

TITLE 5

HEALTH, SANITATION AND ENVIRONMENT

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CHAPTER 1

NUISANCES AND HEALTH GENERALLY

SECTION:

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5-1-1: **DEFINITIONS:** As used in this chapter, the following terms shall have the meanings respectively ascribed to them herein:

NUISANCE: 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.

Provided, however, this definition shall not apply to preexisting agricultural activities.

PRIVATE NUISANCE: Every nuisance not included in the definition of "public nuisance" in this section.

PUBLIC NUISANCE: 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. (1999 Code § 8-101; amd. 2013 Code)

5-1-2: CERTAIN PUBLIC NUISANCES ENUMERATED:

A. Nuisances Declared: 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. Unwholesome Food Or Drink: 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. Intoxicating Liquor: 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. Obscene Pictures, Documents Or Objects: 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. Gambling: The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise.

5. Prostitution: The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced.
6. Unlawful Activities: The keeping of a place where activities in violation of state law or ordinance are practiced or carried on.
7. Exposure Of Person With Contagious Disease: The public exposure of a person having a contagious disease.
8. Loud Noise: 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. Interference With Radio And Television Reception: The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others.
10. Assemblies Obstructing Traffic: 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. Water Flowing, Ice Or Snow Falling Upon Streets: 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.
12. Stagnant Water Bodies: 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. Unwholesome Accumulations And Premises: 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.
14. Dangerous Buildings Or Structures: 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 the town or its inhabitants from any cause.

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

16. Fire And Explosion Hazards: Any fire or explosion hazard which endangers the public safety.

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

18. Bagworms On Trees, Plants: Permitting bagworms to be upon any trees or other plants within the town.

19. Noxious Odors; Dust: 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. Animal Shelters; Noise And Sanitation: Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation.

21. Dog Kennels; Noise: The keeping in violation of title 6, chapter 6 of this code of any dog kennels within the 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. Cesspools Or Receptacles Holding Filthy Substances: Any vault, cesspool or sink used to receive human excrement, slop, garbage, refuse or other filthy substance.

23. Pond Or Decaying Matter Endangering Public Health: 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. Hog Pens: The keeping of any hog pen within the limits of the town in violation of this code.

25. Privies, Water Closets: 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 the town.

26. Hides Of Animals: Any green or unsalted hides of any animal kept in any exposed or open place within the limits of the town.

27. Foul Or Defective Ditches, Drains: Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle in the town. (1999 Code § 8-102; amd. 2013 Code)

- B. Enumeration Cumulative: The enumeration in subsection A of this section 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. (1999 Code § 8-102)

5-1-3: **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. (1999 Code § 8-103)

5-1-4: **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 such nuisance. (1999 Code § 8-104)

5-1-5: **TIME DOES NOT LEGALIZE NUISANCE:** No lapse of time can legalize a public nuisance amounting to an actual obstruction of the public right. (1999 Code § 8-105)

5-1-6: **REMEDIES AGAINST NUISANCES:**

- A. 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 50 Oklahoma Statutes section 12; or

b. By the town in accordance with law or ordinance. (1999 Code § 8-106)

B. Private Nuisances: The remedies against a private nuisance are:

1. Civil action; or

2. Abatement:

a. By the person injured as provided in 50 Oklahoma Statutes sections 14 and 15; or

b. By the town in accordance with law or ordinance. (1999 Code § 8-107)

5-1-7: **POWER TO DEFINE AND SUMMARILY ABATE NUISANCE:**

A. As provided in 50 Oklahoma Statutes section 16, 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 corporate limits.

B. 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. (1999 Code § 8-108)

5-1-8: **SUMMARY ABATEMENT OF NUISANCES:**

A. Dangerous Circumstances: 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. **Submission Of Statement Of Nuisance:** An 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. **Notice To Abate; Town Abatement; Costs:** 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 50 Oklahoma Statutes section 16. 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. **Appeal; Hearing:** 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. (1999 Code § 8-109)

5-1-9: HEALTH NUISANCES; ABATEMENT:**A. Town Authority; Notice To Abate:**

1. Pursuant to authority granted by 63 Oklahoma Statutes section 1-1011, 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 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.

