CHAPTER 15

NUISANCES

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ARTICLE I. IN GENERAL

Sec. 15-1. Definitions.

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

Abandoned Vehicle means a vehicle that a person in charge or control of any property within the city, whether as owner, tenant, occupant, or lessee, requests is removed from said property and where said vehicle is owned by another.

Blight means any deteriorated, decayed, corroded, oxidized, decomposed, impaired, unhealthy, or unsafe condition that depreciates the value of the property of others.

Boarding and securing or *boarded and secured* means closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure.

Code official means any employee of the city designated by the city manager to enforce the provisions of this chapter.

Condemn or *condemnation* means to adjudge and order any structure or equipment unfit and unlawful for its intended use.

Cleaning means the removal of trash from property.

Dilapidated building means:

a) A structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public;

b) A structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public;

c) A structure which is determined by the municipal governing body or administrative officer of the municipal governing body to be an unsecured building, as defined by Title 11, O.S. Section 22-112.1, more than three times within any twelve-month period;

d) A structure which has been boarded and secured, as defined by Title 11, O.S. Section 22-112.1, for more than thirty-six (36) consecutive months, or

e) A structure declared by the municipal governing body to constitute a public nuisance.

(Ord. No. 659, §108-16-2011)

Derelict Vehicle means any vehicle which is in poor condition due to lack of exterior maintenance including excessive peeling of paint, excessive rusting and other similar conditions, which render the vehicle unsightly.

Dismantled Vehicle means any vehicle capable of being driven upon the streets and highways of the city and which is temporarily disassembled to include, but not limited to, an absence of windows, windshield, fenders, doors, hoods, or bumpers.

Excessive peeling of paint means five (5%) percent or more of the paint, stain or bonded material of any exterior side of a wall, gable, soffit, fascia, gable, gutter, window, or door of any structure which is no longer adhering to the exterior surface due to deterioration, chipping, or peeling.

Fence in disrepair means any fence which fence boards are rotten, missing, loose, and/or partially missing due to the partial breakage of any individual boards; provided however, when a dog is harbored, maintained, or otherwise kept on the premises, *fence in disrepair* means a fence

which, is not maintained in a strong and sturdy condition and/or contains holes or gaps large enough for a human limb or dog to go through.

(Ord. No. 609, §1, 09-06-2005)

Loud noise means not less than ninety (90) decibels as measured on a commercial sound level meter, using the A-weighted network scale, measured at any point away from the property or vehicle from which said noise emanates.

Missing roof shingles means five (5%) percent or more of the area of any shingle roof, which is no longer adhering to the exterior roof surface due to deterioration. Damage to shingle roofs caused by windstorm, hail, or other similar acts of nature shall be exempt from the provisions of this section for a period of six (6) months after damage occurs.

Non-Operable Vehicle means any vehicle, which upon visual inspection appears incapable of being operated legally upon the streets and highways of the city due to an absence of any essential parts or due to any temporary condition, which in itself limits or prevents its intended use to include, but not limited to, wheels, tires, suspension and dismantled engines. *Non-Operable Vehicle* shall also include any vehicle that bears no license plate, bears a license plate that has been altered or tampered with or otherwise does not conform with the Oklahoma Vehicle License Act (47 O.S. § 1101, *et seq.*), displays a temporary paper tag which has been expired for thirty (30) days or more, or for which vehicle registration which has been expired for ninety (90) days or more. (Ord. No. 714, §1, 10-17-2016)

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

Paved surface means a solid, sealed surface constructed of asphalt, concrete, stone, brick, or other similar material, which is designed for use by vehicles and/or pedestrians including driveways, sidewalks, and other similar surfaces.

Paved surface area means any area of paved surface consisting of one hundred (100) square feet or less.

Person means any person, which is the owner of, or person in control or custody of, any property where a public nuisance exists. The word "person" shall extend and be applied to associations, corporations, firms, partnerships as well as to occupants, tenants, business managers, and other individuals.

Potholes means a depression in any paved surface, which is at least one half inch (1/2") deep and has a diameter of twelve inches (12") or more resulting from the deterioration of the paved material.

Public nuisance means unlawfully doing an act, or omitting to perform a duty, or any thing or condition which affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of the annoyance or damage inflicted upon the individuals may be unequal, and where such unlawful act, omission, thing, or condition either:

(1) Annoys, injures or endangers the comfort, repose, health or safety of others

(2) Offends decency

(3) Unlawfully interferes with, obstructs or renders dangerous for passage any lake, stream, canal or basin, ditch or drainage, or any public park, square, street, avenue, alley, sidewalk, or other public property

(4) In any way renders other persons insecure in life, or in the use of property

(5) Essentially interferes with the comfortable enjoyment of life and property, creates an unhealthy condition, or depreciates the value of the property of others.

