ORDINANCE NO	3500

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AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 27 NUISANCES; ARTICLE II, WEEDS AND TRASH; SECTION 27-28, ACCUMULATION OF RUBBISH DECLARED A NUISANCE; PENALTY; PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

Sec. 27-28. - Accumulation of rubbish declared a nuisance; penalty.

ORDINANCE

<u>Section 1.</u> That the Midwest City Municipal Code, Chapter 27 Nuisances; Article I, In General; Section 27-2, Declared unlawful; penalties; is hereby amended to read as follows:

(a) It shall be unlawful for the owner or responsible party to create or maintain a public nuisance within the city or to permit a public nuisance to remain on premises within the city.

(b) The punishment for every violation of this chapter shall be as set out in section 1-15 of this Code. Each day a violation of this chapter continues shall constitute a separate offense of this chapter, and the fines associated with the offense shall increase for each subsequent violation that occurs within the calendar year, January 1 to December 31, as set out in section 1-15.

(c) Where the city must abate a nuisance, there shall be assessed to the owner of the property an administrative fine of two hundred dollars (\$200.00) for each abatement contract for the property. For any abatement performed pursuant to section 27-14, the administrative fine may be assessed to either the owner of the property and/or the box owner.

<u>Section 2.</u> That the Midwest City Municipal Code, Chapter 27 Nuisances; Article II, Weeds and Trash; Section 27-28, Accumulation of rubbish declared a nuisance; penalty; is hereby amended to read as follows:

(a) Allowing rubbish to accumulate or remain on private property shall be deemed a nuisance. It shall thus be unlawful to allow rubbish to remain upon the premises of any private property, except for the following circumstances:

(1) Tree limbs or other approved combustible materials piled, stacked and ready for burning and located in a designated area approved for burning by the fire department, after having obtained a city burn permit and awaiting approval from the city to burn said approved materials for a time period not to exceed three (3) months, regardless of the duration of the burn permit, unless an extension has been granted in writing and prior to the expiration of three (3) months from the date the burn pile has been inspected and the permit issued;

(2) Rubbish which has been scheduled for pickup by the city or a third party contractor operating within the city;

(3) Tree limbs or other vegetative debris which has been gathered and stacked by the curbline of the property after a naturally occurring disaster or due to inclement weather conditions which affect a significant area of the city and for which the city has established a scheduled pickup for such debris.

- (b) Debris from storm damage must be cleared from improved and maintained wooded areas where cultivated vegetation or lawn grasses are located within sixty (60) days from the date of the storm causing the damage, unless an extension of the time is granted by the city for good cause demonstrated by the owner or responsible party of the property.
- (c) Private property in excess of one (1) acre, including unimproved wooded areas, shall be maintained to include a twenty-foot perimeter free of fallen limbs and downed trees along property lines adjacent to neighboring improved property.
- (d) A ten-day notice shall be given to the owner or responsible party of any property deemed in violation of this section, pursuant to the provisions of subsection 27-8(c) of this Code, after which the city may abate the rubbish discovered that caused the nuisance and any additional rubbish found while abating the property by removing such rubbish with the cost of such removal, including the cost for the removal of any additional rubbish found, shall be assessed to the owner or responsible party of the property. The notice shall state that any accumulations of rubbish on the owner's property occurring within six (6) months after the removal of rubbish on the property pursuant to such notice may be summarily abated by the municipal governing body, unless the property owner has been issued a burn permit from the fire department; that the costs of such abatement 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. Any chains, locks or other similar devices used to secure any portion of the property where such violation exists shall be removed by the owner and/or responsible party or, such devices will be removed by the city or their representative without liability to the city or it's representative by the owner and/or responsible party. After abatement, the city clerk shall send a statement of the cost of such abatement, including the city's administrative expenses, to the owner of the property. Until paid, such cost shall constitute a debt to the city collectible in any manner as provided under local or state laws, including the filing of a lien, or other available debt collection remedies.
- (e) In addition to abatement by removal as indicated in subsection (d) of this section, the owner or responsible party, upon conviction of creating, maintaining, permitting or allowing a nuisance upon the premises, may be fined as set out in section 1-15.
- <u>Section 3.</u> REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- <u>Section 4.</u> SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance.

1 2	PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this
3 4	THE CITY OF MIDWEST CITY, OKLAHOMA
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7	SEAT MATTHEW D. DUKES, II. Mayor
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10	ATTEST:
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12	MAR CHARLES ME
13	July Dancock
14	SARA HANCOCK, City Clerk
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17	Approved as to form and legality this day of Avenue, 2021.
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21	DONALD D. MAISCH, City Attorney

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