2. 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. Abatement By Town; Costs: 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. (1999 Code § 8-110)

5-1-10: 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. (1999 Code § 8-111)

5-1-11: 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. (1999 Code § 8-114)

5-1-12: **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. (1999 Code § 8-115)

5-1-13: **DUMPING OR DISPOSAL OF TRASH ON PROPERTY OF ANOTHER:**

- A. Property: 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. Dumpster: 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. (1999 Code § 8-112)

5-1-14: **LITTERING PROHIBITED GENERALLY:**

- A. "Litter" means trash, refuse, rubbish and all like material.
- B. 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. (1999 Code § 8-118)

5-1-15: **OPEN BURNING; PERMIT:** 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. (1999 Code § 8-113)

5-1-16: **TOILET FACILITIES REQUIRED:**

- A. Definitions: For the purposes of this section, the following terms shall have the meanings respectively ascribed to them herein:

HUMAN EXCREMENT: The bowel and kidney discharge of human beings.

SANITARY WATER CLOSET: 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.

- B. **Sanitary Facilities Required:** Every owner of a residence or other building in which humans reside, are employed or congregate within the 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. (1999 Code § 8-116; amd. 2013 Code)

5-1-17: **OBSTRUCTING HEALTH OR ENFORCEMENT OFFICER:** It is unlawful for any person to wilfully obstruct or interfere with any health officer or other code enforcement officer charged with the enforcement of the health or nuisance laws of the town. (1999 Code § 8-117)

CHAPTER 2
FOOD SERVICE ESTABLISHMENTS

SECTION:

5-2-1: Regulations Adopted; Permit

5-2-1: **REGULATIONS ADOPTED; PERMIT:**

- A. Adoption: The latest edition of the "Oklahoma State Department Of Health, Food Service Establishments" chapter is hereby adopted and incorporated by reference in this code. At least one copy of the rules and regulations shall be on file in the office of the town clerk-treasurer. The rules and regulations shall govern, except in case of conflict with the provisions of this chapter, in which case the more restrictive terms shall prevail. (1999 Code § 8-501; amd. 2013 Code)
- B. Annual Permit; Fee: Annual permits are required for operation of food service establishments. The fee for such permit shall be as set by the town board. (1999 Code § 8-502)

CHAPTER 3

WEEDS, GRASS AND TRASH

SECTION:

- 5-3-1: Definitions
 5-3-2: Accumulation Of Trash Or Weeds
 5-3-3: Duty Of Owner, Occupant To Maintain Private Property
 5-3-4: Reports Of Accumulation
 5-3-5: Cleaning And Mowing; Nuisance Abatement

5-3-1: **DEFINITIONS:** As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

ADMINISTRATIVE OFFICER: The person so designated by the town board of trustees.

CLEANING: The removal of trash from property.

OWNER: The owner of record as shown by the most current tax rolls of the county treasurer.

TRASH: 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.

WEED: A. The term weed includes, but is not limited to, poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

1. Exceeds twelve inches (12") 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;

2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;

3. Harbors rodents or vermin;

4. Gives off unpleasant or noxious odors;

5. Constitutes a fire or traffic hazard; or

6. Is dead or diseased.

B. The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty feet (150') from a parcel zoned for other than agricultural use. (1999 Code § 8-201)

5-3-2: ACCUMULATION OF TRASH OR WEEDS:

A. Prohibited Acts:

1. 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.

2. No owner or occupant of land or lots shall:

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

b. 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.

- B. Abatement: In addition to a penalty for violation of this section or section 5-3-3 of this chapter, 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. (1999 Code § 8-202)

5-3-3: DUTY OF OWNER, OCCUPANT TO MAINTAIN PRIVATE PROPERTY:

- A. Prohibited Conditions: 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.
- B. Order To Abate; Notice: 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. (1999 Code § 8-203)

5-3-4: REPORTS OF ACCUMULATION: Any officer or employee of the town who discovers an accumulation of trash or the growth of grass and weeds, or both of 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:

- A. Detrimental to the health, benefit and welfare of the public and the community;
- B. A hazard to traffic;
- C. A fire hazard to property; or
- D. Any two (2) or more of these conditions. (1999 Code § 8-204)

5-3-5: CLEANING AND MOWING; NUISANCE ABATEMENT: 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:

- A. **Authority To Determine:** 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.
- B. **Notice To Property Owner:** 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.
- C. **Receipt Of Mailing Notice:** 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 maillee. However, if the property owner cannot 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 11 Oklahoma Statutes section 1-102, subsection 8, one time not less than ten (10) days prior to any hearing or action.
- D. **Summary Abatement:** If the town anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail, posting or publication, shall state: 1) 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; 2) that the costs of such abatement shall be assessed against the owner; and 3) 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.

