

1 ENGROSSED HOUSE
2 BILL NO. 1691

By: Calvey of the House
and
Dahm of the Senate

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7 [cities and towns - creating the No Jail for Paint
8 Act - modifying abatement procedures - effective
9 date]

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "No Jail for
Paint Act".

SECTION 2. AMENDATORY 11 O.S. 2011, Section 22-111, as
amended by Section 1, Chapter 136, O.S.L. 2012 (11 O.S. Supp. 2016,
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 notice shall
7 further state that unless such work is performed within ten (10)
8 days of the date of the notice the work shall be done by the
9 municipality and a notice of lien shall be filed with the county
10 clerk against the property for the costs due and owing the
11 municipality. At the time of mailing of notice to the property
12 owner, the municipality shall obtain a receipt of mailing from the
13 postal service, which receipt shall indicate the date of mailing and
14 the name and address of the mailee. However, if the property owner
15 cannot be located within ten (10) days from the date of mailing by
16 the municipal governing body, notice may be given by posting a copy
17 of the notice on the property or by publication, as defined in
18 Section 1-102 of this title, one time not less than ten (10) days
19 prior to any hearing or action by the municipality. If a municipal
20 governing body anticipates summary abatement of a nuisance in
21 accordance with the provisions of subsection B of this section, the
22 notice, whether by mail, posting or publication, shall state: that
23 any accumulations of trash or excessive weed or grass growth on the
24 owner's property occurring within six (6) months from and after the

1 date of this notice may be summarily abated by the municipal
2 governing body; that the costs of such abatement shall be assessed
3 against the owner; and that a lien may be imposed on the property to
4 secure such payment, all without further prior notice to the
5 property owner;

6 2. The owner of the property may give written consent to the
7 municipality authorizing the removal of the trash or the mowing of
8 the weeds or grass. By giving written consent, the owner waives the
9 owner's right to a hearing by the municipality;

10 3. A hearing may be held by the municipal governing body to
11 determine whether the accumulation of trash or the growth of weeds
12 or grass has caused the property to become detrimental to the
13 health, benefit, and welfare of the public and the community or a
14 hazard to traffic, or creates a fire hazard to the danger of
15 property;

16 4. Upon a finding that the condition of the property
17 constitutes a detriment or hazard, and that the property would be
18 benefited by the removal of such conditions, the agents of the
19 municipality are granted the right of entry on the property for the
20 removal of trash, mowing of weeds or grass, and performance of the
21 necessary duties as a governmental function of the municipality.
22 Immediately following the cleaning or mowing of the property, the
23 municipal clerk shall file a notice of lien with the county clerk
24 describing the property and the work performed by the municipality,

1 and stating that the municipality claims a lien on the property for
2 the cleaning or mowing costs;

3 5. The governing body shall determine the actual cost of such
4 cleaning and mowing and any other expenses as may be necessary in
5 connection therewith, including the cost of notice and mailing. The
6 municipal clerk shall forward by mail to the property owner
7 specified in paragraph 1 of this subsection a statement of such
8 actual cost and demanding payment. If the cleaning and mowing are
9 done by the municipality, the cost to the property owner for the
10 cleaning and mowing shall not exceed the actual cost of the labor,
11 maintenance, and equipment required. If the cleaning and mowing are
12 done on a private contract basis, the contract shall be awarded to
13 the lowest and best bidder;

14 6. If payment is not made within thirty (30) days from the date
15 of the mailing of the statement, ~~then~~ and within the next thirty
16 (30) days, ~~the municipal clerk shall forward a certified statement~~
17 ~~of the amount of the cost to the county treasurer of the county in~~
18 ~~which the property is located and the same shall be levied on the~~
19 ~~property and collected by the county treasurer as other taxes~~
20 ~~authorized by law. Once certified by the county treasurer, payment~~
21 ~~may only be made to the county treasurer except as otherwise~~
22 ~~provided for in this section. In addition the cost and the interest~~
23 ~~thereon shall be a lien against the property from the date the cost~~
24 ~~is certified to the county treasurer, coequal with the lien of ad~~

