shall be approved by the Director.

D. **Specific New Source Process Weights Limitations.** No person shall cause, suffer, allow or permit the emission of sulfur compounds into the atmosphere from the following specific new sources in excess of the amounts shown below.

1. **Sulfuric Acid Plants.**

   a. \( \text{SO}_2 \text{ - 2 kgm per metric ton (four pounds per ton) of H}_2\text{SO}_4 \text{ produced, the total production being expressed as 100 percent H}_2\text{SO}_4.} \)

   b. \( \text{H}_2\text{SO}_4 \text{ - .075 kgm per metric ton (.15 pounds per ton) of acid produced, the production being expressed as 100 percent H}_2\text{SO}_4.} \)

   c. Visible emission of 1/4 Ringelmann (five percent opacity).
2. **Fuel Burning Equipment.**

a. SO\textsubscript{x} measured as SO\textsubscript{2} - .36 gm/10\textsuperscript{6} calories (.2 pounds/10\textsuperscript{6} BTU), heat input derived from gaseous fossil fuel.

b. SO\textsubscript{x} measured as SO\textsubscript{2} - 1.4 gm/10\textsuperscript{6} calories (.8 pounds/10\textsuperscript{6} BTU), heat input derived from liquid fossil fuel.

c. SO\textsubscript{x} measured as SO\textsubscript{2} - 2.2 gm/10\textsuperscript{6} calories (1.2 pounds/10\textsuperscript{6} BTU), heat input derived from solid fossil fuel.

d. Where different states of fuels are burned simultaneously, the following formula will apply:

\[
\frac{x(0.36) + y(1.4) + z(2.2)}{(x + y + z)} = \text{Total Heat Input}
\]

Where "x" is the percent of total heat input derived from gaseous fuels, "y" is the percent of total heat input derived from liquid fuels; "z" is the percent of total heat input derived from solid fuels.

3. **Nonferrous Smelters.** The emission of sulfur oxides, calculated as sulfur dioxide, from new nonferrous smelters is restricted according to the following equations as a maximum two-hour average:

a. Copper Smelters: \( Y = 0.2X \)

b. Zinc Smelters: \( Y = 0.564X^{0.85} \)

c. Lead Smelters: \( Y = 0.98X^{0.77} \)

Where X - Total sulfur fed to smelter (1 lb/hr)

Where Y - Sulfur dioxide emissions (1 lb/hr)

4. **Paper Pulp Mill.** The emission of sulfur oxides, calculated as sulfur dioxide, from the blow pits, washer vents, storage tanks, digester, relief and recovery furnace of any new paper pulp mill shall not exceed eighteen (18) pounds per air dried ton of pulp produced, maximum two-hour average.

E. **Hydrogen Sulfide Emission Limit from New Petroleum or Natural Gas Processing Equipment.** No person shall cause, suffer or allow the discharge into the atmosphere of hydrogen sulfide from any new petroleum or natural gas processing equipment without removal of the hydrogen sulfide from the exhaust gas or oxidizing it to sulfur dioxide in a system which ensures at all times complete combustion of the hydrogen.
sulfide with the exhaust gas then being emitted from a stack at least fifty (50) feet in height. Efficiency of these removal or oxidation systems shall not allow emission of more than 0.3 pounds per hour of hydrogen sulfide as a two-hour maximum, with a maximum efficiency required of ninety-five (95) percent and a minimum efficiency required of ninety (90) percent of the hydrogen sulfide in the exhaust gas.

F. **Applicability.** In any situation in which more than one requirement of this regulation is applicable, the more restrictive provision shall govern.

Ord. No. 13740

**SECTION 716. CONTINUOUS MONITORING OF EMISSIONS, RECORDING AND REPORTING**

A. **Purpose.** It is the purpose of this regulation to provide for continuous monitoring of sources of air pollution, thereby maintaining a continuous record of pollutant emission.

