

5-1-9: SUMMARY ABATEMENT OF NUISANCES:**A. Nuisances Constituting Immediate Danger:**

1. 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.

2. It is recognized that circumstances may be such as to justify, and even to require, the city manager or other 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. Submission Of Statement Of Nuisance Condition:

1. The chief of the fire department, the chief of police, the city attorney, the building inspector, the electrical inspector, the plumbing inspector or any other officer subordinate to the city manager, may submit, through or with the consent of the city manager, to the city council, a statement as to the existence of a "nuisance" as defined by the ordinances of the city or law, and a request or recommendation that it be abated.

2. The city manager himself, the health officer, any councilman or any resident of the city may submit such a statement and request such recommendation to the city council.

C. Council Determination; Hearing; Notice:

1. The council shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the council shall have power to subpoena and examine witnesses, books, papers and other effects.

2. Before proceeding to abate the nuisance or to have it abated, the council shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for or to be causing the nuisance, and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer, if 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 public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a newspaper of general circulation within the city.

D. Abatement By City; Assessment Of Costs:

① If the council finds that a nuisance does in fact exist, it shall direct the owner and/or other person responsible for or causing the nuisance to abate such nuisance within a specified time if the peace, health, safety, morals or welfare of the person or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other person responsible for or causing the nuisance does not abate it within the specified time, the council shall direct the city manager to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by 50 Oklahoma Statutes section 16.

2. The city clerk shall send a statement of the cost of such summary abatement to the owner and/or other person responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the city collectible as other debts of the city may be collected. (1991 Code § 13-9)