1 ~~valorem taxes and all other taxes and special assessments and prior~~
2 ~~and superior to all other titles and liens against the property, and~~
3 ~~the lien shall continue until the cost shall be fully paid. At the~~
4 ~~time of collection the county treasurer shall collect a fee of Five~~
5 ~~Dollars (\$5.00) for each parcel of property. The fee shall be~~
6 ~~deposited to the credit of the general fund of the county. If the~~
7 ~~county treasurer and the municipality agree that the county~~
8 ~~treasurer is unable to collect the assessment, the municipality may~~
9 ~~pursue a civil remedy for collection of the amount owing and~~
10 ~~interest thereon by an action in person against the property owner~~
11 ~~and an action in rem to foreclose its lien against the property. A~~
12 ~~mineral interest, if severed from the surface interest and not owned~~
13 ~~by the surface owner, shall not be subject to any tax or judgment~~
14 ~~lien created pursuant to this section. Upon receiving payment, if~~
15 ~~any, the municipal clerk shall forward to the county treasurer a~~
16 ~~notice of such payment and directing discharge of the lien~~
17 municipality may file a lien, assignable at the municipality's
18 discretion, with the county clerk in the manner prescribed for other
19 lienholders by law, with the same rights and priority of other
20 lienholders; and

21 7. The municipality may designate by ordinance an
22 administrative officer or administrative body to carry out the
23 duties of the governing body in ~~subsection A~~ of this section. The
24 property owner shall have a right of appeal to the municipal

1 governing body from any order of the administrative officer or
2 administrative body. Such appeal shall be taken by filing written
3 notice of appeal with the municipal clerk within ten (10) days after
4 the administrative order is rendered.

5 B. If a notice is given by a municipal governing body to a
6 property owner ordering the property within the municipal limits to
7 be cleaned of trash and weeds or grass to be cut or mowed in
8 accordance with the procedures provided for in subsection A of this
9 section, any subsequent accumulations of trash or excessive weed or
10 grass growth on the property occurring within a six-month period may
11 be declared to be a nuisance and may be summarily abated without
12 further prior notice to the property owner. At the time of each
13 such summary abatement the municipality shall notify the property
14 owner of the abatement and the costs thereof. The notice shall
15 state that the property owner may request a hearing within ten (10)
16 days after the date of mailing the notice. The notice and hearing
17 shall be as provided for in subsection A of this section. Unless
18 otherwise determined at the hearing the cost of such abatement shall
19 be determined and collected as provided for in paragraphs 5 and 6 of
20 subsection A of this section. This subsection shall not apply if
21 the records of the county clerk show that the property was
22 transferred after notice was given pursuant to subsection A of this
23 section.

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

6 D. As used in this section:

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

- 10 a. exceeds twelve (12) inches in height, except healthy
11 trees, shrubs, or produce for human consumption grown
12 in a tended and cultivated garden unless such trees
13 and shrubbery by their density or location constitute
14 a detriment to the health, benefit and welfare of the
15 public and community or a hazard to traffic or create
16 a fire hazard to the property or otherwise interfere
17 with the mowing of said weeds,
- 18 b. regardless of height, harbors, conceals, or invites
19 deposits or accumulation of refuse or trash,
- 20 c. harbors rodents or vermin,
- 21 d. gives off unpleasant or noxious odors,
- 22 e. constitutes a fire or traffic hazard, or
- 23 f. is dead or diseased.

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

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

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

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

10 E. The provisions of this section shall not apply to any
11 property zoned and used for agricultural purposes or to railroad
12 property under the jurisdiction of the Oklahoma Corporation
13 Commission. However, a municipal governing body may cause the
14 removal of weeds or trash from property zoned and used for
15 agricultural purposes pursuant to the provisions of this section but
16 only if such weeds or trash pose a hazard to traffic and are located
17 in, or within ten (10) yards of, the public right-of-way at
18 intersections.

19 SECTION 3. AMENDATORY 11 O.S. 2011, Section 22-112.1, is
20 amended to read as follows:

21 Section 22-112.1 A. After a building has been declared
22 dilapidated, as provided in Section 22-112 of this title, and before
23 the commencement of the tearing and removal of a dilapidated
24 building, the governing body of any municipality may authorize that

1 such a building be boarded and secured. However, if the dilapidated
2 building is vacant and unfit for human occupancy, the governing body
3 of any municipality may authorize the structure to be demolished
4 pursuant to Section 22-112 of this title.

