

Health and Nuisances

PART 8

HEALTH AND NUISANCES

CHAPTER 1

NUISANCES AND HEALTH GENERALLY

Section 8-101	Definitions.
Section 8-102	Certain public nuisances defined.
Section 8-103	Nuisance prohibited.
Section 8-104	Person responsible for continuing nuisance.
Section 8-105	Time does not legalize nuisance.
Section 8-106	Remedies against public nuisances.
Section 8-107	Remedies against private nuisances.
Section 8-108	Town has power to define and summarily abate nuisance.
Section 8-109	Summary abatement of nuisances.
Section 8-110	Health nuisances; abatement.
Section 8-111	Town actions not to jeopardize private action.
Section 8-112	Unauthorized dumping, depositing or disposal of trash on property of another.
Section 8-113	Open burning prohibited.
Section 8-114	Abatement by suit in district court.
Section 8-115	Procedure cumulative.
Section 8-116	Toilet facilities required.
Section 8-117	Obstructing health or enforcement officer.
Section 8-118	Littering prohibited generally.

CHAPTER 2

WEEDS, GRASS AND TRASH

Section 8-201	Definitions.
Section 8-202	Accumulation of trash or weeds unlawful.
Section 8-203	Duty of owner, occupant to maintain private property.
Section 8-204	Reports of accumulation of grass, weeds or trash on property.
Section 8-205	Cleaning and mowing, notice, consent, hearing, abatement, lien and payment.

CHAPTER 3

DILAPIDATED BUILDINGS

Section 8-301	Definitions.
Section 8-302	Report to be made.
Section 8-303	Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment.
Section 8-304	Clearing up of premises from which buildings have been removed.
Section 8-305	Penalty.

Health and Nuisances

CHAPTER 4

ABANDONED, JUNKED VEHICLES AND APPLIANCES

Section 8-401	Definitions.
Section 8-402	Leaving junk motor vehicle or appliance prohibited, nuisance.
Section 8-403	Notice to remove.
Section 8-404	Responsibility for removal.
Section 8-405	Notice procedure.
Section 8-406	Content of notice.
Section 8-407	Request for hearing, procedure.
Section 8-408	Removal of junk vehicle or appliance.
Section 8-409	Notice of removal.
Section 8-410	Disposal and sale.
Section 8-411	Liability of owner or occupant.
Section 8-412	Certificate to county treasurer.
Section 8-413	Abandoned refrigerators.
Section 8-414	Penalty.

Health and Nuisances

CHAPTER 1

NUISANCES AND HEALTH GENERALLY

Section 8-101	Definitions.
Section 8-102	Certain public nuisances defined.
Section 8-103	Nuisance prohibited.
Section 8-104	Person responsible for continuing nuisance.
Section 8-105	Time does not legalize nuisance.
Section 8-106	Remedies against public nuisances.
Section 8-107	Remedies against private nuisances.
Section 8-108	Town has power to define and summarily abate nuisance.
Section 8-109	Summary abatement of nuisances.
Section 8-110	Health nuisances; abatement.
Section 8-111	Town actions not to jeopardize private action.
Section 8-112	Unauthorized dumping, depositing or disposal of trash on property of another.
Section 8-113	Open burning prohibited.
Section 8-114	Abatement by suit in district court.
Section 8-115	Procedure cumulative.
Section 8-116	Toilet facilities required.
Section 8-117	Obstructing health or enforcement officer.
Section 8-118	Littering prohibited generally.

SECTION 8-101 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them herein:

1. "Nuisance" means unlawfully doing an act, or omitting to perform a duty, or is any thing or condition which either:

- a. Annoys, injures or endangers the comfort, repose, health or safety of others;
- b. Offends decency;
- c. Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
- d. In any way renders other persons insecure in life or in the use of property;

2. "Private nuisance" means every nuisance not included in paragraph 3 of this section; and

3. "Public nuisance" means a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, or three (3) or more properties under separate ownership in the vicinity of such nuisance, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

State Law References: Nuisances generally, see Title 50 O.S. Secs. 1 et seq.; power of town to summarily abate, 50 O.S. Sec. 16.

