

ORDINANCE NO. 992

AN ORDINANCE AMENDING SECTIONS 5-2-1 AND 5-2-11(B) PROVIDING FOR THE REGULATING OF AESTHETICS OF PROPERTY WITHIN THE CITY LIMITS; PROVIDING FOR THE SEVERABILITY THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, the City regulates the public health and safety and aesthetics of property within the city limits by abating nuisances under Code Sections 5-2-1 (Weeds and Trash) and 5-2-11 (Abatement of Subsequent Accumulations or Growth);

WHEREAS, there is a need to update the application of the subsections of Section 5;

NOW THEREFORE, be it ordained by the City Council of the City of Clinton, Oklahoma:

- I. Subsection 5-2-1 shall be amended to read as follows:

5-2-1: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

WEED: A. Shall mean and include, but is not limited to, poison ivy, poison oak or poison sumac and all vegetation at any state of maturity which:

1. Exceeds six inches (6") 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 interfere with the mowing of such weeds.
2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash.
3. Harbors rodents or vermin.
4. Gives off unpleasant or noxious odors.
5. Constitutes a fire or traffic hazard.
6. Is dead or diseased.

B. The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150') from a parcel zones for other than agricultural use. (1991 Code § 13-41)

II. Subsection 5-2-11(B) shall be amended to read as follows:

5-2-11: ABATEMENT OF SUBSEQUENT ACCUMULATIONS OR GROWTH:

B. Notice To Property Owner: At the time of each such summary abatement, the city 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 five (5) days after the date of mailing the notice. The notice and hearing shall be a provided for in this chapter.

III.

All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed and replaced.

IV.

If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter, or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance.

V. Declaration of an Emergency:

WHEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage, approval and publication.

Passed and approved this _____ day of _____, 2018.

David Berrong, Mayor

ATTEST:

Lisa Anders, City Clerk