- E. **Written Consent Of Property Owner:** 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.
- F. **Hearing; Right To Appeal:** 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 taken by filing written notice of appeal with the town administrative officer within ten (10) days after the administrative order is rendered.
- G. **Clearing Or Cleaning By Town; Right Of Entry:**
 - 1. 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 of such conditions, the administrative officer shall direct the clearing or cleaning be done by one of the following methods: (1999 Code § 8-205)
 - a. By the town, provided the actual cost of the labor, maintenance and equipment required does not exceed seven hundred fifty dollars (\$750.00); or (1999 Code § 8-205; amd. 2013 Code)
 - b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder.
 - 2. 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.

- H. **Determination Of Costs:** 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.
- I. **Failure To Pay; Lien Against Property:** 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.
- J. **Civil Remedy For Collection Of Costs:** 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.
- K. **Exception:** The provisions of this section shall not apply to any property used for agricultural purposes. (1999 Code § 8-205)

CHAPTER 4
DILAPIDATED BUILDINGS

SECTION:

- 5-4-1: Definitions
 5-4-2: Report Of Dilapidated Building
 5-4-3: Condemnation, Boarding And Securing
 5-4-4: Clearing Premises From Which Buildings Removed
 5-4-5: Penalty

5-4-1: **DEFINITIONS:** For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this section:

BOARDING AND SECURING OR BOARDED AND SECURED:

The closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure.

CLEANING OR CLEANED:

The removal of trash or weeds from the premises.

DILAPIDATED BUILDING:

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, safety or welfare of the general public.

UNSECURED BUILDING:

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. (1999 Code § 8-301)

5-4-2: **REPORT OF DILAPIDATED BUILDING:** Any officer or employee of the 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. (1999 Code § 8-302)

5-4-3: **CONDEMNATION, BOARDING AND SECURING:** The administrative officer may cause dilapidated buildings within the town limits to be torn down and removed, or boarded or secured, in accordance with the following procedure:

- A. Notice To Property Owner: 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 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 11 Oklahoma Statutes section 1-102, subsection 8. 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.
- B. Hearing: A hearing shall be held by the administrative officer to determine whether or not 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.
- C. Abatement By Town; Cost A Lien Against Property: 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.

- D. **Right To Appeal:** 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.
- E. **Methods Of Performing Work:** 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: (1999 Code § 8-303)
1. By the town; provided, that the actual cost of the labor, maintenance, and equipment does not exceed seven hundred fifty dollars (\$750.00). (1999 Code § 8-303; amd. 2013 Code)
 2. On a private contract basis, in which case it shall be awarded to the lowest and best bidder.
- F. **Determination Of Cost:** 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 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.
- G. **Nonpayment; Lien Against Property:** 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.

- H. Payment To Town; Release Of Lien: When payment is made to the town for costs incurred, the town shall file a release of lien or part thereof.
- I. Exception: The provisions of this section shall not apply to any property zoned and used for agricultural purposes.
- J. Abatement As Nuisance: 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. (1999 Code § 8-303)

5-4-4: **CLEARING PREMISES FROM WHICH BUILDINGS REMOVED:** In all cases in which:

- A. A house or building has been removed before the taking effect of this chapter; or
- B. 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;
 2. The premises are cleaned, and all lumber, brick, concrete, cement, plaster, nails, wire, and other materials have not been removed;
 3. The materials have been 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 requirements completed. (1999 Code § 8-304)

5-4-5: **PENALTY:** Any person who shall violate the provisions of section 5-4-4 of this chapter shall be guilty of an offense against the town and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code. (1999 Code § 8-305; amd. 2013 Code)

CHAPTER 5

ABANDONED, JUNKED VEHICLES AND APPLIANCES

SECTION:

- 5-5- 1: Definitions
- 5-5- 2: Leaving Vehicle Or Appliance Prohibited; Nuisance
- 5-5- 3: Notice To Remove
- 5-5- 4: Responsibility For Removal
- 5-5- 5: Notice Procedure; Contents
- 5-5- 6: Request For Hearing, Procedure
- 5-5- 7: Removal Of Junked Vehicle Or Appliance; Notice
- 5-5- 8: Disposal And Sale
- 5-5- 9: Liability Of Owner Or Occupant
- 5-5-10: Certificate To County Treasurer
- 5-5-11: Abandoned Refrigerators
- 5-5-12: Penalty

5-5-1: **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:

APPLIANCE: Any equipment, instrument or article designed for household, office or commercial use, including furniture.

JUNKED APPLIANCE: Any appliance which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

JUNKED MOTOR VEHICLE: Any motor vehicle which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

MOTOR VEHICLE: 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.

PRIVATE PROPERTY: Any real property within the town which is not public property.

