

(Published in the Tulsa Daily Commerce
& Legal News,

July 27, 2010.)

ORDINANCE NO. 22271

AN ORDINANCE AMENDING TITLE 24, TULSA REVISED ORDINANCES, ENTITLED, "NUISANCES"; AMENDING SECTION 205 ENTITLED "APPEALS FROM THE ENFORCEMENT OFFICIAL", SUBSECTION B ENTITLED "NOTICE OF APPEAL", CORRECTING THE REFERENCE THEREIN FROM SECTION 207 TO SECTIONS 210 OR 403; AMENDING SECTION 207 ENTITLED "APPEALS TO THE COUNCIL", SUBSECTION B ENTITLED "NOTICE OF APPEAL", CLARIFYING THE PROCEDURES TO NOTIFY THE COUNCIL SECRETARY AND THE NUISANCE HEARING OFFICER OF THE APPELLANT'S APPEAL AND SPECIFYING THE TIMES APPLICABLE TO THE APPEAL; AMENDING SECTION 210 ENTITLED "SUMMARY ABATEMENT", CHANGING THE DURATION OF THE ABATEMENT ORDER FROM TWELVE (12) MONTHS TO TWENTY-FOUR (24) MONTHS; AMENDING SECTION 403 ENTITLED "SUMMARY ABATEMENT", CHANGING THE DURATION OF THE ABATEMENT ORDER FROM TWELVE (12) MONTHS TO TWENTY-FOUR (24) MONTHS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 24, Chapter 2, Section 205(B), Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

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 or 403 summary abatement shall be taken within ten (10) days from the date of the issuance of the notice provided for in each Section, 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.

Section 2. That Section 207(B) of Title 24, Chapter 2, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

SECTION 207. APPEALS TO THE COUNCIL

B. Notice of Appeal. Any person aggrieved by a decision of the Nuisance Hearing Officer may file an appeal to the Council by filing a written notice of appeal, specifying the name and address of the Appellant, with the Council Secretary and the Nuisance Hearing Officer, within ten (10) working days of the date of the decision complained of. Such notice shall specify the grounds for the appeal. The Nuisance Hearing Officer may be served with said Notice of Appeal by serving the Municipal Court Clerk. A hearing on the appeal shall be heard by the Council not later than thirty (30) days from the date of filing the notice of appeal. Notice of the date, time and place of the appeal hearing shall be mailed by first class mail to the Appellant at the address shown in the Notice of Appeal.

Section 3. That Section 210 of Title 24, Chapter 2, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

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 twenty-four (24) 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 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 said twenty-four (24) month period constitutes a public nuisance and may be summarily abated without further prior notice to the property owner. Any summary abatement within said twenty-four (24) month period by the City automatically extends the period for summary abatements as outlined herein by the City an additional twenty-four (24) months. 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 said notice was mailed 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

203 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.

Section 4. That Section 403 of Title 24, Chapter 4, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

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 in Section 201 provides that any subsequent need for boarding or securing the building within a twenty-four (24) 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 twenty-four (24) month period may be done summarily without any further prior notice to the property owner or mortgage holder. Any summary abatement within said twenty-four (24) month period by the City automatically extends the period for summary abatements as outlined herein by the City an additional twenty-four (24) months. 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 said notice was mailed 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, together with all remedial civil penalties imposed, as provided in Section 209 of this title; 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.

Section 5. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 6. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 7. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its adoption, approval, and publication.

ADOPTED by the Council: JUL 15 2010
Date

[Signature]
Chairman of the Council

ADOPTED as an emergency measure: JUL 15 2010
Date

[Signature]
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

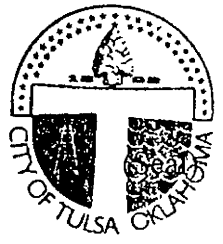
Dewey F. Bartlett, Jr., Mayor

By: _____
Secretary

Approved by the Mayor of the City of Tulsa, Oklahoma, 7/19/2010 at
Date

4:20 PM
Time

[Signature]
Mayor

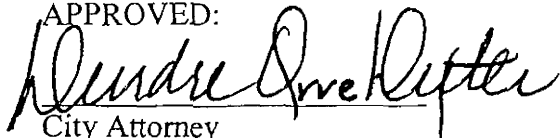


ATTEST:

[Signature]

DEPUTY City Clerk

APPROVED:


City Attorney

REQUEST FOR ACTION: ORDINANCE

Version: 02/27/2009

AGENDA FOR: MAYOR COUNCIL AUTHORITY: DATE: June 18, 2010
 Tulsa City Clerk's Office: 596-7513 or 596-7514

FOR INFORMATION CONTACT: _____ ORDINANCE # _____
 DEPARTMENT: WORKING IN NEIGHBORHOODS CONTACT NAME: Dwain E. Midget
 ADDRESS: _____ TELEPHONE: 918-527-7130

SUBJECT: Title 24 - Nuisance
 ORDINANCE TYPE: AMENDING PREVIOUS ORDINANCE BA or CT #: _____
 AMENDMENT OF ORD#: _____ TRO TITLE: _____ TRO SUBTITLE: _____ PLANNING DISTRICT: _____
 ZONING #: _____ SSID: _____ PUD #: _____ PROP/NON-PROP: P COUNCIL DISTRICT: _____

SUMMARY:

The Working in Neighborhoods Department is requesting Mayoral and Council approval to amend Title 24, Tulsa Revised Ordinances, entitled, "Nuisances"; amending Section 205 entitled "Appeals From The Enforcement Official", Subsection B entitled "Notice of Appeal", correcting the reference therein from Section 207 to Sections 210 or 403; amending Section 207 entitled "Appeals to the Council", Subsection B entitled "Notice of Appeal", clarifying the procedures to notify the Council Secretary and the Nuisance Hearing Officer of the appellant's appeal and specifying the times applicable to the appeal; amending Section 210 entitled "Summary Abatement", changing the duration of the abatement order from twelve (12) months to twenty-four (24) months; amending Section 403 entitled "Summary Abatement", changing the duration of the abatement order from twelve (12) months to twenty-four (24) months; providing for severability; providing for repeal of conflicting ordinances; and declaring an emergency.

**Approved By
 City Council On
 JUL 15 2010**

BUDGET: _____ **FINANCE DIRECTOR APPROVAL:** _____

FUNDING SOURCE: N/A

REQUEST FOR ACTION: All department items requiring Council approval must be submitted through the Mayor's Office.

Request the Mayor and Council approve this ordinance as submitted

DEPARTMENT HEAD APPROVAL: [Signature] DATE: 6-18-10
 ASST CITY ATTORNEY APPROVAL: [Signature] 6-18-10
 BOARD APPROVAL: _____
 MAYORAL APPROVAL: [Signature] 6-22-10
 OTHER: _____

FOR CITY COUNCIL OFFICE USE ONLY: 10-497-1 DATE RECEIVED: 6-24-10
 COMMITTEE: PW COMMITTEE DATE(S): 7-13-10 FIRST AGENDA DATE: 7-1-10
 HEARING DATE: _____ SECOND AGENDA DATE: 7-15-10 APPROVED: _____

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #; Dept ##, Item ##, Sub-Item ##, Status: S=Synopsis):

17-19-2010 2 25 3