Publish or *publication* means printing in a newspaper which:

a. Any newspaper which is of general circulation in the city, and

b. Meets the requirements of a legal newspaper as provided in 106 of Title 25 of the Oklahoma Statutes.

If there is no newspaper meeting the requirements as provided for in this paragraph, the term publish or publication shall mean posting a copy of the item to be published in ten or more public places in the city. When a notice is required to be published for prescribed period of time, publishing the notice one (1) day each week during the prescribed period of publication is sufficient in accordance with 103 of Title 25 of the Oklahoma Statutes.

Spalling means pitting in any paved driveway or paved surface covering twenty-five (25%) percent of its paved surface area resulting from the deterioration of the paved material.

Structure means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground including, buildings, signs, antennae, poles, satellite receivers and other similar structures.

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

Unfit for human occupancy means a structure that due to lack of necessary repairs is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public.

Unsecured building shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one (1) or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

Vegetation means any plant life, including, but not limited to, weeds, trees, shrubs, grass, and crops.

Weed includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:

(1) Exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;

(2) Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;

(3) Harbors rodents or vermin;

(4) Gives off unpleasant or noxious odors;

(5) Constitutes a fire or traffic hazard; or

(6) Is dead or diseased.

Weed does not include tended crops on land zoned for residential use.

Wrecked Vehicle means any vehicle, which is incapable of being driven upon the streets and highways of the city, which has been damaged by striking another object or by being over turned. *Wrecked Vehicle* shall also mean any vehicle with severe indentation on any quarter panel, front end, rear end, side or top of the vehicle, whether the vehicle is capable of being driven upon the streets and highways of the city or not.

(Code 1976, 10-12-1 Ord. No. 320, 1(10-11-4(a)), 6-21-83 Ord. No. 373, 2, 9-16-86 Ord. No. 430, 1, 10-3-89 Ord. No. 470, 1, 6-16-92 Ord. No. 495, 2, 2-1-94 Ord. No. 538, 1, 1-6-98; 2004 City Code) State law reference--Similar provisions, 50 O.S. 1, 2.

Sec. 15-2. Duties and powers of code official.

(a) General**:** The code official shall enforce all of the provisions of this chapter.

(b) **Notices and orders:** The code official shall issue all necessary notices or orders to ensure compliance with this chapter.

(c) **Right of entry:** The code official is authorized to request entry into a structure or onto property or premises for the purpose of inspection and investigation for compliance with the provisions of this chapter. Said entry shall not be earlier than 8:00 a.m. or later than 6:00 p.m. No code official shall so enter the structure, property, or premises without approval by the person responsible for the structure, property, or premises. Prior to entering the structure, property, or premises, the code official shall present an official badge, if so requested by the person responsible. If requested entry is refused, the code official shall not enter the structure, property or premises absent an emergency condition where life or property is in immediate threat or danger.

(d) **Access by owner:** Every occupant of a structure, premises or property shall give the owner or operator thereof, or agent or employee, access to any part of such structure, property or premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter.

(e) **Identification:** The code official shall present an official badge or other proper identification when inspecting structures, property, or premises in the performance of duties under this chapter.

(f) **Removal of nuisances:** The code official may order the person responsible for any structure, property, or premises to abate any nuisance as defined by this chapter, which has been determined to exist in said structure or on said property or premises by the code official. Any person responsible for any such structure, property or premises who fails to comply with the notice set out in this section within ten (10) days from the receipt of such notice, or such other period of time as deemed reasonable and set out in the notice shall be guilty of an offense.

Sec. 15-3. Penalty.

Any person who violates any provision of this chapter shall be guilty of an offense and upon conviction thereof shall be subject to a fine not to exceed two-hundred ($200.00) dollars. Each day that a violation continues after due notice has been given shall be deemed a separate offense.

(Code 1976, 10-12-6, Ord. No. 454, 1, 4-16-91 Ord. No. 495, 2, 2-1-94; 2004 Code)

Secs. 15-4--15-24. Reserved.

ARTICLE II. PUBLIC NUISANCES

Sec. 15-25. Public nuisances enumerated.