Health and Nuisances

Cross Reference: Animals, Secs. 4-101 et seq.

SECTION 8-102 CERTAIN PUBLIC NUISANCES DEFINED.

A. In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

1. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or the keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the town;
3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
5. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;
6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
7. The public exposure of a person having a contagious disease;
8. The continued making of loud or unusual noises, music or sounds, or strong vibrations which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
9. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others;
10. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinances;
11. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk where mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;
12. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;
13. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin or disease germs, and the premises on which such exist;

Health and Nuisances

14. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;

15. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;

16. Any fire or explosion hazard which endangers the public safety;

17. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;

18. Permitting bagworms to be upon any trees or other plants within the town;

19. Permitting foul, noxious or offensive odors to escape from premises; or unusual quantities of dust or other deleterious substances to escape or emanate across the property line upon which the same originates;

20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation;

21. The keeping in violation of Sections 4-101 et seq. of any dog kennels within this town for the breeding and raising of dogs that shall become offensive or annoying to the public by reason of the barking and noise made by the animals therein contained;

22. Any vault, cesspool or sink used to receive human excrement, slops, garbage, refuse or other filthy substance;

23. Any pond, slop, trash, refuse, cobs, manure, decayed or decaying vegetable matter, left, kept or maintained in such condition as to endanger the public health;

24. The keeping of any hog pen within the limits of this town in violation of this code;

25. Every privy or water closet which shall be in an overflowing, leaking or filthy condition, or in a condition dangerous, injurious or annoying to the comfort, health and welfare of any resident of this town;

26. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this town;

27. Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle in this town; and

28. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this town or its inhabitants from any cause.

B. The enumeration in Subsection A hereof of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

Health and Nuisances

SECTION 8-103 NUISANCE PROHIBITED.

No person shall create or maintain a nuisance within the town or permit a nuisance to remain on premises under his control within the town.

SECTION 8-104 PERSON RESPONSIBLE FOR CONTINUING NUISANCE.

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the person who first created it.

SECTION 8-105 TIME DOES NOT LEGALIZE NUISANCE.

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

SECTION 8-106 REMEDIES AGAINST PUBLIC NUISANCES.

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement;
 - a. By the person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
 - b. By the town in accordance with law or ordinance.

SECTION 8-107 REMEDIES AGAINST PRIVATE NUISANCES.

The remedies against a private nuisance are:

1. Civil action; or
2. Abatement:
 - a. By the person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or
 - b. By the town in accordance with law or ordinance.

SECTION 8-108 TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCE.

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the town is empowered to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its

Health and Nuisances

corporate limits. Whenever it is practical to do so, the town has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be done.

SECTION 8-109 SUMMARY ABATEMENT OF NUISANCES.

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require, the town or other appropriate officer or agency of the town government to take immediate and proper action summarily to abate such nuisances or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

B. A officer of the town may submit a statement as to the existence of a nuisance as defined by the ordinances of the town or law, and a request or recommendation that it be abated.

C. The town or its designee shall determine if a nuisance exists as defined by the ordinances of the town or law. If a nuisance does in fact exist, town personnel shall direct the owner or other persons responsible for or causing the nuisance by:

1. Certified mail; or
2. By publication if the owner cannot be so served or found,

to abate the nuisance within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, or if the persons responsible authorize the town to abate the nuisance, the town shall direct the appropriate officer to abate the nuisance or have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The town shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town collectible as other debts may be collected.

D. The determination of the existence of a nuisance and order to abate it, as made by the town, may be appealed by the occupant or owner or person causing the nuisance by filing a request for hearing in writing with the town within the period of time specified in the notice for abatement of the nuisance. The town clerk-treasurer shall cause the matter to be placed on the agenda of the town board of trustees for final determination with appropriate notice of the hearing provided to the person requesting the appeal.

SECTION 8-110 HEALTH NUISANCES; ABATEMENT.