B. **General Provisions.** The Director may require the owner or operator of any air contaminant source to:

1. Install, use and maintain continuous monitoring equipment, in situ, the design, method and calibration of which the Director shall approve;

2. Sample and report emissions in accordance with methods which the Director shall prescribe;

3. Establish and maintain records of monitoring and data which shall be prepared and calculated daily, in units approved by the Director; and

4. Make records and data available to the Director at any reasonable time.

**SECTION 717. SAMPLING, TESTING AND REPORTING**

A. The Director may conduct tests of emissions of air contaminants of any source. Upon request of the Department, the person responsible for the source to be tested shall provide necessary ports in stocks or ducts to provide compliance with procedures approved by the Director and such other safe and proper sampling and testing facilities including, but not limited to, scaffolding and access, but exclusive of instruments and sampling devices as may be necessary for proper determination of the emission of air contaminants.

B. The Director may require the owner or operator responsible for emissions of air contaminants to conduct tests of such emissions. Such tests shall be conducted, performed and reported in accordance with methods as the Director shall prescribe.
1. A pre-test plan shall be submitted to the Director of Health twenty (20) working days prior to the proposed test date. Written approval or disapproval of a pre-test plan shall be completed within not more than ten (10) working days after receipt of the plan.

2. The Director will furnish self-duplicating data sheets to the person responsible for performing each test. These data sheets must be completed during the sample and the duplicate copy given to the Director’s on-site representative immediately upon completion of each test run.

SECTION 718. RIGHT OF REVIEW AND EXCEPTIONS

There is hereby created an Environmental Review Board ("Review Board") composed of five (5) members. One member shall be selected by the Environmental Advisory Council from its membership. Four (4) members shall be appointed by the Board. The Review Board shall select annually a Chairman from among its members. Meetings shall be called by the Chairman. Three (3) members shall constitute a quorum.

A. When, in the opinion of the Director, a violation of this Clean Air Code ("the Code") exists, he may by conference, conciliation and persuasion, endeavor to the fullest extent possible to eliminate such violation. In case of the failure by conference, conciliation and persuation to correct or remedy any claimed violation, the Director may cause to have issued and served personally or by certified mail a written order upon the person complained against. The order shall specify the provisions of the Code alleged to constitute a violation thereof and shall order that the necessary corrective action be taken within a reasonable time to be prescribed in such order. Any such order shall become final and enforceable, unless the person or persons named therein request in writing a hearing before the Review Board no later than fifteen (15) days after the date such order is served. The notice of hearing shall be delivered in person or by certified mail to the alleged violator or violators not less than ten (10) days before the time set for hearing. Provided, however, that the aforementioned right of review shall not preclude the issuing of code citations or the filing of criminal charges.

B. The respondent to the order may file a written answer thereto and may appear at such hearing in person or by representative, with or without counsel, and may make oral argument, offer testimony or cross examine witnesses in support of the complaint, or take any combination of such actions. In all proceedings before the Review Board, with respect to any alleged violation of the Code, the burden of proof shall be upon the Director.

C. The Review Board shall make such final determination as it shall deem appropriate under the circumstances and it shall request the Director of Health to issue a final order in accordance with its findings. The Director shall notify the respondent thereof in writing by certified mail.
D. The Review Board may appoint such hearing officers, review panels, or technical advisers as it deems necessary to assist it in the hearings herein authorized; provided, however, that if a hearing officer or review panel is appointed to take testimony and evidence, a written transcript of the record shall be made and the hearing officer or review panel shall make written findings of fact, conclusions of law, and recommended action to the Review Board. The review panel shall be confined to the factual record made at the hearing. The Review Board shall reverse or remand the order of the Director only if it finds that the order is not supported by reliable probative and substantial evidence in the whole record or that the order is legally incorrect. The final determination of the Board shall be in writing and shall contain findings of fact and conclusions of law.

E. Either party may appeal an adverse ruling by the Review Board to the City Council of the City of Tulsa by filing a written notice of appeal with the City Clerk within forty-eight (48) hours. Such appeal shall be heard by the City Council at the next available meeting following the filing of such appeal. Any appeal heard by the City Council shall be confined to the factual record made at the hearing of the Review Board or hearing officer.

SECTION 719. VARIANCES

Any person seeking a variance from the Clean Air Code shall do so by filing a petition for variance with the Director of Health. The Director shall promptly investigate such petition and make a recommendation to the Review Board as to the disposition thereof. Upon receiving the recommendation of the Director, the Review Board shall set a date for public hearing thereon and shall prescribe the length and type of notice to be given by the petitioner. Such hearing shall be held as provided above, except the burden of proof shall be on the petitioner. The Review Board may grant individual variances beyond the limitations prescribed in this code.