The following are hereby declared to be public nuisances:

(1) Any equipment, or structure, or part thereof, which is so constructed, or which has become so dilapidated, or kept in such an unsanitary condition or disrepair that it endangers the health or life of the occupants thereof or of the general public or the property of others.

(2) Any structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(3) Any structure or paved surface, the exterior of which has not been maintained in good repair. The same shall be maintained free of missing roof shingles, excessive peeling of paint, potholes, spalling, or other conditions reflective of deterioration or inadequate

maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties protected from blighting influences which would impair the maintenance of property values.

(4) Any advertising sign, signboard, billboard or other object so located that it prevents pedestrians or persons riding in or driving automobiles, or other vehicles, or persons in the rightful use of any street, avenue, alley or other public way, from having a clear and unobstructed view of approaching vehicles or persons coming in a diagonal or cross direction along another highway.

(5) Graffiti and other inscriptions and writing not part of a legal sign or billboard.

(6) Fallen fences or sections thereof, or fences in disrepair.

(7) Any vicious dog that barks at passersby and acts as if it intended to attack them.

(8) Any dog or other animal which repeatedly, frequently or continuously annoys persons in its vicinity by barking or making other noises.

(9) Continuous or intermittent loud noises, which may annoy or prevent others' enjoyment of the use of their property. It shall be the responsibility of the owner, occupant, or person in control, of any property or vehicle from which noises emanate to maintain noise levels within limits prescribed by this chapter. The following sources of potentially excessive sound shall be exempt from the requirements of this subsection:

(a) Safety signals and alarm devices, storm warning sirens or horns and the authorized testing of such equipment, emergency vehicle sirens or horns when responding to an emergency.

(b) Church bells or chimes.

(c) Construction, demolition, and/or repair work on any public project or public utility project.

(d) Construction, repair, or remodeling that is performed between the hours of 7:00 a.m. and 9:00 p.m.

(e) Lawn mowing and the use of yard and garden maintenance equipment between the hours of 7:00 a.m and 9:00 p.m.

(10) The carcasses of animals or fowl not disposed of within forty-eight (48) hours after death;

(11) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires;

(12) Any accumulation of stagnant water permitted or maintained on any property;

(13) Any method of human excreta disposal which does not conform to the provisions of this Code, city ordinance or state law;

(14) Any vehicle part or parts, household furniture or appliances, cans, or any kind of container or cart used for refuse collection or recycling for which the lids are (1) incapable of closure due to trash, refuse or recyclable materials overflowing from the top of such container and (2) in plain view of the public.

(15) Any motor vehicle, trailer, or similar vehicle containing trash, or junk which is parked, placed, stored, or kept in such a manner that said trash or junk is in view of the public for a period of three (3) or more days.

(16) Any building materials located on residential property, unless such building materials are being utilized in the course of normal construction, repair, or remodeling on said property, and provided further that said construction, repair or remodeling is performed with due diligence.

(17) Any tree log that is modified or used for the purpose of decoration, art, advertising, lawn furniture, patio furniture or similar purpose and which is placed or is located in the front yard or side yard of any residential property, unless said log is concealed from public view by a six-foot high sight-proof fence. This subsection shall not apply to landscape timbers that are properly maintained and in use in flower beds. For the purposes of this Subsection, a tree log shall mean any part of a tree that has a diameter of four (4) inches or more and a length of three (3) feet or longer. (Ord. No. 702 §1, 02-17-2015).

(18) Any abandoned, derelict, dismantled, non-operable or wrecked vehicle as defined herein.

(19) Any occupied building in which water, sewer, sanitation, natural gas or electric service has been terminated for more than two weeks for any reason other than a storm-related and/or a maintenance or construction related service interruption.

(20) Any tree log, cut in lengths for use as firewood or for storage and which is stacked or placed beyond the front building line of any residential property. For the purpose of this subsection, front building line means a line extending from side property line to side property line and being the minimum horizontal distance between the front property line and the front of the main building or any projections thereof. (Ord. No. 702 §2, 02-17-2015)

(Code 1976, 10-12-2 Ord. No. 299, 2, 8-3-82 Ord. No. 430, 1, 10-3-89 Ord. No. 435, 1, 12-19-89 Ord. No. 439, 1, 4-3-90 Ord. No. 443, 1, 5-1-90 Ord. No. 495, 2, 2-1-94; Ord. No. 575. §1, 7-16-02; Ord. No. 691 §1, 03-25-2014; Ord. No. 695 §1, 04-15-2014; Ord. No. 702, §2, 02-17-2015)

Cross reference--Zoning prohibition against such activities, 24-217.

