

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1107

By: Simpson

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.
8 2011, Sections 22-111, as amended by Section 1,
9 Chapter 136, O.S.L. 2012, 22-112.1 and Section 3,
10 Chapter 326, O.S.L. 2014 (11 O.S. Supp. 2017,
11 Sections 22-111 and 22-112.4), which relate to
12 abatement proceedings; modifying procedure for
13 municipality to recover certain costs, to declare a
14 nuisance and priority for property lien; updating
15 language; deleting certain reference; and providing
16 an effective date.

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

18 SECTION 1. AMENDATORY 11 O.S. 2011, Section 22-111, as
19 amended by Section 1, Chapter 136, O.S.L. 2012 (11 O.S. Supp. 2017,
20 Section 22-111), is amended to read as follows:

21 Section 22-111. A. A municipal governing body may cause
22 property within the municipal limits to be cleaned of trash and
23 weeds or grass to be cut or mowed in accordance with the following
24 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 governing body

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

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

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

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

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

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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 thirty (30)
14 days, ~~the municipal clerk shall forward a certified statement of the~~
15 ~~amount of the cost to the county treasurer of the county in which~~
16 ~~the property is located and the same shall be levied on the property~~
17 ~~and collected by the county treasurer as other taxes authorized by~~
18 ~~law. Once certified by the county treasurer, payment may only be~~
19 ~~made to the county treasurer except as otherwise provided for in~~
20 ~~this section~~ municipality may file a lien on the property with the
21 county clerk in the manner for other liens on real property. ~~In~~
22 ~~addition the~~ The cost and the interest thereon shall be a lien
23 against the property from the date the ~~cost is certified to the~~
24 ~~county treasurer~~ lien is filed, coequal with the lien of ad valorem

1 taxes and all other taxes and special assessments and prior and
2 superior to all other titles and liens against the property, and the
3 lien shall continue until the cost shall be fully paid or until the
4 municipality or its assignee agrees to release the lien. ~~At the~~
5 ~~time of collection the county treasurer shall collect a fee of Five~~
6 ~~Dollars (\$5.00) for each parcel of property. The fee shall be~~
7 ~~deposited to the credit of the general fund of the county. If the~~
8 ~~county treasurer and the municipality agree that the county~~
9 ~~treasurer is unable to collect the assessment, the~~ The municipality
10 may pursue a civil remedy for collection of the amount owing and
11 interest thereon by an action in person against the property owner
12 and an action in rem to foreclose its lien against the property. A
13 mineral interest, if severed from the surface interest and not owned
14 by the surface owner, shall not be subject to any tax or judgment
15 lien created pursuant to this section. ~~Upon receiving payment, if~~
16 ~~any, the municipal clerk shall forward to the county treasurer a~~
17 ~~notice of 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 ordering the property within the municipal limits to
5 be cleaned of trash and weeds or grass to be cut or mowed and the
6 municipality abates the nuisance according to law, in accordance
7 with the procedures provided for in subsection A of this section,
8 any subsequent accumulations of trash or excessive weed or grass
9 growth on the property occurring within a six-month period may be
10 declared to be a nuisance and may be summarily abated without
11 further prior notice to the property owner. At the time of each
12 such summary abatement the municipality shall notify the property
13 owner of the abatement and the costs thereof. The notice shall
14 state that the property owner may request a hearing within ten (10)
15 days after the date of mailing the notice. The notice and hearing
16 shall be as provided for in subsection A of this section. Unless
17 otherwise determined at the hearing the cost of such abatement shall
18 be determined and collected as provided for in paragraphs 5 and 6 of
19 subsection A of this section. This subsection shall not apply if
20 the records of the county clerk show that the property was
21 transferred after notice was given pursuant to subsection A of this
22 section.

23 C. The municipal governing body may enact ordinances to
24 prohibit owners of property or persons otherwise in possession or

1 control located within the municipal limits from allowing trash to
2 accumulate, or weeds to grow or stand upon the premises and may
3 impose penalties for violation of ~~said~~ the ordinances.

4 D. As used in this section:

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

8 a. exceeds twelve (12) inches in height, except healthy
9 trees, shrubs, or produce for human consumption grown
10 in a tended and cultivated garden unless such trees
11 and shrubbery by their density or location constitute
12 a detriment to the health, benefit and welfare of the
13 public and community or a hazard to traffic or create
14 a fire hazard to the property or otherwise interfere
15 with the mowing of ~~said~~ the weeds,

16 b. regardless of height, harbors, conceals, or invites
17 deposits or accumulation of refuse or trash,

18 c. harbors rodents or vermin,

19 d. gives off unpleasant or noxious odors,

20 e. constitutes a fire or traffic hazard, or

21 f. is dead or diseased.