PUBLIC PROPERTY: 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. (1999 Code § 8-401)

5-5-2: LEAVING 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 chapter 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:

- A. In operable condition specifically adopted or designed for operation on drag strips or raceways; or
- B. Retained by the owner for antique collection purposes in a storage place maintained in a lawful place and manner. (1999 Code § 8-402)

5-5-3: 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. (1999 Code § 8-403)

5-5-4: RESPONSIBILITY FOR REMOVAL:

- A. Owner, Occupant: 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.
- B. Removal By Town: 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. (1999 Code § 8-404)

5-5-5: NOTICE PROCEDURE; CONTENTS:

- A. Giving Notice: 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. (1999 Code § 8-405)
- B. Contents 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 the town shall undertake such removal with the cost to be levied against the owner or occupant of the property. (1999 Code § 8-406)

5-5-6: 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. (1999 Code § 8-407)

5-5-7: **REMOVAL OF JUNKED VEHICLE OR APPLIANCE;
NOTICE:**

- A. Failure To Remove; Town Authority: 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 a 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 to enter upon private property for the purpose of removing a junked vehicle or appliance under the provisions of this chapter. (1999 Code § 8-408)
- B. Notice Of Removal, Contents: 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. (1999 Code § 8-409)

5-5-8: **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 of or sell the property in accordance with subsections 6-1-4B4, B5, B6 and B9 of this code. (1999 Code § 8-410)

5-5-9: **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. (1999 Code § 8-411)

5-5-10: **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. (1999 Code § 8-412)

5-5-11: **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, of a capacity of one and one-half ($1\frac{1}{2}$) cubic feet or more, 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. (1999 Code § 8-413; amd. 2013 Code)

5-5-12: **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 1-4-1 of this code. (1999 Code § 8-414)

CHAPTER 6

**NEGLECTED VACANT BUILDINGS
REGISTRY AND MAINTENANCE**

SECTION:

- 5-6- 1: Findings And Purpose
- 5-6- 2: Definitions
- 5-6- 3: Registration And Plan
- 5-6- 4: Registration Fees
- 5-6- 5: Insurance
- 5-6- 6: Maintenance
- 5-6- 7: Exemption
- 5-6- 8: Inspections
- 5-6- 9: Annual Reports
- 5-6-10: Penalty

5-6-1: **FINDINGS AND PURPOSE:** It is the finding of the town that neglected vacant buildings and residential structures are unsightly, unsafe, and have a negative effect on the community. If left unoccupied and unmonitored, these buildings and residential structures will fall into a state of disrepair, become a haven for criminal activity, and create a blight on the area. The purpose of this chapter is to protect the health, safety, morals and welfare of the citizens of Arnett by establishing a program for identifying and registering neglected vacant buildings and residential structures, to set forth the responsibilities of owners of such properties, and to speed the rehabilitation or demolition of neglected vacant buildings and residential structures. (Ord. 361, 1-23-2012)

5-6-2: **DEFINITIONS:** Unless otherwise expressly stated, the following terms will, for the purpose of this chapter, have the meanings indicated in this section:

EMERGENCY: The condition of a building, structure, or any part thereof is an imminent, immediate, and substantial danger to the health or safety of

occupants, emergency responders, and/or the general public. Such conditions include, but are not limited to: fire hazards; falling or dilapidated buildings, structures, or any part thereof; loss of significant water, heat, or ventilation; or lack of sanitary conditions.

**ENFORCEMENT
OFFICER:**

Any duly authorized town of Arnett employee, the Arnett fire department's office, or the Arnett police department.

**NEGLECTED VACANT
BUILDING/
RESIDENTIAL
STRUCTURE:**

A. Defined: A building, regardless of the use, the square footage or the presence of more than one living unit, a portion of a building, residential structure, or a structure which is any one or more of the following:

1. Unoccupied and unsecured;
2. Unoccupied and secured by other than normal means;
3. Unoccupied and an unsafe building or residential structure with suspected code violations as determined by an enforcement officer;
4. Unoccupied and an enforcement officer has issued an order to correct code violations;

B. Exemptions: For the purposes of this chapter, only the following properties are exempt:

1. All properties owned by the federal government, the state of Oklahoma, and all political subdivisions thereof.
2. All secondary residential structures, i.e., garage apartments, etc., located on or contiguous to property with an occupied principal residence, as long as they do not violate this code, are secured and meet all applicable code requirements, are exempt from both the fifty dollar (\$50.00) annual registration fee and the

five hundred dollar (\$500.00) annual vacant building/structures fee.

OWNER:

The person, persons, or entity shown to be the owner or owners of record as listed by the current year's tax rolls of the Ellis County treasurer; those identified as the owner or owners on a vacant buildings and residential structures registration form; a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, administrator, trustee, or lessee; or other person, firm or corporation in control of the premises. Any such person or entity will have joint and several obligations for compliance with the provisions of this chapter.

