

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 1451

By: Calvey

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to cities and towns; amending 11 O.S.  
9 2011, Sections 22-111, as amended by Section 1,  
10 Chapter 136, O.S.L. 2012 and 22-112.1, Section 3,  
11 Chapter 326, O.S.L. 2014 (11 O.S. Supp. 2014,  
12 Sections 22-111 and 22-112.4), which relate to the  
13 Oklahoma Municipal Code; requiring certain notice  
14 contain certain information; providing for proof of  
15 compliance by certain property owners; prohibiting  
16 compensation for abatement if certain conditions are  
17 met; providing for damages, costs and attorney fees;  
18 clarifying abatement of nuisance procedure; modifying  
19 notice procedure for unsecured buildings; modifying  
20 notice procedure for certain public nuisance; and  
21 providing an effective date.

22  
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY 11 O.S. 2011, Section 22-111, as  
amended by Section 1, Chapter 136, O.S.L. 2012 (11 O.S. Supp. 2014,  
Section 22-111), is amended to read as follows:

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

1        1. At least ten (10) days' notice shall be given to the owner  
2 of the property by mail at the address shown by the current year's  
3 tax rolls in the county treasurer's office before the governing body  
4 holds a hearing or takes action. The notice shall order the  
5 property owner to clean the property of trash, or to cut or mow the  
6 weeds or grass on the property, as appropriate, ~~and the~~ shall  
7 include a physical address and an email address at which the person  
8 responsible for sending the notice may be contacted and shall  
9 include a photo with the items to be cleaned or mowed circled to  
10 specify those items, with an itemized list of such items. The  
11 notice shall further state that unless such work is performed within  
12 ten (10) days of the date of the notice the work shall be done by  
13 the municipality and a notice of lien shall be filed with the county  
14 clerk against the property for the costs due and owing the  
15 municipality. At the time of mailing of notice to the property  
16 owner, the municipality shall obtain a receipt of mailing from the  
17 postal service, which receipt shall indicate the date of mailing and  
18 the name and address of the mailee. However, if the property owner  
19 cannot be located within ten (10) days from the date of mailing by  
20 the municipal governing body, notice may be given by posting a copy  
21 of the notice on the property or by publication, as defined in  
22 Section 1-102 of this title, one time not less than ten (10) days  
23 prior to any hearing or action by the municipality. If a municipal  
24 governing body anticipates summary abatement of a nuisance in

1 accordance with the provisions of subsection B of this section, the  
2 notice, whether by mail, posting or publication, shall state: that  
3 any accumulations of trash or excessive weed or grass growth on the  
4 owner's property occurring within six (6) months from and after the  
5 date of this notice may be summarily abated by the municipal  
6 governing body; that the costs of such abatement shall be assessed  
7 against the owner; and that a lien may be imposed on the property to  
8 secure such payment, all without further prior notice to the  
9 property owner. If the property owner presents by mail or email to  
10 the person that caused the notice to be sent a photo demonstrating  
11 substantial compliance with the cleaning or mowing specified in the  
12 notice, with proof that such compliance occurred after the date the  
13 notice was mailed but before the deadline for compliance stated in  
14 the notice, then the municipal governing body and its agents shall  
15 not be entitled to any compensation for abatement, and any attempt  
16 by the municipal governing body or its agents to assess the property  
17 owner for such abatement shall entitle the property owner to damages  
18 equal to twice the amount assessed, plus costs and a reasonable  
19 attorney fee;

20 2. The owner of the property may give written consent to the  
21 municipality authorizing the removal of the trash or the mowing of  
22 the weeds or grass. By giving written consent, the owner waives the  
23 owner's right to a hearing by the municipality;  
24

1       3. A hearing may be held by the municipal governing body to  
2 determine whether the accumulation of trash or the growth of weeds  
3 or grass has caused the property to become detrimental to the  
4 health, benefit, and welfare of the public and the community or a  
5 hazard to traffic, or creates a fire hazard to the danger of  
6 property;