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

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

12 1. Before the governing body orders such action, at least ten
13 (10) days' notice that such unsecured building is to be boarded and
14 secured shall be given by mail to any property owners and mortgage
15 holders as provided in Section 22-112 of this title. At the time of
16 mailing of notice to any property owner or mortgage holder, the
17 municipality shall obtain a receipt of mailing from the postal
18 service, which receipt shall indicate the date of mailing and the
19 name and address of the mailee. A copy of the notice shall also be
20 posted on the property to be affected. However, if neither the
21 property owner nor mortgage holder can be located, notice may be
22 given by posting a copy of the notice on the property or by
23 publication as defined in Section 1-102 of this title. Such notice
24 shall be published one time, not less than ten (10) days prior to

1 any hearing or action by the municipality pursuant to the provisions
2 of this section. If a municipal governing body anticipates summary
3 abatement of a nuisance in accordance with the provisions of
4 paragraph 9 of this subsection, the notice shall state: that any
5 subsequent need for boarding and securing the building within a six-
6 month period after the initial boarding and securing of the building
7 pursuant to such notice may be summarily boarded and secured by the
8 municipal governing body; that the costs of such boarding and
9 securing shall be assessed against the owner; and that a lien may be
10 imposed on the property to secure such payment, all without further
11 prior notice to the property owner or mortgage holder;

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

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

1 making such determination, the governing body shall apply the
2 following standard: the governing body may order the boarding and
3 securing of the unsecured building when the boarding and securing
4 thereof would make such building less available for transient
5 occupation, decrease a fire hazard created by such building, or
6 decrease the hazard that such building would constitute an
7 attractive nuisance to children.

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

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

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

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1 6. After an unsecured building has been boarded and secured,
2 the governing body shall determine the actual costs of such actions
3 and any other expenses that may be necessary in conjunction
4 therewith including the cost of the notice and mailing. The
5 municipal clerk shall forward a statement of the actual costs
6 attributable to the boarding and securing of the unsecured building
7 and a demand for payment of such costs, by mail to any property
8 owners and mortgage holders as provided in Section 22-112 of this
9 title. At the time of mailing of the statement of costs to any
10 property owner or mortgage holder, the municipality shall obtain a
11 receipt of mailing from the postal service, which receipt shall
12 indicate the date of mailing and the name and address of the mailee.

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

18 7. When payment is made to the municipality for costs incurred,
19 the municipal clerk shall file a release of lien, but if payment
20 attributable to the actual costs of the boarding and securing of the
21 unsecured building is not made within thirty (30) days from the date
22 of the mailing of the statement to the owner of such property, the
23 ~~municipal clerk shall forward a certified statement of the amount of~~
24 ~~the costs to the county treasurer of the county in which the~~

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

1 a lien, assignable at the municipality's discretion, with the county
2 clerk in the manner prescribed for other lienholders by law, with
3 the same rights and priority of other lienholders. Upon receiving
4 payment, the municipal clerk shall forward to the county treasurer a
5 notice of such payment and shall direct discharge of the lien;

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

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

1 Unless otherwise determined at the hearing the cost of such boarding
2 and securing shall be determined and collected as provided for in
3 paragraphs 6 and 7 of this subsection;

4 10. A governing body of any municipality may determine that a
5 building is unsecured and order that such building be boarded and
6 secured in the manner provided for in this subsection even though
7 such building has not been declared, by the governing body, to be
8 dilapidated; and

9 11. For the purposes of this subsection:

10 a. "boarding and securing" or "boarded and secured" means
11 the closing, boarding or locking of any or all
12 exterior openings so as to prevent entry into the
13 structure,

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

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1 c. "unfit for human occupancy" means a structure that due
2 to lack of necessary repairs is considered
3 uninhabitable and is a hazard to the health, safety,
4 and welfare of the general public.

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

7 SECTION 4. AMENDATORY Section 3, Chapter 326, O.S.L.
8 2014 (11 O.S. Supp. 2016, Section 22-112.4), is amended to read as
9 follows:

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

- 12 1. Is detrimental to the public health, safety or welfare of
13 the inhabitants of and visitors to the municipality;
- 14 2. Causes increased municipal regulatory costs and increased
15 municipal police and fire protection costs; and
- 16 3. Devalues abutting and nearby real properties.

