

ORDINANCE NO. 4160-A

AN ORDINANCE AMENDING THE CITY OF MUSKOGEE CODE OF ORDINANCES BY AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, REGISTRATION CERTIFICATES AND FEES; PERMITS, BOND AND INSURANCE; DIVISION 6., VACANT BUILDINGS; SECTION 18-143, VACANT BUILDINGS: CONTACT INFORMATION AND VACANT BUILDING PLAN; ADDING REPEALER, SEVERABILITY, CODIFICATION, AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE,
OKLAHOMA, AS FOLLOWS:

Section 1. The City of Muskogee Code of Ordinances, Chapter 18, Buildings and Building Regulations; Article II, Registration Certificates and Fees; Permits, Bond and Insurance; Division 6., Vacant Buildings; Section 18-143, Vacant Buildings: Contact Information and Vacant Building Plan shall read as follows:

DIVISION 6. VACANT BUILDINGS

SECTION 18-143, VACANT BUILDINGS: CONTACT INFORMATION AND VACANT BUILDING PLAN

- A. The City of Muskogee is authorized to maintain a list of the property owners or the designees of property owners of vacant commercial real property to ensure the public safety and welfare of its citizens. Additionally, for the purpose of addressing public nuisances, dilapidated properties or other unlawful conduct in accordance with their general police powers, the City of Muskogee requires the following information be maintained and that property owners of vacant buildings are hereby required to provide the following information to the City Clerk, and to maintain updated information as follows:
1. Current contact information of persons or entities responsible for emergency contact and property maintenance as outlined in this subsection; or
 2. The name of a person or entity authorized to receive notice and service of process for property outlined in this subsection, along with their contact information.
 3. Provided, however, that if the current contact information for a property owner is the same as the address of record on the current property tax rolls, and that person or entity listed as the property owner is also responsible for the maintenance of the property and authorized to receive notice and service of process, then the property owner shall not be required to provide additional information to the City Clerk. Unless other contact information for emergency contact or service of process is provided by the property owner to the City, then it shall be deemed that the current contact information on the City tax rolls or

land records for a property owner is the current contact information for noticed and service of process.

4. A fee shall not be collected by the City to administer the collection of information authorized in this section.
- B. Nothing in this section shall prohibit the City of Muskogee from enacting and enforcing rules and regulations to require real property owners to comply with the provisions of this section and established occupancy standards as set forth by ordinance and state law.
- C. Nothing in this section shall prohibit the City of Muskogee from requiring the owner of property that is the subject of any abatement process provided in this title to provide the name, physical address and telephone number of an individual to receive and respond to communications concerning the property subject to the abatement process. No future action taken by the City shall be rendered ineffective due to the failure of the property owner to provide the information pursuant to this subsection. The City shall not assess any additional charge when requiring the information.
- D. Information obtained by the City under this section shall be confidential and not subject to disclosure under the Open Records Act.

(reference 11 O.S. § 22-110.1 (2022))

- E. The owner of a vacant property shall submit a vacant building plan which must meet the approval of the director of planning or his/her designee. The plan, at a minimum, must contain information from one of the following three choices:
 1. If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition starting within 30 days of acceptance of the proposed demolition timeline and does not exceed 90 days in accordance with the Muskogee City Code; or
 2. If the building is to remain vacant, a plan for ensuring the building is secured along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (i.e., building for sale, etc.); or
 3. If the building is to be returned to an appropriate occupancy or use, a rehabilitation plan for the said building and grounds shall be submitted. The rehabilitation plan shall not exceed 12 months from the time a required remodeling permit is obtained, unless the building official grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with all applicable zoning, historic preservation, or building codes, and the property must be secured during the rehabilitation.
 4. All applicable laws and codes shall be complied with by the owner. The owner shall notify the inspection department of any changes in information of their vacant

building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must meet the approval of the director of planning or his/her designee.

5. The owner shall keep the building secured and free of exterior defects to the building and grounds properly maintained in accordance with all applicable city ordinances. The owner of commercial buildings shall maintain water and electrical utilities to the vacant building at all times, whether or not a vacant building plan is in place.
6. The failure of the owner of the vacant building to obtain a deed for the property or to file the deed with the county clerk of Muskogee County shall not excuse the property owner from registering the property.
7. Failure of the owner to maintain the building and premises that result in remedial action taken by an enforcement officer shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.
8. Upon registration, the city will post a notice on the front door of the property identifying that the structure was registered as a vacant building. Said notice will state the name and phone number of the owner or person responsible for maintaining the building and the registration number.
9. The registration and all associated processes must be completed in its entirety annually for as long as the property remains vacant.
10. Any violation of this section shall result in fines and penalties being assessed pursuant to City of Muskogee Code of Ordinances Section 1.14.

Section 2. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only. This Ordinance supersedes and replaces Chapter 18, Buildings And Building Regulations; Article II, Registration Certificates and Fees; Permits, Bond And Insurance; Division 6., Vacant Buildings; Section 18-143, Vacant Building Registration.

Section 3. SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

Section 4. CODIFICATION. Chapter 18, Buildings and Building Regulations; Article II, Registration Certificates And Fees; Permits, Bond And Insurance; Division 6., Vacant Buildings; Section 18-143, Vacant Buildings: Contact Information And Vacant Building Plan.

Section 5. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS ____ DAY OF _____. 2022.

CITY OF MUSKOGEE

MARLON J. COLEMAN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(Seal)

Approved as to Form and Legality:

ROY TUCKER, CITY ATTORNEY