

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1933

By: Jackson

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; authorizing
8 municipality to collect unpaid solid waste service
9 accounts; requiring certain notice be given to
10 account holder and property owner; prescribing where
11 to send notice; mandating receipt of mailing notice;
12 providing for posting of notice if unable to locate
13 the account holder and property owner; providing for
14 hearing to determine account delinquency; requiring
15 filing notice of lien on property if certain
16 delinquency found; directing county treasurer to levy
17 and collect certain monies if account remains unpaid;
18 stating certain superiority of lien; directing county
19 treasurer to collect certain fee; providing for
20 deposit and credit of fee into general county fund;
21 authorizing municipality to pursue civil remedy in
22 certain cases; prohibiting severed mineral interest
23 from being subject to any liens; requiring notice of
24 payment and discharge of lien; authorizing
municipality to collect unpaid storm water drainage
service accounts; providing account holder and
property owner with appeal process; defining terms;
providing for codification; and providing an
effective date.

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 22-112.4 of Title 11, unless
there is created a duplication in numbering, reads as follows:

1 A. A municipal governing body may cause unpaid solid waste
2 service accounts within the municipal limits to be collected in
3 accordance with the following procedure due to the accumulation of
4 trash which causes the property to become detrimental to the general
5 health, safety, and welfare of the public and the community or a
6 hazard to traffic or creates a fire hazard to the danger of the
7 property:

8 1. At least ten (10) days' notice shall be given to the account
9 holder and property owner before the municipal governing body holds
10 a hearing or takes action;

11 2. The municipal clerk shall forward a notice of the delinquent
12 account after four (4) months of nonpayment and a demand for payment
13 by mail to the account holder at the last known address as shown on
14 the account and any property owner at the address shown by the
15 current year's tax rolls in the office of the county treasurer. At
16 the time of mailing of the notice of the delinquent account to the
17 account holder and property owner, the municipality shall obtain a
18 receipt of mailing from the postal service, which receipt shall
19 indicate the date of mailing and the name and address of the mailee.
20 However, if neither the account holder or property owner can be
21 located, notice may be given by posting a copy of the notice on the
22 property or by publication, as defined in Section 1-102 of Title 11
23 of the Oklahoma Statutes, one time no less than ten (10) days prior
24 to any hearing or action by the municipality;

1 3. A hearing may be held by the municipal governing body to
2 determine the delinquency of the account for four (4) months of
3 nonpayment, the actual cost of the service provided by the
4 municipality and any other expenses as may be necessary in
5 connection therewith, including the cost of notice and mailing;

6 4. Upon a finding of delinquency of the account for four (4)
7 months of nonpayment, cost of the service and expenses, the
8 municipal clerk shall file a notice of lien with the county clerk
9 describing the property, cost of the service and expenses provided
10 by the municipality and stating that the municipality claims a lien
11 on the property for this service; and

12 5. If payment of the cost of service and expenses has not been
13 made within thirty (30) days of receipt of the notice, then within
14 the next thirty (30) days the municipal clerk shall forward a
15 certified statement of the amount of the cost of service and
16 expenses to the county treasurer of the county in which the property
17 is located and the same shall be levied on the property and
18 collected by the county treasurer as other taxes authorized by law.
19 Once certified by the county treasurer, payment may only be made to
20 the county treasurer, except as otherwise provided for in this
21 section. In addition, the cost of service, expenses and interest
22 shall be a lien against the property from the date the cost of
23 service and expenses are certified to the county treasurer, coequal
24 with the lien of ad valorem taxes and all other taxes and special

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

17 B. A municipal governing body may cause unpaid storm water
18 drainage service accounts within the municipal limits to be
19 collected in accordance with the procedures in subsection A of this
20 section due to the hazards and damages of storm water drainage which
21 cause the property to become detrimental to the general health,
22 safety, and welfare of the public and the community or the property.

23 C. The account holder and property owner shall have a right of
24 appeal to the municipal governing body from any order of the

1 administrative officer or administrative body. The appeal shall be
2 taken by filing written notice of appeal with the municipal clerk
3 within ten (10) days after the administrative order is rendered in
4 subsections A and B of this section.

5 D. As used in this section:

6 1. "Solid waste" shall have the same meaning as provided in
7 Section 2-10-103 of Title 27A of the Oklahoma Statutes;

8 2. "Storm water" shall have the same meaning as provided in
9 Section 1-1-201 of Title 27A of the Oklahoma Statutes;

10 3. "Account holder" means the person or entity that set up the
11 solid waste or storm water drainage account with the municipality;
12 and

13 4. "Property owner" means the owner of record as shown by the
14 most current tax rolls of the county treasurer.

15 SECTION 2. This act shall become effective November 1, 2013.

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