

TITLE 24

NUISANCES

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CHAPTER 1

NUISANCES CLASSIFIED

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SECTION 100. NUISANCES DEFINED

A public nuisance consists of unlawfully doing an act or omitting to perform a duty, which act or omission:

- A. Annoys, injures or endangers the safety, health, comfort or repose of others;
- B. Offends public decency;
- C. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage a lake or basin or any public park, square, alley, highway or street; or
- D. In any way renders other persons insecure in life or in the use of property.

Ord. No. 17942

SECTION 101. NUISANCES AFFECTING HEALTH

A. **Definitions.** The following terms, wherever used or referred to in this title shall, unless different intent clearly appears from the context, be construed to have the meanings given herein.

1. **Industrial Wastes** shall mean all liquid and water-borne solid, liquid or gaseous wastes resulting from industrial manufacturing, food processing operation, processing any natural resource or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

2. **Storm Drainage System** (sometimes termed "Storm Sewer System") shall mean any stream, creek, ditch, watercourse, drainage conduit, sewer, pond, lake, drainage easement, or topographical configuration which acts to channel the course of water flow; or any combination of the above; or all other natural outlets which empty into any of the above which carry storm and surface water and drainage.

3. **Sewage** shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

B. **Health Nuisances.** The following are hereby declared to be health nuisances affecting public health:

1. All decayed or unwholesome food offered for sale to the public;
2. All pools of water or vessels holding stagnant water in which mosquitoes can breed;
3. Carcasses of animals not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
4. Accumulations of trash which includes manure, rubbish, litter, rubble, refuse, debris, paper, combustible materials, offal or waste, or matter of any kind or form which is uncared for, discarded, or abandoned, or improperly stacked building materials which are potential breeding places for flies, mosquitoes or vermin;
5. Improperly constructed privy vaults, leaking septic tanks or sewer lines or other sewage existing in an unsanitary manner and which could cause disease transmission;
6. Weeds and other rank growths of vegetation upon private property or adjoining parking, including but not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:
 - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and

community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;

b. Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;

c. Harbors rodents or vermin;

d. Gives off unpleasant or noxious odors;

e. Constitutes a fire or traffic hazard; or

f. Is dead or diseased;

7. All buildings, walls, and other structures which have been damaged by fire, decay or otherwise, and which endanger the health, peace and safety of the public;

8. Offensive trades and businesses not authorized by the Board of Health as provided by law;

9. All public exposure of persons having contagious or infectious diseases;

10. The use of a common or public drinking cup or roller towel;

11. The distribution of free samples of medicine or drugs;

12. Any solid or industrial waste, including but not limited to garbage, tin cans, bottles, rubbish, refuse, trash, construction waste or demolition waste, tree trimmings, manufacturing waste or industrial waste dumped, thrown, burned, spilled or abandoned, unless required permits have been obtained;

13. Dense smoke, strong odors, noxious fumes, gas, soot or flyash in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities;

14. Accumulated or blowing trash as defined in paragraph 101.B.4., building materials or other waste material from the construction, remodeling or repair of buildings, or from the operation of any industrial, commercial or manufacturing facility;

15. Trees damaged or dead to the extent that a limb, tree or part could fall;

16. Garbage cans or any trash containers which are not fly tight or are contrary to the ordinances relating thereto; or which are kept or stored within twelve (12) feet of a curb, or edge of paving where there is no curb, in excess of twenty-four (24) hours;

17. Any animal kept or maintained in an unsanitary condition or surroundings;
and
18. Discharge into any storm drainage system of any:
- a. Untreated sewage, sewage solids, process wastewater, refuse, explosive or combustible liquid, solid or gas, oils, greases, industrial waste or other polluted waters except where a federal, state or local permit for connections, discharge or disposal has been obtained;
 - b. Waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to constitute a hazard to humans or animals or to cause corrosion, discoloration or deposition on structures and equipment; or
 - c. Any solid or viscous substances in such quantities or of such size capable of causing obstruction to the flow in the stormwater drainage system or other interference with the proper operation of the drainage system of the City of Tulsa.