SECURED BY OTHER THAN NORMAL MEANS:

That condition when a building or residential structure is secured by means other than those used in the design and approved plans for the building.

UNOCCUPIED:

That condition when a building or residential structure or a portion thereof lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings or residential structures ordered vacated by an enforcement officer. In determining whether a building or residential structure is unoccupied, the enforcement officer may consider these factors, among others:

A. Whether lawful residential or business activity has ceased;

B. The percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units and their proximity to each other;

C. The building or residential structure is substantially devoid of contents or the fixtures or personal property located in the building or residential structure are of a minimal value;

D. The building or residential structure lacks utility services;

E. The building or residential structure is the subject of a foreclosure action;

F. Duration of vacancy; and/or

G. The presence or reoccurrence of code violations.

UNSECURED:

That condition when a building or residential structure or portion of a building or residential structure is open to entry by unauthorized persons without the use of tools or ladders. (Ord. 361, 1-23-2012)

5-6-3: REGISTRATION AND PLAN:

- A. Registration Required; Identifying Neglected Buildings; Notice: The owner of a neglected vacant building or residential structure shall register with the town office no later than thirty (30) days after any building or residential structure becomes a "neglected vacant building/residential structure", as defined in section 5-6-2 of this chapter, or not later than thirty (30) days after the date of mailing by an enforcement officer of notice of the requirement to register. An enforcement officer may identify neglected vacant buildings or residential structures through his/her routine inspection process as well as through notification by residents, neighborhood associations, community groups, and others that a building or residential structure may be eligible for inclusion on the registry. Notice may be sent by first class mail to the owner at the address shown by the current year's tax rolls in the Ellis County treasurer's office. At the time of mailing of the notice to the 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 addressee. Notice will be deemed received by the owner or any other addressee, as the case may be, upon personal delivery or three (3) days after the date the notice is placed in United States mail with proper postage. The town may also post notices on the subject property. However, the town's failure to post notices will not constitute a defense to any enforcement proceeding or collection of fines.

- B. Failure To Register; Town Notice To County: If the owner fails to register the subject property within thirty (30) days following the date of mailing of the notice required in subsection A of this section, the town may prepare and file in the office of the county clerk of the county wherein the property is located a notice describing the property, the reason it is deemed a neglected vacant structure in accordance with this chapter and placing the owner and his or her successors on notice of the requirement to comply with this chapter.
- C. Submission Of Registration; Required Information: The registration will be submitted on forms provided by the town clerk-treasurer and will include the following information:
1. A description of the premises, i.e., square footage, number of stories, age of the building, and most recent use of the building or residential structure.
 2. The names, addresses, and telephone numbers of the owner or owners. If the owner is a corporation, limited liability company, or partnership, the address for each director, manager, member, or partner, as the case may be. The address must include a street address; post office box is not acceptable.
 3. The names and addresses of all known lienholders and all other parties with an ownership interest in the building. Each address must include a street address; a post office box is not acceptable.
 4. A name, address, and telephone number of an authorized, responsible natural person (not a corporation, partnership, or limited liability company) who is authorized to act for the owner and is a local resident who can be reached at all times during business and nonbusiness hours in case of an emergency. The address must include a street address; a post office box is not acceptable.
 5. A neglected vacant building or residential structure plan as described in subsection D of this section.
 6. Insurance verifications per section 5-6-5 of this chapter.
- D. Plan Required; Proposals:
1. The owner will submit a neglected vacant building or residential structure plan which must meet the approval of the town office. The office may consult with the fire department's office, as the case may

be, to determine the appropriate plan. The plan, at a minimum, must include one of the following three (3) proposals for the property:

a. If the building or residential structure is to be demolished, a demolition plan indicating the proposed time frame for demolition;

b. If the building or residential structure is to remain unoccupied, a plan for the securing of the building in accordance with standards approved by the town code enforcement officer, along with the procedure that will be used to maintain the property as code compliant, and a statement of the reason(s) why the building or residential structure should be left unoccupied; or

c. If the building or residential structure is to be returned to appropriate occupancy or use, rehabilitation plans for the building or residential structure. The rehabilitation plans will not exceed three hundred sixty five (365) days from the date of submission and will include progress benchmarks at least every four (4) months, unless the code enforcement officer/office grants an extension. Any repairs, improvements, or alterations to the property must comply with any applicable zoning, housing, historic preservation, and all applicable building codes. The building must be secured in accordance with the requirements of this chapter during the rehabilitation.

