

CHAPTER 14

NUISANCES

Article 1. Nuisances in General

Sec. 14-1. Nuisances Defined; Public Nuisances; Private Nuisances.

1. A nuisance is unlawfully doing an act, or omitting to perform a duty, or is any thing or condition which either:
2. annoys, injures, or endangers the comfort, repose, health, or safety of others;
3. offends decency;
4. unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage, any lake or navigable river, stream, canal, or basin or any public park, square, street, or other public property; or
5. in any way renders other persons insecure in life or in the use of property.
6. A public nuisance is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.
7. Every nuisance not included in subsection (2) above is a private nuisance.

Sec. 14-2. Person Responsible.

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 one who first created it.

Sec. 14-3. Time Does not Legalize.

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

Sec. 14-4. Remedies Against Public Nuisances.

The remedies against public nuisances are:

1. Prosecution on complaint before the Municipal Court.
2. Prosecution on information or indictment before another appropriate court.
3. Civil action.
4. Abatement.
5. By person injured as provided in 50 O.S., Section 12.
6. By the city in accordance with law or ordinance.

Sec. 14-5. Remedies Against Private Nuisances.

The remedies against a private nuisance are:

1. Civil action.
2. Abatement.
3. By person injured as provided in 50 O.S., Sections 14 and 15.
4. By the city in accordance with law or ordinance.

Sec. 14-6. City Has Power to Define and Summarily Abate Nuisances.

1. As provided in 50 O.S., Section 16, the city has power 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.
2. Whenever it is practical to do so, the city has 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.

Sec. 14-7. Summary Abatement of Nuisances.

1. Some nuisances are such nature as to constitute a grave and immediate danger to the peace, health, safety, morals, or welfare of one or more person of the public generally.
 - a. It is recognized that circumstances may be such as to justify, and even to require, the Mayor or other appropriate officer or agency of the city 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.
2. The chief of the fire department, the chief of police, the city attorney, the building official, the electrical inspector, the plumbing inspector, or any other officer subordinate to the city council, may submit to the city council a statement as to the existence of a nuisance as defined by the ordinance of the city or law, and request or recommend that it be abated.
 - a. The health officer, any city councilman, or any resident or residents of the city may submit such a statement and request or make recommendation to the city council.
3. The city council shall determine whether or not the alleged nuisance is a nuisance in fact.
 - a. For the purpose of gathering evidence on the subject, the council shall have power to subpoena and examine witnesses, books, papers, and other effects.
 - b. Before proceeding to abate the nuisance or to have it abated, the council shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for or to be causing the nuisance, and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given.
 - c. Such notice to the owner and other person concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names and addresses are not know, and the peace, health, safety, morals, or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the city.
4. If the council finds that a nuisance does in fact exist, it shall direct the owner

and/or other person responsible for or causing the nuisance to abate it 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 of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay.

5. 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, the council shall direct the Mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by 50 O.S., Section 16.
6. The City Clerk shall send a statement of the cost of such summary abatement to the owner and/or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known.
7. Until paid, such cost shall constitute a debt to the city collective as other debts of the city may be collected.

Sec. 14-8. Abatement by Suit in District Court.

In cases where it is deemed impractical summarily to abate a nuisance, the city may bring suit in the district court of the county where the nuisance is located, as provided in 50 O.S., Section 17.

Sec. 14-9. Nuisance Unlawful.

It is unlawful for any person (owner, lessee, or other) to create or maintain a nuisance within the city, or to permit a nuisance to remain on premises under his control within the city.

Article 3. Abatement of Weeds and Trash

Sec. 14-10. Legislative Intent.

It is hereby declared the legislative intent of the city council to conform hereby to the provisions of HB. 675 of the 38th Legislature, Section 20 (11 O.S. Section 20), and hereby to repeal any and all ordinances of this city in conflict herewith.

Sec. 14-11. Report to be Made.

Any officer or employee of this city 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 city by reason of which such premises appear to him to be:

1. detrimental to the health, benefit and welfare of the public and the community;
2. a hazard to traffic;
3. Any two (2) or more of such results in combination; and shall report such condition to the Mayor.

Sec 14-11A Abandon Structure

Any building that is to be considered unsuitable for living and or for the purpose that was designed for its purpose shall be turned into the building inspector upon complaint from the public.

Sec. 14-12. To be Placed on Council Agenda.

Upon receiving the report prescribed by Section 14-11 of this article, or upon receipt of equivalent information from any reliable source, the Mayor shall place upon the agenda of the city council for hearing and consideration at an appropriate date of meeting thereof, such as will permit giving the notices prescribed by statutory law, the question whether such premises, by reason of the conditions specified, are detrimental to the health, benefit, and welfare of the public and community, or a hazard to traffic, or fire hazard to the danger of property, or any two (2) or more of such results in combination.

Sec. 14-13. Notice to Owner.

Forthwith, and at least fifteen (15) days prior to the hearing, the city police shall give written notice of such hearing by posting upon the premises or forwarding a copy therefore by certified mail with return receipt requested to the owner of such property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which such property is located.