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

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. AMENDATORY 11 O.S. 2011, Section 22-112.1, is
17 amended to read as follows:

18 Section 22-112.1. A. After a building has been declared
19 dilapidated, as provided in Section 22-112 of this title, and before
20 the commencement of the tearing and removal of a dilapidated
21 building, the governing body of any municipality may authorize that
22 such a building be boarded and secured. However, if the dilapidated
23 building is vacant and unfit for human occupancy, the governing body
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1 of any municipality may authorize the structure to be demolished
2 pursuant to Section 22-112 of this title.

3 B. A governing body of any municipality may cause the premises
4 on which an unsecured building is located to be cleaned of trash and
5 weeds in accordance with the provisions of Section 22-111 of this
6 title.

7 C. A governing body of any municipality may cause an unsecured
8 building to be boarded and secured in accordance with the following
9 procedures:

10 1. Before the governing body orders such action, at least ten
11 (10) days' notice that such unsecured building is to be boarded and
12 secured shall be given by mail to any property owners and mortgage
13 holders as provided in Section 22-112 of this title. At the time of
14 mailing of notice to any property owner or mortgage holder, the
15 municipality shall obtain a receipt of mailing from the postal
16 service, which receipt shall indicate the date of mailing and the
17 name and address of the mailee. A copy of the notice shall also be
18 posted on the property to be affected. However, if neither the
19 property owner nor mortgage holder can be located, notice may be
20 given by posting a copy of the notice on the property or by
21 publication as defined in Section 1-102 of this title. Such notice
22 shall be published one time, not less than ten (10) days prior to
23 any hearing or action by the municipality pursuant to the provisions
24 of this section. If a municipal governing body anticipates summary

1 abatement of a nuisance in accordance with the provisions of
2 paragraph ~~9~~ 10 of this subsection, the notice shall state: that any
3 subsequent need for boarding and securing the building within a six-
4 month period after the initial boarding and securing of the building
5 pursuant to such notice may be summarily boarded and secured by the
6 municipal governing body; that the costs of such boarding and
7 securing shall be assessed against the owner; and that a lien may be
8 imposed on the property to secure such payment, all without further
9 prior notice to the property owner or mortgage holder;

10 2. The owner of the property may give written consent to the
11 municipality authorizing the boarding and securing of such unsecured
12 building and to the payment of any costs incurred thereby. By
13 giving written consent, the owner waives any right the owner has to
14 a hearing by the municipal governing body;

15 3. If the property owner does not give written consent to such
16 actions, a hearing may be held by the municipal governing body to
17 determine whether the boarding and securing of such unsecured
18 building would promote and benefit the public health, safety or
19 welfare. Such hearing may be held in conjunction with a hearing on
20 the accumulation of trash or the growth of weeds or grass on the
21 premises of such unsecured building held pursuant to the provisions
22 of paragraph 3 of subsection A of Section 22-111 of this title. In
23 making such determination, the governing body shall apply the
24 following standard: the governing body may order the boarding and

1 securing of the unsecured building when the boarding and securing
2 thereof would make such building less available for transient
3 occupation, decrease a fire hazard created by such building, or
4 decrease the hazard that such building would constitute an
5 attractive nuisance to children.

6 Upon making the required determination, the municipal governing
7 body may order the boarding and securing of the unsecured building;

8 4. After the governing body orders the boarding and securing of
9 such unsecured building, the municipal clerk shall immediately file
10 a notice of unsecured building and lien with the county clerk
11 describing the property, stating the findings of the municipality at
12 the hearing at which such building was determined to be unsecured,
13 and stating that the municipality claims a lien on the property for
14 the costs of boarding and securing such building and that such costs
15 are the personal obligation of the property owner from and after the
16 date of filing the notice;

17 5. Pursuant to the order of the governing body, the agents of
18 the municipality are granted the right of entry on the property for
19 the performance of the boarding and securing of such building and
20 for the performance of all necessary duties as a governmental
21 function of the municipality;

22 6. After an unsecured building has been boarded and secured,
23 the governing body shall determine the actual costs of such actions
24 and any other expenses that may be necessary in conjunction

1 therewith including the cost of the notice and mailing. The
2 municipal clerk shall forward a statement of the actual costs
3 attributable to the boarding and securing of the unsecured building
4 and a demand for payment of such costs, by mail to any property
5 owners and mortgage holders as provided in Section 22-112 of this
6 title. At the time of mailing of the statement of costs to any
7 property owner or mortgage holder, the municipality shall obtain a
8 receipt of mailing from the postal service, which receipt shall
9 indicate the date of mailing and the name and address of the mailee.