Ord. No. 17942

SECTION 102. NUISANCES OFFENDING DECENCY

The following are hereby declared to be public nuisances affecting public morals and decency:

A. All houses, buildings or places where gambling devices, slot machines, punch boards and other such contrivances of similar character involving any elements of chance as a consideration or any type of gambling, bookmaking, wagering or betting is carried on, and all gambling equipment;

B. Bawdy houses and all houses, buildings or places kept for the purposes of prostitution or promiscuous sexual intercourse;

C. All buildings or places where intoxicating liquors are manufactured, sold, bartered or given away in violation of law or where persons are permitted to resort for the purpose of drinking intoxicating liquors kept for sale, barter or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place;

D. Any vehicle used for any immoral purpose;

E. All indecent or obscene pictures, books, pamphlets, magazines and newspapers; and

F. Places used for holding of public dances conducted for the profit of the person operating the same unless such dance is conducted as provided by law.

Ord. No. 17942

SECTION 103. NUISANCES AFFECTING PEACE AND SAFETY

The following are hereby declared to be public nuisances affecting public peace and safety:

A. All trees, hedges, signs or other obstructions, or any portion of the same, located within a sight-distance triangle which prevent persons driving vehicles approaching an intersection of streets from having a clear view of traffic approaching such intersection. Sight-distance triangle shall mean the area within an imaginary triangle formed at a street corner as follows: Extend the curb lines (or the edge of the pavement where no curbs exist) into the street to a point where those lines intersect; from that point of intersection, measure along both curb lines (or edges of pavement) to two points, each of which is thirty-five (35) feet from the point of intersection; the connecting of these three points shall form the sight-distance triangle;

B. All limbs of trees which project over a public sidewalk or street and which are less than eight (8) feet above the surface of the public sidewalk and nine (9) feet above the surface of the street;

C. All wires over streets, alleys or public grounds which are not licensed by the City or which are strung so that the lowest portion is less than fifteen (15) feet above the surface of the ground;

D. Any usage of land, and/or the structures upon it, which violates any City ordinances; all buildings, walls and other structures which have been damaged by fire, decay or otherwise and which are so situated as to endanger the safety of the public, or which are otherwise built, erected or maintained in violation of any ordinance;

E. All explosives, inflammable liquids and other dangerous substances stored in any manner, in any amount other than that provided by ordinance;

F. All noises, sounds, or vibrations of such a character or duration so as to be unreasonably loud or disturbing to the peace and quiet of persons of ordinary sensibilities, including but not limited to those persons inside a building or structure used in whole or in part as a domicile, residence, or dwelling;

G. All buildings and all alterations to buildings made or erected, within the City of Tulsa fire protection limits as established by ordinance, which are in violation of any ordinance concerning the manner and materials of construction;

H. Obstructions and excavations affecting the ordinary use by the public of the streets, alleys, sidewalks or public ground except under such conditions as are provided by ordinance;

I. Any use of the public streets or sidewalks which causes large crowds of people to gather, obstructing the flow of traffic and the free use of the streets or sidewalks;

J. All hanging signs, awnings, canopies and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety or to be contrary to ordinance;

K. The allowing of rainwater, ice or snow, to fall from any building or structure upon any sidewalk or the causing of water to flow across a sidewalk;

L. All barbed wire fences which are located within three (3) feet of any public sidewalk; and

M. The keeping of any animal or reptile, wild by nature or dangerous, except when kept by a licensed circus or show, in a zoo or in an accredited school.

N. The repeated use of any real property or structure thereon to commit a felony violation of the Oklahoma Uniform Controlled Dangerous Substances Act.
Ord. Nos. 17942, 19446, 19820, 20950, 21596

SECTION 104. RULE OF CONSTRUCTION

The fact that certain acts or conditions are in sections 101, 102 and 103 herein specifically declared to be a nuisance shall not be construed that any other act, fact, condition or thing shall not be a nuisance if such other act, fact, condition or thing would have been a nuisance under section 101 herein or under any other law of the City of Tulsa. Nothing in this title shall be construed to be a limitation upon the definition of or the provisions for the abatement of or punishment of any nuisance specified in any other part of these Revised Ordinances.

Ord. No. 17942

SECTION 105. REPORTING REQUIREMENT

Any person, firm, corporation, partnership or other legal entity who commits or who permits the creation or continuation of a nuisance as above defined which poses a potential emergency threat to the public health or the environment shall immediately report the incident to the Director of the Tulsa City-County Health Department and shall provide any information requested by the Director needed to investigate or abate the potential emergency.

Ord. No. 17942

SECTION 106. CRIMINAL PENALTY

Any person, firm or corporation, partnership or other legal entity who anywhere within the City of Tulsa commits any nuisance, either as principal or accessory, or who knowingly permits the creation or continuation of any nuisance on any property owned or occupied by himself as the same has been defined in this chapter shall be guilty of a misdemeanor offense and upon conviction thereof shall be punished by a fine of not more than ONE THOUSAND DOLLARS (\$1,000.00), excluding costs, fees and assessments, or by imprisonment in the City Jail for a period of not more than ninety (90) days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense.