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

18       5. The governing body shall determine the actual cost of such  
19 cleaning and mowing and any other expenses as may be necessary in  
20 connection therewith, including the cost of notice and mailing. The  
21 municipal clerk shall forward by mail to the property owner  
22 specified in paragraph 1 of this subsection a statement of such  
23 actual cost and demanding payment. If the cleaning and mowing are  
24 done by the municipality, the cost to the property owner for the

1 cleaning and mowing shall not exceed the actual cost of the labor,  
2 maintenance, and equipment required. If the cleaning and mowing are  
3 done on a private contract basis, the contract shall be awarded to  
4 the lowest and best bidder;

5 6. If payment is not made within thirty (30) days from the date  
6 of the mailing of the statement, then within the next thirty (30)  
7 days, the municipal clerk shall forward a certified statement of the  
8 amount of the cost to the county treasurer of the county in which  
9 the property is located and the same shall be levied on the property  
10 and collected by the county treasurer as other taxes authorized by  
11 law. Once certified by the county treasurer, payment may only be  
12 made to the county treasurer except as otherwise provided for in  
13 this section. In addition the cost and the interest thereon shall  
14 be a lien against the property from the date the cost is certified  
15 to the county treasurer, coequal with the lien of ad valorem taxes  
16 and all other taxes and special assessments and prior and superior  
17 to all other titles and liens against the property, and the lien  
18 shall continue until the cost shall be fully paid. At the time of  
19 collection the county treasurer shall collect a fee of Five Dollars  
20 (\$5.00) for each parcel of property. The fee shall be deposited to  
21 the credit of the general fund of the county. If the county  
22 treasurer and the municipality agree that the county treasurer is  
23 unable to collect the assessment, the municipality may pursue a  
24 civil remedy for collection of the amount owing and interest thereon

1 by an action in person against the property owner and an action in  
2 rem to foreclose its lien against the property. A mineral interest,  
3 if severed from the surface interest and not owned by the surface  
4 owner, shall not be subject to any tax or judgment lien created  
5 pursuant to this section. Upon receiving payment, if any, the  
6 municipal clerk shall forward to the county treasurer a notice of  
7 such payment and directing discharge of the lien; and

8 7. The municipality may designate by ordinance an  
9 administrative officer or administrative body to carry out the  
10 duties of the governing body in subsection A of this section. The  
11 property owner shall have a right of appeal to the municipal  
12 governing body from any order of the administrative officer or  
13 administrative body. Such appeal shall be taken by filing written  
14 notice of appeal with the municipal clerk within ten (10) days after  
15 the administrative order is rendered.

16 B. If ~~a notice is given by~~ a municipal governing body abates a  
17 nuisance pursuant to this section after giving proper notice and  
18 opportunity to be heard to a property owner ordering the property  
19 within the municipal limits to be cleaned of trash and weeds or  
20 grass to be cut or mowed in accordance with the procedures provided  
21 for in subsection A of this section, any subsequent accumulations of  
22 trash or excessive weed or grass growth on the property occurring  
23 within a six-month period may be declared to be a nuisance and may  
24 be summarily abated without further hearing, although prior notice

1 shall be given to the property owner. At the time of each such  
2 summary abatement the municipality shall notify the property owner  
3 of the abatement and the costs thereof. The notice shall state that  
4 the property owner may request a hearing within ten (10) days after  
5 the date of mailing the notice. The notice and hearing shall be as  
6 provided for in subsection A of this section. Unless otherwise  
7 determined at the hearing the cost of such abatement shall be  
8 determined and collected as provided for in paragraphs 5 and 6 of  
9 subsection A of this section. This subsection shall not apply if  
10 the records of the county clerk show that the property was  
11 transferred after notice was given pursuant to subsection A of this  
12 section.

13 C. The municipal governing body may enact ordinances to  
14 prohibit owners of property or persons otherwise in possession or  
15 control located within the municipal limits from allowing trash to  
16 accumulate, or weeds to grow or stand upon the premises and may  
17 impose penalties for violation of said ordinances.

