

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2476 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Seneca Scott \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2476

By: Scott

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to cities and towns; amending 11 O.S.  
9 2011, Section 22-111, which relates to general powers  
10 of municipalities; modifying notice requirement;  
11 modifying number of days to send certain statement to  
12 treasurer; and providing an effective date.

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

14 SECTION 1. AMENDATORY 11 O.S. 2011, Section 22-111, is  
15 amended to read as follows:

16 Section 2-111. A. A municipal governing body may cause  
17 property within the municipal limits to be cleaned of trash and  
18 weeds or grass to be cut or mowed in accordance with the following  
19 procedure:

20 1. At least ten (10) days' notice shall be given to the owner  
21 of the property by mail at the address shown by the current year's  
22 tax rolls in the county treasurer's office or to any mortgage holder  
23 as shown by the records in the office of the county clerk to the  
24 last-known address of the mortgagee before the governing body holds

1 a hearing or takes action. The notice shall order the property  
2 owner to clean the property of trash, or to cut or mow the weeds or  
3 grass on the property, as appropriate, and the notice shall further  
4 state that unless such work is performed within ten (10) days of the  
5 date of the notice the work shall be done by the municipality and a  
6 notice of lien shall be filed with the county clerk against the  
7 property for the costs due and owing the municipality. At the time  
8 of mailing of notice to the property owner, the municipality shall  
9 obtain a receipt of mailing from the postal service, which receipt  
10 shall indicate the date of mailing and the name and address of the  
11 mailee. However, if the property owner cannot be located within ten  
12 (10) days from the date of mailing by the municipal governing body,  
13 notice may be given by posting a copy of the notice on the property  
14 or by publication, as defined in Section 1-102 of this title, one  
15 time not less than ten (10) days prior to any hearing or action by  
16 the municipality. If a municipal governing body anticipates summary  
17 abatement of a nuisance in accordance with the provisions of  
18 subsection B of this section, the notice, whether by mail, posting  
19 or publication, shall state: that any accumulations of trash or  
20 excessive weed or grass growth on the owner's property occurring  
21 within six (6) months from and after the date of this notice may be  
22 summarily abated by the municipal governing body; that the costs of  
23 such abatement shall be assessed against the owner; and that a lien

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1 may be imposed on the property to secure such payment, all without  
2 further prior notice to the property owner;

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

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

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

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

12           6. If payment is not made within thirty (30) days from the date  
13 of the mailing of the statement, then within the next ~~sixty (60)~~  
14 thirty (30) days, the municipal clerk shall forward a certified  
15 statement of the amount of the cost to the county treasurer of the  
16 county in which the property is located and the same shall be levied  
17 on the property and collected by the county treasurer as other taxes  
18 authorized by law. Once certified by the county treasurer, payment  
19 may only be made to the county treasurer except as otherwise  
20 provided for in this section. ~~Until fully paid, the cost and the~~  
21 ~~interest thereon shall be the personal obligation of the property~~  
22 ~~owner from and after the date the cost is certified to the county~~  
23 ~~treasurer.~~ In addition the cost and the interest thereon shall be a  
24 lien against the property from the date the cost is certified to the

1 county treasurer, coequal with the lien of ad valorem taxes and all  
2 other taxes and special assessments and prior and superior to all  
3 other titles and liens against the property, and the lien shall  
4 continue until the cost shall be fully paid. At the time of  
5 collection the county treasurer shall collect a fee of Five Dollars  
6 (\$5.00) for each parcel of property. The fee shall be deposited to  
7 the credit of the general fund of the county. If the county  
8 treasurer and the municipality agree that the county treasurer is  
9 unable to collect the assessment, the municipality may pursue a  
10 civil remedy for collection of the amount owing and interest thereon  
11 by an action in person against the property owner and an action in  
12 rem to foreclose its lien against the property. A mineral interest,  
13 if severed from the surface interest and not owned by the surface  
14 owner, shall not be subject to any tax or judgment lien created  
15 pursuant to this section. Upon receiving payment, if any, the  
16 municipal clerk shall forward to the county treasurer a notice of  
17 such payment and directing discharge of the lien; and

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

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

22 C. The municipal governing body may enact ordinances to  
23 prohibit owners of property or persons otherwise in possession or  
24 control located within the municipal limits from allowing trash to

1 accumulate, or weeds to grow or stand upon the premises and may  
2 impose penalties for violation of said ordinances.

3 D. As used in this section:

4 1. "Weed" includes but is not limited to poison ivy, poison  
5 oak, or poison sumac and all vegetation at any state of maturity  
6 which:

- 7 a. exceeds twelve (12) inches in height, except healthy  
8 trees, shrubs, or produce for human consumption grown  
9 in a tended and cultivated garden unless such trees  
10 and shrubbery by their density or location constitute  
11 a detriment to the health, benefit and welfare of the  
12 public and community or a hazard to traffic or create  
13 a fire hazard to the property or otherwise interfere  
14 with the mowing of said weeds~~;~~.
- 15 b. regardless of height, harbors, conceals, or invites  
16 deposits or accumulation of refuse or trash~~;~~.
- 17 c. harbors rodents or vermin~~;~~.
- 18 d. gives off unpleasant or noxious odors~~;~~.
- 19 e. constitutes a fire or traffic hazard~~;~~. or
- 20 f. is dead or diseased.

21 The term "weed" shall not include tended crops on land zoned for  
22 agricultural use which are planted more than one hundred fifty (150)  
23 feet from a parcel zoned for other than agricultural use~~;~~.

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

4        3. "Owner" means the owner of record as shown by the most  
5 current tax rolls of the county treasurer~~;~~; and

6        4. "Cleaning" means the removal of trash from property.

7        E. The provisions of this section shall not apply to any  
8 property zoned and used for agricultural purposes or to railroad  
9 property under the jurisdiction of the Oklahoma Corporation  
10 Commission. However, a municipal governing body may cause the  
11 removal of weeds or trash from property zoned and used for  
12 agricultural purposes pursuant to the provisions of this section but  
13 only if such weeds or trash pose a hazard to traffic and are located  
14 in, or within ten (10) yards of, the public right-of-way at  
15 intersections.

16        SECTION 2. This act shall become effective November 1, 2012.

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18        53-2-9785        LRB        02/27/12

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