A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the town shall have the authority to order the owner or occupant of any private premises in the town to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent

Health and Nuisances

thereof, by the town or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown or is outside the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town.

B. If the order is not complied with, the town may cause the order to be executed and complied with, and the cost thereof shall be certified and the cost of removing or abating such nuisance shall be charged to the owner or occupant, enforceable as a lien or any other method allowed by law or ordinance.

SECTION 8-111 TOWN ACTIONS NOT TO JEOPARDIZE PRIVATE ACTION.

Nothing herein contained shall be construed to abridge the rights of citizens of the town to bring and maintain actions in the proper courts for the abatement of private nuisances or those specially injurious to them.

SECTION 8-112 UNAUTHORIZED DUMPING, DEPOSITING OR DISPOSAL OF TRASH ON PROPERTY OF ANOTHER.

A. It is unlawful to place, deposit, or leave any trash, debris, refuse or garbage on the property of another or on public property, including any public street, easement, sidewalk or other public property, except where such disposal is expressly allowed by law.

B. It is unlawful for any person to place, deposit, leave or dispose of trash, garbage, refuse or debris in any dumpster or trash receptacle that is located on the property of another without the express consent of the person on whose property the dumpster or trash receptacle is located.

SECTION 8-113 OPEN BURNING PROHIBITED.

It is unlawful to burn any fire outside of any enclosed building in the town for the purpose of burning grass, trash, combustible refuse, leaves, weeds, papers, refuse, garbage or any other substance except by obtaining a permit and payment of such fee as set by the town, or by approval by the fire department as may be allowed by the town fire code and any applicable state or town regulations.

SECTION 8-114 ABATEMENT BY SUIT IN DISTRICT COURT.

In cases where it is deemed impractical summarily to abate a nuisance, the town may bring suit in the district court.

SECTION 8-115 PROCEDURE CUMULATIVE.

The procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative one to the other. The town may elect to follow any such procedure which is applicable in abating any particular nuisance.

SECTION 8-116 TOILET FACILITIES REQUIRED.

A. For the purposes of this section, the following terms shall have the meanings

Health and Nuisances

respectively ascribed to them herein:

1. "Human excrement" means the bowel and kidney discharge of human beings;
2. "Sanitary water closet" means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and
3. "Sanitary pit privy" means a privy which is built, rebuilt or constructed so as to conform with the specifications approved by the state health department.

B. Every owner of a residence or other building in which humans reside, are employed or congregate within this town shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type and hooked up to the town sewer or wastewater utility. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the state health department.

C. All human excrement disposed of within this town shall be disposed of by depositing it in closets and privies of the type provided for in this section. It is unlawful for any owner of property within the town to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the town in any other manner.

D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.

E. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies and closets so constructed, situated or maintained as to endanger the public health are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.

SECTION 8-117 OBSTRUCTING HEALTH OR ENFORCEMENT OFFICER.

It is unlawful for any person to willfully obstruct or interfere with any health officer or other code enforcement officer charged with the enforcement of the health or nuisance laws of this town.

SECTION 8-118 LITTERING PROHIBITED GENERALLY.

No person shall throw, place, leave, drop, put or otherwise abandon litter upon any public property, private property or roadway except as otherwise specifically permitted in this code. "Litter" means trash, refuse, rubbish and all like material.

Health and Nuisances

Health and Nuisances

CHAPTER 2

WEEDS, GRASS AND TRASH

Section 8-201	Definitions.
Section 8-202	Accumulation of trash or weeds unlawful.
Section 8-203	Duty of owner, occupant to maintain private property.
Section 8-204	Reports of accumulation of grass, weeds or trash on property.
Section 8-205	Cleaning and mowing, notice, consent, hearing, abatement, lien and payment.

SECTION 8-201 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Administrative officer" means the person so designated by the town board of trustees;
2. "Cleaning" means the removal of trash from property;
3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;
4. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned; and
5. "Weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
 - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - c. Harbors rodents or vermin;
 - d. Gives off unpleasant or noxious odors;
 - e. Constitutes a fire or traffic hazard; or
 - f. Is dead or diseased.