2. Should the owner elect option D1b (structure to remain unoccupied) or D1c (structure to be rehabilitated) of this section, then, in addition to the written plan the owner must: a) submit the insurance as described in section 5-6-5 of this chapter; or b) deposit with the town to be held in escrow, an amount of cash sufficient to cover the costs of demolition of the subject structure in the event the owner fails to perform as promised in the plan.

- E. **Plan Recorded With County:** If the plan is approved, a written notice prepared by the town clerk-treasurer will be recorded in the office of the Ellis County clerk containing information regarding the registration of the subject property pursuant to this chapter and the plan selected by the owners.
- F. **Changes Or Revisions To Plan:** If the plan is approved, the owner will comply with all applicable laws and codes. The owner will notify the code enforcement officer/office of any changes in the plan at least thirty (30) days prior to the change. If the plan or timetable for the vacant building/residential structure is revised in any way, the revisions must be in writing and must meet the approval of the enforcement officer.

- G. Secure And Safe Buildings And Grounds: The owner and any subsequent owner will keep the building secured and safe and the building and grounds properly maintained as provided hereafter.
- H. Failure To Maintain; Grounds For Town Actions: Failure of the owner or any subsequent owner to maintain the building or residential structure and premises as required herein will be grounds for the town to do any or all of the following:
 - 1. Cause the building or residential structure to comply with this chapter and bill the costs of same to the owner as provided in section 5-6-6, "Maintenance", of this chapter;
 - 2. Revoke the rehabilitation plans; and
 - 3. Subject the owner to fees and penalties as provided herein.
- I. Notify Town Of Transfer Of Ownership: The owner will notify the town clerk-treasurer's office of any transfer of ownership a minimum of fifteen (15) days prior to the transfer. Before taking title, the new owner must agree in writing to comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted in writing to, and approved by, the enforcement's officer/office. (Ord. 361, 1-23-2012)

5-6-4: **REGISTRATION FEES:**

- A. Payment Of Registration Fee: The owner of a neglected vacant building or residential structure will pay a registration fee of fifty dollars (\$50.00) per year for each such structure he/she owns. The fifty dollar (\$50.00) registration fee is due and payable upon registration no later than thirty (30) days after any building or structure becomes a "neglected vacant building/residential structure", as defined in section 5-6-2 of this chapter, or no later than thirty (30) days after being notified by an enforcement officer of the requirement to register.
- B. Neglected Vacant Building Fee: If the building or structure is to remain unoccupied pursuant to subsection 5-6-3D1b of this chapter, then the owner will also pay an annual neglected vacant building or residential structure fee of five hundred dollars (\$500.00) for each such building or structure that has received a notice of code violation within the previous twenty four (24) months until the building is properly demolished or rehabilitated for lawful occupancy. The five

hundred dollar (\$500.00) annual neglected vacant building or residential structure fee is due and payable together with the fifty dollar (\$50.00) registration fee and on each anniversary thereafter until the building or residential structure is demolished or rehabilitated for lawful occupancy.

- C. **Rehabilitation Plan; Time Of Payment Of Fees:** If the building or structure is to be returned to a permitted use pursuant to subsection 5-6-3D2c of this chapter, the rehabilitation plan will not exceed three hundred sixty five (365) days and will include progress benchmarks at least every four (4) months, unless the enforcement officer grants an extension. If the rehabilitation has not been completed in accordance with the plan, then the owner will pay an annual neglected vacant building or residential structure fee of five hundred dollars (\$500.00) until the building or residential structure is properly demolished or rehabilitated for lawful occupancy. The five hundred dollar (\$500.00) annual neglected vacant building or residential fee is payable either on each anniversary of the payment of the fifty dollar (\$50.00) registration fee in subsection A of this section, or no later than fifteen (15) days after being notified by an enforcement officer that the owner has failed to meet a required benchmark, whichever date is earlier, and on each anniversary thereafter until the building or residential structure is demolished or rehabilitated for lawful occupancy.
- D. **Failure To Pay Fees In Timely Manner:** If the owner of a neglected vacant building or residential structure fails to register and pay the fees in a timely manner, then the owner will be subject to the penalty set forth in section 5-6-10 of this chapter.
- E. **Payment Prior To Transfer Of Ownership:** All required fees and other charges noted herein shall be paid by the owner prior to any transfer of an ownership interest in any neglected vacant building or residential structure. The owner shall give a purchaser written notice that the building or residential structure in question is a neglected vacant building or residential structure required to be registered under this chapter.
- F. **Late Fee And Returned Check Fee:** The neglected vacant building or residential structure registration fees and annual vacant building or residential structure fees as set forth herein are to be delivered, by mail or in person, to the town clerk-treasurer, P.O. Box 344, Arnett, OK 73832. A late fee of one and one-half percent (1.5%) per month or any part thereof will be assessed on any invoice which is unpaid after thirty (30) days from the date of the demand for payment of an

invoice. A thirty five dollar (\$35.00) processing fee will be charged for each check returned by the bank due to insufficient funds or other reason. A replacement payment must be made in cash, money order, or bank or certified check and must include the thirty five dollar (\$35.00) fee and any applicable late fees. (Ord. 361, 1-23-2012)

