

## CHAPTER 14

### NUISANCES

Article 1. General Provisions.

Article 2. Abatement of Nuisances.

Article 3. Penalty.

#### Article 1. General Provisions

##### Section 14-1. Nuisance Unlawful.

It shall be unlawful for any person (owner, lessee or other) to create or maintain a nuisance, or to permit a nuisance to remain on premises under his control, within the corporate limits of the City of Hollis, Oklahoma.

##### Section 14-2. City Council May Determine and Define Nuisances.

The City Council has the power to determine what is and what shall constitute a nuisance within the corporate limits of the City of Hollis, Oklahoma, and, for the protection of the public health, parks and water supply, outside of said city's corporate limits.

##### Section 14-3. Nuisance Defined.

A nuisance consists of unlawfully doing an act, omitting to perform a duty or any thing or condition which:

1. Annoys, injures or endangers the comfort, repose, health or safety of others;
2. Offends public decency;
3. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for use, any lake, drainage way, stream, stream basin, public park, street or other public property; or
4. In any way renders other persons insecure in life or in the use of property.

##### Section 14-4. Public Nuisances; Possible Remedies.

1. A public nuisance is one which affects, at the same time, an entire community, neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

2. The possible remedies against a public nuisance are:
  - a. Prosecution on complaint before the Municipal Court;
  - b. Prosecution of information or indictment before another appropriate court;
  - c. Civil action; and
  - d. Abatement:
    - (1) By the person injured; or

## NUISANCES

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- (2) By the municipality, in accordance with law or ordinance.
3. No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

### Section 14-5. Private Nuisance; Possible Remedies.

1. Every nuisance not included in Section 14-4 (above) is a private nuisance.
2. The possible remedies against a private nuisance are:
  - a. Civil action; and
  - b. Abatement:
    - (1) By the person injured; or
    - (2) By the municipality, in accordance with law or Ordinance.

### Section 14-6. Person Liable.

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property created by a former owner, is liable therefore in the same manner as the person who first created it.

### Section 14-7. Procedure Cumulative.

The various procedures for abating nuisances prescribed by this Chapter and by other provisions of law and Ordinances shall be cumulative one (1) to the other; the City Council may elect to follow any such procedure which is applicable in abating any particular nuisance.

Sections 14-8 through 14-9. (Reserved for future use.)

## Article 2. Abatement of Nuisances

### Section 14-10. Summary Abatement of Nuisances.

1. Whenever it is practical to do so, the City Council has the power summarily to abate any such nuisance, after notice to the owner and an opportunity for him to be heard, if this can be done.
2. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one (1) or more persons of the public generally, and it is recognized that, in such circumstances, the Mayor (or his representative) may be justified or required 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.
3. The City Manager, the Fire Chief, the Chief of Police, the City Attorney, the Health Officer, any Councilmen, any resident of the City of Hollis, Oklahoma, or any other officer subordinate to the City Council, may submit to said City, a statement as to the existence of a nuisance as defined by State Law or the Ordinances of the City, and a request or recommendation that it be abated.
4. The City Council shall determine whether or not the alleged nuisance is a nuisance in fact, and before proceeding to have the nuisance abated, the said City Council shall give 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. Such notice to the owner and other persons concerned shall be given in writing by mail or by service (by a police officer), if

## NUISANCES

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their names and addresses are known; if the names and addresses are not known, and the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a newspaper of general circulation within the City or county.

5. If the City Council finds that a nuisance does in fact exist, it shall direct the owner and/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, 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 City Council shall direct the City Manager to abate the nuisance or have it abated, if summary abatement is practical.

6. The City Clerk shall send a statement of the cost of such summary abatement to the owner and/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.

### Section 14-11. Abatement of Public Health Nuisances.

1. The local or County Health Officer shall have the authority to order, in writing, the owner or occupant of any private premises in the City to remove from such premises, within a reasonable length of time and 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 other condition adversely affecting the public health; failure to do so shall constitute an offense. Such order shall be served on the owner or occupant (or his agent) of the premises by the local or County Health Officer, or a policeman. 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 at least one (1) issue of a newspaper having a general circulation in the city or county.

