

YALE CITY CODE

Chapter 16

NUISANCES

Article 1. Nuisances in General

Sec. 16-1. Nuisance defined, public nuisances, private nuisances.

(a) A nuisance is unlawfully doing an act, or omitting to perform a duty, or is anything or condition, which either:

- (1) annoys, injures, or endangers the comfort, repose, health, or safety of others,
- (2) offends decency;
- (3) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, navigable river, stream, canal or basin, or any public park, square, street, or other public property; or
- (4) in any way renders other persons insecure in life or in the use of property.

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

(c) Every nuisance not included in subsection (b) above is a private nuisance.

(d) Provided that the above definitions shall be the same as those found at Oklahoma Statutes Title 50 Section 1 through 4.

Sec. 16-2. Prohibited.

It is an offense for any person to create or maintain a nuisance within the city, or to permit a nuisance to remain on premises under his control within the City of Yale.

Sec. 16-3. Person responsible.

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 one who first created it.

Sec. 16-4. Time does not legalize.

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

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Sec. 16-5. Remedies against public nuisances.

The remedies against a public nuisance are:

- (1) Prosecution on complaint before the municipal court.
- (2) Prosecution on information or indictment before another appropriate court.
- (3) Civil action.
- (4) Abatement as follows:
 - (a) By a person injured as provided in 50 O.S. Section 12.
 - (b) By the city in accordance with the law or ordinance.

Sec. 16-6. Remedies against private nuisances.

The remedies against a private nuisance are:

- (1) Civil Action;
- (2) Abatement
 - (a) By the person injured as provided in 50 O.S. Section 14 and 16.
 - (b) By the City in accordance with law or ordinance.

Sec. 16-7. City has power to define and summarily abate nuisances.

As provided in 50 O.S. § 16, the City of Yale has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks, and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the city has 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.

Sec. 16-8. Certain public nuisances in the city defined.

(a) In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

- (1) The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made.
- (2) The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or the keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the city.
- (3) The keeping of a place where persons gamble, whether by cards, slot

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machines, punch boards, or otherwise.

- (4) The keeping of a place where prostitution, illicit sexual intercourse, or other immoral acts are practiced.
- (5) The keeping of a place where activities in violation of state law or ordinances are practiced or carried on.
- (6) The public exposure of a person having a contagious disease.
- (7) The continued making of loud or unusual noises, specifically including playing radios, boom-boxes, record players, cassette players, compact disk players, or any other audio device, which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises.
- (8) The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others.
- (9) Any use of a street or side walk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinances.
- (10) Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk.
- (11) All wells, pools, cisterns, bodies, or containers of water in which mosquitoes breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety.
- (12) Rank weeds or grass, carcasses, accumulations of manure refuse, or other things, which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist.
- (13) Any building or structure which is dangerous to the public health or safety because of damage, decay, or other condition.
- (14) Any pit, hole, or other thing which is so constructed, formed, conditioned, or situated as to endanger the public safety.
- (15) Any fire or explosion hazard which endangers the public safety.
- (16) Any occupation or activity which endangers the public peace, health, morals, safety, or welfare.

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(b) The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisance either in more general or more specific terms. State law reference Title 50 Section 16.

Sec. 16-9. Summary abatement of nuisances.

(a) Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals, or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the appropriate officer or agency of the city government 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.

(b) The City Manager or any other officer subordinate to the City Manager may submit, to the City Commission a statement as to the existence of a nuisance as defined by the ordinances of the city or state law and a request or recommend that it be abated. The health officer, any trustee, or any resident or residents of the city may submit such a statement and request or recommendation to the City Commission.

(c) The City Commission shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the City Commission shall have power to subpoena and examine witnesses, books, papers, and other effects. Before proceeding to abate the nuisance or to have it abated, the City Commission 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 their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals, or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the city.

(d) If the City Commission 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 or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety,

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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 Commission shall direct the appropriate city officer to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Title 50 O.S. Section 16. 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 may be collected.

Sec. 16-10. Abatement by suit in District Court.

In cases where it is deemed impractical summarily to abate a nuisance, the city may bring suit in the District Court of the county where the nuisance is located, as provided in Title 50 of the Oklahoma Statutes.

Sec. 16-11. Nuisance unlawful.

It is unlawful for any person (owner, lessee or other) to create or maintain a nuisance within the City of Yale, or to permit a nuisance to remain on premises under his control within the City.

Sec. 16-12. Procedures cumulative.

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative one to the others and the city may elect to follow any such procedure which is applicable in abating any particular nuisance.

Sec. 16-13. Penalty.

Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00), excluding costs. Each day's continuation of any such violation shall be deemed a separate offense.

Article 2. Public Health Nuisance

Sec. 16-14. Public health nuisances; authorizing city health officer to order abatement thereof.

Pursuant to authority granted by Title 63 O.S. Section 1-1011, the city health officer or his designee shall have the authority to order the owner or occupant of any private premises

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within the corporate limits of the City to remove from such premises, 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, within twenty-four (24) hours, or within such other time as may be reasonable; all such conditions being hereby declared to constitute public health nuisances.

