

CITY OF GROVE DILAPIDATED BUILDING POLICY

SECTION 1: PURPOSE

The purpose of the Dilapidated Building Policy is to establish a fair and equitable process in dealing with dilapidated buildings. This policy shall comply with the procedures set-forth in the Oklahoma State Statutes to provide for a municipal Governing Body to cause dilapidated buildings located within their municipal limits to be Boarded and Secured and/or torn down and removed.

SECTION 2: DEFINITIONS

- 1) "Boarding and Securing" or "Boarded and Secured": the closing, boarding or locking or any or all exterior openings so as to prevent entry into the structure.
- 2) Dilapidated Building:
 - a. 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 the structure is a hazard to the health, safety, or welfare of the general public;
 - b. A structure which 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;
 - c. A structure which is determined by the municipal governing body to be an unsecured building, as defined herein, more than three times within any twelve-month period;
 - d. A structure which has been boarded and secured, as defined herein for more than eighteen (18) months, or
 - e. A structure declared by the municipal governing body to constitute a public nuisance.
- 3) Mortgage Holder: the mortgage holder as shown on the most current records in the office of the County Clerk.
- 4) Public Nuisance: conditions detrimental to the health, safety and welfare of the general public.
- 5) Owner: the owner of record as shown by the most current tax rolls of the county treasurer.
- 6) Unfit for Human Occupancy: a structure that due to lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.
- 7) Unsecured Building: 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 hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

SECTION 3: IDENTIFYING DILAPIDATED BUILDINGS

The Fire Chief and the Code Enforcement Officer are responsible for identifying dilapidated buildings within the corporate limits of Grove.

Dilapidated buildings will be identified in February – March of each year. The Governing Body shall adopt a Resolution scheduling a date to hold a Public Hearing to determine if the buildings identified are dilapidated and are a detriment to the health, safety and welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. The Public Hearing will be held in April of each year.

SECTION 4: NOTICE

Notice of Violation

The property owners and mortgage holder as defined herein shall be sent a Notice of Violation instructing the property owner to obtain a remodel permit or a demolition permit within ten (10) days of the Notice. The building shall be repaired in a manner that is compliant with city code or the building shall be demolished and removed within thirty (30) day of the Notice. If the building is not repaired or removed, the property owner is ordered to appear at a Hearing before the Governing Body. The Notice of Violation will provide the date, time and location of the Public Hearing.

Notice of Hearing

The property owner and mortgage holder as defined herein shall be notified of a Public Hearing regarding a dilapidated building located on their property. The Notice shall be sent via certified, return receipt mailing through the U.S. Postal Service to their last known address, published in the Grove Sun and a 'Notice of Hearing' shall be posted on the property. The Notice shall be published, posted and mailed a minimum of ten (10) days prior to the Governing Body holding a Hearing to determine if a building is a dilapidated structure. The Notice will provide the date, time and location of the Hearing.

At the Hearing, the property owner is provided the opportunity to appear before the Council and advise their 'Plan of Action' on the property.

Following the Hearing, Council will determine if the building is a dilapidated structure and will issue an 'Administrative Order' instructing the property owner to:

- ✓ Remove the dilapidated building and debris; or
- ✓ Repair the building in a manner that is complaint with City Code; or
- ✓ Any other action deemed necessary; or

After a building has been declared dilapidated, and before the commencement of the tearing and removal of a dilapidated building, the Governing Body may authorize that such a building be boarded and secured. In making such a determination, the Governing Body shall apply the following standard:

- Boarding and securing the building will --
- ✓ Make such building less available for transient occupation;
- ✓ Decrease a fire hazard;
- ✓ Decrease the hazard that such building would constitute an attractive nuisance for children.

Any action to challenge the 'Administrative Order' shall be filed within thirty (30) business days of the Order.

If the property owner complies with the 'Administrative Order' within the time frame established by the Governing Body, the project is closed.

'Notice of Failure to Comply' and 'Order to Appear'

If the property owner does not comply with the 'Administrative Order' within the time frame established by the Governing Body, a 'Notice of Failure to Comply' and 'Order to Appear' is mailed to the property owner via certified, return receipt mailing through the U.S. Postal Service and a 'Notice of Failure to Comply' and 'Order to Appear' is posted on the property a minimum of ten (10) days prior to the date the property owner is Ordered to Appear before the Governing Body. The Notice will provide the date, time and location of the Hearing.

The property owner is provided another opportunity to appear before the Council and provide a 'Plan of Action'. If sufficient progress has been made on the property the Governing Body may grant an extension of time to comply with the 'Administrative Order' and shall require the property owner to re-appear on future dates, and provide updates on the progress made on the property.

Non-Compliance with Administrative Order

The Governing Body shall Order the removal of any dilapidated building that has not been torn down and removed, or repaired in a manner that is compliant with City Code within a maximum of six (6) months from the date of the Administrative Order. Prior to issuance of such Order, the Governing Body shall hold a final Hearing.

A 'Notice of Hearing' that the building shall be torn down and removed shall be mailed to the property owner and mortgage holder as defined herein via certified, return receipt mailing through the U.S. Postal Service to their last known address and a 'Notice of Hearing' shall be posted on the property a minimum of ten (10) days prior to the date of the Hearing. The Notice will provide the date, time and location of the Hearing.

Pursuant to the Governing Body 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 Governing Body may cause the dilapidated building to be torn down and

removed. The Governing Body shall fix reasonable dates for the commencement and completion of the work.

SECTION 5: RIGHT OF ENTRY

The agents of the City of Grove 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.

SECTION 6: COST, LIEN AND PAYMENT

The Governing Body shall determine the actual cost of the boarding and securing the building and/or dismantling and removal of the dilapidated buildings and an Administrative Cost established by the City Council per Ordinance.

The municipal clerk shall forward a statement of the actual costs and Administrative Cost attributable to the boarding and securing and/or dismantling and removal of the building and a demand for payment of such costs by mail to the property owner and mortgage holder as defined herein via certified, return receipt mailing through the U.S. Postal Service to their last known address.

The municipal clerk shall file a 'Notice of Dilapidation' and 'Lien' with the County Clerk describing the property, the findings of the City at the hearing, and stating that the City claims a lien on the property for the cost of boarding and securing of the building and/or the cost of destruction and removal of the building and that such costs are the personal obligation of the property owner from and after the date of filing of the notice.

When payment is made to the City for costs incurred, the municipal clerk shall file a Release of Lien, but if payment is not made within thirty (30) days from the date of the mailing of the statement to the property owner, 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. Once certified to the county treasurer, payment may only be made to the county treasurer. The 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 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.

This policy was approved and adopted by the Mayor and Council on the 15th day of March 2016.