Sec. 14-14. Hearing by Council; Order to Clean Property.

Upon the date specified in such notice, the council shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If it determines that the conditions specified in Section 14-11 hereof exist upon such premises, it shall order the property to be cleaned of trash or the weeds and grass cut or mowed or both cleaning and cutting and mowing if necessary to abate the conditions found to exist.

Sec. 14-15. Work to be Done by City Forces or by Contract.

The work ordered to be performed under Section 14-14 hereof may be done by the employees of this city or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts by public bid.

Sec. 14-16. Costs to be Determined; Statement of Cost to be Sent.

Upon the completion of the work ordered to be performed under Section 14-14 hereof, the City Clerk shall report the cost thereof to the city council. Such report shall be itemized as to each tract, as follows: Labor, machinery rental or depreciation, fuel and supplies, cost of notice, and other costs. The city council shall examine the report, and after receiving appropriate information, shall determine the total actual costs of the work, and shall direct the City Clerk to forward a statement and demand payment thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies.

Sec. 14-17. Service of Notice, Etc.

The service of all notices prescribed by this article shall be evidence by the return of the officer making such service, certified in his official capacity, and filed in the office of the City Clerk.

Sec. 14-18. Failure to Pay Costs; Costs to be Certified to County Treasurer.

If the costs of the work performed under this article are not paid within six (6) months from the date of mailing the notice prescribed by Section 14-16 hereof, the City Clerk shall forward a certified statement of the amount of such costs to the county treasurer of the county in which the property upon which the work was done is located, to be levied upon the property and to be collected by the county treasurer in the manner prescribed by the law of this state.

Sec. 14-19. "Trash" Defined.

As used in this article, the word "trash" extends to the widest sense of that term, and includes, but without limitation upon any other meaning, refuse, litter, ashes, leaves, debris, paper, combustible materials, offal, rubbish, waste, and useless or unused or uncared for matter of all kinds, whether solid or liquid in form.



Article 3. Public Health Nuisances

Sec. 14-20. Health Nuisances: Abatement.

1. Pursuant to authority granted by Oklahoma Session Laws 1963, Chapter 325, Article 10, Section 1011 (63 O.S. Sec. 1-1011), the health officer shall have authority to order the owner or occupant of any private premises in the city 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, and a failure to do so shall constitute an offense. 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 health officer or by a policeman, 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. If the premises is unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the state, the order may be served by publication in at least one (1) issue of a newspaper having a general circulation in the city.
2. If the order is not complied with, the health officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the City Clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other city utility bill itself. If such owner or occupant is not a user of any city utility service, such costs, after certification to the City Clerk, may be collected in any manner in which any other debt due the city may be collected.

Article 4. Miscellaneous Provisions

Sec. 14-21. Abandoned Ice Boxes, Refrigerators, Etc.

It is unlawful for any person, firm or corporation to leave in a place accessible to children any abandoned or discarded ice box, refrigerator, or other container which has an air tight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator, or container, without first removing the door, lock or fastener. The city will provide personnel to remove doors upon request of owner or interested party.

Sec. 14-21.a. Open Storage of Abandoned or Unattended Vehicles. *[Adopted 2/2008, Ord. No. 08-1055]*

1. It shall be unlawful for the owner or occupant of any residential, commercial or industrial building, structure or property to utilize the premises of such property for the open storage of any abandoned or unattended motor vehicle.
2. It shall be the duty and responsibility of such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned or unattended motor vehicles upon notice from the Building Official or designee.
3. If owner or occupant fails to clean and remove from the premises all such abandoned or unattended motor vehicles addressed by the notice from the Building Official or designee, Refer to Sec. 14-13 and Sec. 14-14.
4. Upon the City Council ordering the removal of such abandoned or unattended motor vehicles, the vehicle shall be towed using the County's tow service rotation list and Sec. 14-16 through Sec. 14-18 shall apply.
5. A fine may be imposed on owner or occupant not to exceed penalty described in Sec. 14-23.
6. For the purpose of this Section, an abandoned motor vehicle is defined as one that is in a state of disrepair and incapable of being moved under its own power.
7. This Section shall not apply to salvage yard owners and operators duly licensed under the laws of the state, and complying with all applicable city ordinances.

Article 5. Procedure Cumulative

Sec. 14-22. Procedure Cumulative.

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinances shall be cumulative one to the other; and the city may elect to follow any such procedure which is applicable in abating any particular nuisance.



Article 7. Penalty

Sec. 14-23. Penalty.

Any person who violates any provision of this chapter, by doing any act prohibited or declared to be unlawful thereby, or who fails to do any act required by any such provisions, or who fails to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, or who violates any legal order or regulation made pursuant to this chapter, or who maintains any nuisance as defined in this chapter, is guilty of an offense and upon conviction thereof, shall be punished by a fine not exceeding Two Hundred Fifteen dollars (\$ 215.00) including costs. Each day upon which any such violation continues, shall constitute a separate offense.