SECTION 720. PENALTIES

Any person who violates any provision of the Clean Air Code or any final order issued by the Director of Health pursuant to the provisions of this code and fails to permanently cease such violation of such order within ten (10) days after receipt of notice from the Department of Health specifying such violation shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the City Jail for not more than ninety (90) days and/or by a fine of not more than THREE HUNDRED DOLLARS ($300.00), excluding costs. Each day of violation shall be considered a separate offense.

Ord. No. 13740

SECTION 721. LIMITATIONS

Nothing in this code shall be construed to:
A. Abridge, limit, impair, create, enlarge or otherwise affect substantially or procedurally the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor;

B. Grant to the Board any jurisdiction or authority with respect to air contamination existing solely within commercial and industrial plants, works or shops;

C. Affect the relations between employers and employees with respect to or arising out of any condition or air contamination or air pollution; or

D. Supersede or limit the applicability of any law or ordinance relating to sanitation, industrial health or safety.
CHAPTER 8

MISCELLANEOUS SANITARY REGULATIONS

Section 800. Inspection - Rest Rooms.
Section 801. Inspection - Industrial Plants and Factories.
Section 802. Offensive Trades.

SECTION 800. INSPECTION - REST ROOMS

All rest rooms, comfort stations and public lavatories situated in hotels, depots, stations, public buildings and other public places are hereby placed under the direct supervision and control of the Director of Health. To prevent the spread of disease from such places, the Director shall prescribe such rules of sanitation and shall require proper ventilation, heating, seating, construction, maintenance, operation and use.

SECTION 801. INSPECTION - INDUSTRIAL PLANTS AND FACTORIES

It shall be the duty of the Director of Health to require proper and adequate lighting, ventilation and sanitation in all industrial plants or factories within the City in which human beings are employed to work. He shall require that proper heating, drinking water, toilets and working conditions be provided as may be necessary to protect the health and safety of such employees.

SECTION 802. OFFENSIVE TRADES

No person shall boil, heat, dry, keep, store or manufacture any offal, swill, bones, fat, tallow or lard, or skin any skunk or other wild animal having an offensive odor, or slaughter any hog, sheep, horse or other domestic animal within the corporate limits of the City of Tulsa, except as otherwise expressly provided by the Revised Ordinances of the City of Tulsa. No business of rendering, bone boiling, bone burning, gut cleaning, skinning or making glue from any part of dead animals, drying, storing any blood, scrap, fat, grease, dried skunk hides or green skunk hides, or the conducting of any business or occupation that will or does generate any unwholesome, offensive or deleterious odors, gas, smoke, or exhalation, or that is or would be dangerous or detrimental to life or health, shall be carried on anywhere in the City of Tulsa without a permit from the Director of Health.
CHAPTER 9

SEPTIC TANKS

Section 900. Definitions.
Section 901. License Required.
Section 902. Permit Required.
Section 903. Percolation Test Required.
Section 904. Permit and Inspection Fee.
Section 905. Collection and Deposit of Fees.
Section 906. Prohibited Locations.
Section 907. Construction Regulations.
Section 908. Hook-up to Public Sanitary Sewer System Required.

SECTION 900. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this chapter:

A. Septic Tank Installer means any person, firm or corporation which engages in the business of installing or repairing septic tank systems;

B. Septic Tank System means all or any portion of any structure or system receiving waste products by pipe from any residence, business or industrial plant, other than those connected directly to an approved sanitary sewer; and