Sec. 16-15. Nature and service of order.

Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the city health officer or by a policeman, or a copy may be left at or sent by certified mail with return receipt requested to the last usual place of abode of such owner, occupant, or agent, if known and within the state. If the premises are unoccupied and the residence of such owner, occupant, or agent is unknown, or is without the state, such 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 within the City of Yale.

Sec. 16-16. Abatement if order not complied with; collection of costs.

If the order is not complied with, the city health officer or his designee may cause the order to be executed and complied with, and the cost of removing and abating the nuisance shall be certified to the City Clerk and added to the city utility bill of such owner or occupant, if he is a user of city utility services. The cost shall be treated as a part of the utility bill to which it is added and if not paid shall be treated the same as a delinquency in payment, on the utility bill itself. If such owner or occupant is not a user of any city utility services, the cost, after certification to the City Clerk, may be collected in any manner in which any other debt due the city may be collected.

Sec. 16-17. Definition of "city health officer".

The term "city health officer", as used herein, includes the director and sanitarians of the Payne County Health Department.

Sec. 16-18. Procedure prescribed herein cumulative.

The procedure prescribed herein for abating public health nuisances is cumulative and in addition to any other procedures authorized by law or ordinance for abating public nuisances.

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Article 3. Procedure Cumulative

Sec. 16-19. Procedure cumulative.

The various procedures for abating nuisances prescribed by this chapter and by other provision of law and ordinance shall be cumulative one to the other; and the City may elect to follow any such procedure which is applicable in abating any particular nuisance.

Sec. 16-20. Penalty.

Any person who violates any provisions of this chapter by doing any act prohibited or declared to be unlawful thereby, or declared to be a nuisance, an offense, or misdemeanor thereby, or who fails to do any act required by any such provision, or who fails to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, or who violates any legal order or regulation made pursuant to this chapter, is guilty of an offense, and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) excluding costs. Each day upon which any such violation continues constitutes a separate offense.

Article 4. Abatement of Weeds and Trash.

Sec. 16-21. Definitions, as used in this section.

As used in this article:

- (1) *Cleaning* means the removal of trash from property.
- (2) *Owner* means the owner of record as shown by the most current tax rolls of the county treasurer.
- (3) *Trash* means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal or waste, or matter of any kind or form which is uncared for, discarded or abandoned.
- (4) *Weed* includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any state of maturity which:
 - (a) Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise

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interfere with the mowing of said weeds;

- (b) Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
- (c) Harbors rodents or vermin;
- (d) Gives off unpleasant or noxious odors;
- (e) Constitutes a fire or traffic hazard; or
- (f) Is dead or diseased.

The term "weed" shall not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a residential area.

Sec. 16-22. Accumulations prohibited.

It is unlawful and a nuisance for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limit of the City of Yale to allow accumulations of trash or excessive growth of grass or weeds upon such premises, or along the sidewalk, street or improved alleys adjacent to such premises, so that any such condition shall appear to constitute either:

- (1) A detriment to the health, safety or welfare of the public or community; or
- (2) A traffic hazard; or
- (3) A fire hazard to the danger of property.

Sec. 16-23. Notice to Abate.

The City may cause property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedures:

At least ten (10) days' notice shall be given to the owner of the property by regular mail at the address shown by the current year's tax rolls in the Payne County Treasurer's office before the City of Yale holds a hearing or takes action. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall further state that unless such work is performed within ten (10) days of the date of the notice the work shall be done by the City of Yale and a notice of lien shall be filed with the Payne County Clerk against the property for the costs due and owing the City of Yale. At the time of mailing of notice to the property owner, the City of Yale shall not be required to obtain a receipt that the owner has received the notice but shall however be required to obtain a receipt from the postal service which receipt shall state the date that such notice was mailed and

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shall further state the name and address of the mailee. If the property owner cannot be located within the ten (10) days from the date of mailing by the City of Yale, then and in that event the City of Yale may give notice by posting a copy of the notice on the property or may give notice by publication as defined in the Title 11 Section 1-102 of the Oklahoma Statutes. If notice is given by publication such notice shall be published one (1) time not less than ten (10) days prior to any hearing or action by the City of Yale. If the City of Yale anticipates summary abatement of a nuisance in accordance with the provisions of Section 16-28 hereof, the notice, whether by mail, posting or publication, shall state: that any accumulations of trash, or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of the notice may be summarily abated by the City of Yale; 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.

The owner of the property may give written consent to the City of Yale authorizing the removal of the trash or the mowing of the weeds or grass. By giving written consent, the owner waives the right to a hearing by the City of Yale.

Sec. 16-24. Designation of Representative.

(a) The City of Yale may designate the City Manager or the Chief of Police to carry out the duties of the Board of Commissioners under the provisions of Sections 16-24, 16-26, 16-27 and 16-28 of this Chapter. Any property owner shall have the right of appeal to the Board of Commissioners from any order of the City Manager or the Chief of Police. Any 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.