5-6-5: INSURANCE:

- A. Insurance Required: As required in subsection 5-6-3D2 of this chapter, the owner shall procure and keep in full force and effect at all times during the registration term, commercial general liability insurance coverage (including, but not limited to, premises/operations and personal injury) or like coverage, protecting the town against any and all claims for damages to persons or property as a result of, or arising out of, the registrant's operation, maintenance, or use of the vacant building, with minimum combined bodily injury (including death) and property damage limits of not less than three hundred thousand dollars (\$300,000.00).
- B. Policy Requirements: The insurance policy must be written by an insurance company authorized to do business in Oklahoma, acceptable to the town and issued in a standard form approved by the Oklahoma department of insurance. All provisions of the policy must be acceptable to the town and must name the town and its officers and employees as additional insureds and provide for thirty (30) days' prior written notice to the town of cancellation, non-renewal, or material change to the insurance policy.
- C. Updating Certificate Of Insurance: An owner shall provide to the town office an updated certificate of insurance for the neglected vacant building or structure every six (6) months that the building is required to be registered under this chapter. (Ord. 361, 1-23-2012)

5-6-6: MAINTENANCE:

- A. Responsibility For Maintenance: The owner of any neglected vacant building or residential structure shall take such steps and perform such acts as may be required of him or her from time to time to ensure that the building and its grounds remain safe and secure and do not present a hazard to the adjoining property or the public. Owners will be responsible for maintaining their buildings and

structures so that they comply with all applicable building codes and do not deteriorate into nuisances as defined in chapter 1 of this title.

B. Standards For Exterior Of Buildings Or Residential Structures: The owner will protect and maintain the exterior of the building or residential structure as follows:

1. Exterior walls, including foundations, will be maintained so that water does not penetrate into basements, cellars, or other interior areas. All exterior walls and foundations must be free of holes and crevices.

2. Exterior doors, windows, skylights, and similar openings will be maintained weathertight.

3. Exterior stairs, porches, entrance platforms, fire escapes, and the railings thereon shall be maintained in a safe and sound condition.

4. Roofs shall be maintained in weathertight condition.

5. Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.

6. The coverings for windows and doors with glass may not consist of any substance sprayed onto the glass doors or windows. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general appearance of the building or the neighborhood and, when possible, secured by normal means.

7. The coverings for broken doors and cracked or broken windows may consist of replacement glass, plexiglas, boards, plywood, or similar materials finished and maintained in compliance with applicable building codes¹. The materials will be designed and of such color so as to blend in with the finish of the building.

8. The premises shall be kept free of insects and vermin and will be treated if necessary.

1. See title 10, chapter 1 of this code.

9. Any excavation, swimming pool, or other attractive nuisance must be filled in or properly closed in compliance with applicable building codes.

10. All combustible items must be removed and swept clean from the premises within the first thirty (30) days of registration.

C. Additional Standards For Vacant Commercial And Retail Buildings: In addition to the standards prescribed in subsection B of this section, vacant commercial and retail buildings shall comply with the following standards:

1. The coverings for broken doors and cracked or broken windows may consist of replacement glass, plexiglas, boards, plywood, or similar materials finished and maintained in compliance with applicable codes. The material shall be designed and of such color so as to blend in with the finish of the buildings.

2. All exterior signs, awnings, and lighting systems, if not removed, shall be maintained in a nondeteriorated and safe condition.

D. Requirements For Interior Of Buildings: The owner will protect and maintain the interior of the building as follows:

1. Structural members will be maintained to resist and prevent deterioration;

2. Unheated attics, spaces below flat roofs, and crawl spaces will be ventilated to minimize deterioration; and

3. Ceilings, walls, floors, and stairways will be maintained in a nondeteriorated and safe condition.

E. Maintenance Of Premises: The owner will maintain the premises as follows:

1. The owner will not permit garbage and refuse to accumulate.

2. The owner will maintain yards and vacant lots trimmed and mowed, with the height of grass and weeds being no more than twelve inches (12"), and clean and free of physical hazards, and rodent harborage and infestation as required by chapter 3 of this title.