18 D. As used in this section:

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

22 a. exceeds twelve (12) inches in height, except healthy  
23 trees, shrubs, or produce for human consumption grown  
24 in a tended and cultivated garden unless such trees

1 and shrubbery by their density or location constitute  
2 a detriment to the health, benefit and welfare of the  
3 public and community or a hazard to traffic or create  
4 a fire hazard to the property or otherwise interfere  
5 with the mowing of said weeds,

6 b. regardless of height, harbors, conceals, or invites  
7 deposits or accumulation of refuse or trash,

8 c. harbors rodents or vermin,

9 d. gives off unpleasant or noxious odors,

10 e. constitutes a fire or traffic hazard, or

11 f. is dead or diseased.

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

15 2. "Trash" means any refuse, litter, ashes, leaves, debris,  
16 paper, combustible materials, rubbish, offal, or waste, or matter of  
17 any kind or form which is uncared for, discarded, or abandoned;

18 3. "Owner" means the owner of record as shown by the most  
19 current tax rolls of the county treasurer; and

20 4. "Cleaning" means the removal of trash from property.

21 E. The provisions of this section shall not apply to any  
22 property zoned and used for agricultural purposes or to railroad  
23 property under the jurisdiction of the Oklahoma Corporation  
24 Commission. However, a municipal governing body may cause the



1 removal of weeds or trash from property zoned and used for  
2 agricultural purposes pursuant to the provisions of this section but  
3 only if such weeds or trash pose a hazard to traffic and are located  
4 in, or within ten (10) yards of, the public right-of-way at  
5 intersections.

6 SECTION 2. AMENDATORY 11 O.S. 2011, Section 22-112.1, is  
7 amended to read as follows:

8 Section 22-112.1 A. After a building has been declared  
9 dilapidated, as provided in Section 22-112 of this title, and before  
10 the commencement of the tearing and removal of a dilapidated  
11 building, the governing body of any municipality may authorize that  
12 such a building be boarded and secured. However, if the dilapidated  
13 building is vacant and unfit for human occupancy, the governing body  
14 of any municipality may authorize the structure to be demolished  
15 pursuant to Section 22-112 of this title.

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

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

23 1. Before the governing body orders such action, at least ten  
24 (10) days' notice that such unsecured building is to be boarded and

1 secured shall be given by mail to any property owners and mortgage  
2 holders as provided in Section 22-112 of this title. The notice  
3 shall include a physical address and an email address at which the  
4 person responsible for sending the notice may be contacted, and  
5 shall include a photo with the items to be cleaned, boarded, or  
6 secured, with an itemized list. At the time of mailing of notice to  
7 any property owner or mortgage holder, the municipality shall obtain  
8 a receipt of mailing from the postal service, which receipt shall  
9 indicate the date of mailing and the name and address of the mailee.  
10 A copy of the notice shall also be posted on the property to be  
11 affected. However, if neither the property owner nor mortgage  
12 holder can be located, notice may be given by posting a copy of the  
13 notice on the property or by publication as defined in Section 1-102  
14 of this title. Such notice shall be published one time, not less  
15 than ten (10) days prior to any hearing or action by the  
16 municipality pursuant to the provisions of this section. If a  
17 municipal governing body anticipates summary abatement of a nuisance  
18 in accordance with the provisions of paragraph 9 of this subsection,  
19 the notice shall state: that any subsequent need for boarding and  
20 securing the building within a six-month period after the initial  
21 boarding and securing of the building pursuant to such notice may be  
22 summarily boarded and secured by the municipal governing body; that  
23 the costs of such boarding and securing shall be assessed against  
24 the owner; and that a lien may be imposed on the property to secure