Sec. 15-26. Remedies for public nuisances.

The remedies of nuisances and remedies against any person responsible for a public nuisance are:

(1) Prosecution on complaint before the municipal court

(2) Prosecution on information or indictment before another appropriate court

(3) Suit in the district court for the abatement of the nuisance brought pursuant to a resolution of the city council in accordance with the laws of the state.

(4) Abatement pursuant to the procedures set forth in 15-29 of this chapter.

(5) Summary abatements:

(a) Summary abatement of nuisances that pose an immediate danger to the public health, safety or welfare;

(b) Summary abatement of nuisances pursuant to the provisions of 15-29, Subsection (b) of this chapter.

(Code 1976, 10-12-3 Ord. No. 495, 2, 2-1-94)

State law reference--Similar provisions, 50 O.S. 8.

Sec. 15-27. Persons liable for nuisances.

Every successive owner or person responsible for any property or premises who neglects to abate a continuing nuisance upon or in the use of such property or premises, created by a former owner or person formerly responsible for said property is liable therefore in the same manner as the person who first created it.

(Code 1976, 10-12-4 Ord. No. 495, 2 2-1-94)

State law reference--Similar provisions, 50 O.S. 5.

Sec. 15-28. Lapse of time not to legalize public nuisance.

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

(Code 1976, 10-12-5)

State law reference--Similar provisions, 50 O.S. 7.

Sec. 15-29. Abatement of public nuisances.

(a) The city council may cause the removal of nuisances on property within the municipal limits in accordance with the following procedure:

1. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office or to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee before the governing body holds a hearing or takes action. The notice shall order the property owner to remove the nuisance on the property, as appropriate, and the notice shall, further state that unless such work is performed within ten (10) days of' the date of the notice the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality. At the time of mailing of notice to the property owner, the municipality shall obtain a receipt of mailing from the

postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (IO) days from the date of mailing by the municipal governing body, notice may be given by posting a copy of the notice on the property or by publication, as defined in Section 1-102 of this title, one time not less than ten (10) days prior to any hearing or action by the municipality. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection B of this section, the notice, whether by mail, posting or publication, shall state: that any reoccurrence of the nuisance on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the municipal governing body; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner; (Ord. No. 671, §1, 07-03-2012)

2. The owner of the property may give written consent to the municipality authorizing the removal of the public nuisance. By giving written consent, the owner waives the owner's right to a hearing by the municipality;

3. A hearing may be held by the municipal governing body to determine whether the alleged nuisance is in fact a nuisance and has caused the property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property;

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the municipality are granted the right of entry on the property for the removal of the nuisance, and performance of the necessary duties as a governmental function of the municipality. Immediately following the removal of the nuisance on the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by the municipality, and stating that the municipality claims a lien on the property for the costs of the nuisance abatement;

5. The governing body shall determine the actual cost of such nuisance abatement and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The municipal clerk shall forward by mail to the property owner specified in paragraph 1 of this subsection a statement of such

actual cost and demanding payment. If the removal of the nuisance is done by the municipality, the cost to the property Owner for the removal of the nuisance shall not exceed the actual cost of the labor, maintenance, and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder;

In addition to the cost of abatement as heretofore provided for there shall be an administrative fee assessed to the property owner of two hundred dollars ($200.00) which shall be included as part of the total costs;

6. If payment is not made within thirty {30) days from the date of the mailing of the statement, then within the next sixty (60) days, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. Once certified by the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. Until fully paid, the cost and the interest thereon shall be the persona obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection the county treasurer shall collect a fee of Five Dollars ($5.00) for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon by an action in person against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the municipal clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien; and

7. The municipality may designate by ordinance an administrative officer or administrative body to carry out the duties of the governing body in subsection A of this section. The property owner

shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

B. If a notice is given by a municipal governing body to a property owner ordering the removal of a nuisance from property within the municipal limits in accordance with the procedures provided for in subsection A of this section, any subsequent nuisance on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in subsection A of this section. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in paragraphs 5 and 6 of subsection A of this section. This subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to subsection A of this section.

(Ord. No. 454, 2, 4-16-91 2, 2-1-94; Ord. No. 652, §1, 04-20-2010, State Law Reference Title 11, § 22-111; Ord. No. 371, §1, 07-03-2012)

Secs. 15-30--15-49. Reserved.