(b) Pursuant to the provisions of Title 11, Section 22-110.1 of the Oklahoma Statutes the City of Yale may require the owner of any property that is the subject of any abatement process to provide the name, physical address and telephone number of an individual to receive and respond to communications concerning the property subject to the abatement process. No future action taken by the City of Yale shall be rendered ineffective due to the failure of the property owner to provide the information pursuant to this subsection.

Sec. 16-25. Finding property to be detriment.

Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, agents of the City of

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Yale are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the City of Yale. Immediately following the cleaning or mowing of the property, the City Clerk shall file a notice of lien with the Payne County Clerk, describing the property and the work performed by the City of Yale, and stating that the City of Yale claims a lien on the property of the cleaning or mowing costs.

Sec. 16-26. Work to be done and performed.

The City of Yale may enter property for the removal of trash, mowing of weeds or grass, in performance of the necessary duties as a governmental function of the City. The abatement may be done by the City of Yale directly or may be let by contract to the lowest and best bidder for a period not to exceed one year. 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, the work performed and stating that the City of Yale claims a lien on said property.

Sec. 16-27. Cost to be determined, failure to pay costs.

(a) The City of Yale, shall determine the actual cost of such cleaning and mowing and such other expenses as may be necessary in connection therewith, including the cost of notice of mailing, and the City Clerk shall forward by mail to the property owner at the address shown by the current year's tax rolls in the county treasurer's office, a statement of such actual cost and demanding payment, providing that if the cleaning and mowing is done on a private contract basis it shall be awarded to the lowest and best bidder. If cleaning and mowing is done by the City, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for said cleaning and mowing.

(b) 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 Payne County Treasurer and the same shall be levied on the property and collected by the County Treasurer as other taxes authorized by law. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the County Treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the County Treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all

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other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At any time prior to the collection as provided in this paragraph, the City of Yale may pursue any civil remedy for collection of the amount owing and interest thereon including an action in person 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 judgment lien created pursuant to this section. Upon receiving payment, if any, the City Clerk shall forward to the Payne County Treasurer a notice of such payment and directing discharge of the lien.

Sec. 16-28. Summary Abatement.

If a notice is given by the City of Yale to a property owner ordering the property within the City of Yale to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in this Chapter, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six (6) month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such summary abatement the City of Yale shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided in Section 16-23 hereof. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided for in Section 16-25 and Section 16-27 hereof. These provisions shall not apply if the records of the Payne County Clerk show that the property was sold after notice was given pursuant to provisions of this Chapter.

Article 5. Dilapidated Buildings

Sec. 16-29. Dilapidated buildings prohibited, Building registration.

(a) The City Commission may cause dilapidated buildings within the municipal limits of the City of Yale to be torn down and removed in accordance with the provisions of this Article.

(b) Pursuant to and under provisions of Title 11, Section 22-110.1 of the Oklahoma Statutes as created by Senate Bill 277 of the Oklahoma Legislature it is determined that for purposes of promoting commerce and the equitable treatment of the citizens of the City of Yale, the City of Yale may create a list of the property owners or the designees of property owners of

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residential, commercial or leased real property to ensure the public safety and welfare of the citizens of the City of Yale. The City of Yale for the purpose of addressing public nuisances, dilapidated properties or other unlawful conduct in accordance with the general police powers, may require:

- (1) Contact information of persons or entities responsible for emergency contacts and property maintenance for property; or
- (2) The name of a person or entity authorized to receive notice and service of process for property outlined in Title 11, Section 22-110.1 of the Oklahoma Statutes.
- (3) The City of Yale shall not collect a fee to administer collection of the information authorized herein. (Ord. No. 392)

Sec. 16-30. Definitions.

For the purposes of this Section, the words, terms and phrases contained herein shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

(a) Boarding and securing or boarded and secured means the closing, boarding or locking of any or all exterior openings so as to prevent entry into a structure.

(b) Dilapidated building shall mean a structure which:

(1) Through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public.

(2) Is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety and welfare of the general public.

(3) Has been determined by the Yale City Commission or an administrative office of the City of Yale to be an unsecured building as defined by Section 22-112.1 of Title 11 of the Oklahoma Statutes more than three times within any twelve month period.

(4) Has been boarded and secured, as defined by Section 22-112.1 of Title 11 of the Oklahoma Statutes for more than six (6) consecutive months.

(5) Has been declared by the City of Yale to constitute a public nuisance.

(c) Owner means the owner of record as shown by the most current tax rolls of the Payne County Treasurer.

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(d) Unsecured building shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar openings, unlocked basement or cellar openings or other similar unsecured openings which would facilitate an unauthorized entry into the structure. (Ord. No. 392)

Sec. 16-31. Prohibited.

No person or entity shall be allowed to create or maintain a dilapidated building within the City of Yale, or to permit a dilapidated building to remain on premises under his control within the City of Yale.

Sec. 16-32. Condemnation.