10 If a municipality boards and secures any unsecured building, the
11 cost to the property owner shall not exceed the actual cost of the
12 labor, materials and equipment required for the performance of such
13 actions. If such actions are done on a private contract basis, the
14 contract shall be awarded to the lowest and best bidder;

15 7. When payment is made to the municipality for costs incurred,
16 the municipal clerk shall file a release of lien, but if payment
17 attributable to the actual costs of the boarding and securing of the
18 unsecured building is not made within thirty (30) days from the date
19 of the mailing of the statement to the owner of such property, the
20 ~~municipal clerk shall forward a certified statement of the amount of~~
21 ~~the costs to the county treasurer of the county in which the~~
22 ~~property is located. Once certified to the county treasurer,~~
23 ~~payment may only be made to the county treasurer except as otherwise~~
24 ~~provided for in this section. At the time of collection the county~~

1 ~~treasurer shall collect a fee of Five Dollars (\$5.00) for each~~
2 ~~parcel of property and such fee shall be deposited to the general~~
3 ~~fund of the county. The costs shall be levied on the property and~~
4 ~~collected by the county treasurer as are other taxes authorized by~~
5 ~~law~~ municipality may file a lien on the property with the county
6 clerk in the manner for other liens on real property. Until fully
7 paid, the costs and the interest thereon shall be the personal
8 obligation of the property owner from and after the date the ~~notice~~
9 ~~of unsecured building and lien is filed with the county clerk. In~~
10 ~~addition the costs and the interest thereon shall be a lien against~~
11 ~~the property from the date the notice of the lien is filed with the~~
12 ~~county clerk.~~ The lien shall be coequal with the lien of ad valorem
13 taxes and all other taxes and special assessments and shall be prior
14 and superior to all other titles and liens against the property.
15 The lien shall continue until the costs and interest are fully paid.
16 ~~If the county treasurer and the municipality agree that the county~~
17 ~~treasurer is unable to collect the assessment, the~~ or until the
18 municipality or its assignee agrees to release the lien. The
19 municipality may pursue a civil remedy for collection of the amount
20 owing and interest thereon by an action in personam against the
21 property owner and an action in rem to foreclose its lien against
22 the property. A mineral interest if severed from the surface owner,
23 shall not be subject to any tax or judgment lien created pursuant to
24 this section. ~~Upon receiving payment, the municipal clerk shall~~

1 ~~forward to the county treasurer a notice of such payment and shall~~
2 ~~direct discharge of the lien;~~

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

11 9. If a municipal governing body causes a structure within the
12 municipal limits to be boarded and secured, any subsequent need for
13 boarding and securing within a six-month period constitutes a public
14 nuisance and may be summarily boarded and secured without further
15 prior notice to the property owner or mortgage holder. At the time
16 of each such summary boarding and securing, the municipality shall
17 notify the property owner and mortgage holder of the boarding and
18 securing and the costs thereof. The notice shall state that the
19 property owner may request an appeal with the municipal clerk within
20 ten (10) days after the mailing of the notice. The notice and
21 hearing shall be as provided for in paragraph 1 of this subsection.
22 Unless otherwise determined at the hearing the cost of such boarding
23 and securing shall be determined and collected as provided for in
24 paragraphs ~~6~~ 7 and ~~7~~ 8 of this subsection;

1 10. A governing body of any municipality may determine that a
2 building is unsecured and order that such building be boarded and
3 secured in the manner provided for in this subsection even though
4 such building has not been declared, by the governing body, to be
5 dilapidated; and

6 11. For the purposes of this subsection:

7 a. "boarding and securing" or "boarded and secured" means
8 the closing, boarding or locking of any or all
9 exterior openings so as to prevent entry into the
10 structure,

11 b. "unsecured building" shall mean any structure which is
12 not occupied by a legal or equitable owner thereof, or
13 by a lessee of a legal or equitable owner, and into
14 which there are one or more unsecured openings such as
15 broken windows, unlocked windows, broken doors,
16 unlocked doors, holes in exterior walls, holes in the
17 roof, broken basement or cellar hatchways, unlocked
18 basement or cellar hatchways or other similar
19 unsecured openings which would facilitate an
20 unauthorized entry into the structure, and

21 c. "unfit for human occupancy" means a structure that due
22 to lack of necessary repairs is considered
23 uninhabitable and is a hazard to the health, safety,
24 and welfare of the general public.