ARTICLE III. WEEDS AND TRASH

Cross references--Garbage and trash, 23-16 et seq. littering Prohibited, 23-21.

State law reference--Weed and trash abatement, 11 O.S. 22-111.

Sec. 15-50. Accumulation of trash, weeds prohibited.

No person responsible for any property shall allow trash to accumulate or weeds to grow or stand upon said property.

(Code 1976, 10-11-1, 10-11-2 Ord. No. 373, 3, 9-16-86 Ord. No. 495, 2, 2-1-94)

Sec. 15-51. Abatement of weeds, trash by city.

(a) The city council may cause property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

1. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office or to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee before the governing body holds a hearing or takes action. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall, further state that unless such work is performed within ten (10) days of' the date of the notice the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality. At the time of mailing of notice to the property owner, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (IO) days from the date of mailing by the municipal governing body, notice may be given by posting a copy of the notice on the property or by publication, as defined in Section 1-102 of this title, one time not less than ten (10) days prior to any hearing or action by the municipality. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection B of this section, the notice, whether by mail, posting or publication, shall state: that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the municipal governing body; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner;

2. The owner of the property may give written consent to the municipality authorizing the removal of the trash or the mowing of the weeds or grass. By giving written consent, the owner waives the owner's right to a hearing by the municipality;

3. A hearing may be held by the municipal governing body to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property;

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the municipality are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the municipality. Immediately following the cleaning or mowing of the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by the municipality, and stating that the municipality claims a lien on the property for the cleaning or mowing costs;

5. The governing body shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The municipal clerk shall forward by mail to the property owner specified in paragraph 1 of this subsection a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the municipality, the cost to the property Owner for the cleaning and mowing shall not exceed the actual cost of the labor, maintenance, and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder;

   In addition to the cost of abatement as heretofore provided for there shall be an administrative fee assessed to the property owner of two hundred dollars ($200.00) which shall be included as part of the total costs;

6. If payment is not made within thirty {30) days from the date of the mailing of the statement, then within the next sixty (60) days, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. Once certified by the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. Until fully paid, the cost and the interest thereon shall be the persona obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall

be fully paid. At the time of collection the county treasurer shall collect a fee of Five Dollars ($5.00) for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon by an action in person against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the municipal clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien; and

7. The municipality may designate by ordinance an administrative officer or administrative body to carry out the duties of the governing body in subsection A of this section. The property owner shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

C. If a notice is given by a municipal governing body to a property owner ordering the property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in subsection A of this section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in subsection A of this section. Unless otherwise determined at the hearing the cost of such abatement shall be determined and collected as provided for in paragraphs 5 and 6 of subsection A of this section. This subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to subsection A of this section.

State law reference--11 O.S. 1981, 22-111 et seq.

(Code 1976, 10-11-3--10-11-6 Ord. No. 269, 1, 11-6-79 Ord. No. 272, 1, 11-20-79 Ord. No. 320, 2, 6-21-83 Ord. No. 373, 4, 9-16-86 Ord. No. 454 3, 4-16-91 Ord. No. 495, 2, 2-1-94; Ord. No. 652, §2, 04-20-2010)

Secs. 15-52--15-59. Reserved.

ARTICLE IV. ABANDONED, JUNKED, ETC., VEHICLES

Sec. 15-60. Public property.

No person shall abandon any vehicle on a highway or other public property within the city and no person shall leave any wrecked, dismantled, or non-operating vehicle on any highway or other public property within the city.

(Ord. No. 470, 2, 6-16-92)

Sec. 15-61. Private property.

(a) No person responsible for any property within the city, whether as owner, tenant, occupant, lessee, manager, or otherwise, shall allow any dismantled, non-operating, wrecked, junked, or discarded vehicle to be placed or remain on such property.

(Ord. No. 470, 2, 6-16-92)

(b) This section shall not apply to:

1) A vehicle in an enclosed building

2) A vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise or

3) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

4) Any motor vehicle that for which a monthly vehicle restoration permit has been obtained, said permit to be obtained from the office of City Clerk at a cost of fifteen ($15.00) dollars each, provided that there shall be no more than twelve (12) monthly permits issued for any one vehicle.

(Code 1976, 15-3-8, 15-3-9; Ord. No. 570, §2, 10-16-01)

Sec. 15-62. Removal of vehicles by city.