The city may cause dilapidated buildings within the city limits to be torn down and removed in accordance with the provisions of this article.

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Sec. 16-33. Authorization.

The City Commission hereby authorizes the City Manager to carry out the duties of the governing body specified in Title 11 O.S. Section 22-112.

Sec. 16-34. Notice procedure.

At least ten (10) days prior to a building being torn down or removed, the City of Yale shall give notice to the owner of the property that the City Commission will hold a public hearing to determine if the building is detrimental to the health, safety or welfare of the City. 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 at the time of mailing the notice of the City of Yale shall obtain a receipt of mailing which receipt shall indicate the date of mailing and the name and address of the mailer. 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 as defined in Title 11, Section 1-102 of the Oklahoma Statutes. 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.

Sec. 16-35. Hearing by City Commission.

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

- (1) If the City Commission determines that the property is not dilapidated and has not become detrimental to the health, safety, or welfare of the general public or community or is not a fire hazard which is dangerous to other property, a written finding will be made which indicates that the condemnation process was not warranted and the matter will be concluded.
- (2) After concluding the hearing, the City Commission may, upon application by the property owner, allow the property owner to take specific remedial actions before the City Commission makes its decision. Upon the granting of the application, a date certain will be set for the remedial action to be completed and a decision by the City Commission rendered.

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Sec. 16-36. Work to be performed.

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 City of Yale may cause the dilapidated building to be torn down and removed. The City of Yale shall fix reasonable dates for the commencement and completion of the work. The City Clerk shall immediately file a notice of dilapidation and lien with the County Clerk describing the property, the findings of the City Commission at the hearing, and stating that the City of Yale claims a lien on said property for the destruction and removal costs. 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 City Commission.

Sec. 16-37. Costs.

The City Commission shall determine the actual cost of the dismantling and removal of the buildings, including the cost of notice and mailing. The City Clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the building and 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 Section 16-34 hereof. At the time of mailing the statement of costs, to any property owner or mortgage holder the City of Yale shall obtain a receipt of mailing showing the date of mailing and the name and address of the mailer. If the City of Yale 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.

Sec. 16-38. Failure to pay costs.

When payment is made to the City of Yale for costs incurred, the City 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 City Clerk shall forward a certified statement of the amount of the cost to the County Treasurer. Said costs shall be levied on the property and collected by the County Treasurer as the other taxes authorized by law. The cost and the interest thereon shall be

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a lien against the property from the date of notice 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 any time prior to collection, the City of Yale may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, the City Clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

Sec. 16-39. Boarding of dilapidated buildings.

After a building has been declared dilapidated, as provided in Section 16-33 of this article, and before the commencement of the tearing and removal of a dilapidated building, the City Commission may authorize that such a building be boarded and secured.

Sec. 16-40. Procedure.

The City Commission may cause an unsecured building to be boarded and secured in accordance with the following procedures:

(1) Before the City Commission orders such action at least ten (10) days notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in Section 16-34. A copy of the notice shall also be posted on the property to be affected. At the time of mailing the City of Yale shall obtain a receipt of mailing showing the date of mailing and the name and address of the mailee.

(2) The owner of the property may give his written consent to the City of Yale authorizing the boarding and securing of such secured building and to the payment of any costs incurred thereby. By giving said written consent, the owner waives his right to a hearing by the City Commission.

(3) If the property owner does not give his written consent to such actions, a hearing may be held by the City Commission to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. In making such determination the City Commission shall apply the following standard: the City Commission may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children.

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Upon making the required determination, the City Commission may order the boarding and securing of the unsecured building.

Sec. 16-41. Tax Lien.

After the City Commission orders the boarding and securing of such unsecured building the City Clerk shall immediately file a notice of unsecured building and lien with the County Clerk describing the property, stating the findings of the City Commission at the hearing at which such building was determined to be unsecured, and stating that the City of Yale claims a lien on said property for the costs of boarding and securing such building.

Sec. 16-42. Entry upon Premises.

Pursuant to the order of the governing body, the agents of the City are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the municipality.

Sec. 16-43. Statement of Costs.

(a) After an unsecured building has been boarded and secured, the City Commission shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of notice and mailing. The City Clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mail to any property owners and mortgage holders as provided in Section 16-34. At the time of mailing the City of Yale shall obtain a receipt showing the date of mailing and the name and address of any mailer.

(b) If the City of Yale boards and secures any unsecured building, the costs to the property owner shall not exceed the actual cost of labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

Sec. 16-44. Payment.