3. Buildings and structures will be maintained free of insects, vermin, and rodent harborage and infestation.
 4. Refrigerators and similar equipment with locking mechanisms will not be discarded, abandoned, or stored at the premises.
 5. Junked vehicles, as defined in chapter 5 of this title, and other illegal equipment or materials will not be stored at the premises.
 6. Chimneys, smokestacks, flues, gas vents, smoke pipes, and connectors will be maintained structurally safe and smoketight.
 7. If the building or residential structure is to be demolished or remain vacant, then, within ten (10) days of registering the building/residential structure as a vacant building or residential structure, all fuel gas, water, and utilities must be disconnected at the mains and the water pipes drained. If the building or residential structure is going to be rehabilitated, then the building or residential structure must be heated to avoid freezing pipes; fuel gas pipe systems must be maintained gastight, safe, and in working condition; and water pipes must be maintained to avoid leaks and/or breakage.
 8. Fuel tanks will be maintained so as not to be a hazard or will be disconnected in a manner consistent with the international fire code.
 9. The domestic water supply system of the building will be connected to an approved source, will not be subject to contamination, and will not be connected to unsafe water supplies, or the system will be disconnected at the main and completely drained.
 10. Stormwater drainage systems will be maintained so as to function properly and be kept free from obstructions, leaks, and defects. Sewage systems will be similarly maintained or will be sealed so as to prevent accumulation of sewage gases in buildings.
 11. Electrical fixings, devices, wiring, and systems will be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock or service will be discontinued.
 12. Elevators, dumbwaiters, and escalators will be maintained or taken out of service in accordance with applicable provisions of the building code.
- F. Failure Of Owner To Comply; Town Authority: Whenever the owner of a neglected vacant building or residential structure fails to comply

with a notice from an enforcement officer to take steps and perform acts as are required of him or her to ensure that a building or residential structure and its adjoining yards remain safe and secure and do not present a hazard to adjoining property, the town may, pursuant to an emergency, enter into the building or residential structure and the property and take steps and perform acts to render the building or residential structure and its adjoining yards safe, secure, and free from hazards to adjoining property and the public. These acts will include, but not be limited to, removal of dangerous conditions; properly replacing or boarding up windows and doors; shutting off utilities; capping plumbing to prevent leakage of water or sewer gas; or removing flammable or otherwise hazardous material or debris; and mowing. A bill for the expenses incurred will be presented to the owners of the building or residential structure consistent with the provisions outlined in this chapter. (Ord. 361, 1-23-2012)

5-6-7: **EXEMPTION:** A building which has suffered fire damage or damage caused by extreme weather conditions will be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event, if the property owner submits a request for exemption in writing to the town office. This request must include the following information supplied by the owner:

- A. A description of the premises;
- B. The reason for an exemption;
- C. The names and addresses of the owner or owners; a post office box is not acceptable; and
- D. A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building. (Ord. 361, 1-23-2012)

5-6-8: **INSPECTIONS:** By registering a neglected vacant building, an owner may consent to an enforcement officer inspecting the premises for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the enforcement officer, an owner may provide access to all interior portions of a vacant building in order to permit a complete inspection. Nothing contained herein, however, will diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the enforcement officer or

his or her designee in order to enable such inspection, and the enforcement officer will be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry without a warrant being obtained. In the case of an "emergency", as defined in section 5-6-2 of this chapter, a warrantless entry/search is permitted. (Ord. 361, 1-23-2012)

5-6-9: **ANNUAL REPORTS:** Once a year, the office of the town clerk-treasurer will send to the mayor and to the board of trustees of the town a list of all registered neglected vacant buildings and residential structures in the town, as well as a list of all previously registered neglected vacant buildings and residential structures which are no longer subject to the provisions of this chapter. (Ord. 361, 1-23-2012)

5-6-10: **PENALTY:** Any person violating any provisions of this chapter, including, but not limited to, failure to register, or providing false information to the enforcement officer, will be subject to the following penalties: (Ord. 361, 1-23-2012)

- A. Fine Imposed: Such person will be subject to penalty as provided in section 1-4-1 of this code; and each day will be construed as a separate offense. (Ord. 361, 1-23-2012; amd. 2013 Code)
- B. Person Defined: The term "person", as used in this section, will include the owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent, or any other person, firm or corporation directly or indirectly in control of the building or residential structure or part thereof.
- C. Each Day Separate Offense: Each day of violation will be deemed to constitute a separate offense. (Ord. 361, 1-23-2012)