

CITY OF ARDMORE  
DEVELOPMENT SERVICES

Council Letter No. 5122  
Meeting Date: July 6, 2021

Mayor and City Commission  
City of Ardmore, OK

RE: TX21-02/ Text Amendment of the City of Ardmore Code of Ordinances Chapter 14, Article V, Section 14-44, entitled condemnation; providing definitions; providing regulations and procedures for condemnation of dilapidated building and authorizing appointment of an administrative officer to enforce the provisions of this chapter; providing for severability and declaring an emergency.

Dear Commission Members:

On June 10, 2021 the Planning Commission considered an amendment to the City of Ardmore Code of Ordinances to amend Chapter 14, Article V, Section 14-44, entitled condemnation; providing definitions; providing regulations and procedures for condemnation of dilapidated building and authorizing appointment of an administrative officer to enforce the provisions of this chapter; providing for severability and declaring an emergency.

Mr. Davis has reviewed the state law and recommended the proposed amendments.

After discussion, the Planning Commission voted (7-0) to approve the proposed text amendment.

Recommendation: Staff recommends approval of the proposed Text Amendment contained in the attached Ordinance.

Respectfully Submitted,



Jessica Scott  
Community Development Director

Attachments: CC Ordinance  
PC Resolution

Reviewed by: \_\_\_\_\_

  
City Manager

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ARDMORE, CHAPTER 14, ARTICLE V, SECTION 14-44 ENTITLED CONDEMNATION; PROVIDING DEFINITIONS; PROVIDING REGULATIONS AND PROCEDURES FOR CONDEMNATION OF DILAPIDATED BUILDINGS AND AUTHORIZING APPOINTMENT OF AN ADMINISTRATIVE OFFICER TO ENFORCE THE PROVISIONS OF THIS CHAPTER; PROVIDING FOR REPEALER, SAVING CLAUSE, SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ARDMORE, OKLAHOMA:

**Section I: Amendatory.** Chapter 14, Article 5, Section 14-44 of the Code of Ordinances of the City of Ardmore, is hereby amended to read as follows:

**Sec. 14-44. - Condemnation.**

(a)

Any habitation shall be condemned as unfit for human occupancy if it is found to be in one (1) or more of the following conditions:

(1)

So damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2)

So deficient in illumination, sanitation or ventilation facilities that it jeopardizes the health or safety of the occupants or of the public.

(3)

So located as to be dangerous to the health or safety of the occupants or of the public.

(b)

Whenever the housing official determines that a habitation is unfit for human occupancy as defined above, he shall give notification for vacation by the following procedure:

(1)

He shall affix upon the door or entrance to such habitation a printed placard stating that the habitation is unfit for human occupancy and shall be vacated according to the procedure prescribed in Article V, Section 14-43.

(2)

Any habitation which has been condemned, placarded and vacated shall not again be used for human occupancy until written approval is secured from, and such placard is removed by, the housing official. He shall remove the placard only upon the elimination of the defects upon which the condemnation and the placarding were based.

(3)

No person shall deface or remove the placard from any habitation except as provided in subsection (b)(2), above.

(4)

Any person affected by any notice or order relating to the condemning and placarding of a habitation as unfit for human occupancy may request and shall be granted a hearing on the matter before the board of commissioners of the City of Ardmore.

(c)

*Order for repair or condemnation of dilapidated buildings; notice; removal; costs, lien; nuisance.* The municipal governing body may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this section.

(1)

At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the administrative officer holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of said 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 city 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 mailer. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication notice in the Daily Ardmoreite. Such notice must be published once not less than ten (10) days prior to any hearing or action by the city pursuant to the provisions of this section.

(2)

A hearing shall be held by the administrative officer to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property.

(3)

Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the administrative officer may cause the dilapidated building to be torn down and removed. The administrative officer shall fix reasonable dates for the commencement and completion of the work. The municipal clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the municipality at the hearing, and stating that the city claims a lien on said property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice. The agents of the city are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the city if the work is not performed by the property owner within dates fixed by the governing body.

