

ORDINANCE NO. 24-012

AN ORDINANCE PERTAINING TO NUISANCES AND HEALTH AMENDING SECTION 15-2-206, ARTICLE 15-2, CHAPTER 15, LAWTON CITY CODE, 2015; BY ADDING LANGUAGE ON THE DIFFERENT TYPES OF APPEALS THAT CAN OCCUR, ADDING LANGUAGE THAT STATES THE HEARING OFFICER SHALL SEND NOTICE IN WRITING WITHIN TEN (10) DAYS OF THE HEARING, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

Section 1. Section 15-2-206 is hereby amended to read as follows:

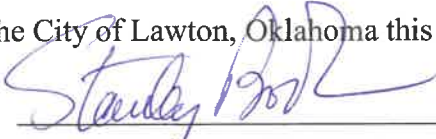
15-2-206 Determination and assessment of costs.

- A. Upon the completion of the work performed under Section 15-204 of this code, the city shall prepare a statement itemizing the actual cost of such cleaning and mowing along with any other expenses as were deemed necessary in connection with each such abatement, together with a demand for payment of the total cost, and forward it by mail, to the property owner.
- B. Immediately following the cleaning and mowing of the property, the city clerk shall file a notice of lien with the county clerk describing the property and the work performed by the city and stating that the city claims a lien on said property for the cost of trash and weeds.
- C. A statement of cost shall be mailed to the property owner with notice that the property owner may request a hearing with the hearing officer on the cost of abatement by filing a notice of appeal with the city clerk within ten (10) days after the date of mailing the statement of costs for each abatement. The hearing shall be held by the hearing officer not later than ten (10) days after of the receipt of the notice of appeal by the city clerk. Unless otherwise determined at the hearing, the cost of such abatement shall be as shown on the statement. The cost so determined shall be a personal obligation of the property owner as well as a lien on the subject property and may be collected by any means provided by law.
 - 1. The appeal hearings can be requested to be in person, telephonic conference, email request or via a letter stating the reason for the appeal.
 - 2. No more than ten (10) days after the appeal hearing, the hearing officer shall mail to the property owner/appellant a written decision of the hearing officer.
- D. By placing refuse at the curb or collection point the customer relinquishes title and disclaims interest in said material, and the city will consider such property placed in the public right-of-way abandoned, and therefore will abate as it deems appropriate and necessary. The customer and furthermore consents to the city collecting the same and assessing any applicable fees for said collection service on the customer's next utility bill.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. The provisions of this ordinance shall become effective thirty days after passing of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 27th day of February, 2024.



STANLEY BOOKER, MAYOR

ATTEST:



DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this 29th day of February, 2024.



TIMOTHY WILSON, INTERIM CITY ATTORNEY