Ord. Nos. 17942, 21596, 21954

CHAPTER 2**PROCEDURE FOR ABATEMENT**

- Section 200. General.
- Section 201. Abatement.
- Section 202. Nuisance Abatement Volunteers.
- Section 203. Remedial Civil Penalties.
- Section 204. Emergencies.
- Section 205. Appeals from the Enforcement Official.
- Section 206. Nuisance Hearing Officer's Authority.
- Section 207. Appeals to the Council.
- Section 208. Damages.
- Section 209. Liability for Costs.
- Section 210. Summary Abatement.
- Section 211. Reports, Investigations and Notices by the Police Department.

SECTION 200. GENERAL

The procedure provided in this chapter for abatement of nuisances shall apply to all nuisances arising under the laws of the City of Tulsa, except in those instances where the specific procedure for the abatement of the nuisance is otherwise provided. Nothing herein shall prevent the City from exercising other legal remedies to abate nuisances including, but not limited to, the procedures provided by state and federal law.

Ord. Nos. 17942, 18205, 21596

SECTION 201. ABATEMENT

A. Unless a different procedure is provided in this title, in all cases of nuisances the enforcement official, acting at his discretion or upon order of the Mayor, shall cause a written notice to be served upon the person or entity who maintains, operates or permits a nuisance.

B. Written notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer office before the enforcement official takes any action to abate the nuisance. The notice shall order the property owner to abate the nuisance and shall further state that unless such abatement is performed within ten (10) days of the date on the notice, the work shall be done by the City of Tulsa and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the City of Tulsa. At the time of mailing of the notice to the property owner, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the name and address of the mailer, and the date of mailing, which shall be on or before the date on the notice. As used in this title,

"owner" shall mean the owner as shown by the most current tax rolls of the county treasurer.

C. If such person or entity cannot be found, then a copy of the notice may be served by posting a copy in some conspicuous place on the premises described in the notice at least ten (10) days prior to any abatement action by the enforcement official of the City of Tulsa.

D. The enforcement official is authorized to abate the nuisance after expiration of the ten (10) day period unless an extension is granted as provided hereafter or an appeal has been filed as provided herein.

E. An extension of fourteen (14) days in which to self abate the nuisance may be applied for by paying a nuisance abatement extension fee of Thirty-two and no/100 Dollars (\$32.00) per extension. To qualify for the extension, the applicant shall:

1. Be eighteen (18) years of age or older;
2. Not be in default on any debt to the City of Tulsa;
3. State the need for the extension of time; that hardship prevents prompt compliance.

Instructions for receiving this enlargement of time to abate the nuisance shall be included in the original notice. The enforcement official shall not grant an extension if to do so poses imminent threat to life or property. No extension shall be granted without prior payment of the nuisance abatement extension fee. No more than two (2) extensions shall be granted, except where necessary concerning dilapidated structures as contemplated in Section 402 hereof.

Ord. Nos. 17942, 18205, 21169, 21596

SECTION 202. NUISANCE ABATEMENT VOLUNTEERS

A. For the purpose of assisting the City of Tulsa in collecting and disposing of abandoned and unlawfully discarded litter placed upon the public rights-of-way there is hereby established a plan allowing private citizens, after training and under the direction of the Mayor or Mayor's designee, to serve as a nuisance abatement volunteer.

B. Persons serving as a nuisance abatement volunteer are under the direction, coordination and supervision of the Mayor or Mayor's designee.

C. Before serving as a nuisance abatement volunteer each volunteer shall:

1. Complete and submit the appropriate registration form as provided by the City of Tulsa;
 2. Submit to a background check;
 3. Provide a signed statement that he or she understands the City of Tulsa will not be furnishing worker's compensation coverage if he or she is injured while performing tasks relating to nuisance abatement volunteer activities; and
 4. Successfully complete a training course provided by the City of Tulsa which will include procedures, responsibilities, safety awareness, and other instructional training deemed necessary or beneficial by the Mayor or Mayor's designee.
- D. The Mayor or Mayor's designee shall have authority and sole discretion to appoint and remove persons serving as nuisance abatement volunteers.
- E. Nuisance abatement volunteers shall not receive any form of compensation from the City of Tulsa.
- F. The City of Tulsa will assign each nuisance abatement volunteer an identification number and, as may be deemed necessary by the Mayor or Mayor's designee, provide equipment, supplies, and materials.
- G. A nuisance abatement volunteer shall not have authority to enforce ordinances of the City of Tulsa.