C. Director means the Director of the City-County Health Department or his authorized representative.

SECTION 901. LICENSE REQUIRED

Any person who installs or repairs a septic tank system or systems shall obtain a license from the Director. A knowledge of plumbing shall not be required for a license but all such applicants shall show a knowledge of the construction, installation, operation and use of septic tank systems. Upon satisfactory proof of having the required knowledge in construction of septic tank systems, the Director shall, upon the payment of an annual fee of Fifty Dollars ($50.00), issue a license to install and repair septic tank systems; provided that such person shall first file a bond unto the City of Tulsa with the Director in the sum of Two Thousand Dollars ($2,000.00) with a surety company authorized to do business in the state of Oklahoma, as surety thereon to the effect and on the conditions that he, the principal, the surety, or either of them shall pay damages to any person resulting from the faulty or improper construction of any septic tank system constructed or repaired by him and that he shall faithfully perform the duties relating to such trade and shall comply with all conditions of the Revised Ordinances of the City of Tulsa relating to the same. In addition
to the bond hereinabove required, the applicant shall also deposit with the Director the sum of Two Hundred Dollars ($200.00) as a security deposit which will guarantee the payment of permit inspection fees. Such deposit shall be used to cover any delinquent or unpaid permit inspection fees and such may be deducted therefrom, as hereinafter provided. Violation of any of the provisions of this chapter or any condition of term of such license shall be deemed grounds for revocation or suspension of such license. A hearing regarding the suspension or revocation of such license shall be conducted by the Environmental Review Board as created in Section 718 of this title.

Prior to such action, the Director shall notify the license holder in writing, stating the reasons for which the license is subject to revocation and advising that the license shall be revoked or suspended at the end of five (5) days following the service of such notice, unless a written request for a hearing is filed with the Director, by the license holder, within such five (5) day period. The notice of hearing shall be delivered in person or by certified mail to the license holder not less than ten (10) days before the time set for hearing.

Notwithstanding the provisions contained herein, an owner may install a septic tank system on his own property, without a license, provided that he takes out the necessary permits and meets all other requirements as outlined in this chapter. Payment shall be made for the permit upon application.

SECTION 902. PERMIT REQUIRED

Before any person shall construct, repair or install any septic tank system within the corporate limits of the City of Tulsa wherever the plumbing system is connected directly or indirectly with the waterworks systems of the City of Tulsa, he shall obtain a permit therefor from the Tulsa City-County Health Department. The refusal, failure or neglect to obtain such a permit before commencing such construction, repair or installation shall be unlawful, and each day thereafter in which such work shall be unlawful and a separate offense.

It shall be unlawful for any owner or agent in charge of any premises in the City of Tulsa or any premises outside the City, wherever the plumbing system is connected directly or indirectly with the waterworks system of the City of Tulsa, to install or allow to be installed any septic tank system without meeting the requirements of this chapter for proper permit and inspection by the City-County Health Department.

SECTION 903. PERCOLATION TEST REQUIRED

A percolation test shall be required to determine the acceptability of soil before any person shall construct or install any septic tank system within the corporate limits of the City of Tulsa. Such percolation test shall be conducted in accordance with ODH Bulletin No. 600 and shall be performed by the Tulsa City-County Health Department, or persons certified by the Oklahoma State Department of Health.
SECTION 904. PERMIT AND INSPECTION FEE

An inspection fee of Twenty-Five Dollars ($25.00) shall be paid to the Director of the Tulsa City-County Health Department upon the issuance of each permit to build, repair or install a septic tank system. Upon the payment of the inspection fee, it shall be the duty of the Director to inspect the plans of the proposed construction, the location and actual construction. Upon the completion of the work, the Director shall approve the septic tank system before any connection or use of the system is made. Any reinspection of a septic tank system shall be made only at an additional fee of Twenty-Five Dollars ($25.00) for each reinspection.

All permit and inspection fees herein enumerated shall be paid to the Director of the Tulsa City-County Health Department and shall be charged to the licensed septic tank system installer on a monthly basis; and they shall be billed by the Tulsa City-County Health Department on the first of each month for all permit and inspection fees assessed during the preceding month. Such fees shall then be due and payable at once and if not paid in full by the 10th of the month in which billed, the total amount due and unpaid shall be deducted from the cash deposit of the licensed septic tank system installer in payment of such fees, at which time the issuance of permits to the particular licensed septic tank system installer shall be suspended until and unless the cash deposit is supplemented to bring it up to the required amount.

Ord. No. 15666

SECTION 905. COLLECTION AND DEPOSIT OF FEES

All fees collected by the Tulsa City-County Health Department under authority of these regulations shall be deposited with the County Treasurer of Tulsa County pursuant to 19 O.S.1991, § 681, and shall be transferred and added to the Health Department's appropriations pursuant to 63 O.S.Supp.1996, § 1-206.1.