When payment is made to the municipality for costs incurred, the City Clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the costs to the County Treasurer of Payne County. Said costs shall be levied on the

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property and collected by the county treasurer as are other taxes authorized by law. The costs 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 costs and interest are fully paid. At any time prior to collection as provided for in this paragraph, the City of Yale may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, the City Clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

Article 6. Junk or Abandoned Vehicles

Sec. 16-45. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein:

- (a) "City Manager" means the City Manager of the City of Yale, Oklahoma.
- (b) "Enforcement Officer" means the code enforcement officer or any police officer of the City of Yale, Oklahoma.
- (c) "Junk motor vehicle" means any motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded, or which does not display a state license plate or a state license plate that is more than three (3) months out of date. This term also means every device used or capable of being used as a means of transportation on water, including, but not limited to, personal watercraft.
- (d) "Operable condition" means immediately capable of being legally operated on a public street, highway or road.
- (e) "Private property" means any real property located within the City of Yale which is privately owned and which is not included within the definition of public property.
- (f) "Public property" means any street, highway or road which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and any other publicly owned property or facility.
- (g) "Vehicle" means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles,

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(h) motor scooters, trucks, tractors, go-carts, campers, and trailers. (ORD. NO. 395)

Sec. 16-46. Storing, Parking Junk Vehicle.

(a) It is unlawful for any person within the City of Yale to park, store, leave, or permit the parking, storing, or leaving of a junk vehicle, whether attended or not, upon any private property within the City for a period in excess of fourteen (14) days. Each and every day such vehicle is parked, stored or left shall be deemed a separate offense.

(b) The presence of any junk vehicle on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this Article. (ORD. NO. 395)

Sec. 16-47. Notice To Abate Junk Vehicles.

(a) The enforcement officer, acting at his or her discretion or upon order of the City Manager may cause an initial notice of violation to be placed on the junk vehicle or if placement on the vehicle is not possible, then in a visible area as close to the junk vehicle as possible. The initial notice shall state that the junk vehicle is a nuisance and must be removed, repaired, or completely enclosed within a building, or covered in accordance with the provisions of this article, within seven (7) days after the initial notice is posted.

(b) If the junk vehicle is not removed, repaired, enclosed, or covered in accordance with the provisions of this article, the enforcement officer may cause a final notice to be sent by certified mail to the registered owner of the junk vehicle or the owner or occupant of the private property where the junk vehicle is located, if different from the owner of the vehicle. The final notice shall state that the junk vehicle continues to be a nuisance and must be removed, repaired, enclosed, or covered in accordance with the provisions in this article, within fourteen (14) days or the City of Yale will cause the junk vehicle to be towed and stored at the owner's expense. The final notice shall also state that the registered owner of the junk vehicle or the owner or the occupant of the private property where the junk vehicle is located, if different from the owner of the vehicle, may request a hearing before the enforcement officer at any time within fourteen (14) days from the date the final notice was mailed to contest a determination that the junk vehicle constitutes a nuisance.

(c) Any person, firm or corporation who maintains vehicles in the following manner shall be exempted from the provisions of this section.

(1) In an enclosed building

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- (2) Is in the process of being restored or repaired when reasonable progress is being made.
 - (3) Is placed in an appropriate storage place maintained in a lawful manner within the City.
 - (4) Is covered by an opaque car cover manufactured for that purpose and kept in good condition at all times and free from tears and holes.
- (d) A rebuttable presumption shall exist that a vehicle is abandoned and falls within the definition of junk vehicle when the following conditions are present.
- (1) Weeds and/or grass undergrowth would indicate to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur.
 - (2) One or more wheels are flat or missing.
 - (3) Portions or parts of the vehicle that are necessary for the vehicle to be operated are missing.
 - (4) The City of Yale has received reports as to the length of time a vehicle has been standing in one place without being moved, or that parts are being removed from or added to such vehicle, indicating a salvage or garage operation.
 - (5) The state license tag is missing or more than three (3) months out of date.
- (ORD. NO. 395)

Sec. 16-48. Hearing.

(a) At any time with fourteen (14) days from the date the final notice is mailed, the registered owner of the junk vehicle or the owner or occupant of the private property where the junk vehicle is located, if different from the owner of the vehicle, may file a written request to the City of Yale that the enforcement officer conduct a hearing for the purpose of determining whether or not the junk vehicle constitutes a nuisance.

(b) The enforcement office shall hold such hearing as soon as practicable.

(c) At the hearing, the registered owner of the junk vehicle or the owner or occupant of the private property where the junk vehicle is located, if different from the owner of the vehicle, may present testimony, evidence, or make arguments. If the enforcement officer determines that the junk vehicle constitutes a nuisance, then the enforcement officer shall complete an order that the nuisance be abated and the junk vehicle be removed, repaired,

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(d) enclosed or covered within fourteen (14) days from the date that the order is mailed.

(e) At any time within fourteen (14) days from the date that the order is mailed, the registered owner of the junk vehicle or the owner or occupant of the private property where the junk vehicle is located, if different from the owner of the vehicle, may file a written appeal with the City Clerk requesting that the City Manager review the findings of the enforcement officer and determine whether or not the junk vehicle constitutes a nuisance. (ORD. NO. 395)

Sec. 16-49. Removal of Junk Vehicle

(a) If the junk vehicle has not been removed, repaired or covered in accordance with the provisions of this article within fourteen (14) days following mailing of the final notice or within fourteen (14) days after the mailing of the final order from any hearing that might be held, the enforcement officer may tow the vehicle from the property. The registered owner of the junk vehicle or the owner or occupant of the private property where the junk vehicle is located, if different from the owner of the vehicle, shall be responsible for all towing and storage costs associated with the towing of the vehicle.