Ord. No. 21596

SECTION 203. REMEDIAL CIVIL PENALTIES

- A. In all cases of nuisances as described in this title, where one or more of the following conditions exist: (1) the nuisance impacts, directly or indirectly, more than one-half (1/2) acre; (2) the estimate to abate the nuisance exceeds \$1,000.00; (3) the person/entity responsible for the nuisance has been identified as having been notified to abate two or more nuisances in the immediately preceding twenty-four (24) months; or (4) the person responsible for the nuisance has demonstrated a lack of cooperation or has interfered with the enforcement official's duties; the enforcement official, acting at his discretion or upon order of the Mayor, in lieu of the notice provided for in Section 201 hereof, may notify the person and/or entity who maintains, operates, or permits the nuisance, together with the owner of the property, if applicable, that a hearing to abate the nuisance has been scheduled before the Nuisance Hearing Official.
- B. At least ten (10) days' notice of the hearing shall be given to the person and/or entity who maintains, operates or permits a nuisance and to the owner of the

property by mail at the address shown by the current year's tax rolls in the County Treasurer's office.

C. If such person or entity cannot be found, then a copy of the Notice of Hearing may be served by posting a copy in some conspicuous place on the premises described in the Notice at least ten (10) days before the hearing.

D. The Notice shall advise the responsible party that should the Nuisance Hearing Officer, after the hearing, find that a nuisance exists, that unless the nuisance is abated as directed by the Nuisance Hearing Officer, a remedial civil penalty not to exceed ONE THOUSAND DOLLARS (\$1,000.00) per day for each day the nuisance remains unabated may be imposed.

E. All remedial civil penalties shall be separate from and in addition to the City's expenses incurred to abate the nuisance as provided in Section 209 hereof.

Ord. No. 21596

SECTION 204. EMERGENCIES

If such nuisance exists in a condition which will cause imminent peril to life or property, or in such a condition so menacing to the public health, peace or safety, the enforcement official may proceed to abate the nuisance immediately without prior notice; provided, however, that notice and an opportunity to be heard shall be afforded the property owner as soon as possible after abatement.

Ord. Nos. 17942, 18205, 21596

SECTION 205. APPEALS FROM THE ENFORCEMENT OFFICIAL

A. **Right to Appeal.** An appeal to the Hearing Officer may be taken by any person aggrieved (hereinafter "Appellant") where it is alleged there is error in any order, requirement, decision or determination made by the enforcement official.

B. **Notice of Appeal.** An appeal from a Section 201 abatement shall be taken within ten (10) days from the date of the issuance of the notice provided for in Section 201, by filing with the enforcement official and with the Nuisance Hearing Officer a Notice of Appeal, specifying the name and mailing address of the Appellant and specifying the grounds thereof. An appeal from a Section 207 summary abatement shall be taken within ten (10) days from the date of the issuance of the notice provided for in Section 207, by filing with the enforcement official and with the Nuisance Hearing Officer a Notice of Appeal, specifying the name and mailing address of the Appellant and specifying the grounds thereof. The Nuisance Hearing Officer may be served with said Notice of Appeal by serving the Municipal Court Clerk. The enforcement official, upon receipt of notice, shall forthwith transmit to the Nuisance Hearing Officer a summary of the matter and copies of all the papers constituting the record. Upon

receipt of the record, the Nuisance Hearing Officer shall set the matter for hearing not less than seven (7) nor more than thirty (30) days from receipt of said record. Notice of the date, time and place of said hearing shall be mailed by first class mail to Appellant at the address shown in the Notice of Appeal.

C. **Hearing Officer.** There is hereby appointed a Hearing Officer and alternate Hearing Officers who shall conduct the hearings and perform the duties set forth herein. The Municipal Court Administrator (Municipal Court Clerk) is hereby appointed and shall serve as the Hearing Officer. The Hearing Officer shall appoint and designate one alternate to serve in his or her absence from one of the division head positions in the Municipal Court. The Mayor shall appoint and designate a second alternate Hearing Officer from the Mayor's staff to serve in the absence of the Hearing Officer and the first alternate.

D. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from.

