

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1028

By: Shoemake

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Section 360, which relates to
9 dilapidated buildings; removing certain population
10 requirement; and providing an effective date.

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

13 SECTION 1. AMENDATORY 19 O.S. 2011, Section 360, is
14 amended to read as follows:

15 Section 360. The board of county commissioners of any county in
16 this state ~~with a population in excess of five hundred fifty~~
17 ~~thousand (550,000)~~ may cause dilapidated buildings within the
18 unincorporated area of the county to be torn down and removed in
19 accordance with the provisions in this section.

20 1. At least ten (10) days' notice that a building is to be torn
21 down or removed shall be given to the owner of the property before
22 the board of county commissioners holds a hearing. A copy of the
23 notice shall be posted on the property to be affected. In addition,
24 a copy of said notice shall be sent by mail to the property owner at

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

15 2. A hearing shall be held by the board of county commissioners
16 to determine if the property is dilapidated and has become
17 detrimental to the health, safety, or welfare of the general public
18 and the community, or if said property creates a fire hazard which
19 is dangerous to other property.

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

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

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

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

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

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

16 6. The board of county commissioners may designate, by
17 resolution, an administrative officer or administrative body to
18 carry out the duties of the board of county commissioners specified
19 in this section. The property owner shall have the right of appeal
20 to the board from any order of the administrative officer or
21 administrative body. Such appeal shall be taken by filing written
22 notice of appeal with the county clerk within ten (10) days after
23 the administrative order is rendered.

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

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

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

15 SECTION 2. This act shall become effective November 1, 2015.

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17 55-1-5731 LRB 12/15/14

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