

ORDINANCE NO. 42

AN ORDINANCE DECLARING THE LEGISLATIVE INTENT OF THE CITY OF STILWELL, OKLAHOMA, PERTAINING TO THE ABATEMENT OF ACCUMULATED WEEDS AND TRASH UPON PRIVATE PROPERTY, PRESCRIBING THE GIVING OF NOTICE TO ABATE; ESTABLISHING THE PROCEDURE FOR ABATEMENT IN THE EVENT OF THE FAILURE OF THE PROPERTY OWNER TO ABATE; PROVIDING ASSESSMENT AND COLLECTION OF THE CHARGES THEREFOR AS PROVIDED BY THE LAWS OF THIS STATE; AND DECLARING AN EMERGENCY.

WHEREAS, it is determined by the City Council that the undue accumulation of trash and the sufferance of weeds and grass to grow unrestrained on private property in the City of Stilwell, Oklahoma, is a public nuisance and a menace to the public peace, health and welfare, and

WHEREAS, the Legislature of the State of Oklahoma has provided by H.B. 676 (28th Legislature) that cities and towns may prescribe procedures to abate such health hazards and menaces, and to collect the cost of such abatement,

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILWELL, ADAIR COUNTY, OKLAHOMA:

SECTION 1. That it is hereby declared the legislative intent of the City Council to conform hereby to the provisions of H.B. 676 of the 28th Legislature, 11 Oklahoma Statutes (OSA, July 1961) Section 20, and hereby to repeal any and all ordinances of this City in conflict herewith.

SECTION 2. Any officer or employee of this City who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the City by reason of which such premises appear to him to be

- (a) Detrimental to the health, benefit and welfare of the public and the community; or
- (b) a hazard to traffic; or
- (c) a fire hazard to the danger of property; or
- (d) any two or more of such results in combination,

shall report such condition to the Mayor.

SECTION 3. Upon receiving the report prescribed by Section 2 of this Ordinance 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 the community; or a hazard to traffic; or a fire hazard to the danger of property; or any two or more of such results in combination.

SECTION 4. Forthwith, and at least fifteen days prior to the hearing, the City Clerk shall file written notice of such hearing by posting upon the premises and by forwarding a copy thereof 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.

SECTION 5. Upon the date specified in such notice, the City 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 2 hereof exist upon such premises, it shall order the property to be cleaned of trash or weeds and grass cut or mowed or both cleaning and cutting and mowing, if necessary, to abate the conditions found to exist.

SECTION 6. The work ordered to be performed under Section 5 hereof may be done by the employees of this City under the supervision of the Street Department Superintendent, 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.

SECTION 7. Upon the completion of the work ordered to be performed under Section 5 hereof, the Street Department 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 said property at the address shown by the current tax rolls in the office of the Treasurer of the county in which the property lies.

SECTION 8. The service of all notices prescribed by this Ordinance shall be evidenced by the return of the officer making such service, certified in his official capacity, and filed in the office of the City Clerk.

SECTION 9. If the costs of the work performed under this Ordinance are not paid within six (6) months from the date of mailing the notice prescribed by Section 7 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 said County Treasurer in the manner prescribed by the law of the State.

SECTION 10. As used in this Ordinance, 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.

WHEREAS, an immediate necessity exists to clean certain premises creating a fire and health hazard; therefore, for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED, and the EMERGENCY VOTED ON SEPARATELY and passed, this 6th day of December, 1961.

GEORGE BEAN
Mayor

(Seal)
ATTEST: JOE H. CARSON
City Clerk

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[Related Ordinance, No. 208, Section 13]