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

- 20 1. At least ten (10) days' notice that an abandoned building is
21 to be abated pursuant to the procedures for abatement set forth in
22 this section shall be given to the owner of the property before the
23 governing body holds a hearing. A copy of the notice shall be sent
24 by mail to the property owner at the address shown by the current

1 year's tax rolls in the office of the county treasurer. Written
2 notice shall also be sent by mail to any mortgage holder as shown by
3 the records in the office of the county clerk to the last-known
4 address of the mortgage holder. At the time of mailing of notice to
5 any property owner or mortgage holder, the municipality shall obtain
6 a receipt of mailing from the postal service, the receipt of which
7 shall indicate the date of mailing and the name and address of the
8 mailee. However, if neither the property owner nor mortgage holder
9 can be located, notice may be given by posting a copy of the notice
10 on the property and by publication as defined in Section 1-102 of
11 ~~Title 11 of the Oklahoma Statutes~~ this title. Such notice shall be
12 published once not less than ten (10) days prior to any hearing or
13 action by the municipality pursuant to the provisions of this
14 section;

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

17 3. Pursuant to a determination that the building is an
18 abandoned building, the governing body may order the agents of the
19 municipality to pursue abatement of the public nuisance caused by
20 the building and shall order the municipal clerk to place the
21 building on an abandoned building list to be maintained by the
22 clerk. At any time after such determination and order, the agents
23 of the municipality may cause the public nuisance to be abated as
24 authorized in this section, and such abatement may continue until

1 such time as the building is removed from the abandoned building
2 list in accordance with the procedures set forth in subsection C of
3 this section;

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

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

16 b. the quarterly assessment against the property on which
17 the abandoned building is located and against the
18 owner of the abandoned building of the actual costs of
19 any municipal regulatory action taken in relation to
20 the abandoned building or the owner of such building
21 as authorized above,

22 c. the assessment against the property on which the
23 abandoned building is located and against the owner of
24 the abandoned building of the actual costs of any

1 municipal police or fire protection action taken in
2 relation to the abandoned building or the owner of
3 such building as authorized above, and

4 d. an assessment for any other actual expenses incurred
5 by the municipality in relation to the abandoned
6 building, including, but not limited to, the costs of
7 notices, mailings and publications;

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

17 6. From and after the determination that a building is an
18 abandoned building, and continuing until such time as the building
19 is removed from the abandoned building list in accordance with the
20 procedures set forth in subsection C of this section, the municipal
21 clerk shall determine the actual quarterly abatement costs for the
22 abatement procedures authorized by this section. After such
23 determination, the municipal clerk shall mail a statement of the
24 actual quarterly abatement costs for the abatement procedures

1 authorized by this section to the property owner and demand the
2 payment of such costs by the owner. In addition, a copy of the
3 statement shall be mailed to any mortgage holder at the address
4 provided for in paragraph 1 of this subsection. At the time of
5 mailing of the statement of costs to any property owner or mortgage
6 holder, the municipal clerk shall obtain a receipt of mailing from
7 the postal service, the receipt of which shall indicate the date of
8 mailing and the name and address of the mailee; and

9 7. When full payment is made to the municipal clerk for actual
10 abatement costs incurred and billed in accordance with paragraph 6
11 of this subsection, the municipal clerk shall send the property
12 owner and any mortgage holder by mail a receipt for such payment;
13 but if payment attributable to the actual quarterly costs of such
14 abatement is not made within six (6) months from the date of the
15 mailing of the statement to the owner of such property, a lien in
16 the actual amount of the abatement shall be filed against the
17 abandoned building, assignable at the municipality's discretion,
18 with the county clerk in the manner prescribed for other lienholders
19 by law, with the same rights and priority of other lienholders.

20 Until finally paid, the costs and the interest thereon shall be the
21 personal obligation of the property owner from and after the date
22 the notice of lien was filed with the county clerk. In addition,
23 the costs and the interest thereon shall be a lien against the
24 property from the date the notice of lien was filed with the county

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

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

1 building should be removed from the abandoned building list. Upon
2 full payment of any costs certified against the property, the
3 municipal clerk shall file a release of the notice of the lien in
4 the county clerk's office within ten (10) days after receiving such
5 payment.

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

15 E. For purposes of this section:

16 1. "Abandoned building" means any building located within the
17 municipality that is not currently occupied and has been declared
18 unsecured or dilapidated pursuant to Section 22-112 or 22-112.1 of
19 ~~Title 11 of the Oklahoma Statutes~~ this title and remains in such
20 condition; and

21 2. "Owner" means the owner of record as shown by the most
22 current tax roles of the county treasurer.

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

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

6 SECTION 5. This act shall become effective November 1, 2017.

7 Passed the House of Representatives the 22nd day of March, 2017.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2017.

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Presiding Officer of the Senate

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