Ord. Nos. 17942, 18205, 19147, 21596

SECTION 206. NUISANCE HEARING OFFICER'S AUTHORITY

At a hearing before a Nuisance Hearing Officer, pursuant to any section of this title, should the Nuisance Hearing Officer find that a nuisance, as defined by City Ordinances exists, an Order to Abate shall be entered. Such an order shall authorize standard abatement procedures to be executed which, may include, among other reasonable responses, the following:

1. Immediate abatement by the City when the immediate welfare of life or property is at risk.
2. Self-abatement by any responsible party pursuant to a written work schedule prepared by the enforcement official.
3. Should the responsible party not appear at a scheduled hearing, after being notified as herein provided, or fail to make other curative arrangements acceptable to the Nuisance Hearing Officer, an order may be entered which allows to a date certain for the nuisance to be abated by any responsible party.
4. If a responsible party fails to abate the nuisance as ordered, without just cause, the Nuisance Hearing Officer shall be authorized to impose a remedial civil penalty against the responsible party in an amount not to exceed \$1,000.00 per day for each day beyond the scheduled completion date that the nuisance remains unabated.
5. If just cause, as determined by the enforcement official, prevents the responsible party from abating the nuisance, the order shall authorize the enforcement

official to allow up to two (2) fourteen (14) day extensions to abate any nuisance upon pre-payment of the extension fees.

6. The Nuisance Hearing Officer is authorized to summarily order a remedial civil penalty against the responsible party in an amount not to exceed \$1,000.00 per day for each day the enforcement official documents that a recurring violation of this title by the same responsible party exists within the twenty-four (24) months following the issuance of the order.

Ord. No. 21596

SECTION 207. APPEALS TO THE COUNCIL

A. **Right to Appeal.** An appeal to the Council may be taken by any person aggrieved where it is alleged there is error in any order, requirement, decision or determination made by the hearing officer.

B. **Notice of Appeal.** An appeal from a Section 201 abatement shall be taken within ten (10) days from the date of the issuance of the notice provided for in Section 201, by filing with the enforcement official and with the Nuisance Hearing Officer a Notice of Appeal, specifying the name and mailing address of the Appellant and specifying the grounds thereof. An appeal from a Section 210 summary abatement shall be taken within ten (10) days from the date of the issuance of the notice provided for in Section 210, by filing with the enforcement official and with the Nuisance Hearing Officer a Notice of Appeal, specifying the name and mailing address of the Appellant and specifying the grounds thereof. The Nuisance Hearing Officer may be served with said Notice of Appeal by serving the Municipal Court Clerk. The enforcement official, upon receipt of notice, shall forthwith transmit to the Nuisance Hearing Officer a summary of the matter and copies of all the papers constituting the record. Upon receipt of the record, the Nuisance Hearing Officer shall set the matter for hearing not less than seven (7) nor more than thirty (30) days from receipt of said record. Notice of the date, time and place of said hearing shall be mailed by first class mail to Appellant at the address shown in the Notice of Appeal.

C. **Council Action.** The Council shall hold a hearing and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made. The concurring vote of a majority of the Council shall be necessary to reverse any order of the Hearing Officer.

D. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from.

Ord. Nos. 17942, 18205, 21596

SECTION 208. DAMAGES

The fact that the City has caused a nuisance to be abated after proper procedure and default, failure or refusal of the party to abate the nuisance shall in no way excuse the party from any damages which may have resulted prior thereto to any person.

Ord. Nos. 17942, 18205, 21596

SECTION 209. LIABILITY FOR COSTS

A. Any person or entity who fails to abate any nuisance after proper notice shall be liable to the City for all expenses incurred in the abatement of the nuisance. The City may pursue its right of action to recover all such costs following any and all reasonable legal methods, including installment payment contracts, administered by the Finance Department, as hereinafter provided. The City may recover the costs incurred in abating a sanitary sewer nuisance by adding the same to the utility bill of any person found to be liable for the nuisance. To recover the costs incurred in abating any type of nuisance, the City may impose a lien on the subject property to secure payment of such costs. The procedure for establishing such lien may include, but is not limited to, that set forth in 11 O.S.2001, § 22-111, as amended. The procedure for establishing such lien for demolition of a building may include, but is not limited to, that set forth in 11 O.S.2001, § 22-112, as amended. The procedure for establishing such lien for boarding and securing a building may include, but is not limited to, that set forth in 11 O.S.2001, § 22-112.1, as amended.