(a) The city may cause any abandoned, disabled, wrecked, dismantled, junked, discarded or non-operating vehicle to be impounded in accordance with the following procedure:

(1) At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the city council holds a hearing or takes action. The notice shall order the property owner to remove the vehicle and shall further state that unless such removal is performed within ten (10) days of the date of the notice, the removal shall be done by the city. At the time of mailing of notice to the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing by the city, notice may be given by posting a copy of the notice on the property or by publication, as defined by Title 11 O.S. 1981, 1-102, one (1) time not less than ten (10) days prior to any hearing or action by the city council

(2) The owner of the vehicle may give his written consent to the city authorizing the removal of the vehicle. By giving said written consent, the owner waives his right to a hearing by the city council

(3) A hearing may be held by the city council to determine whether the vehicle is detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard

(4) Upon a finding that the vehicle constitutes a detriment or hazard and that the city would be benefited by the removal of the vehicle, the agents of the city are granted the right of entry on the property for the removal of the vehicle.

(5) The city manager or his designees are authorized to carry out the duties of the city council in paragraphs (1) through (4) of this subsection. The vehicle owner shall have a right to appeal to the city council from any order of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

(b) Authorized agents of the city may remove any abandoned, disabled, wrecked, dismantled, junked, discarded or non-operating vehicle on

any street, right-of-way, or public property in accordance with the following procedure:

(1) At least three (3) days' notice shall be given to the owner of the vehicle as shown by the current year's registration at the Oklahoma Tax Commission. Notice shall be given by mail at the address shown for the owner of the vehicle by said current year's registration records before the city council holds a hearing or takes action. The notice shall order the vehicle owner to remove the vehicle and shall further state that unless such removal is performed within three (3) days of the date of the notice, the removal shall be done by the city. At the time of mailing of notice to the vehicle owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the vehicle owner cannot be located within three (3) days from the date of mailing by the city, notice may be given by posting a copy of the notice on the vehicle or by publication, as defined by Title 11 O.S. 1981, 1-102, one (1) time not less than three (3) days prior to any hearing or action by the city council.

(2) The owner of the vehicle may give his written consent to the city authorizing the removal of the vehicle. By giving said written consent, the owner waives his right to a hearing by the city council.

(3) A hearing may be held by the city council to determine whether the vehicle is detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard.

(4) Upon a finding that the vehicle constitutes a detriment or hazard and that the city would be benefited by the removal of the vehicle, the agents of the city are granted the right of entry on the property for the removal of the vehicle.

(5) The city manager or his designees are authorized to carry out the duties of the city council in paragraphs (1) through (4) of this subsection. The vehicle owner shall have a right to appeal to the city council from any order of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

(c) Authorized agents of the city may remove vehicles from the streets without giving prior notice and hearing under the following circumstances:

1. Report has been made that the vehicle has been stolen or taken without the consent of its owner;

2. The officer has reason to believe the vehicle has been abandoned as defined in Sections 901 and 902 of O.S. Title 47;

3. The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested or summoned before a proper magistrate without unnecessary delay;

4. At the scene of an accident, when the owner or driver is not in a position to take charge of the vehicle and direct or request its proper removal;

5. The officer has probable cause that the person operating the vehicle has not been granted driving privileges or that the driving privileges of the person are currently suspended, revoked, canceled, denied, or disqualified;

6. The officer has probable cause that the vehicle has been used in the commission of a felony offense and the officer has obtained a search warrant authorizing the search and seizure of the vehicle; or

7. The officer has probable cause that the vehicle is not insured as required by the Compulsory Insurance Law of this state.

8. The owner or person in charge of the vehicle requests that the vehicle be removed;

9. The vehicle constitutes an immediate threat to safety, obstructs traffic or creates a traffic hazard;

10. The vehicle is parked or left unattended in a designated fire lane;

11. The person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for the custody or removal of the vehicle.

(d) Each officer of the Department shall use the services of the licensed wrecker operator whose location is nearest to the vehicle to be towed in all instances in subsection (c) of this section. The requests for services may be alternated or rotated among all licensed wrecker operators who are located within a reasonable radius of each other. In like manner, the officer shall advise any person requesting information

as to the availability of a wrecker or towing service, the name of the nearest licensed wrecker operator, giving equal consideration to all licensed wrecker operators located within a reasonable radius of each other. All licensed wrecker operators located near or in the city limits of The Village shall be considered as being equal distance and shall be called on an equal basis as nearly as possible.

