

ORDINANCE No. 15-07

AN ORDINANCE TO AMEND THE ABATEMENT PROCESS FOR NUISANCES AS STATED IN CHAPTER TWELVE (12) ARTICLES ONE (1) AND TWO (2) OF THE CITY CODE BOOK, CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA.

Article 100.1 - In General

- Standard specifications for storm drainage.

Providing standard specifications for storm drainage, applying to all subdividing and developing of land within the corporate limits of the city, requiring and regulating primary and secondary drainage canals and surface drainage bridges, culverts, closed and open storm sewers and outside addition boundaries and prescribing penalties for the violations of its provisions and declaring it an emergency, is hereby recognized as continuing in full force and effect to the same extent as if set out at length in this article.

Article 100.2 – Nuisances

- Enumeration

In addition to any other public nuisances declared by other sections of this Code, the following are determined to be and shall constitute public nuisances:

1. Any condition or act annoying, injuring or endangering the safety, health, comfort and repose of any considerable number of persons in the city.
2. Any condition or act which in any way renders any considerable number of persons insecure in life of in the use of property.
3. The accumulation of liquid household waste, stagnant or standing pools of water, growing weeds, or other conditions which afford breeding places for flies, mosquitoes or vermin.
4. Dense smoke, noxious fumes and odors, gas, soot or cinders which affect a considerable number of persons as to health and comfort.

5. All acts, omission of acts, occupations and uses of property which are a menace to the public health.
6. All places where drunks, persons of lewd or disreputable character or flagrant violators of the law congregate.
7. Any vehicle used for indecent or immoral practices or purposes.
8. All indecent or obscene pictures, books, pamphlets, magazines or newspapers.
9. The placing or leaving, upon or in any public park or watershed, or waters supplying water to the city, of any rubbish, , refuse, tin cans, garbage, dead animals or organic waste of any kind.
10. Polluting or contaminating the public water supply.
11. Any livestock grazing or running at large upon the watersheds of the city.
12. Obstructing any existing drainage channel which provides for runoff of storm water.
13. Permitting trees, grass, weeds, or any other vegetation to grow to the extent that water flow is obstructed; except that easements dedicated for surface water drainage across privately owned property shall be deemed a public way and major maintenance of the easement, when required, shall be performed by the city at no cost to the owner.

It shall be unlawful for any person to create or maintain a public nuisance within the city, or to permit a public nuisance to remain on premises under his control within the city. The city shall have the power to ordain and to enforce local legislation for the proper organization and functioning of the city government, for the preservation and enforcement of good government and order, for the protection of health, life, morals and property, and for the prevention, abatement, and removal of nuisances, and otherwise for the promotion of the common welfare.

- Abatement-Generally

- a. The city council is empowered to summarily abate, or have summarily abated by the codes department, any nuisance referred to in this chapter or any other chapter of the Code, whenever it is practical to do so, following the procedures outlined in this chapter.
- b. All expenses incurred in abating a nuisance under this section shall be paid by the owner or person creating or maintaining such nuisance.

- Same-by suit in district court.

If abatement of any nuisance is deemed impractical by the city council, the council shall, by resolution, direct the bringing of a suit in the district court for the abatement of the public nuisance as authorized.

- Same-health nuisances.

- a. The code administrator shall have the authority to order the owner or occupant of any private premises in the city to remove from such premises at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any condition adversely affecting the public health within 24 hours, or within such other time as might be reasonable. Failure to do so shall constitute an offense.
- b. The order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer (codes administrator), his designee (codes inspectors) or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state.
- c. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises, or by publication in the least one issue of a newspaper having a general circulation in the city.
- d. If an order given pursuant to subsection or is not complied with, the health officer (codes administrator) may cause the order to be executed and complied with, and the cost thereof shall be certified to the city treasurer, and the cost thereof shall be added to the water bill or other city utility bill of the owner or occupant if he is a user of water from the city water system or to other utility service.
- e. The cost shall be treated as a part of the utility bill to which it is added, and shall become due and payable, and be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If the owner or occupant is not a user of any city utility service, the cost, after certification

to the city treasurer, may be collected in any manner in which any other debt due the city may be collected.

- Same-procedures cumulative.

The various procedures prescribed by this article and by other ordinances for abating public nuisances shall be cumulative one to the other, and the city may elect to follow any such procedure which is applicable in abating any particular nuisance.

Article 100.3 – Lot Cleaning

- Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative Officer means the codes department and code administrator designated by the city council to carry out the duties of abating detrimental accumulations of trash or growth of weeds and grass.

Cleaning means the removal of trash from property.

Owner means the owner of record as shown by the most current tax rolls of the county treasurer.

Trash means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, or waste, or matter of any kind or form which is uncared for, discarded or abandoned.

Weed includes but is not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:

1. Exceeds 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 such weeds.
2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash.
 3. Harbors rodents or vermin,
 4. Gives off unpleasant or noxious odors.
 5. Constitutes a fire or traffic hazard.
 6. Is dead or diseased.

The term “weed” shall not include tended crops on land zoned for agricultural use which are planted more than 150 feet from a parcel zoned for other than agricultural.

- Application.

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

- Prohibited; responsibilities.

It shall be unlawful for any owner or person otherwise in possession or control of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the city to allow trash or the corporate limits of the city to allow trash or weeds to grow, stand or accumulate upon premises and it shall be the duty of such owner to remove or destroy any such trash or weeds. The city will cause property within its municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with established procedures.

- Reporting accumulation; inspection, determination.

Any officer or employee of the city who discovers an accumulation of trash or weeds upon any premises within the corporate limits of the city shall report such condition to the nuisance abatement officer of the codes department, who thereupon shall make an inspection and determination of violation.

- Designation of administrative officer.

The city designates the codes administrator as the administrative officer responsible for carrying out the duties of the city council regarding public nuisance abatement procedures. The property owner shall have a right of appeal to the city

council from any order of the code administrator. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten days after the administrative order is rendered.

EMERGENCY CLAUSE: It being immediately necessary for the preservation of the public peace, health and safety, and emergency is hereby declared to exist by reason of which this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication.

Passed by the City Council of the City of Krebs with the Emergency Clause acted on separately on the 4th day of June, **2015**.

Bobby Watkins, Mayor

ATTEST:

W. Kay Scott, Interim City Clerk/Treasurer