B. Criteria for citizen participation in this program of installment payments of nuisance abatement costs are as follows:

Each applicant shall:

1. Own legal title to the real property from which the nuisance was abated;
2. Occupy the subject property as his or her homestead;
3. Have no other abatement procedure pending on any property owned by the applicant;
4. Have no other debts to the City of Tulsa in default status;
5. Have no outstanding arrest warrants; and
6. Have no other active installment payment contract with the City of Tulsa.

C. The Finance Department is hereby authorized to verify the applicant's qualifications under the criteria listed above, and thereafter process an installment payment contract in conformity with these provisions.

D. Should the Finance Department conclude that the applicant does not qualify for the installment payment program, a letter shall be mailed to the applicant identifying the reasons for denial.

E. Any citizen who applies for the installment payment program described herein and is denied participation may appeal his or her denial by filing with the Council Secretary, within ten (10) days from the date the denial letter was mailed, a written request for a hearing before the Council which details the basis for the appeal and demonstrates why he or she should be allowed to make installment payments as contemplated herein.

F. Upon hearing the appeal, the Council may waive all or a part of the criteria set forth in Subsection B, above.

G. In addition to the City's right to recover its expenses for abating a nuisance as provided in Subsections A through F hereof, the City may pursue an action in District Court to recover a judgment for all remedial civil penalties imposed herein.

Ord. Nos. 17942, 18205, 20383, 20495, 21596

SECTION 210. SUMMARY ABATEMENT

If a notice to abate a nuisance is issued to a property owner ordering the property within the City of Tulsa to be cleaned of trash, or weeds or grass to be cut or mowed in accordance with the procedures provided for in this title, and if the Notice to Abate as provided in Section 201 provides that any accumulations of trash or excessive weed or grass growth on said property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property may be summarily abated by the City, and that the costs of such summary abatement shall be assessed against the property owner, and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner, then any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six (6) month period constitutes a public nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement, the City shall notify the property owner of the summary abatement and the costs thereof. The notice shall state that the property owner may file an appeal within ten (10) days after the date of mailing the notice by filing a notice of appeal in writing with the enforcement official and with the City Clerk. The appeal shall be in accordance with the procedure outlined in Section 205 herein. Unless otherwise determined on appeal, the costs of such abatement shall be determined and collected, together with all remedial civil penalties imposed, as provided for in Section 209 herein;

provided, however, that this section shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to Section 201 herein.

Ord. Nos. 17942, 18205, 19147, 21596

**SECTION 211. REPORTS, INVESTIGATIONS AND NOTICES BY THE
POLICE DEPARTMENT**

A. A complaint or report of suspected illegal activities constituting a felony violation of the Oklahoma Uniform Controlled Dangerous Substances Act by tenants, occupants and /or visitors, guests or invitees as observed by the lessor, third persons such as other tenants of the property, or persons residing or working in the vicinity of the property, or city officials, and/or representatives of agencies and/or departments of the City of Tulsa shall be submitted to the Tulsa Police Department.

B. Upon receipt of any report or complaint of such suspected illegal activities on real estate premises, a determination shall be made by the City of Tulsa as to the need and nature of any further investigation including, but not limited to, the necessity for surveillance by the Tulsa Police Department of such real estate premises.

C. Upon completion of criminal investigation by the Tulsa Police Department or other law enforcement agency revealing that repeated felony violations of the Oklahoma Uniform Controlled Dangerous Substances Act have taken place at a particular premises, a warning letter shall be sent by the City of Tulsa to the owner, the owner's agent, and/or tenant of the real estate whose premises is the subject of the investigation, by certified mail, return receipt requested, informing the owner and/or tenant of the illegal activity constituting a public nuisance. The warning letter shall inform the owner and/or tenant of their choice to take action to abate such illegal activity and of the intent of the City of Tulsa to take further action if the nuisance is not abated within thirty (30) days.

Ord. Nos. 19446, 19729, 21596

CHAPTER 3**ABANDONED OR JUNKED VEHICLES AS A NUISANCE**

- Section 300. Definitions.
- Section 301. Certain Vehicles Prohibited.
- Section 302. Nuisance Declared.
- Section 303. Abatement.
- Section 304. Order of Abatement.
- Section 305. Owner May Regain.
- Section 306. Appeal.
- Section 307. Penalty.

SECTION 300. DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

A. **Person** shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

B. **Vehicle** shall mean any motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, or self-propelled farm or construction equipment.

C. **Public Property** shall mean any property owned or controlled in the City limits by the City of Tulsa, Tulsa County, the state of Oklahoma or United States government, and shall include all streets and highways.

