

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1815

By: Newhouse

AS INTRODUCED

An Act relating to counties; amending 19 O.S. 2021, Section 360, which relates to dilapidated buildings in unincorporated areas; defining terms; allowing board of county commissioners to take certain action in certain circumstance; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2021, Section 360, is amended to read as follows:

Section 360. A. For the purposes of this section:

1. "Dilapidated building" means 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;

2. "Dilapidated vehicle" means a motor vehicle with a substantial number of essential parts either damaged, removed, altered, or otherwise so treated that the vehicle is incapable of being driven under its own motor power, which by the general state

1 of deterioration poses a threat to the health, safety, and welfare  
2 of the general public; and

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

5 B. The board of county commissioners of any county in this  
6 state with a population in excess of five hundred fifty thousand  
7 (550,000) may cause dilapidated buildings within the unincorporated  
8 area of the county to be torn down ~~and~~ or removed in accordance with  
9 the provisions ~~in~~ of subsection D of this section.

10 C. The board of county commissioners of any county in this  
11 state that has a portion of State Highway 66 or a duly designated  
12 state scenic byway located within its boundaries may cause  
13 dilapidated buildings or dilapidated vehicles within three hundred  
14 (300) yards of such route to be torn down or removed in accordance  
15 with the provisions of subsection D of this section.

16 D. 1. At least ten (10) days' notice that a dilapidated  
17 building or dilapidated vehicle is to be torn down or removed shall  
18 be given to the owner of the property before the board of county  
19 commissioners holds a hearing. A copy of the notice shall be posted  
20 on the property to be affected. In addition, a copy of ~~said~~ the  
21 notice shall be sent by mail to the property owner at the address  
22 shown by the current year's tax rolls in the office of the county  
23 treasurer. Written notice shall also be mailed to any mortgage  
24 holder as shown by the records in the office of the county clerk to

1 the last-known address of the mortgagee. At the time of mailing of  
2 notice to any property owner or mortgage holder, the county shall  
3 obtain a receipt of mailing from the postal service, which receipt  
4 shall indicate the date of mailing and the name and address of the  
5 mailee. However, if neither the property owner nor mortgage holder  
6 can be located, notice shall be given by posting a copy of the  
7 notice on the property, and by publication in a newspaper having a  
8 general circulation in the county. Such notice shall be published  
9 once not less than ten (10) days prior to any hearing or action by  
10 the board of county commissioners pursuant to the provisions of this  
11 section.

12 2. A hearing shall be held by the board of county commissioners  
13 to determine if the property or vehicle is dilapidated and has  
14 become detrimental to the health, safety, or welfare of the general  
15 public and the community, or if ~~said~~ the property or vehicle creates  
16 a fire hazard which is dangerous to other property, or if the  
17 property or vehicle has an impact on the aesthetic interest of  
18 scenic byways.

19 3. Pursuant to a finding that the condition of the property or  
20 vehicle constitutes a detriment or a hazard and that the property  
21 would be benefited by the removal of such conditions, the board of  
22 county commissioners may cause the dilapidated building or  
23 dilapidated vehicle to be torn down and removed or the dilapidated  
24 vehicle to be removed. The board of county commissioners shall fix

1 reasonable dates for the commencement and completion of the work.  
2 The board of county commissioners shall immediately file a notice of  
3 dilapidation and lien with the county clerk describing the findings  
4 of the board at the hearing, and stating that the county claims a  
5 lien on ~~said~~ the property for the destruction and removal costs and  
6 that such costs are the personal obligation of the property owner  
7 from and after the date of filing of ~~said~~ the notice. The agents of  
8 the county are granted the right of entry on the property for the  
9 performance of the necessary duties as a governmental function of  
10 the county if the work is not performed by the property owner within  
11 dates fixed by the board.

12 4. The board of county commissioners shall determine the actual  
13 cost of the dismantling and removal of dilapidated buildings or  
14 dilapidated vehicles and any other expenses that may be necessary in  
15 conjunction with the dismantling and removal of ~~the buildings~~ such  
16 including the cost of notice and mailing. The county clerk shall  
17 forward a statement of the actual cost attributable to the  
18 dismantling and removal of the buildings or vehicles and a demand  
19 for payment of such costs, by mail to the property owner. In  
20 addition, a copy of ~~said~~ the statement shall be mailed to any  
21 mortgage holder at the address provided for in paragraph 1 of this  
22 section. At the time of mailing of the statement of costs to any  
23 property owner or mortgage holder, the county shall obtain a receipt  
24 of mailing from the postal service, which receipt shall indicate the

1 date of mailing and the name and address of the mailee. If a county  
2 dismantles or removes any dilapidated buildings or dilapidated  
3 vehicles, the costs to the property owner shall not exceed the  
4 actual cost of the labor, maintenance, equipment, and any other  
5 expenses required for the dismantling and removal of ~~the dilapidated~~  
6 such buildings or vehicles. If dismantling and removal of the  
7 dilapidated buildings or dilapidated vehicles is done on a private  
8 contract basis, the contract shall be awarded to the lowest and best  
9 bidder. All costs and expenses may be paid from the general fund of  
10 the county.

11 5. When payment is made to the county for costs incurred, the  
12 board of county commissioners shall file a release of lien, but if  
13 payment attributable to the actual cost of the dismantling and  
14 removal of the buildings or vehicles is not made within six (6)  
15 months from the date of the mailing of the statement to the owner of  
16 such property, the board shall forward a certified statement of the  
17 amount of the cost to the county treasurer of ~~said~~ the county. ~~Said~~  
18 The costs shall be levied on the property and collected by the  
19 county treasurer as are other taxes authorized by law. Until  
20 finally paid, the costs and the interest thereon shall be the  
21 personal obligation of the property owner from and after the date of  
22 the notice of dilapidation and lien is filed with the county clerk.  
23 In addition the cost and the interest thereon shall be a lien  
24 against the property from the date the notice of the lien is filed

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

18 6. The board of county commissioners may designate, by  
19 resolution, an administrative officer or administrative body to  
20 carry out the duties of the board of county commissioners specified  
21 in this section. The property owner shall have the right of appeal  
22 to the board 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 county clerk within ten (10) days after  
2 the administrative order is rendered.

3 7. ~~For the purposes of this section, "dilapidated building"~~  
4 ~~means a structure which through neglect or injury lacks necessary~~  
5 ~~repairs or otherwise is in a state of decay or partial ruin to such~~  
6 ~~an extent that said structure is a hazard to the health, safety, or~~  
7 ~~welfare of the general public. "Owner" means the owner of record as~~  
8 ~~shown by the most current tax rolls of the county treasurer.~~

9 ~~8.~~ Nothing in the provisions of this section shall prevent the  
10 county from abating a dilapidated building or dilapidated vehicle as  
11 a nuisance or otherwise exercising its duties to protect the health,  
12 safety, or welfare of the general public.

13 ~~9.~~ 8. The officers, employees or agents of the county shall not  
14 be liable for any damages or loss of property due to the removal of  
15 dilapidated buildings or dilapidated vehicles performed pursuant to  
16 the provisions of this section or as otherwise prescribed by law.

17 SECTION 2. This act shall become effective November 1, 2024.  
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