(b) The registered owner of the junk vehicle or the owner or occupant of the private property where the junk vehicle is located, if different from the owner of the vehicle, may give written consent to the enforcement officer authorizing the City of Yale to abate the nuisance and dispose of the vehicle.

(c) Within forty-eight (48) hours after the removal of any junk vehicle, the enforcement officer shall give notice to the registered owner of such vehicle that the junk vehicle has been removed, impounded and stored as provided in this article. The notice shall provide the location where the junk vehicle is stored and the proper procedure for redeeming the vehicle, including the cost of redemption. (ORD. NO. 395)

Sec. 16-50. Violation.

Any person, firm, or corporation who violates any provision of the article shall be guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. The enforcement officer is authorized to issue citations for violation of this article following the initial notice that a junk vehicle constitutes a nuisance with the provisions of Section 16-47 herein. (ORD. NO. 395)

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Sec. 16-51. Open storage and exceptions.

It shall be unlawful for the owner or occupant of a residential structure or property to utilize the exterior premises of such property for the open storage of any junk motor vehicle, vehicle part, appliance, furniture, building material, building rubbish or cloth goods or similar items. It shall be the duty and responsibility of every such owner or occupant of such structure or premises to keep the premises of such property clean and to remove from the premises all such items as listed above. For the purposes of this section, open storage shall be defined to include, but shall not be limited to, all storage on the premises which is not inside a building, such as

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storage on porches, storage under carports and similar areas and storage inside fenced yards.

The rear yards of all structures or properties may be used for open storage, except for junk motor vehicles, provided the materials will not provide a harborage for vermin, will not deteriorate in the elements, do not occupy more than ten (10) percent of the yard area, and do not pose a fire hazard.

Interior side yards between properties may be used for open storage, except for junk motor vehicles and vehicle parts, provided there is at least ten (10) feet of yard and the materials will not provide a harborage for vermin, will not deteriorate in the elements, do not occupy more than ten (10) percent of the yard area, and do not pose a fire hazard.

Patio and lawn furniture in good repair and condition and designed for outdoor use and firewood stacked and stored for private use on the property in the rear or side yards and behind front building set back lines are permissible.

Sec. 16-52. Storage requirements of materials on non-residential property.

(a) On non-residential properties, goods and materials must be properly stored to prohibit harborage by vermin, lessen the dangers of fire, and protect the safety of persons occupying the property. To meet the minimum requirements materials must be stored such that:

- (1) Grass and weeds around and under the materials can be mowed;
- (2) They do not create a harborage for vermin or mosquitoes;
- (3) It does not pose an attractive nuisance;
- (4) They are stored in a secure manner, both vertically and horizontally, so as to not pose a hazard or danger to the life or welfare of persons in and around the materials;
- (5) There is adequate access for emergency personnel to move through the site, access buildings, and fight fires; and
- (6) They do not create a fire hazard.

(b) Discarded materials will not be allowed to accumulate on non-residential properties. Discarded materials are defined as materials not related to the business which are:

- (1) Materials that are not properly stored; and
 - (2) Materials that have been used and are no longer serviceable.
- (c) Any materials left in the street right of way or alley shall be considered discarded.

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Sec. 16-53. Notice to remove.

When it comes to the attention of the City of Yale that a premises is in violation of this article, then a written notice of the violation and a demand for the removal of the materials within ten (10) days of service shall be served on the occupant of the property, or in the case where there are multiple occupants, on the property owner or agent. The notice may be served by posting a copy in a conspicuous place upon the property upon which the violation is located and mailing duplicate copies to the responsible party of the property at the last known address, with proof of mailing.

Sec. 16-54. Content of notice.

The notice shall contain the demand for removal within the time specified in this article and the notice shall advise that upon failure to comply with the notice to remove, the city shall undertake prosecution in municipal court against the responsible party.

Sec. 16-55. Penalty.

Any person, firm or corporation who violates any provision of this Article shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00), excluding costs. Each day's continuation of any such violation shall be deemed a separate offense.

Article 8. Trees, Shrubs, and Other Vegetation Constituting a Nuisance

Sec. 16-56. Policy

The City of Yale has determined that it is necessary and proper to regulate the planting and growth of trees, shrubs, and other vegetation along public streets and alleys and vegetation growing into or dangerously close to electric distribution lines. Further, if unregulated, trees, shrubs, and other vegetation growing into or over streets and alleys and into or dangerously near electric distribution lines will become a threat to the health and welfare of the citizens of the City of Yale and will constitute a nuisance.

Sec. 16-57. Responsibility of owners to trim trees, shrubs and vegetation; nuisance.

(a) For the purpose of this article "parkage" means the area between the roadway or street and a sidewalk or the area between the roadway or street and the property line, and for the purposes of this article, shall include to the center of the alleyway abutting said property.