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

Health and Nuisances

SECTION 8-202 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

A. It is unlawful for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the town to allow trash or weeds to grow, stand or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

B. No owner or occupant of land or lots shall

1. Knowingly permit the throwing or dumping upon his premises of any refuse, rubbish or trash, or

2. Permit such materials to remain on his premises for more than ten (10) days after being notified to remove them by the town or the county health department whether or not the owner or occupant knew of or permitted such throwing or depositing.

In addition to a penalty for violation of this section or Section 8-203, the town may abate as a public nuisance any condition prohibited herein pursuant to this chapter, any other law or ordinance, all of which shall be cumulative.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Sec. 22-110.

SECTION 8-203 DUTY OF OWNER, OCCUPANT TO MAINTAIN PRIVATE PROPERTY.

No person owning, leasing, occupying or having charge of any private property or premises shall maintain or keep any refuse, rubbish, trash or similar material except dirt thereon; nor shall such person allow the accumulation of any such material; nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which the premises are located. No prosecution may be undertaken under this section until such person shall have been given ten (10) days' notice by the town of the condition and an order to fully abate the alleged deficiency.

SECTION 8-204 REPORTS OF ACCUMULATION OF GRASS, WEEDS OR TRASH ON PROPERTY.

Any officer or employee of the town who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the town, shall report the condition to the administrative officer if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;
2. A hazard to traffic;
3. A fire hazard to property; or
4. Any two (2) or more of these conditions.

State Law Reference: Cleaning and mowing of property, procedures and powers 11 O.S. Sec. 22-111.

Health and Nuisances

SECTION 8-205 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, ABATEMENT, LIEN AND PAYMENT.

The town administrative officer is authorized to cause property within the town to be cleaned of trash and weeds, or grass to be cut or mowed, and the nuisance to be abated in accordance with the following procedure:

1. The town administrative officer or his designee may determine whether the accumulation of trash, growth of weeds or grass, or other nuisances has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of the property;

2. 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 hearing provided for herein or before action may be taken. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall state that unless the work is performed within ten (10) days of the date of the notice, the work shall be done by the town and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the town;

3. At the time of mailing of notice to the property owner, the town 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 can not be located within ten (10) days from the date of mailing the same, notice may be given by posting a copy of the notice on the property or by publication, as provided by Section 102.8 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action;

4. If the town anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail or publication, shall state: that any accumulations of trash or excessive weeds or grass growth on the owner's property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to the notice may be summarily abated by the town; that the costs of such abatement shall be assessed against the owner; and that a lien shall be imposed on the property to secure such payment, all without further notice to the property owner. At the time of each summary abatement the town clerk-treasurer shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided in this section. However, these summary abatement procedures shall not apply if the records of the county clerk show that the property was transferred after the notice was given pursuant to this section;

5. The owner of the property may give his written consent to the town authorizing the removal of the trash or the mowing of the weeds or grass. By giving his written consent, the owner waives his right to a hearing by the town;

6. A hearing may be held by the administrative officer to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the town administrative officer, except that if the town administrative officer conducts the initial hearing, then the right of appeal is to the town board of trustees. The appeal shall be

Health and Nuisances

taken by filing written notice of appeal with the town administrative officer within ten (10) days after the administrative order is rendered.

7. If the administrative officer finds the condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal or such conditions, the administrative officer shall direct the clearing or cleaning be done by one of the following methods:

- a. By the town, provided the actual cost of the labor, maintenance and equipment required does not exceed Five Hundred Dollars (\$500.00); or
- b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

The agents of the town are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, cleaning and performance of necessary duties as a governmental function of the town. Immediately following the cleaning or mowing of the property, the town clerk-treasurer shall file a notice of lien with the county clerk describing the property and the work performed by the town, and stating that the town claims a lien on the property for the cleaning and mowing costs, and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