2. If the order is not complied with, the Health Officer may cause the order to be executed, and the cost thereof shall be certified to the City Clerk; the cost of abating such nuisance shall be added to the municipal utility bill of the owner or occupant (if he is a user of any municipal utility service) and shall become due and payable and be subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupants not a user of any municipal utility service, such costs, after certification to the City Clerk, may be collected in any manner in which any other debt due the city may be collected.

### Section 14-12. Removal of Unsafe Structures.

1. When in the opinion of the Municipal Building Inspector or any municipal official, any building, wall or other structure upon, adjoining or near any street, avenue, alley or public ground within the city of Hollis, Oklahoma, becomes dangerous, insecure or liable to collapse from inherent structural weakness or decay, or which, from fire damage or other cause, becomes a menace to life or property, the same is hereby declared to be a nuisance.

- a. Any such building shall be reported by the Municipal Building Inspector of the municipal official to the City Council, together with the lot and block number, the owner (or his agent) and a description of the condition.
- b. Upon receipt of such report, the City Council shall, by Resolution, declare such building or structure to be a nuisance and shall serve legal written notice on the owner (or his agent) to wreck or remove the same.
- c. Said Resolution shall fix a time and place at which the owner or his agent may appear and show cause why such building shall not be condemned.
- d. Upon the aforesaid date, the City Council shall hear all objections and evidence in relation thereto and, unless the owner can show good and sufficient reason why the building should not be condemned, the original order of said City Council shall be executed, by Resolution.

## NUISANCES

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- e. Said Resolution shall fix a reasonable time for the owner to comply with the order. At the expiration of such time, if the owner (or agent) has not complied with the order, the City Council shall cause such building or structure to be torn down.
- f. The materials salvaged in wrecking such building or structure shall be sold at public or private sale and the proceeds therefrom used to defray the City's expenses in wrecking said building; any unexpended balance shall be returned to the owner. If such proceeds be insufficient therefore, the balance shall be provided, by Resolution, from whatever municipal fund available, and the amount thereof shall be levied against the lot or tract of land upon which said building was located (in the manner provided by law for assessment and levy of other special taxes).

2. Any municipal official shall have the right to stop the construction of any building or structure, or the alteration, repair or wrecking of the same, if the same is being done in a careless or reckless manner, or in violation of the provisions of this Code of Ordinances.

### Section 14-13. Cleaning and Mowing of Property.

1. The City Council may cause property to be cleaned of trash and weeds, or grass to be cut or mowed, in accordance with the procedures outlined in this Section.

2. Before the City Council holds a hearing or takes action, at least ten (10) days notice shall be given to the owner of the property by certified mail (with return receipt requested), at the address shown by the current year's tax rolls in the County Assessor's office.

3. The owner of the property may give his written consent to the city, authorizing the removal of the trash or the mowing of the weeds or grass thereby waiving his right to a hearing by the City Council.

4. A hearing shall be held by the City Council to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become:

- a. Detrimental to the health, benefit and welfare of the public and community;
- b. A hazard to traffic; or
- c. A fire hazard to surrounding property.

5. Upon a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefitted by the removal of such conditions, municipal employees are granted the right of entry on the property for the removal of trash or the mowing of weeds or grass, as a governmental function of the municipality.

6. The City Council shall determine the actual cost of such cleaning and mowing and any other expenses in connection therewith (including the cost of notice and mailing). The City Clerk shall forward, by certified mail (with return receipt requested), to the property owner at the address named in Subsection 2 (above), a statement of such actual cost and demanding payment. If the mowing is done by the municipality, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for the mowing. If the mowing is done on a private contract basis, it shall be awarded to the lowest and best bidder.

7. If payment is not made within thirty (30) days from the date of the mailing of the statement, the City Clerk shall forward a certified statement of the amount of the cost to the County and the same shall be levied on the property and collected by the County, as other taxes authorized by law.

### Section 14-14 through 14-19. (Reserved for future use.)

## NUISANCES

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### Article 3. Penalty

#### Section 14-20. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 9-34 of this Code. Each day upon which a violation continues shall be deemed a separate offense.