SECTION 906. PROHIBITED LOCATIONS

A. It shall be unlawful for any person to install, maintain, operate or use any septic tank system within the boundaries of any sewer district or where such system is upon any premises which abut upon any public district or lateral sewer line, or which is within two hundred fifty feet (250') of such line. All septic tank systems hereafter constructed in violation of this section are hereby declared to be a public nuisance and shall be abated.

B. It shall be unlawful for any person to construct, install or maintain any drive, paving, surfacing, swimming pool, lawn sprinkler system, building or other structure on or over the part of a lot or parcel of land containing septic tank system lateral lines.

Ord. No. 17025

SECTION 907. CONSTRUCTION REGULATIONS
No private sewage disposal system shall be constructed, repaired or installed unless it shall comply with the minimum requirements prescribed by the State Board of Health of the state of Oklahoma for such disposal systems.

Ord. No. 13666

SECTION 908. HOOK-UP TO PUBLIC SANITARY SEWER SYSTEM REQUIRED

The owner of a lot served by a septic tank system, in a subdivision also having a public sanitary sewer system, shall within ninety (90) days from date of notification in writing by the City of Tulsa, at his expense, disconnect from the septic tank system, and connect the building sewer line to the public sanitary sewer system, all in accordance with the Revised Ordinances and duly adopted regulations of the City of Tulsa.

Ord. No. 17025
CHAPTER 10

REGULATION OF PRIVATELY OPERATED DOMESTIC SEWAGE LAGOONS

Section 1000. Scope.
Section 1001. Definitions.
Section 1002. Restrictions on Privately Operated Domestic Sewage Lagoons.
Section 1003. Variances.
Section 1004. Privately Operated Domestic Sewage Lagoons.
Section 1005. Permit Required.
Section 1006. Permit and Inspection Fee.

SECTION 1000. SCOPE

This chapter shall include all general requirements and prohibitions in respect to the construction, use, operation and maintenance of all privately operated domestic sewage lagoons.

SECTION 1001. DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein.

A. Underground Wastewater Disposal Systems shall be the same as "septic tank system," defined in Subsection 900.B of this title, as all or any portion of any structure or system receiving waste products by pipe from any residence business or industrial plant, other than those connected directly to an approved sanitary sewer.

B. Oklahoma State Department of Health (O.S.D.H.) Standards shall mean those standards for Water Pollution Control Facilities and for Public Water Supply Facilities adopted by the State Board of Health under authority of the statutes of the state of Oklahoma as they are now written and may be hereafter amended.

C. City shall mean the City of Tulsa, a municipal corporation.

D. Domestic Sewage shall mean water-carried wastes normally discharging into the sanitary sewers of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes.

E. Sanitary Sewer shall mean a sewer that conveys sewage or wastewater, and into which storm, surface and ground waters or unpolluted industrial wastes are not admitted intentionally.
F. **Domestic Sewage Lagoon** shall mean a total retention domestic sewage treatment pond.

**SECTION 1002. RESTRICTIONS ON PRIVATELY OPERATED DOMESTIC SEWAGE LAGOONS**

Privately operated domestic sewage lagoons shall not be permitted, except those in operation prior to the effective date of these provisions or as otherwise provided herein.

**SECTION 1003. VARIANCES**

Variance may be granted by the City permitting the use of a privately operated domestic sewage lagoon to replace a failed existing septic tank system, provided that the existing septic tank system is located on a tract of land two and one-half acres or larger.

**SECTION 1004. PRIVATELY OPERATED DOMESTIC SEWAGE LAGOONS**

A privately operated domestic sewage lagoon shall be allowed only under the following conditions:

A. Documentation shall be provided showing that the property failed to pass percolation tests required for a septic tank system and does not have a publicly operated sanitary sewer system within 1,000 feet;

B. The City shall determine that the installation of a domestic sewage lagoon is necessary for the protection of the health and welfare of the public and is in compliance with the most recent O.S.D.H. Standards;

C. The domestic sewage lagoon shall be located entirely on the property to be served, and the center line of the closest lagoon dike must be located a distance of three hundred (300) feet from the adjoining property lines and six hundred (600) feet from the closest house on adjacent property;

D. A septic tank, or some other form of pretreatment to remove floating and settleable solids shall be installed through which domestic sewage is discharged into the lagoon;

E. The lagoon shall be surrounded by a chain link fence at least six (6) feet high with climb guard, or a fence of equivalent design to prevent entry by unauthorized personnel; an access gate of sufficient width to accommodate mowing equipment shall be provided; and all access gates shall be secured with locks;
F. Warning signs shall be posted on the fence on each side of the lagoon; the sign shall state, "Warning! Sanitary SEWAGE Lagoon. KEEP OUT!" in letters at least one (1) inch tall;

G. The lagoon shall be operated and maintained in accordance with the O.S.D.H. Standards; and

H. If the owner fails to maintain such lagoon, the City shall be empowered to provide the necessary maintenance and to recover the costs thereof against the owner or operator.