D. **Private Property** shall mean any real property in the City of Tulsa which is not public property.

E. **Dismantled, Junked, Abandoned or Inoperable Vehicles** shall be deemed to include the major parts thereof, including bodies, engine, transmissions, frames and rear ends.

Ord. No. 17942

SECTION 301. CERTAIN VEHICLES PROHIBITED

No person shall deposit, store, keep or permit to be deposited, stored or kept in the open upon public or private property a dismantled, unserviceable, inoperable, junked or abandoned vehicle or any vehicle legally or physically incapable of being operated, for a period exceeding forty-eight (48) hours, unless such vehicle or the parts thereof is completely enclosed within a building or stored in connection with a business lawfully established pursuant to the zoning ordinances of the City of Tulsa, or is stored on

property lawfully designated under the zoning ordinances of the City of Tulsa as a place where such vehicles may be stored.

Ord. No. 17942

SECTION 302. NUISANCE DECLARED

The accumulation or storage of one or more vehicles or parts thereof as described in section 301 shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the City of Tulsa. It shall be the duty of the owner of such vehicle or the parts thereof, or the owner of the private property or the lessee or other person in possession or control of the property upon which such vehicle is located, to remove the vehicle from such property or have the vehicle housed in a building where it will not be visible from the street or from other private property. The removal or enclosure shall be made within ten (10) days after notice has been given to the owner of the vehicle or the owner, lessee or person in control of the property upon which such vehicle is located. The time may be extended by the enforcement official in the case of an obvious hardship.

Ord. No. 17942

SECTION 303. ABATEMENT

Unless otherwise provided herein, the abatement, notice, hearing, and procedures thereof, for nuisances arising under this chapter shall be as provided in chapter 2 of this title.

Ord. No. 17942

SECTION 304. ORDER OF ABATEMENT

In all cases where it shall have been determined that any nuisance shall be abated, and the nuisance is not abated within the time specified in the notice, an Order of Abatement shall be forwarded to the Chief of Police or his designee who shall certify the sale value and cause the vehicle or its parts to be removed and stored in a proper place.

Ord. Nos. 17942, 18206

SECTION 305. OWNER MAY REGAIN

The owner of any vehicle so removed may regain possession thereof by making application to the Police Department within thirty (30) days after its removal and upon payment to the City of Tulsa all reasonable costs of removal and storage which shall have accrued to such vehicle. If the vehicle is not reclaimed within thirty (30) days, it may be sold without further notice and, after payment of towing and storage costs, all funds remaining shall become the property of the City of Tulsa to defray the remaining costs of abatement.

Ord. No. 17942

SECTION 306. APPEAL

An appeal to the City Council, as provided in Section 207 of this title, may be taken by any person aggrieved by the Hearing Officer's order, requirement, decision, or determination.

Ord. Nos. 17942, 21596

SECTION 307. PENALTY

Any person required by the provisions of this chapter to remove a dismantled, junked or abandoned vehicle who shall fail to do so in compliance with notice as provided herein, shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than FIVE HUNDRED DOLLARS (\$500.00), excluding costs, or by imprisonment in the City Jail for a period of not more than ninety (90) days, or both. Each and every violation and each day of such violation shall be a separate offense.

Ord. Nos. 17942, 18206

CHAPTER 4**DILAPIDATED AND/OR UNSECURED BUILDINGS AS A NUISANCE**

- Section 400. Application.
- Section 401. Definitions.
- Section 402. Abatement.
- Section 403. Summary Abatement.
- Section 404. Condemnation of Dilapidated Buildings
- Section 405. Criminal Penalty.

SECTION 400. APPLICATION

The procedures provided in this chapter shall apply to all nuisances relating to the tearing down and removal of a dilapidated building or structure and to the securing or boarding of an unsecured building or structure.

Ord. No. 17942

SECTION 401. DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meaning given herein.

A. Dilapidated building or structure means:

1. A building or structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the building or structure is a hazard to the health, safety and welfare of the general public;
2. A building or structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public;
3. A building or structure which is determined by the Council or an administrative officer of the City under the abatement, notice, hearing and procedures provisions in Chapter 2 of this title to be an unsecured building or structure as defined by this chapter, more than three (3) times within any twelve-month period;
4. A building or structure which has been boarded and secured, as defined by this chapter, for more than thirty-six (36) consecutive months; or
5. A building or structure declared by the Council to constitute a public nuisance.

B. Boarding and securing or boarded and secured means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the building or structure.