8. After the property has been cleaned, the administrative officer shall determine the actual cost of such cleaning and any other expenses as may be necessary in connection therewith, including the cost of the notice and mailing. The town clerk-treasurer shall forward by mail to the property owner specified in this section a statement of the actual cost and demanding payment;

9. If payment is not made within thirty (30) days from the date of the mailing of the statement, the town clerk-treasurer shall forward a certified statement of the amount of the cost 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. The cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer and shall continue until the cost shall be fully paid;

10. At any time prior to the collection as provided herein the town may pursue any civil remedy for collection of the amount owing and the interest thereon. Upon receiving payment, if any, the town clerk-treasurer shall forward to the county treasurer a notice of such payment and directing discharge of the lien or part thereof; and

11. The provisions of this section shall not apply to any property used for agricultural purposes.

Health and Nuisances

CHAPTER 3

DILAPIDATED BUILDINGS

Section 8-301	Definitions.
Section 8-302	Report to be made.
Section 8-303	Condemnation, boarding and securing of dilapidated buildings, notice, removal, lien, payment.
Section 8-304	Clearing up of premises from which buildings have been removed.
Section 8-305	Penalty.

SECTION 8-301 DEFINITIONS.

For the purposes of this chapter:

1. "Boarding and securing" or "boarded and secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure;
2. "Cleaning" or "cleaned" means the removal of trash or weeds from the premises;
3. "Dilapidated building" means the neglect of necessary repairs to a building or allowing it to fall into a state of decay or allowing it to fall into partial ruin to such an extent that the building is a hazard to the health or safety or welfare of the general public; and
4. "Unsecured 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.

State Law Reference: Similar provisions, Section 22-112, 22-112.1 of Title 11.

SECTION 8-302 REPORT TO BE MADE.

Any officer or employee of this town who discovers or receives a report of a dilapidated building which has become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of property, shall report such conditions to the administrative officer.

SECTION 8-303 CONDEMNATION, BOARDING AND SECURING OF DILAPIDATED BUILDINGS, NOTICE, REMOVAL, LIEN, PAYMENT.

The administrative officer may cause dilapidated buildings within the town limits to be torn down an removed, or boarded or secured, in accordance with the following procedure:

1. At least ten (10) days' notice shall be given to the owner of the property before the town takes action or holds a hearing as provided herein. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the town 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

Health and Nuisances

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

2. A hearing shall be held by the administrative officer to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community, or creates a fire hazard to the danger of property, or needs to be boarded and secured;

3. If the administrative officer finds that the condition of the property constitutes a detriment or a hazard, and that the property would be benefited by the removal of such conditions, or by its boarding and securing, the administrative officer may cause the dilapidated building to be torn down and removed, and boarded and secured, and shall fix reasonable dates for the commencement and completion of the work. The town clerk-treasurer shall immediately file a notice of lien with the county clerk describing the property, the findings of the administrative officer at the hearing, and stating that the town claims a lien on the property for the destruction and removal, boarding and securing costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

4. The property owner shall have a right of appeal to the town administrative officer, or if the order is rendered by the town administrative officer, then the right to appeal is to the town board of trustees. The appeal shall be filed in writing with the town clerk-treasurer within ten (10) days after the administrative order is rendered;

5. If the work is not performed by the property owner within the dates fixed by the administrative officer, the administrative officer shall direct the tearing down and removal, or boarding and securing, be done by one of the following methods:

- a. By the town, provided that the actual cost of the labor, maintenance, and equipment does not exceed Five Hundred Dollars (\$500.00);
- b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

6. After the building has been torn down and removed, or boarded and secured, the administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings, or the boarding and securing, and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing. The town clerk-treasurer shall forward a statement of such actual cost attributable to the dismantling and removal or boarding and securing and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be be mailed to any mortgage holder at the address specified in this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the town 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;

7. If payment is not made within six (6) months from the date of the mailing of the statement, the town clerk-treasurer shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The town shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the cost shall be fully paid;

Health and Nuisances

8. When payment is made to the town for costs incurred, the town shall file a release of lien or part thereof;

9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes; and

10. Nothing in this section shall prevent the town from otherwise abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the public health, safety or welfare.