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(b) The owner or occupant of every lot or parcel of land upon which any trees, shrubs or other vegetation are growing shall have the duty to maintain the trees, shrubs and other vegetation in a prudent and proper manner. The owner or occupant of the property adjacent to the parkage shall be responsible for the care and maintenance of all such trees, shrubs and other vegetation located in the parkage.

(c) Every person shall maintain all trees, shrubs and other vegetation located on his property or in the parkage to which such property is adjacent in such a manner so that such vegetation shall not obstruct the free and convenient travel over and along the sidewalk and streets, no part of the branches or foliage shall extend into or over the street, alley or roadway. Any tree or shrubbery within 50 feet of a street intersection shall be trimmed so that no branches or foliage shall be higher than thirty (30) inches or lower than eight (8) feet above the street or roadway. Further, all such trees and foliage shall be trimmed and maintained so that the same shall not make contact with electrical distribution lines or allowed to grow within 6 feet of any electrical distribution line.

(d) Such owner or occupant shall keep removed from the trees, shrubs and other vegetation all dead, decayed or broken branches that overhang any street, sidewalk or parkage. All dead trees on private property shall be removed by the owner or occupant of such property. All dead trees in the parkage shall be removed by the owner or occupant of the adjacent property.

(e) No owner or occupant of any lot or parcel of land shall fail, refuse, or neglect to care for any tree, shrub or other vegetation as provided in subsections (b), (c), and (d) of this section after receiving notice from the city to do so, within ten (10) days of the receipt of such notice.

Each day that the owner or occupant shall fail, refuse, or neglect to care for any vegetation after the time limited in the notice, shall be a separate and distinct offense. The notice may be served by posting a copy in a conspicuous place upon the property upon which the violation is located and mailing duplicate copies to the responsible party of the property at the last known address, with proof of mailing.

(f) Any condition of any tree, shrub or other vegetation prohibited by this section is declared to constitute a nuisance. In addition to any other penalties for violation of this section, the violation shall be subject to abatement in the manner provided in this chapter. The remedy of abatement shall be cumulative and in addition to all other penalties.

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Sec. 16-58. Moratorium for trees and shrubs growing in parkage.

Any property owner having trees and shrubs growing within the parkage, may request that the City remove such existing tree or shrub, without cost to the property owner. The city may remove such trees within the parkage without cost, at such time as the city may schedule, provided that the property owner execute a release for any damage the tree or falling limbs might cause to the property owners property. Trees on the property owner's property shall be removed at the cost of the property owner.

Sec. 16-59. Unlawful deposits.

No person may deposit, or cause to be deposited, in any street or alley, any filth, garbage, ashes, rubbish, sweepings, paper trash, leaves or any other waste materials, junk, auto parts, ice boxes, refrigerators, boxes, appliances, nor may any of the foregoing materials. It is unlawful to place upon the sidewalks, alleys or streets any sweepings or trash from stores or other buildings, or any leaves, yard cleanings, debris from pruning or other refuse materials.

Sec. 16-60. Penalty.

Any person, firm or corporation who violates any provision of this Article shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00), excluding costs. Each day's continuation of any such violation shall be deemed a separate offense.

Article 9. Abandoned Buildings

Sec. 16-61. Definitions.

For purposes of this section:

(1) Abandoned building shall mean any building located within the City of Yale, Oklahoma that is not currently occupied and has been declared unsecured or dilapidated pursuant to the provisions of Chapter 16 of the Yale City Code and remains in such condition.

(2) Owner means the owner of record as shown by the most current tax rolls of the Payne County Treasurer.

Sec. 16-62. Abandoned buildings.

An abandoned building shall constitute a public nuisance because it:

(1) Is detrimental to the public health, safety or welfare of the inhabitants and visitors

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to the City of Yale, Oklahoma.

- (2) Causes increased regulatory costs and increased police and fire protection costs to the City of Yale, Oklahoma.
- (3) Devalues abutting and nearby real properties.

Sec. 16-63. Abandoned building abatement.

The City Commission of the City of Yale may abate the public nuisance caused by an abandoned building within the corporate limits of the City of Yale, Oklahoma in accordance with the following procedures:

(1) Not less than ten (10) days' notice that an abandoned building is to be abated pursuant to the provisions of Chapter 16 of the Yale City Code shall be given to the owner of the property before the City Commission may hold a hearing. A copy of the 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 Payne County Treasurer. Written notice shall also be sent by mail to any mortgage holder as shown by the records of the office of the Payne County Clerk to the last known address of the mortgage holder. At the time of mailing of notice to any property owner or mortgage holder, the City of Yale shall obtain a receipt of mailing such notice, the receipt of which shall indicate the date of mailing and the name and address of the mailee. 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 and by publication as defined by Title 11 Section 1-102 of the Oklahoma Statutes. Such notice shall be published one time not less than ten (10) days prior to any hearing or action by the City of Yale pursuant to the provisions hereof.

