

ORDINANCE NO.

24197

Approved By

City Council On

JUL 31 2019



Ordinance

Version 2.7 released on 10/8/18

Use for all Ordinances including: TRO, Budget, Zoning, Declarations, Trust Indentures, etc.

CITY COUNCIL USE ONLY		CITY CLERK USE ONLY	
Date Received:	Tracking #: 19-799-1	Date:	08-05-2019
Committee Date: 7-24-19	Committee: PW	Item #:	2.24.1
1st Agenda Date: 7-24-19	Hearing Date:		
	2nd Agenda Date: 7-31-19		

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

Primary Details

Dept. Tracking No.	Board Approval	Other Board Name	City Council Approval <input checked="" type="radio"/> Yes <input type="radio"/> No
Department Working in Neighborhoods	Contact Name Dwain E. Midget	Email dmidget@cityoftulsa.org	Phone 918-596-7130
Subject (Description) Ordinance amending Title 24 related to Penalties, Administrative Fees		Ordinance Type Amending Tulsa Revised Ordinances	
Section	Township	Range	Lot
Block	Address		BA / CT Number
Amending Ord. No.	TRO Title No. e.g. 43	TRO Subtitle e.g. G	Property/Non-Property Non-Property
Council District	Zoning No.	PUD No.	Planning District


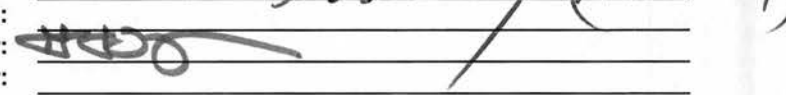
Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project Sting-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department:		Date:	7-10-19
Legal:		Date:	7-12-2019
Board:		Date:	
Mayor:		Date:	JUL 17 2019
Other:		Date:	

Policy Statement

Background Information

The requested amendments to Title 24, "Nuisance" cover four areas, first, it increases the penalty from \$1,000.00 fine and 90 days in jail to \$1,200.00 fine and 180 days in jail for any individual found guilty and convicted for permitting the continuation of any nuisance. Second, it increases the fee for an extension of the time to abate a nuisance from \$32.00 to \$50.00. Third, it increases the administrative cost for summary abatements from \$150.00 to \$300.00, and, fourth it increased the administrative fee for demolition from \$300.00 to \$500.00.

Provide background information on the requested action.

Summation of the Requested Action

Request the Council approved and Mayor sign the recommended amendments to Title 24

Summarize the pertinent details of the requested action.

Emergency Clause?

☒ Yes

☐ No

Reason for Emergency Clause

Preservation of public peace, health and safety

Explain why you are requesting that the City Council approve this action with an emergency clause.

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (add'l signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Add'l governmental entity approval(s) required

Additional Routing and Processing Details

(Published in the Tulsa World,

August 11, 2019.)

ORDINANCE No. 24197

AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 24 TULSA REVISED ORDINANCES (TRO), "NUISANCES," CHAPTER 1, SECTION 106, CHAPTER 2, SECTIONS 201 AND 209, CHAPTER 3, SECTION 307 AND CHAPTER 4, SECTION 405; AMENDING CHAPTER 1, "NUISANCES CLASSIFIED", SECTION 106, "CRIMINAL PENALTY", SETTING A FINE AND/OR JAIL SENTENCE; AMENDING CHAPTER 2, "PROCEDURE FOR ABATEMENT", SECTION 201, "ABATEMENT", SUB-SECTION "F" TO INCREASE THE NUISANCE ABATEMENT EXTENSION FEE TO FIFTY DOLLARS AND NO CENTS (\$50.00); AMENDING CHAPTER 2, "PROCEDURE FOR ABATEMENT", SECTION 209, "LIABILITY FOR COSTS", BY ADDING A NEW SUB-SECTION, SUB-SECTION "H", SETTING FORTH ADMINISTRATIVE FEES; AMENDING CHAPTER 3, "ABANDONED OR JUNKED VEHICLES AS A NUISANCE", RENAMING SECTION 307, "PENALTY", TO READ AS "CRIMINAL PENALTY", AND SETTING A FINE AND/OR JAIL SENTENCE; AMENDING CHAPTER 4, "DILAPIDATED AND/OR UNSECURED BUILDINGS AS A NUISANCE", SECTION 405, "CRIMINAL PENALTY, SETTING A FINE AND/OR JAIL SENTENCE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 24, Tulsa Revised Ordinances, Chapter 1, Section 106, be and the same is hereby amended to read as follows:

"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, Two Hundred Dollars and No Cents (\$1,200.00), excluding costs, fees and assessments, or by imprisonment in the City jail for a period of not more than one hundred eighty (180) days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense."

Section 2. That Title 24, Tulsa Revised Ordinances, Chapter 2, Section 201, be and the same is hereby amended to read as follows:

“Section 201. Abatement.

- F. 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 Fifty Dollars and No Cents (\$50.00) 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.”

Section 3. That Title 24, Tulsa Revised Ordinances, Chapter 2, Section 209 be and same is hereby amended, by adding a new sub-section, Sub-Section “H”, setting forth administrative fees, to read as follows:

“Section 209. Liability for Costs.

- H. Administrative fees chargeable for nuisance abatement shall be as follows:

Initial nuisance \$300.00

Summary abatement \$300.00

Demolition \$500.00

Said fees shall be recoverable against the party maintaining, operating or permitting a nuisance.”

Section 4. That Title 24, Tulsa Revised Ordinances, Chapter 3, Section 307, be and the same is hereby amended to read as follows:

“Section 307. Criminal 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 One Thousand, Two Hundred Dollars and No Cents (\$1,200.00), excluding costs, fees and assessments, or by imprisonment

in the City jail for a period of not more than one hundred eighty (180) days, or both. Each and every violation and each day of such violation shall be a separate offense."

Section 5. That Title 24, Tulsa Revised Ordinances, Chapter 4, Section 405, be and the same is hereby amended to read as follows:

"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, Two Hundred Dollars and No Cents (\$1,200.00), excluding costs, fees and assessments, or by imprisonment in the City jail for a period of not more than one hundred eighty (180) days, or both fine and imprisonment. Each day of such violation shall constitute a separate offense."

Section 6. 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 7. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 8. 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 3 1 2019
Date


Chairman of the Council

ADOPTED as an emergency measure: JUL 3 1 2019
Date


Chairman of the Council

OFFICE OF THE MAYOR

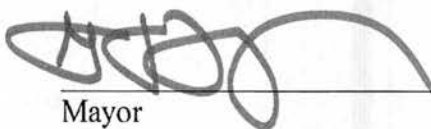
Received by the Mayor: _____, at _____.
Date Time

G.T. Bynum., Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: AUG 05 2019,
Date

at _____.
Time


Mayor

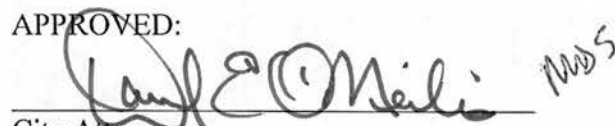
(Seal)

ATTEST:


City Clerk



APPROVED:


City Attorney