

NON - WEED & TRASH POLICY & PROCEDURES



Code Enforcement Policy and Procedures Guide for Non - Weed and Trash

Purpose

Purpose The purpose of this policy and procedures guide is to provide a framework for enforcing regulations related to violations other than weeds and trash. This guide is intended to ensure that violations are identified and addressed in a timely and efficient manner while promoting compliance with relevant laws and regulations.

Scope

This policy and procedures guide applies to all properties within the jurisdiction, including residential, commercial, industrial, and public properties.

1. State Statute & Ordinance

- Oklahoma State Statutes:
 - Title 11-22-112.4 - Abandoned Buildings - Public Nuisance - Abatement by Municipal Governing Body
 - Title 11-22-121 - Nuisances
 - Title 63-1-1011 - Health Nuisances - Removal - Collection of Cost of Removal
- Chapter 11 Public Nuisances and Property Enhancement
- International Property Maintenance Code 2018 or newer

Definitions

- Violation: Any act, omission, condition, or occurrence that constitutes a breach of a regulation or law.
- Property owner: The person or entity that owns or has legal control over a property.
- Violator: The person or entity responsible for the violation.
- Unsecured Buildings: Buildings or structures that are not adequately secured against unauthorized entry or pose a risk to public safety due to their state of disrepair.

Policy

It is the policy of the city to enforce codes and regulations related to all other violations beyond weeds and trash. The city will respond to and investigate complaints and proactively identify violations. Property owners and occupants are responsible for maintaining their properties in compliance with all applicable codes and regulations.

Procedures

1. Reporting Violations

- Residents, property owners, or any concerned individuals can report suspected code violations through the designated reporting system (e.g., online form, phone, or email).
- Anonymous reports are accepted but may limit the enforcement officer's ability to gather additional information if needed.

2. Inspection and Notice

- Upon receiving a complaint or identifying a potential violation, a code enforcement officer will inspect the property.
- If a violation is confirmed, the officer will issue a courtesy letter to the property owner or occupant, providing a ten (10) days for voluntary corrective action.
- At the end of the ten (10) days of voluntary correction, a code enforcement officer will inspect the property.
- If a violation is confirmed, the officer will immediately set the case for hearing before the abatement hearing officer.

3. Compliance

- Property owners or occupants must correct the violation within the specified timeframe.
- After the timeframe has elapsed, the code enforcement officer will re-inspect the property to confirm compliance.
- If the property complies, the case will be closed.

4. Non-Compliance and Penalties

- If the property owner or occupant fails to correct the violation within the specified timeframe, the city will take corrective action at the property owner's expense.
 - Notice of Violation and Order to Abate.
 - When the officer has identified a violation of this chapter as a public nuisance and as a result has reason to believe that an unlawful act under this chapter has been committed and is unable to secure voluntary, the officer shall serve a written notice of violation and order to abate to the responsible person. Service shall be made by either personal service or first-class mail with receipt of mailing, which receipt shall indicate the date of mailing and the name and address of the responsible person at his or her last known address. Where the responsible person is other than the owner, one copy of the notice and order shall also be served in like

manner to the owner of record as shown on the current year's tax rolls in the county treasurer's office for the affected property. A copy of the notice and order shall also be posted on the affected property in a conspicuous place in or about the structure. When required by the Oklahoma State Law, one (1) copy of the notice and order shall also be mailed to the mortgage holder, if any. This notice and order shall contain:

- a brief and concise description of the conditions alleged to be in violation or to be a public nuisance;
 - the provisions of this chapter alleged to have been violated;
 - a statement of the corrective action required and a reasonable time within which the action must be completed, after which the city may abate the unlawful condition using all legal means;
 - the establishment of a date and time for examination of this alleged violation by a hearing examiner at which time the responsible person may appear to address the violation;
 - a statement indicating that the hearing will be canceled if the required corrective action is completed and approved by the city prior to the hearing date;
 - a statement declaring that, upon a finding by the hearing examiner that a public nuisance does exist on the property, the city may abate the nuisance and that all costs and expenses of abatement incurred by the city will be assessed against the property and such cost shall be a lien against the property, until paid, and shall be collected in the same manner as ad valorem taxes against the property; and
- Action by Hearing Officer:
 - At the hearing, the hearing officer will hear evidence and testimony from both the code enforcement officer and the alleged violator. The hearing officer will also review any documents or evidence submitted by either party.
 - Findings and Decision: After the hearing, the hearing officer will make findings of fact and conclusions of law based on the evidence presented. The hearing officer will then issue a decision, which may include a determination of whether a violation exists, and any corrective actions that must be taken.
 - If the hearing officer does find a violation does exist, the hearing officer will order abatement for the property.

5. Appeals

- The decision of the hearing examiner may be appealed by the responsible person or owner to the city council if a written notice of appeal is filed within ten (10) days after the hearing examiner's decision was served. The written notice of appeal shall:
 - set forth in detail the precise decision or requirement being appealed;
 - state precisely why the decision or requirement is in error;
 - designate the section(s) of this chapter or any other regulation, code, or statutes which support(s) the appellant's position; and
 - be accompanied by a filing fee of one hundred dollars (\$100.00). The city council shall hear the appeal not later than thirty (30) days from the date of filing the notice of appeal. If a decision or requirement of the hearing examiner is appealed to the city council, enforcement of the decision or requirement shall be stayed until the city council has rendered its decision.

Education and Outreach

The jurisdiction will engage in ongoing education and outreach efforts to inform residents and property owners about the importance of maintaining their properties in compliance with local codes and regulations. This may include informational materials, workshops, and community events.

Review and Updates

This policy and procedures guide will be reviewed periodically and updated as needed to ensure that it remains effective and relevant to the jurisdiction's needs.

Contact Information

For questions, concerns, or to report a potential violation, please contact the Code Enforcement Division at 918-338-4230