C. Property owner or owner means the owner of record as shown by the most current tax rolls of the County Treasurer.

D. Unsecured building or structure means any building or structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the building or structure.
Ord. Nos. 17942, 19772

SECTION 402. ABATEMENT

The enforcement official acting at his discretion or upon order of the Mayor shall cause dilapidated and/or unsecured buildings or structures to be torn down and removed or boarded and secured in accordance with the abatement, notice, hearing, and procedures provided in Chapter 2 of this title, and the cost of such abatement, and the remedial civil penalties imposed, shall be recoverable by the City as provided in Section 209 of this title.

Ord. Nos. 17942, 21596

SECTION 403. SUMMARY ABATEMENT

If the City of Tulsa causes a building or structure to be boarded or secured in accordance with the procedures provided for in this title, and if the Notice to Abate as provided for in Section 201 provides that any subsequent need for boarding or securing the building within a six (6) month period after the initial boarding of the building may be summarily boarded or secured by the City, and the costs of such summary boarding or securing shall be assessed against the owner, and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder, then any subsequent need for boarding or securing within said six-month period may be done summarily without any further prior notice to the property owner or mortgage holder. At the time of each summary boarding or securing, the City shall notify the property owner and mortgage holder of the boarding or securing and the costs thereof. The notice shall state that the property owner or mortgage holder may file an appeal within ten (10) days after the date of mailing the notice by filing a notice of appeal in writing with the enforcement official and with the City Clerk. The appeal shall be in accordance with the procedure outlined in Section 205 of this title. Unless otherwise determined on appeal, the costs of such abatement shall be determined and collected as provided in Section 209 of this title.

Ord. Nos. 17942, 21596

SECTION 404. CONDEMNATION OF DILAPIDATED BUILDINGS

A. A dilapidated building within the municipal limits of the City of Tulsa, Oklahoma may be torn down and/or removed in accordance with the following procedures:

1. At least ten (10) days' notice shall be given to the owner of the property before a hearing shall be held by the City to determine if the property is dilapidated and has become detrimental to the health, safety or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the County Treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the County Clerk to the last-known address of the mortgage holder. At the time of mailing of notice to any property owner or mortgage holder, the enforcement official shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the addressee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in 11, O.S.1991, § 1-102, and any and all amendments thereto. The notice may be published once not less than ten (10) days prior to any hearing or action by the City pursuant to the provisions of this chapter.

2. A hearing shall be held by a Hearing Officer to determine if the property is dilapidated and has become detrimental to the health, safety or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. The Hearing Officer shall be appointed and designated, in writing, by the Mayor.

3. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the Hearing Officer may cause the dilapidated building to be torn down and removed. The Hearing Officer shall fix reasonable dates for the commencement and completion of the work. The City Clerk shall immediately file a notice of dilapidation and lien with the County Clerk describing the property, the findings of the City (Hearing Officer) at the hearing, and stating that the City claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of the filing of the notice. The agents of the City are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the property owner does not perform the work within the dates fixed by the Hearing Officer.

4. The enforcement official shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of

notice and mailing. The City Clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the building and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to any mortgage holder at the last-known address for the mortgagee. At the time of mailing of the statement of costs to any property owner or mortgage holder, the City shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the addressee. If the City dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings and the cost of notice and mailing. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

5. When payment is made to the City for costs incurred, the City Clerk shall file a release of lien, but if payment attributable to the actual cost of dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the cost to the County Treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the County Treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the County Clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall continue until the cost is fully paid. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property as provided for in 11 O.S. Supp. 1998, § 22-112, and any and all amendments thereto.

B. Any property owner may take an appeal to the City Council where it is alleged there is error in any order, requirement, decision or determination by the Hearing Officer. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten (10) days after the administrative order, requirement, decision or determination has been rendered. The Council shall hold a hearing and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made. An appeal stays all proceedings in furtherance of the action appealed from.

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

Ord. No. 19772

SECTION 405. CRIMINAL PENALTY

Notwithstanding any other remedies provided for herein, any person, firm or corporation, partnership or other legal entity who fails to tear down and remove a dilapidated building or structure, or who fails to board or secure an unsecured structure within the time provided in order of abatement, or within the time provided by the City Council on appeal from an order of abatement in the event of such appeal, shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than ONE THOUSAND DOLLARS (\$1,000.00), excluding costs, fees and assessments, or by imprisonment in the City Jail for a period of not more than ninety (90) days, or both fine and imprisonment. Each day of such violation shall constitute a separate offense.

Ord. No. 17942, 21596