

ORDINANCE 2025- 10

**AN ORDINANCE AMENDING SECTION 98.07 OF CHAPTER 98 OF THE
ORDINANCES OF THE CITY OF CLAREMORE, OKLAHOMA REGARDING
SUMMARY ABATEMENT OF NUISANCES.**

Whereas, the City of Claremore, pursuant to the powers delegated to it by the Oklahoma Constitution, Oklahoma Statutes, and as a Charter City, has the authority to enact the following amendments to Section 98.07 of Chapter 98 of the City Ordinances regarding the summary abatement of nuisances.

THEREFORE, BE IT ORDAINED by the Council of the City of Claremore, Oklahoma that:

Section 1. Amendment. Section 98.07 of Chapter 98 if the City of Claremore Code of Ordinances are hereby amended as follows (all deletions are struck through and all insertions underlined):

§ 98.07 SUMMARY ABATEMENT OF NUISANCES.

(A) Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the Mayor City Manager or other appropriate officer or agency of the city government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

(B) The Chief of the Fire Department, the Chief of Police, the City Attorney, the Building Inspector, the Electrical Inspector, the Plumbing Inspector, Code Enforcement Officer, or any other officer subordinate to the Mayor City Manager may submit through or with the consent of the Mayor to the City Council-City Manager, a statement as to the existence of a nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated. ~~The Mayor himself, the Health Officer, any Council person, or any resident or residents of the city may submit such a statement and request a recommendation to the City Council.~~

(C) The Council City Manager shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the Council-City Manager shall have power to subpoena and examine witnesses, books, papers and other effects. Before proceeding to abate the nuisance or have it abated, the Council-City Clerk shall give at least 10 days notice of a hearing on the proposed abatement to the owner of any property concerned and

to any other person alleged or deemed responsible for or to be causing the nuisance, and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the County Treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the County Clerk to the last known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of mailee. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, If the names or addresses are not known, and the peace, health, safety, morals, or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the city.

(D) If the Council City Manager finds that a nuisance does in fact exist, he/she shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals, or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the Council City Manager shall direct the Mayor appropriate staff to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by 50 O.S. § 16. The City Clerk shall send a statement by certified mailing of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the city collectible as other debts of the city may be collected. In addition, a copy of the statement shall be mailed to any mortgage holder at the address provided for in division (C) of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. The cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for the abatement of the nuisance, including all mailing and filing fees. If nuisance abatement is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

(E) When payment is made to the municipality for costs incurred, the Municipal Clerk shall file a release of lien, but if payment attributable to actual cost of the abatement is not made within 90 days from the date of the mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the cost to the County Treasurer in which the property is located. Once certified to the County Treasurer, payment may only be made to the County Treasurer except as otherwise provided in this section. The costs shall be levied on the property and collected by the County Treasurer as are other taxes authorized by law. Until finally paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of nuisance abatement and lien is filed with the County Clerk. In addition, the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and

superior to all other titles and liens against the property. The lien shall continue until the costs are fully paid. At the time of collection, the County Treasurer shall collect a fee of \$5 for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. If the County Treasurer and the municipality agree that the County Treasurer is unable to collect the assessment, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the Municipal Clerk shall forward to the County Treasurer a notice of such payment and shall direct discharge of the lien.

(F) The property owner shall have a right to appeal to the City Council from any order of the City Manager. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten days after the administrative order is rendered.

Section 2. Publication. The City Clerk is hereby ordered and directed to cause this Ordinance to be published as required by law.

Section 3. 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 4. Repealer. All prior ordinances or parts thereof in conflict herewith or apparently in conflict shall be and the same are hereby specifically repealed.

PASSED AND APPROVED by the Mayor and Council of the City of Claremore, Oklahoma, this 7th day of July, 2025.




Herb McSpadden

Attest:


Sarah Sharp, City Clerk

CITY OF CLAREMORE
CITY CLERK
P.O. BOX 249
CLAREMORE, OK 74018-0249