State Law Reference: 11 O.S. Section 22-112, removal of dilapidated buildings.

SECTION 8-304 CLEARING UP OF PREMISES FROM WHICH BUILDINGS HAVE BEEN REMOVED.

In all cases in which:

1. A house or building has been removed before the taking effect of this chapter; or
2. A house or building is torn down or demolished pursuant to order of the State Fire Marshal or one of his assistants or the sheriff of the county or the chief of the fire department as provided by state law or as provided in this chapter;

and in which any of the following conditions exist,

1. The premises have not been cleaned up;
2. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;
3. The materials removed but the cellar space and excavations have not been filled;
4. A cistern or well has not been filled or safely and securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the town plumbing inspector and securely closed; and
5. The lot or lots have not been leveled and left entirely free from trash or the same be not immediately done,

then the owner or owners of the lot or lots and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this chapter by having all of the things done.

SECTION 8-305 PENALTY.

Any person who shall tear down or begin the tearing down of any house or building within the town limits of the town without having first procured permit therefor as herein provided shall be guilty of an offense against the town and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

Health and Nuisances

Health and Nuisances

CHAPTER 4

ABANDONED, JUNKED VEHICLES AND APPLIANCES

Section 8-401	Definitions.
Section 8-402	Leaving junk motor vehicle or appliance prohibited, nuisance.
Section 8-403	Notice to remove.
Section 8-404	Responsibility for removal.
Section 8-405	Notice procedure.
Section 8-406	Content of notice.
Section 8-407	Request for hearing, procedure.
Section 8-408	Removal of junk vehicle or appliance.
Section 8-409	Notice of removal.
Section 8-410	Disposal and sale.
Section 8-411	Liability of owner or occupant.
Section 8-412	Certificate to county treasurer.
Section 8-413	Abandoned refrigerators.
Section 8-414	Penalty.

SECTION 8-401 DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section unless the context clearly requires otherwise:

1. "Motor vehicle" means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts and golf carts;
2. "Junked motor vehicle" means any motor vehicle which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;
3. "Appliance" means any equipment, instrument or article designed for household, office or commercial use, including furniture;
4. "Junked appliance" means any appliance which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;
5. "Private property" means any real property within the town which is not public property; and
6. "Public property" means that property which is dedicated to the public use and over which the federal, state, county or town government or agency thereof exercises control and dominion.

SECTION 8-402 LEAVING JUNK MOTOR VEHICLE OR APPLIANCE PROHIBITED, NUISANCE.

It is unlawful for any person to park, store, leave or permit the parking, storing, or leaving of any junked motor vehicle or junked appliance, whether attended or not, upon any public or private property within the town for a period of time in excess of seventy-two (72) hours. The presence of any junked motor vehicle or junked appliance or parts thereof on private or public property is hereby declared a public nuisance which may be abated as such in accordance with this

Health and Nuisances

ordinance or by applicable law. This chapter shall not apply to any motor vehicle or appliance enclosed within a building on private property or held in connection with a lawful business enterprise conducted in the appropriate zoning district of the town, pursuant to the zoning laws of the town, or to any motor vehicle which is:

1. In operable condition specifically adopted or designed for operation on drag strips or raceways; or
2. Retained by the owner for antique collection purposes in a storage place maintained in a lawful place and manner.

SECTION 8-403 NOTICE TO REMOVE.

Whenever it comes to the attention of the town administrative officer or his designee that any nuisance as defined in this chapter exists in the town, a notice in writing shall be served upon the occupant of the land where the nuisance exists. In case there is no such occupant, then it shall be served upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter.

SECTION 8-404 RESPONSIBILITY FOR REMOVAL.

Upon proper notice and opportunity to be heard, the owner of the junked motor vehicle or junked appliance and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of the removal and disposition by the town or its designee, the owner or occupant of the private property where the same is located shall be liable for the expenses incurred.

SECTION 8-405 NOTICE PROCEDURE.

