

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 HOUSE BILL 2563

 By: Nollan

5
6
7 AS INTRODUCED

8 An Act relating to counties and county officers;
9 authorizing counties to clean certain property;
10 requiring notice to property owner; authorizing
11 certain consent to be given; providing for a certain
12 hearing; granting county right of entry to perform
13 certain functions; requiring statement of costs to be
14 mailed; subjecting property to levy and lien;
15 authorizing civil remedy; specifying applicability of
16 certain property interest; authorizing the adoption
17 of certain resolutions; defining terms; providing for
18 codification; and providing an effective date.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

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 and the notice shall
6 further state that unless such work is performed within ten (10)
7 days of the date of the notice the work shall be done by the county
8 and a notice of lien shall be filed with the county clerk against
9 the property for the costs due and owing the county. At the time of
10 mailing of notice to the property owner, the county 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 However, if the property owner cannot be located within ten (10)
14 days from the date of mailing by the governing body of the county,
15 notice may be given by posting a copy of the notice on the property
16 or by publication in a newspaper or newspapers having a general
17 circulation in the county one time not less than ten (10) days prior
18 to any hearing or action by the county;

19 2. The owner of the property may give written consent to the
20 county authorizing the removal of the trash. By giving written
21 consent, the owner waives the owner's right to a hearing by the
22 county;

23 3. A hearing may be held by the board of county commissioners
24 to determine whether the accumulation of trash has caused the

1 property to become detrimental to the health, safety and welfare of
2 the public and the community or a hazard to traffic, or creates a
3 fire hazard to the danger of property;

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

14 5. The governing body shall determine the actual cost of such
15 cleaning and any other expenses as may be necessary in connection
16 therewith, including the cost of notice and mailing. The county
17 clerk shall forward by mail to the property owner specified in
18 paragraph 1 of this subsection a statement of such actual cost and
19 demanding payment. If the cleaning is done by the county, the cost
20 to the property owner for the cleaning shall not exceed the actual
21 cost of the labor, maintenance and equipment required. If the
22 cleaning is done on a private contract basis, the contract shall be
23 awarded to the lowest and best bidder; and

24

1 6. If payment is not made within thirty (30) days from the date
2 of the mailing of the statement, then within the next thirty (30)
3 days the county clerk shall forward a certified statement of the
4 amount of the cost to the county treasurer of the county and the
5 same shall be levied on the property and collected by the county
6 treasurer as other taxes authorized by law. In addition the cost
7 and the interest thereon shall be a lien against the property from
8 the date the cost is certified to the county treasurer, coequal with
9 the lien of ad valorem taxes and all other taxes and special
10 assessments and prior and superior to all other titles and liens
11 against the property, and the lien shall continue until the cost
12 shall be fully paid. At the time of collection the county treasurer
13 shall collect a fee of Five Dollars (\$5.00) for each parcel of
14 property. The fee shall be deposited to the credit of the general
15 fund of the county. If the county treasurer is unable to collect
16 the assessment, the county may pursue a civil remedy for collection
17 of the amount owing and interest thereon by an action in personam
18 against the property owner and an action in rem to foreclose its
19 lien against the property. A mineral interest, if severed from the
20 surface interest and not owned by the surface owner, shall not be
21 subject to any tax or judgment lien created pursuant to this
22 section. Upon receiving payment, if any, the county clerk shall
23 forward to the county treasurer a notice of such payment and
24 directing discharge of the lien.

1 B. The governing body of the county may adopt resolutions to
2 prohibit owners of property or persons otherwise in possession or
3 control located within the county from allowing trash to accumulate
4 and may impose penalties for violation of said resolution.

5 C. As used in this section:

6 1. "Cleaning" means the removal of trash from property;

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

9 3. "Residential neighborhood" means plats or subdivision plats
10 of property in a defined and contiguous geographic area which
11 consists of buildings and structures for housing individuals and
12 families in counties having a population of more than five hundred
13 thousand (500,000), according to the latest federal Decennial
14 Census; and

15 4. "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 SECTION 2. This act shall become effective November 1, 2016.

19

20 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
21 dated 02/18/2016 - DO PASS.

22

23

24

25