(4)

The administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The municipal clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder at the address provided for in paragraph (1) of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city 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. If a city dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

(5)

When payment is made to the city for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. Said costs shall be levied on the property and collected by

the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation 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. Said 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 cost is fully paid. At the time of collection, the county treasurer shall collect a fee of five dollars (\$5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to collection as provided for in this paragraph, the city 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.

(6)

The planning and development department is designated to carry out the duties of the governing body specified in this section. The property owner shall have the right of appeal to the municipal governing body from any order of the planning and development department. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

(7)

For the purposes of this section, "dilapidated building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

(8)

Nothing in the provisions of this section shall prevent the city from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

(9)

The officers, employees or agents of the city shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

(10)

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

(11)

Designation of administrative officer.

The board of commissioners authorizes the city manager to appoint an administrative officer to carry out the duties of the city commission and planning and development department as provided for in this article. The property owners or mortgage holder shall have the right of appeal to the city commission from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

**Section II: Repealer.** All ordinances or parts thereof, which are inconsistent with this Ordinance are hereby repealed.

**Section III: Savings Clause.** Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued of existing, under any act or Ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section IV: Severability.** If any one or more of the sections, sentences, clauses, or parts of this Ordinance shall, for any reason, be held invalid, the invalidity of such section, sentence, clause, or part, shall not affect or prejudice in any way the applicability and validity of any other provision of this Ordinance. It is hereby declared to be the intention of the Mayor and Board of Commissioners of the City of Ardmore that this section of the Code of Ordinances for the City of Ardmore, Oklahoma, 2014, would have been adopted had such unconstitutional, illegal, or otherwise invalid section, sentence, clause, or part had not been included.

**Section V: Emergency.** It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Ardmore and the inhabitants thereof that this ordinance be put into full effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

The undersigned hereby certify that the foregoing ordinance was introduced before the Ardmore City Commission on the \_\_\_\_ day of \_\_\_\_\_, 2021, and was duly adopted and approved by the Mayor and City Commission of the City of Ardmore on the \_\_\_\_ day of \_\_\_\_\_, 2021, after compliance with notice requirements of the Oklahoma Open Meeting Law.

CITY OF ARDMORE

A MUNICIPAL CORPORATION

ATTEST:

\_\_\_\_\_

City Clerk

\_\_\_\_\_

Mayor

RESOLUTION FOR CASE NO. TX 21-02

A RESOLUTION BY THE PLANNING COMMISSION, CITY OF ARDMORE, CARTER COUNTY, OKLAHOMA RECOMMENDING APPROVAL OF A TEXT AMENDMENT TO AMEND CHAPTER 14, ARTICLE V, SECTION 14-44 ENTITLED CONDEMNATION; PROVIDING DEFINITIONS; PROVIDING REGULATIONS AND PROCEDURES FOR CONDEMNATION OF DILAPIDATED BUILDINGS AND AUTHORIZING APPOINTMENT OF AN ADMINISTRATIVE OFFICER TO ENFORCE THE PROVISIONS OF THIS CHAPTER; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

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WHEREAS, the Planning Commission of the City of Ardmore, Oklahoma, held a public hearing to consider a proposal to amend Chapter 14, Article V, Section 14-44 entitled Condemnation; Providing definitions; Providing Regulations and procedures for condemnation of dilapidated buildings and authorizing appointment of an administrative officer to enforce the provision of this chapter, and,

WHEREAS, legal notice was published and the Planning Commission heard and considered all of the facts presented at their regular monthly meeting; and,

WHEREAS, the Planning Commission has determined that the proposed text change amendment is beneficial to the City of Ardmore.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Ardmore recommending text amendments to the Unified Development Code to amend Chapter 14, Article V, Section 14-44 to read as follows:

*Sec. 14-44. - Condemnation.*

*(a) Any habitation shall be condemned as unfit for human occupancy if it is found to be in one (1) or more of the following conditions:*