(Ord. No. 454, 4, 4-16-91 Ord. No. 470, 2, 6-16-92 Ord. No. 495, 2-1-94; Ord. No. 683, §1, 04-16-2013)

Cross-references--Parking of vehicles for commercial purpose in residential district, 24-218 abandoned vehicles, etc., 15-38. O.S. Title 42 §900 et seq)

Sec. 15-63. Stolen vehicles.

(a) Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one (1) hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place to impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

(b) If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within one (1) hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded.

(Ord. No. 273, 15-3(a)-2, 1-15-80)

State law reference--Removal of stolen vehicle, 47 O.S. 955.

Sec. 15-64. Release of impounded vehicles to other than the registered owner.

(a) The chief of police or the city manager are hereby authorized to release, to someone other than the registered owner, vehicles, which have been impounded by the police department, and accept on behalf of the city agreements and bonds to save the city harmless by such releases.

(b) Any party claiming an interest in an impounded vehicle shall submit to the chief of police or the city manager proof of compliance with the

following requirements by written instruments or other suitable documents:

(1) Proof of interest

(2) Agreement to save and hold harmless the city and all of its employees

(3) Proof of financial responsibility showing the net worth of the party seeking the vehicle to be in excess of fifty thousand dollars ($5,000.00) or a surety bond in an amount no less than double the value of the vehicle sought to be released.

(c) The instruments shall be approved as to form and legality by the city attorney or his designated assistant and filed by the chief of police with the city clerk prior to or simultaneous with the release of the vehicle claimed together with a copy of the release order.

(Ord. No. 273, 15-3(a)-6, 1-15-80)

Sec. 15-65. Impoundment expenses.

All impoundment expenses shall be the obligation of the owner or operator of the vehicle and any impounded vehicle will be released only after such charges are paid. All impoundment fees and charges shall be in addition to any fines or costs in connection with violations.

(Ord. No. 273, 15-3(a)-7, 15-3(a) -8, 1-15-80)

Secs. 15-66--15-74. Reserved.

ARTICLE V. UNSAFE EQUIPMENT, STRUCTURES, BOARDING & SECURING

Sec. 15-75. In General.

When a structure is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, such structure shall be condemned pursuant to the provisions of this code.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-76. Unsafe Structure.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure

by not providing minimum safeguards to protect, or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-77. Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-78. Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance or lacks utility service, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by applicable city codes or state law, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-79. Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(Ord. No. 495, 2, 2-1-94)

Sec 15-80. Closing of vacant structures.

If a structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance in accordance with the procedures set forth by this Article. Such placard shall be posted in a

conspicuous place in or about the structure affected by such notice. Notice of such condemnation shall also be mailed to any property owners and mortgage holders in accordance with the procedures provided in 15-85 of this chapter.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-81. Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-82. Prohibited occupancy.

Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be guilty of an offense.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-83. Removal of placard.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be guilty of an offense.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-84. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized to order and require the occupants to vacate the premises forthwith. The

code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

(Ord. No. 495, 2, 2-1-94)

Sec. 15-85. Boarding and securing of vacant buildings.

The city council may cause an unsecured vacant building within the municipal limits to be boarded and secured in accordance with the following procedure:

(1) Before the city council orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided by Title 11, O.S. 1981, 22-112. At the time of mailing of notice to the property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication, as defined by Title 11 O.S. 1981, 1-102, at least one (1) time not less than ten (10) days prior to any hearing or action by the city council.

If the city anticipates summary abatement of a nuisance in accordance with the provisions of paragraph (9) of this section, the notice shall state that any subsequent need for boarding and securing the building within six (6) months after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the city that the costs of such boarding and securing shall be assessed against the owner and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder

(2) The owner of the property may give his written consent to the city authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving said written consent, the owner waives his right to a hearing by the city council

(3) If the property owner does not give his written consent to such actions, a hearing may be held by the city council to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured or unsafe building held pursuant to the provisions of 15-51 of this chapter. In making such determination the city council shall apply the following standard: The city council may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children. Upon making the required determination, the city council may order the boarding and securing of the unsecured building.

(4) After the city council orders the boarding and securing of such unsecured building, the city clerk shall immediately file a notice of unsecured building and lien with the county clerk describing the property, stating the findings of the city at the hearing at which such building was determined to be unsecured, and stating that the municipality claims a lien on said property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing said notice

(5) Pursuant to the order of the city council, the agents of the city are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance with all necessary duties as a governmental function of the city

(6) After an unsecured building has been boarded and secured, the city council shall determine the actual cost of such actions and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The city clerk shall forward a statement of the actual costs by mail to the property owners and mortgage holders as provided for in paragraph (1) of this section. At the time of mailing of notice to the property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee.