(2) A hearing shall be held by the Yale City Commission to determine if the property is an abandoned building as defined by Chapter 16 of the Yale City Code.

(3) Pursuant to the City Commission making a determination that the building is an abandoned building, the City Commission may order employees or agents of the City of Yale to pursue abatement of the public nuisance caused by the building and shall order the City Clerk to place the building on an abandoned building list to be maintained by the City Clerk. At any time after such determination and order, the employees or agents of the City of Yale may cause the public nuisance to be abated as authorized herein, and such abatement may continue until such time as the building is removed from the abandoned building list in accordance with Section 16-66 hereof.

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Sec. 16-64. Abatement.

Abatement of an abandoned building by the City of Yale may include any or all of the following:

(1) Any lawful municipal regulatory or municipal police and fire protection action in relation to the abandoned building or the owner of such building necessary or appropriate for the protection of residents or visitors to the City of Yale. Upon receipt of any necessary warrant to authorize such action, the employees or agents of the City of Yale are granted the right of entry on to the property for the performance of any such action as a governmental function of the City of Yale.

(2) A quarterly assessment against the property on which the abandoned building is located and against the owner of the abandoned building of the actual costs of any regulatory action taken by the City of Yale in relation to the abandoned building or the owner of such building.

(3) The assessment against the property on which the building is located and against the owner of the abandoned building of the actual costs of any municipal police or fire protection action taken in relation to the abandoned building or the owner of such building as authorized herein.

(4) An assessment for any other actual expenses incurred by the City of Yale in relation to the abandoned building, including, but not limited to, the costs of notices, mailings and publications.

Sec. 16-65. Notice of lien.

After any determination that a building is an abandoned building and before commencement of any abatement actions as authorized herein, the City Clerk shall file a notice of lien with the Payne County Clerk describing the property, the findings of the Yale City Commission at the hearing, and stating that the City of Yale claims a lien on the property for all abatement costs and that such costs shall also constitute the personal obligation of the property owner from and after the date of filing of the notice.

Sec. 16-66. Quarterly assessment costs.

From and after the determination that a building is an abandoned building, and continuing until such time as the building is removed from the abandoned building list in accordance with the procedures set forth in Section 16-68, the City Clerk shall determine the actual quarterly

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abatement costs for the abatement procedures authorized herein, After such determinations, the City Clerk shall mail a statement of the actual quarterly abatements costs for the abatements authorized herein to the property owner and demand the payment of such costs. In addition, a copy of the statement shall be mailed to any mortgage holder at the address as shown in the records of the Payne County Clerk. At the time of mailing of the statement of costs to any property owner or mortgage holder, the City Clerk shall obtain a receipt of mailing from the postal service, the receipt of which shall indicate the date of mailing and the name and address of the mailee.

Sec. 16-67. Payment of abatement costs.

When payment in full is made to the City Clerk for actual abatement costs incurred and billed in accordance with Section 16-64 hereof, the City Clerk shall send the property owner and any mortgage holder by mail a receipt for such payment; but if payment attributable to the actual quarterly costs of such abatement is not made within six (6) months from the date of the mailing of the statement to the owner of such property, a lien in the actual amount of the abatement shall be filed against the abandoned building. Until such time as the amount is paid in full, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of lien was filed with the Payne County Clerk. In addition, the costs and the interest thereon shall be a lien against the property from the date the notice of lien was filed with the Payne County Clerk. The 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 paid in full. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any lien created pursuant to this section. Upon receiving full payment, the City Clerk shall forward to the Payne County Clerk a notice of discharge of the lien.

Sec. 16-68. Removal from abandoned building list.

Any owner or mortgage holder of any building determined by the City Commission to be an abandoned building pursuant to the provisions of this Article may petition the City Commission in writing at any time after such determination for removal of such building from the abandoned building list maintained by the City Clerk. Any such petition shall be filed with the Yale City Clerk. The City Commission shall hold a hearing to determine if the building is no longer an abandoned building within thirty (30) days from the date that such written petition is

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filed with the City Clerk. Upon a determination being made by the City Commission the City Commission shall order the building removed from the abandoned building list., The City Clerk shall remove the building from the abandoned building list; provided, the real property on which the building is located and the owner of such building shall remain liable for payment of any and all abatement costs incurred by the City of Yale prior to the determination of the City Commission that the building should be removed from the abandoned building list. Upon payment in full of any costs certified against the property, the City Clerk shall file a release of the notice of lien in the Payne County Clerk's office within ten (10) days after receiving such payment in full.

Sec. 16-69. Administration.

The City Manager shall be directed to carry out any and all of the duties contained in this Article. The property owner shall have the right to appeal to the City Commission any order or directive of the City Manager hereunder. Any such appeal shall be taken by filing a written notice of appeal with the City Clerk within ten (10) days after the order or directive is delivered or mailed to the owner at the address shown on the records of the Payne County Treasurer.

Sec. 16-70. Agricultural Property.

The provisions of Chapter 16 of the Yale City Code shall not apply to any property zoned and used as agricultural property.