SECTION 1005. PERMIT REQUIRED

Before any person shall construct, repair or install any privately-operated sewage lagoon within the corporate limits of the City of Tulsa, he shall obtain a permit from the City; the refusal, failure or neglect to obtain such a permit before commencing such construction, repair or installation shall be unlawful, and each day thereafter in which such work shall be done shall be unlawful and a separate offense.

SECTION 1006. PERMIT AND INSPECTION FEE

An inspection fee of Two Hundred Dollars ($200.00) shall be paid for the issuance of each permit to build, repair or install a privately operated domestic sewage lagoon. Upon the payment of the inspection fee, it shall be the duty of the City to inspect the plans of the proposed construction, the location and actual construction. Upon the completion of the work, the City shall approve the sewage lagoon before any connection or use of the sewage lagoon is made.

Ord. No. 16324
CHAPTER 11

CHILD CARE FACILITIES

Section 1100. Definitions.
Section 1101. Medications, Administration, Labeling, Storage.
Section 1102. Immunization Certificate, Procedure, Exemptions.
Section 1103. Exceptions.

SECTION 1100. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this chapter:

A. **Child Care Facility** shall mean any public or private institution, child care center, or family day care home providing either full-time or part-time care for six (6) or more children away from their own homes, and which is owned or controlled by a political subdivision, a corporation, an unincorporated organization or association, or an individual; and

B. **Director** means the Director of the Tulsa City-County Health Department or his authorized representative.

SECTION 1101. MEDICATIONS, ADMINISTRATION, LABELING, STORAGE

It shall be unlawful for any person, firm, corporation or legal entity to cause or permit any medication to be administered in a child care facility unless the following requirements are met:

A. Written request signed by the parent or legal guardian, must be on file at the child care facility and shall be available to the Health Department for inspection; the request is to include the child's name, the date, and the name of the medication to be administered and is to become a part of the child's records;

B. All medications must be properly labeled with the child's full name, name of drug, dosage, and time to be given; and

C. All medications are to be kept in a locked cabinet or stored in a safe manner approved by the Director.
SECTION 1102. IMMUNIZATION CERTIFICATE, PROCEDURES, EXEMPTIONS

A. No person, firm, corporation, partnership or other legal entity shall cause or permit a minor child to be admitted to any child care facility operating within the City of Tulsa unless the parents or guardians of the child can present certification from a licensed physician or authorized representative of any state or local department of public health that such child has received or is in the process of receiving recommended immunizations as herein specified appropriate for the child’s age or that the child is likely to be immune as a result of the disease.

B. Immunizations required, and the manner and frequency of their administration, shall be in compliance with the current immunization recommendations of the Oklahoma State Department of Health and shall conform to recognized standard medical practices in the State. The Tulsa City-County Health Department shall supervise and secure the enforcement of the required immunization program.

C. The parents, guardian or person having legal custody of any child may claim an exemption from the immunization on medical, religious or personal grounds. The exemption may be claimed by completing forms provided to the child care facility by the Director, which forms must be kept on file at the child care facility and be made available to the Director upon inspection.

D. If the parents or guardians are unable to pay, the Tulsa City-County Health Department shall provide, without charge, the immunizations required by this chapter.

SECTION 1103. EXCEPTIONS

This section shall not be applicable to a person or persons receiving, keeping, caring for or boarding children under the following conditions:

A. When a child is related within three degrees, either by blood or marriage, to the person caring for such child;

B. When a child is being cared for by its natural parents or by a person who has adopted or made a bona fide application to proper authorities for the adoption of the child being cared for;

C. When a child is being cared for by the legal guardian or is a bona fide foster parent of such child; and

D. When fewer than six (6) children are cared for away from their home.

Ord. No. 14168
CHAPTER 12

PUBLIC BATHING PLACE CODE

Section 1200. Adoption of “Design Standards and Operational Criteria for Public Bathing Places.”