1 D. The provisions of this section shall not apply to any
2 property zoned and used for agricultural purposes.

3 SECTION 3. AMENDATORY Section 3, Chapter 326, O.S.L.
4 2014 (11 O.S. Supp. 2017, Section 22-112.4), is amended to read as
5 follows:

6 Section 22-112.4. A. An abandoned building shall constitute a
7 public nuisance because it:

- 8 1. Is detrimental to the public health, safety or welfare of
9 the inhabitants of and visitors to the municipality;
- 10 2. Causes increased municipal regulatory costs and increased
11 municipal police and fire protection costs; and
- 12 3. Devalues abutting and nearby real properties.

13 B. A municipal governing body may abate the public nuisance
14 caused by an abandoned building within the municipal limits in
15 accordance with the following procedures:

- 16 1. At least ten (10) days' notice that an abandoned building is
17 to be abated pursuant to the procedures for abatement set forth in
18 this section shall be given to the owner of the property before the
19 governing body holds a hearing. A copy of the notice shall be sent
20 by mail to the property owner at the address shown by the current
21 year's tax rolls in the office of the county treasurer. Written
22 notice shall also be sent by mail to any mortgage holder as shown by
23 the records in the office of the county clerk to the last-known
24 address of the mortgage holder. At the time of mailing of notice to

1 any property owner or mortgage holder, the municipality shall obtain
2 a receipt of mailing from the postal service, the receipt of which
3 shall indicate the date of mailing and the name and address of the
4 mailee. The notice shall include a physical address and an email
5 address at which the municipal governing body may be contacted.

6 However, if neither the property owner nor mortgage holder can be
7 located, notice may be given by posting a copy of the notice on the
8 property and by publication as defined in Section 1-102 of ~~Title 11~~
9 ~~of the Oklahoma Statutes~~ this title. Such notice shall be published
10 once not less than ten (10) days prior to any hearing or action by
11 the municipality pursuant to the provisions of this section;

12 2. A hearing shall be held by the governing body to determine
13 if the property is an abandoned building as defined by this section;

14 3. Pursuant to a determination that the building is an
15 abandoned building, the governing body may order the agents of the
16 municipality to pursue abatement of the public nuisance caused by
17 the building and shall order the municipal clerk to place the
18 building on an abandoned building list to be maintained by the
19 clerk. At any time after such determination and order, the agents
20 of the municipality may cause the public nuisance to be abated as
21 authorized in this section, and such abatement may continue until
22 such time as the building is removed from the abandoned building
23 list in accordance with the procedures set forth in subsection C of
24 this section;

1 4. Abatement of an abandoned building by the municipality may
2 include any or all of the following:

3 a. any lawful municipal regulatory or municipal police
4 and fire protection action in relation to the
5 abandoned building or the owner of such building
6 necessary or appropriate for the protection of
7 inhabitants in and visitors to the municipality. Upon
8 receipt of any necessary warrant to authorize such
9 action, the agents of the municipality are granted the
10 right of entry onto the property for the performance
11 of any such action as a governmental function of the
12 municipality,

13 b. the quarterly assessment against the property on which
14 the abandoned building is located and against the
15 owner of the abandoned building of the actual costs of
16 any municipal regulatory action taken in relation to
17 the abandoned building or the owner of such building
18 as authorized above,

19 c. the assessment against the property on which the
20 abandoned building is located and against the owner of
21 the abandoned building of the actual costs of any
22 municipal police or fire protection action taken in
23 relation to the abandoned building or the owner of
24 such building as authorized above, and

1 d. an assessment for any other actual expenses incurred
2 by the municipality in relation to the abandoned
3 building, including, but not limited to, the costs of
4 notices, mailings and publications;

5 5. After the determination that a building is an abandoned
6 building, and before commencement of any of the abatement actions
7 authorized by paragraphs 3 and 4 of this subsection, the municipal
8 clerk shall file a notice of lien with the county clerk describing
9 the property, the findings of the governing body at the hearing, and
10 stating that the municipality claims a lien on the property for all
11 abatement costs and that such costs shall also constitute the
12 personal obligation of the property owner from and after the date of
13 filing of the notice;