*(1) So damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.*

*(2) So deficient in illumination, sanitation or ventilation facilities that it jeopardizes the health or safety of the occupants or of the public.*

*(3) So located as to be dangerous to the health or safety of the occupants or of the public.*

*(b) Whenever the housing official determines that a habitation is unfit for human occupancy as defined above, he shall give notification for vacation by the following procedure:*

*(1) He shall affix upon the door or entrance to such habitation a printed placard stating that the habitation is unfit for human occupancy and shall be vacated according to the procedure prescribed in Article V, Section 14-43.*

*(2) Any habitation which has been condemned, placarded and vacated shall not again be used for human occupancy until written approval is secured from, and such placard is removed by, the housing official. He shall remove the placard only upon the elimination of the defects upon which the condemnation and the placarding were based.*

*(3) No person shall deface or remove the placard from any habitation except as provided in subsection (b) (2), above.*

*(4) Any person affected by any notice or order relating to the condemning and placarding of a habitation as unfit for human occupancy may request and shall be granted a hearing on the matter before the board of commissioners of the City of Ardmore.*

*(c) Order for repair or condemnation of dilapidated buildings; notice; removal; costs, lien; nuisance. The municipal governing body may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this section.*

*(1) At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the administrative officer holds a hearing. A copy of the notice shall be*

posted on the property to be affected. In addition, a copy of said 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 city 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. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication notice in the Daily Ardmoreite. Such notice must be published once not less than ten (10) days prior to any hearing or action by the city pursuant to the provisions of this section.

(2) A hearing shall be held by the administrative officer to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property.

(3) Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the administrative officer may cause the dilapidated building to be torn down and removed. The administrative officer shall fix reasonable dates for the commencement and completion of the work. The municipal clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the municipality at the hearing, and stating that the city claims a lien on said property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice. The agents of the city are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the city if the work is not performed by the property owner within dates fixed by the governing body.

(4) The administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The municipal clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder at the address provided for in paragraph (1) of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city 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. If a city dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

(5) When payment is made to the city for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation 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. Said 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 cost is fully paid. At the time of collection, the county treasurer shall collect a fee of five dollars (\$5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to collection as provided for in this paragraph, the city 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.

(6) The planning and development department is designated to carry out the duties of the governing body specified in this section. The property owner shall have the right of appeal to the municipal governing body from any order of the planning and development department. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

(7) For the purposes of this section, "dilapidated building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

(8) Nothing in the provisions of this section shall prevent the city from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

(9) The officers, employees or agents of the city shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

(10) The provisions of this act shall not apply to any property zoned and used for agricultural purposes.

(11) Designation of administrative officer.

The board of commissioners authorizes the city manager to appoint an administrative officer to carry out the duties of the city commission and planning and development department as provided for in this article. The property owners or mortgage holder shall have the right of appeal to the city commission from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

**PASSED by the Planning Commission on the 17<sup>th</sup> day of June 2021 on the following vote:**

Darrell Scott	Yes	No	Absent	<input checked="" type="checkbox"/>
Marcus High	Yes	No	Absent	<input checked="" type="checkbox"/>
Bob Bates	Yes	No	Absent	<input checked="" type="checkbox"/>
Ethan Bateman	Yes	No	Absent	<input checked="" type="checkbox"/>
Eric Howard	Yes	No	Absent	<input checked="" type="checkbox"/>
Roger Hughes	Yes	No	Absent	<input checked="" type="checkbox"/>
Dee Ann Chatham	Yes	No	Absent	<input checked="" type="checkbox"/>
Chris Sandvick	Yes	No	Absent	<input checked="" type="checkbox"/>
Claudia Kittrell	Yes	No	Absent	<input checked="" type="checkbox"/>

PLANNING COMMISSION  
CITY OF ARDMORE, OKLAHOMA

BY Claudia C. Kittrell  
Claudia Kittrell, Chairperson

ATTEST: Sabrina Martinez  
Sabrina Martinez, Secretary

DATE 6/17/21