Section 1202. Collection and Deposit of Fees.

Section 1203. Penalty.

SECTION 1200. ADOPTION OF “DESIGN STANDARDS AND OPERATIONAL CRITERIA FOR PUBLIC BATHING PLACES”

That certain document, three (3) copies of which are on file in the Office of the City Clerk, Tulsa, Oklahoma, being marked and designated “Design Standards and Operational Criteria for Public Bathing Places,” adopted by the Oklahoma Board of Health on March 27, 1986, codified December 31, 1991, as Chapter 315 and Chapter 320, Title 310, Oklahoma Administrative Code, is adopted as the “Public Bathing Code” of the City of Tulsa, Oklahoma, for the control of public bathing places as herein provided; and each and all of the rules and regulations, provisions, penalties, conditions and terms contained therein are adopted and made a part hereof of this code.

Ord. Nos. 17222, 19359

SECTION 1201. ADDITIONS, INSERTIONS, DELETIONS, AND CHANGES TO THE “DESIGN STANDARDS AND OPERATIONAL CRITERIA FOR PUBLIC BATHING PLACES,” ADOPTED BY THE OKLAHOMA BOARD OF HEALTH, MARCH 27, 1986, AND CODIFIED AS CHAPTERS 315 AND 320 OF THE OKLAHOMA ADMINISTRATIVE CODE

The following sections of the “Design Standards and Operational Criteria for Public Bathing Places” are revised as follows:

A. Definitions. For the purpose of this code, the following terms, phrases, words and their derivations shall have the meaning given herein; and words used in the masculine gender comprehend as well the feminine gender and neuter.
1. **Person** shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, municipality, or other legal entity or their representative, agent, or assigns.

2. **Department** shall mean the Oklahoma State Department of Health and shall include the Tulsa City-County Health Department.

3. **State Commissioner of Health** or **Commissioner** shall also include the Director of the Tulsa City-County Health Department, or his authorized representative.

4. **Director** shall mean the Director of the Tulsa City-County Health Department, or his authorized representative.

5. **Manager of operations** shall mean an individual responsible for water chemistry and water temperatures, recirculation efficiency and maintenance of filtration system, safety and environmental hazards, adequate and proper signs, and current records of operation.

6. **Seasonal public bathing place** shall mean one which is operated only during six (6) calendar months of each year; those operating during the entire year are nonseasonal.

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**B. Operating a Public Bathing Place.**

1. **License required.** It shall be unlawful for any person to operate or maintain a public bathing place unless he has obtained a license to operate a public bathing place from the Director. Only persons who comply with the provisions of this code shall be entitled to receive and retain such a license. The license shall be posted in a conspicuous place within the confines of the public bathing place.

2. **Procedure for Obtaining License.**

   a. Any person desiring to operate a public bathing place shall make written application for a license to the Director on forms provided by the Director, and shall pay a fee for the license of One Hundred Dollars ($100.00) for each seasonal public bathing place or One Hundred Fifty Dollars ($150.00) for a nonseasonal public bathing place.

   b. Upon receipt of such an application and fee, the Director shall make an inspection of the facility to determine compliance with the provisions of this code.

   c. When the inspection reveals that applicable requirements have been met, a license shall be issued to the applicant by the Director.
d. The Director may, for good cause shown, waive the fee required herein for any governmental agency supported in whole or in part by public funds, but such agency is not exempt from qualifying for and obtaining a license as required by this code.

e. Renewal applications for a license shall be made on or before the first day of July of each year. If a renewal application is not made or if the fee is not paid on or before the first day of August, an additional charge of ten percent (10%) of the fee shall be paid.

f. Applications to operate a new public bathing place shall be made in the same manner as set forth above, excepting that the application, inspection and license fee shall be reduced by one-half (½) if application is made during the period between January 1 and June 30.

3. **Duration and Non-transferability of License.** The license to operate a public bathing place shall not be transferable to other persons or other locations. All licenses, unless otherwise suspended or revoked as provided herein, shall be valid for either the period stated for a seasonal public bathing place or twelve (12) months for a nonseasonal public bathing place.