If the city boards and secures any unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the performance of such

actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

In addition to the cost of boarding and securing as heretofore provided for there shall be an administrative fee assessed to the property owner of two hundred dollars ($200.00) which shall be included as part of the total costs.

(7) When payment is made to the city for costs incurred, the city clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the costs to the county treasurer and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. Until fully paid the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition, the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At any time prior to the collection as provided in this paragraph, the city may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. Upon receiving payment, if any, the city clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien

(8) The city manager or his designees are authorized to carry out the duties of the city council in paragraphs (1) through (7) of this section. The property owner shall have a right to appeal to the city council from any order of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

(9) If the city council causes a structure within the city limits to be boarded and secured, any subsequent need for boarding and securing within a six-month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the city shall notify the property

owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in paragraph (1) of this section. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided for in paragraphs 6 and 7 of this section.

State law reference--11 O.S. 1981, 22-112.1

(Ord. No. 454, 5, 4-16-91)

Secs 15-86--15-99. Reserved.

ARTICLE VI. DILAPIDATED BUILDINGS

Sec. 15-100. Condemnation and removal of dilapidated buildings.

The city council may cause the removal of dilapidated buildings on property within the city limits in accordance with the following procedure:

(1) At least thirty (30) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the city council holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, copy of said notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting copy of the notice on the property, or by publication, as defined by Title 11, O.S. 1981, 1-102. Such notice may be published once not less than ten (10) days prior to any hearing or action by the city pursuant to the provision of this section.

(2) A hearing may be held by the city council to determine whether the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property. Any action to challenge the order of the city council to tear down a dilapidated building shall be filed within thirty (30) business days from the date of the order of the city council to tear the structure down.

(3) Pursuant to a finding that a condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal of such conditions, the city council may cause the dilapidated building to be torn down and removed. The city council shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the city at the hearing, and stating that the city claims a lien on said property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice. The agents of the city are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the city if the work is not performed by the property owner within dates fixed by the city council.

(4) The city council shall determine the actual costs of the dismantling and removal of dilapidated buildings and any other expenses as may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The city clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder at the address provided for in paragraph (1) of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the city dismantles or removes any dilapidated building the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated building. If dismantling and removal of the dilapidated building is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

In addition to the cost of dismantling and removal as heretofore provided, there shall be an administrative fee assessed to the property owner of two hundred dollars ($200.00) which shall be included as part of the total costs

(5) When payment is made to the city for costs incurred, the city clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the

county in which the property is located. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition, the cost and interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided for in this paragraph, the city may pursue any remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the city clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

(6) The city manager or his designees are authorized to carry out the duties of the city council in subsections (1) through (5) of this section. The property owner shall have a right to appeal to the city council from any order of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within thirty (30) business days after the administrative order is rendered.

(Ord. No. 495, 2, 2-1-94) State Law references--Title 11, 22, 112, Title 25, 103, 106.

Section 15-101. Demolition of buildings unfit for human occupancy.

If a building is vacant and unfit for human occupancy, the city council may authorize the structure to be demolished in accordance with the procedures provided in Section 15-100 of this Chapter.

(Ord. No. 538, §2, 1-6-98)

Secs. 15-102--15-199. Reserved.

Article VII. Property Maintenance Code

Sec. 15-200. International Property Maintenance Code – Adopted.

That a certain document, a copy of which is on file in the office of the City Clerk of the City of The Village, Oklahoma being marked and designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of The Village, in the State of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of The Village are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 15-201 of this Chapter.

(Ord. No. 665, §1, 09-06-2011)

Sec. 15-201. International Property Maintenance Code, Amendments.

The following sections of the International Property Maintenance Code, 2009 Edition are hereby revised:

Section 101.1. Insert: [City of The Village, Oklahoma]

Section 103.5. Insert: [Fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by resolution of the City Council.]

Section 112.4. Insert: [Any person found guilty of violating any provision of this Article shall be guilty of a Class B offense punishable by a fine of up to Two Hundred Dollars $200.00. Each day that a violation exists shall be deemed a separate offense.]

Section 302.4. Insert: [12”]

Section 304.14. Insert: [April 1 to October 31]

Section 602.3. Insert: [September 15 to April 15 in two locations]

Section 602.4. Insert: [September 15 to April 15 in two locations]

(Ord. No. 665, §1, 09-06-2011