The town administrative officer or his designee shall give notice of removal to the owner or occupant of the private property where it is located, at least ten (10) days before the time of compliance. It shall constitute sufficient notice when a copy of the notice is posted in a conspicuous place upon the private property upon which the junked motor vehicle or junked appliance is located and duplicate copies are sent by certified mail, return receipt requested, to the owner or occupant of the private property at his last known address.

SECTION 8-406 CONTENT OF NOTICE.

The notice shall contain the request for removal within the time specified in this chapter and the notice shall advise that upon failure to comply with the notice to remove, the town shall prosecute a complaint for failure to abate the nuisance or it shall undertake such removal with the cost to be levied against the owner or occupant of the property.

SECTION 8-407 REQUEST FOR HEARING, PROCEDURE.

A person to whom the notice is directed or his duly authorized agent may file a written request for hearing before the town board of trustees within the ten (10) day period of compliance for the purpose of defending the charges by the town. The hearing shall be held as soon as practicable after the filing of the request and all persons to whom a notice is directed shall be advised of the time and place of the hearing. At any such hearing the town and any person to whom the notice has been directed may introduce such witnesses and evidence as either party deems necessary.

Health and Nuisances

SECTION 8-408 REMOVAL OF JUNK VEHICLE OR APPLIANCE.

If the violation described in the notice has not been remedied within the ten (10) day period of compliance, or in the event that a notice to the owner or occupant requesting removal of the vehicle has not been complied with and this fact is affirmed by the town board of trustees, then the town administrative officer or his designee shall continue to prosecute charges on the daily basis for failure to abate the nuisance and shall also have the right to take possession of the junked motor vehicle or junked appliance and remove it from the premises. It is unlawful for any person to interfere, hinder or to refuse to allow such person or persons to enter upon private property for the purpose of removing a junked vehicle or appliance under the provisions of this chapter.

SECTION 8-409 NOTICE OF REMOVAL.

Within forty-eight (48) hours after the removal of any junked vehicle or junked appliance, the town administrative officer or his designee shall give notice to the registered owner of a vehicle, if known, and notice to the owner or occupant of the private property from which the vehicle or appliance was removed that the vehicle or appliance has been impounded and stored for violation of this chapter, and will be disposed of or sold if not reclaimed as provided herein, along with payment of all costs. Notice shall give the location where the vehicle or appliance is stored and the proper procedure for redeeming the vehicle or appliance, including cost of redemption.

State Law Reference: Removal of abandoned vehicles on private property, 47 O.S. Section 954A; grounds for removal of vehicles on highways by state, 47 O.S. Section 955.

SECTION 8-410 DISPOSAL AND SALE.

If the vehicle or appliance remains unclaimed for sixty (60) days after providing or mailing the notice provided herein, the police chief is authorized to dispose or sell the property in accordance with Subsections C, D, E and H of Section 13-502 of this code (disposition of property, general procedures).

SECTION 8-411 LIABILITY OF OWNER OR OCCUPANT.

Upon the failure of the owner or occupant of property on which a junked motor vehicle or junked appliance has been removed by the town to pay the unrecovered expense incurred by the town in such removal, the amount of the unrecovered cost may be recovered in the same manner as such bills.

SECTION 8-412 CERTIFICATE TO COUNTY TREASURER.

If the private property is not served by town utilities or if collection efforts are not successful, the costs may be certified by the town clerk-treasurer to the county treasurer who shall add the same to the ad valorem taxes assessed against the property until paid, and shall be collected in the same manner as ad valorem taxes assessed against the property, until paid, and when collected shall be paid to the town.

SECTION 8-413 ABANDONED REFRIGERATORS.

No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind

Health and Nuisances

which has an airtight door or lock or an airtight snap lock which may not be released or opened from the inside of the icebox, refrigerator or container.

SECTION 8-414 PENALTY.

In addition to the procedure set out herein for removal of any junked motor vehicle or junked appliance, any person who violates any of the provisions of this chapter shall be guilty of an offense and upon conviction thereof shall be punishable as provided in Section 1-108 of this code.