4. **Suspension or Revocation of License.** The license to operate a public bathing place may be temporarily suspended by the Director without prior warning, notice, or hearing, if he has cause to believe that, in his opinion, an imminent public health hazard exists. Any person whose license to operate has been suspended may make written request to the Director within twenty-four (24) hours to determine if the imminent health hazard has been corrected. The Director may permanently revoke the license for serious or repeated violations of this code after the opportunity for a hearing has been provided.

5. **License Revocation Hearing Procedure.** The license holder shall be served notice in writing by the Director, stating the reasons for which the license shall be permanently revoked at the end of five (5) days following service of such notice, unless a written request for hearing is filed with the Director by the permit holder within such five-day period. Any license holder whose license has been revoked may appeal to the Council of the City of Tulsa, by written notice, postmarked within forty-eight (48) hours after the hearing.

C. **Certified Manager of Operations for a Public Bathing Place.**

1. **Certification Required.** It shall be unlawful for any person owning, operating, or managing a public bathing place to fail to employ or fail to retain on site at least one certified manager of operations who is full-time supervisory personnel of such establishment and who holds a valid manager of operations certificate issued by the
Director. A certified manager of operations must use his certificate only at the site, unless the Director, for good cause shown, grants a waiver of such requirement.

2. **Procedure for Obtaining Certification.**

   a. Any person desiring to obtain certification as a manager of operations of a public bathing place shall make written application on forms provided by the Director, shall attend and successfully complete either a one-day training course conducted by the Director or another course of instruction approved by the Director. If a person designated by an owner as manager of operations is not certified, he shall attend and successfully complete the next training course conducted after his designation.

   b. The certification of a manager of operation shall expire five (5) years from the date of certification, and the manager must repeat and complete the training course to maintain certification. The fee for attending a training course for the purpose of becoming a manager of operations of a public bathing place shall be Forty Dollars ($40.00) and shall be paid to the Director.

   c. An administrative fee of Ten Dollars ($10.00) shall be paid for each duplication of a lost certificate.

*Ord. Nos. 17222, 19359*

**SECTION 1202. COLLECTION AND DEPOSIT OF FEES**

All fees collected by the Tulsa City-County Health Department under authority of this code shall be deposited with the Tulsa County Treasurer, pursuant to 19 O.S.1991, § 681, and shall be transferred and added to the Health Department’s appropriations pursuant to 63 O.S.Supp.1997, § 1-206.1.

*Ord. Nos. 17222, 19359*

**SECTION 1203. PENALTY**

Every person convicted of a violation of this code shall be guilty of an offense and upon conviction shall be punished by imprisonment in the City Jail for a period not exceeding ninety (90) days or by a fine not exceeding FIVE HUNDRED DOLLARS ($500.00), excluding costs, fees and assessments, or both such fine and imprisonment.

*Ord. Nos. 17222, 19359*
CHAPTER 13

PENALTY

Section 1300. Penalty.
Section 1301. Collection and Deposit of Fees.

SECTION 1300. PENALTY

Unless otherwise expressly provided in this title, every person convicted of a violation of any provision of this title and the sections thereunder shall be guilty of a misdemeanor offense, and upon conviction thereof shall be punished by a fine of not more than FIVE HUNDRED DOLLARS ($500.00), excluding costs, fees, and assessments, and/or by imprisonment in the City Jail for a period of not more than ninety (90) days.

Ord. Nos. 13370, 20669

SECTION 1301. COLLECTION AND DEPOSIT OF FEES

All fees paid directly to and collected by the Tulsa City-County Health Department under the authority of this title shall be retained by the Tulsa City-County Health Department as consideration for and to defray the cost of providing the services generating such fees, and shall be deposited with the County Treasurer of Tulsa County pursuant to 19 O.S.1991, § 681, and shall be transferred and added to the Health Department's appropriations pursuant to 63 O.S.Supp.2000, § 1-206.1.

All fees paid directly to and collected by the Finance Officer of the City of Tulsa under the authority of this title shall be retained by the City of Tulsa; provided, however, that seventy percent (70%) of all fees collected under authority of the Food Code relating to food establishments shall be paid by the City to the Tulsa City-County Health Department as consideration for and to defray the cost of supplying the services to process applications and inspect such establishments.

Ord. Nos. 14084, 20146