1 such payment, all without further prior notice to the property owner  
2 or mortgage holder. If the property owner presents by mail or email  
3 to the person who caused the notice to be sent a photo demonstrating  
4 substantial compliance with the items specified in the notice, then  
5 the municipal governing body and its agents shall not be entitled to  
6 any compensation for abatement, and any attempt by the municipal  
7 governing body or its agents to assess the property owner for such  
8 abatement shall entitle the property owner to damages equal to twice  
9 the amount assessed, plus costs and a reasonable attorney fee;

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

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

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

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

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

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

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

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

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

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

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

24

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

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

23        10. A governing body of any municipality may determine that a  
24 building is unsecured and order that such building be boarded and

1 secured in the manner provided for in this subsection even though  
2 such building has not been declared, by the governing body, to be  
3 dilapidated; and

4 11. For the purposes of this subsection:

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

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

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

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



1       SECTION 3.       AMENDATORY       Section 3, Chapter 326, O.S.L.

2       2014 (11 O.S. Supp. 2014, Section 22-112.4), is amended to read as  
3       follows:

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

6       1.   Is detrimental to the public health, safety or welfare of  
7       the inhabitants of and visitors to the municipality;

8       2.   Causes increased municipal regulatory costs and increased  
9       municipal police and fire protection costs; and

10      3.   Devalues abutting and nearby real properties.

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

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

1 shall indicate the date of mailing and the name and address of the  
2 mailee. The notice shall include a physical address and an email  
3 address at which the person responsible for sending the notice may  
4 be contacted, and shall include a photo with the items to be  
5 repaired, cleaned, or mowed circled to specify those items, with an  
6 itemized list of such items. However, if neither the property owner  
7 nor mortgage holder can be located, notice may be given by posting a  
8 copy of the notice on the property and by publication as defined in  
9 Section 1-102 of Title 11 of the Oklahoma Statutes. Such notice  
10 shall be published once not less than ten (10) days prior to any  
11 hearing or action by the municipality pursuant to the provisions of  
12 this section. If the property owner presents by mail or email to  
13 the person who caused the notice to be sent a photo which indicates  
14 that the property is not abandoned, then the municipal governing  
15 body and its agents shall not be entitled to any compensation for  
16 abatement, and any attempt by the municipal governing body or its  
17 agents to assess the property owner for such abatement shall entitle  
18 the property owner to damages equal to twice the amount assessed,  
19 plus costs and a reasonable attorney fee;

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

22 3. Pursuant to a determination that the building is an  
23 abandoned building, the governing body may order the agents of the  
24 municipality to pursue abatement of the public nuisance caused by

1 the building and shall order the municipal clerk to place the  
2 building on an abandoned building list to be maintained by the  
3 clerk. At any time after such determination and order, the agents  
4 of the municipality may cause the public nuisance to be abated as  
5 authorized in this section, and such abatement may continue until  
6 such time as the building is removed from the abandoned building  
7 list in accordance with the procedures set forth in subsection C of  
8 this section;

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

11 a. any lawful municipal regulatory or municipal police  
12 and fire protection action in relation to the  
13 abandoned building or the owner of such building  
14 necessary or appropriate for the protection of  
15 inhabitants in and visitors to the municipality. Upon  
16 receipt of any necessary warrant to authorize such  
17 action, the agents of the municipality are granted the  
18 right of entry onto the property for the performance  
19 of any such action as a governmental function of the  
20 municipality,

21 b. the quarterly assessment against the property on which  
22 the abandoned building is located and against the  
23 owner of the abandoned building of the actual costs of  
24 any municipal regulatory action taken in relation to

1           the abandoned building or the owner of such building  
2           as authorized above,

3           c.   the assessment against the property on which the  
4           abandoned building is located and against the owner of  
5           the abandoned building of the actual costs of any  
6           municipal police or fire protection action taken in  
7           relation to the abandoned building or the owner of  
8           such building as authorized above, and

9           d.   an assessment for any other actual expenses incurred  
10          by the municipality in relation to the abandoned  
11          building, including, but not limited to, the costs of  
12          notices, mailings and publications;