14 6. From and after the determination that a building is an
15 abandoned building, and continuing until such time as the building
16 is removed from the abandoned building list in accordance with the
17 procedures set forth in subsection C of this section, the municipal
18 clerk shall determine the actual quarterly abatement costs for the
19 abatement procedures authorized by this section. After such
20 determination, the municipal clerk shall mail a statement of the
21 actual quarterly abatement costs for the abatement procedures
22 authorized by this section to the property owner and demand the
23 payment of such costs by the owner. In addition, a copy of the
24 statement shall be mailed to any mortgage holder at the address

1 provided for in paragraph 1 of this subsection. At the time of
2 mailing of the statement of costs to any property owner or mortgage
3 holder, the municipal clerk shall obtain a receipt of mailing from
4 the postal service, the receipt of which shall indicate the date of
5 mailing and the name and address of the mailee; and

6 7. When full payment is made to the municipal clerk for actual
7 abatement costs incurred and billed in accordance with paragraph 6
8 of this subsection, the municipal clerk shall send the property
9 owner and any mortgage holder by mail a receipt for such payment,
10 but if payment attributable to the actual quarterly costs of such
11 abatement is not made within six (6) months from the date of the
12 mailing of the statement to the owner of such property, a lien in
13 the actual amount of the abatement ~~shall~~ may be filed against the
14 abandoned building with the county clerk in the manner prescribed
15 for other lienholders by law. Until finally paid, the costs and the
16 interest thereon shall be the personal obligation of the property
17 owner from and after the date the ~~notice of~~ lien was filed with the
18 county clerk. In addition, the costs and the interest thereon shall
19 be a lien against the property from the date the notice of lien was
20 filed with the county clerk. The lien shall be coequal with the
21 lien of ad valorem taxes and all other taxes and special assessments
22 and shall be prior and superior to all other titles and liens
23 against the property. The lien shall continue until the cost is
24 fully paid or until the municipality or its assignee agrees to

1 release the lien. A mineral interest, if severed from the surface
2 interest and not owned by the surface owner, shall not be subject to
3 any lien created pursuant to this section. Upon receiving full
4 payment, the municipal clerk shall forward to the county clerk a
5 notice of discharge of the lien.

6 C. Any owner or mortgage holder of any building determined by
7 the governing body of the municipality to be an abandoned building
8 pursuant to this section may petition the governing body in writing
9 at any time after such determination for removal of such building
10 from the abandoned building list maintained by the municipal clerk.
11 Any such petition shall be filed with the municipal clerk. Within
12 thirty (30) days after such petition is filed with the municipal
13 clerk, the governing body shall hold a hearing to determine if the
14 building is no longer an abandoned building. Upon such a
15 determination, the governing body shall order the building removed
16 from the abandoned building list. The municipal clerk shall comply
17 with such order by removing the building from the abandoned building
18 list; provided, the real property on which the abandoned building is
19 located and the owner of such building shall remain liable for
20 payment of any and all abatement costs incurred by the municipality
21 prior to the determination and order by the governing body that the
22 building should be removed from the abandoned building list. Upon
23 full payment of any costs certified against the property, the
24 municipal clerk shall file a release of the notice of the lien in

1 the county clerk's office within ten (10) days after receiving such
2 payment.

3 D. The governing body may designate, by ordinance, an
4 administrative officer or administrative body of the municipality to
5 carry out any or all of the duties of the governing body specified
6 in this section. The property owner shall have the right of appeal
7 to the governing body from any order of the administrative officer
8 or administrative body. Such appeal shall be taken by filing a
9 written notice of appeal with the municipal clerk within ten (10)
10 days after the administrative order is delivered or mailed to the
11 owner at the address shown in the county treasurer records.

12 E. For purposes of this section:

13 1. "Abandoned building" means any building located within the
14 municipality that is not currently occupied and has been declared
15 unsecured or dilapidated pursuant to Section 22-112 or 22-112.1 of
16 ~~Title 11 of the Oklahoma Statutes~~ this title and remains in such
17 condition; and

18 2. "Owner" means the owner of record as shown by the most
19 current tax roles of the county treasurer.

20 F. The provisions of this section shall not apply to any
21 property zoned and used for agricultural purposes.

22 G. The officers, employees or agents of the municipality shall
23 not be liable for any damages or loss of property due to the
24 abatement of the public nuisance caused by an abandoned building

1 performed pursuant to the provisions of this section or as otherwise
2 provided by law.

3 SECTION 4. This act shall become effective November 1, 2018.
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5 56-2-2145 MG 1/17/2018 1:34:51 PM
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