

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1178

BY: HEATON

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY;

PROVIDING PROCEDURE FOR COLLECTION OF DELINQUENT FEES AND CHARGES FOR SOLID WASTES MANAGEMENT SERVICES PROVIDED BY CERTAIN MUNICIPALITIES; PROVIDING CERTAIN NOTICE REQUIREMENTS; REQUIRING CERTAIN HEARING IF REQUESTED BY THE PROPERTY OWNER; PROVIDING THAT CERTAIN DELINQUENT FEES AND CHARGES SHALL BE A PERSONAL OBLIGATION OF THE PROPERTY OWNER AND A LIEN AGAINST THE PROPERTY; AUTHORIZING THE COUNTY TREASURER TO COLLECT A CERTAIN FEE; AUTHORIZING MUNICIPALITIES TO DESIGNATE A CERTAIN ADMINISTRATIVE OFFICER OR BODY; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2412.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The governing body of any municipality which provides a solid wastes management system as specified in Section 1-2412 of this title but does not directly operate a water supply system

within the incorporated limits of such municipality may collect any delinquent fees for such solid wastes management service as follows:

1. At least ten (10) days' notice shall be given to the owner of the property, which received the solid wastes management service, by mail at the address shown by the current year's tax rolls in the county treasurer's office before the governing body holds a hearing or takes action. The notice shall order the property owner to pay the delinquent fees and charges, including any late charges, or request a hearing with the governing body or a representative of the solid wastes management system within ten (10) days of the date of the notice. The notice shall further state that unless such fees and charges are paid or a hearing is requested within ten (10) days of the date of the notice, a notice of lien shall be filed with the county clerk against the property for the fees and charges due and owing to 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 (10) 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 Title 11 of the Oklahoma Statutes;

2. If requested by the property owner, a hearing shall be held by the municipal governing body to resolve any disputes regarding the delinquent fees and charges. Disposition of the matter shall be made at such hearing by the municipal governing body. Upon finding that the property owner is delinquent in paying the solid wastes management fees and charges for service provided to such property, the municipal governing body shall determine the actual amount of such delinquent fees and charges. The municipal clerk shall forward by mail to the property owner specified in this section a statement of such delinquent fees and charges and demanding payment; and

3. If payment is not made within ten (10) days from the date of the mailing of the statement or within ten (10) days from the date of the mailing of the notice specified in paragraph 1 of this subsection, the municipal clerk shall forward a certified statement of the amount of the delinquent fees and charges 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. Until fully paid, the delinquent fees and charges and the interest thereon shall be the personal obligation of the property owner from and after the date such amount is certified to the county treasurer. In addition the delinquent fees and charges and the interest thereon shall be a lien against the property from the date such amount 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 such amount is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars (\$5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to the collection as provided in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the municipal clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

B. 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.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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