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

22          6.   From and after the determination that a building is an  
23          abandoned building, and continuing until such time as the building  
24          is removed from the abandoned building list in accordance with the

1 procedures set forth in subsection C of this section, the municipal  
2 clerk shall determine the actual quarterly abatement costs for the  
3 abatement procedures authorized by this section. After such  
4 determination, the municipal clerk shall mail a statement of the  
5 actual quarterly abatement costs for the abatement procedures  
6 authorized by this section to the property owner and demand the  
7 payment of such costs by the owner. In addition, a copy of the  
8 statement shall be mailed to any mortgage holder at the address  
9 provided for in paragraph 1 of this subsection. At the time of  
10 mailing of the statement of costs to any property owner or mortgage  
11 holder, the municipal clerk shall obtain a receipt of mailing from  
12 the postal service, the receipt of which shall indicate the date of  
13 mailing and the name and address of the mailee; and

14 7. When full payment is made to the municipal clerk for actual  
15 abatement costs incurred and billed in accordance with paragraph 6  
16 of this subsection, the municipal clerk shall send the property  
17 owner and any mortgage holder by mail a receipt for such payment;  
18 but if payment attributable to the actual quarterly costs of such  
19 abatement is not made within six (6) months from the date of the  
20 mailing of the statement to the owner of such property, a lien in  
21 the actual amount of the abatement shall be filed against the  
22 abandoned building. Until finally paid, the costs and the interest  
23 thereon shall be the personal obligation of the property owner from  
24 and after the date the notice of lien was filed with the county

1 clerk. In addition, the costs and the interest thereon shall be a  
2 lien against the property from the date the notice of lien was filed  
3 with the county clerk. The lien shall be coequal with the lien of  
4 ad valorem taxes and all other taxes and special assessments and  
5 shall be prior and superior to all other titles and liens against  
6 the property. The lien shall continue until the cost is fully paid.  
7 A mineral interest, if severed from the surface interest and not  
8 owned by the surface owner, shall not be subject to any lien created  
9 pursuant to this section. Upon receiving full payment, the  
10 municipal clerk shall forward to the county clerk a notice of  
11 discharge of the lien.

12 C. Any owner or mortgage holder of any building determined by  
13 the governing body of the municipality to be an abandoned building  
14 pursuant to this section may petition the governing body in writing  
15 at any time after such determination for removal of such building  
16 from the abandoned building list maintained by the municipal clerk.  
17 Any such petition shall be filed with the municipal clerk. Within  
18 thirty (30) days after such petition is filed with the municipal  
19 clerk, the governing body shall hold a hearing to determine if the  
20 building is no longer an abandoned building. Upon such a  
21 determination, the governing body shall order the building removed  
22 from the abandoned building list. The municipal clerk shall comply  
23 with such order by removing the building from the abandoned building  
24 list; provided, the real property on which the abandoned building is

1 located and the owner of such building shall remain liable for  
2 payment of any and all abatement costs incurred by the municipality  
3 prior to the determination and order by the governing body that the  
4 building should be removed from the abandoned building list. Upon  
5 full payment of any costs certified against the property, the  
6 municipal clerk shall file a release of the notice of the lien in  
7 the county clerk's office within ten (10) days after receiving such  
8 payment.

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

18 E. For purposes of this section:

- 19 1. "Abandoned building" means any building located within the  
20 municipality that is not currently occupied and has been declared  
21 unsecured or dilapidated pursuant to Section 22-112 or 22-112.1 of  
22 Title 11 of the Oklahoma Statutes and remains in such condition; and  
23 2. "Owner" means the owner of record as shown by the most  
24 current tax roles of the county treasurer.

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

3 G. The officers, employees or agents of the municipality shall  
4 not be liable for any damages or loss of property due to the  
5 abatement of the public nuisance caused by an abandoned building  
6 performed pursuant to the provisions of this section or as otherwise  
7 provided by law.

8 SECTION 4. This act shall become effective November 1, 2015.

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