



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: June 17th, 2025

REQUESTER: Anthony Purinton, Assistant City Attorney

PRESENTER: Anthony Purinton, Assistant City Attorney

ITEM TITLE: CONDUCTING A PUBLIC HEARING FOR CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ADOPTING RESOLUTION R-2425-111: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THAT CERTAIN STRUCTURE(S) IN THE CITY OF NORMAN ARE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, SAFETY, BENEFIT AND WELFARE OF THE GENERAL PUBLIC; DIRECTING THE REMOVAL OF THE STRUCTURE; ESTABLISHING THE DATE IN WHICH THE WORK SHALL BE COMPLETED BY THE OWNER; AND AUTHORIZING THE CITY MANAGER TO TAKE STEPS TO CAUSE THE WORK TO BE COMPLETED BY THE CITY IF NOT COMPLETED BY THE OWNER WITHIN THE DATES SPECIFIED.

BACKGROUND:

City Code and State Statute both provide for procedures for a municipality to abate dilapidated buildings that have become detrimental to the health, safety, or welfare of the general public. This agenda item comes before City Council following the determination of various City Staff that the structures located at 1000 N. Interstate Drive are Dilapidated, as defined by both City Code Section 2-204(a) and Title 11 of Oklahoma State Statute section 22-112(c). This staff report is intended to explain the legal framework and authority for condemnation of dilapidated structures by City Council.

Definition of a "Dilapidated Building"

Section 2-204(a) of the Norman City Code defines a "Dilapidated Building" any building that meets one or more of the following:

- (1) A structure which, through neglect or damage, lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety or welfare of the general public;
- (2) A structure which is determined by the Code Compliance Officer in conjunction with the Director of Planning and Community Development or his designee to be an unsecured building under NCC 16-303(e), more than three times within any 12-month period;

- (3) A structure which has been boarded and secured under NCC 16-303(e), for more than 18 consecutive months; or
- (4) A structure declared by the municipal governing body to constitute a public nuisance.

For purposes of (2) and (3), the specific terms referenced within each are defined in Code Section 16-303(e) "Health Nuisances":

- (1) The term "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 the structure.
- (2) The term "unsecured building" means 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.

Initial Determination by City Staff

The process for abatement of Dilapidated Building by ordering its removal is set out in both City Code and State Statute. The process is initiated by Code Compliance. Upon inspection or observation of a dangerous or insecure building that meets the definition of a "Dilapidated Building", a City Code Compliance Inspector, with concurrence from the Planning Director (and Fire Marshall, if fire danger exists), can request the City Council order the removal of a building. Once Staff determines a building is Dilapidated, the Code Compliance Officer's written findings are sent to the City Clerk, who sets a date for a public hearing before City Council for the property owner to show cause why the findings should not be adopted.

Hearing Before City Council

The hearing in front of City Council is to provide Council the opportunity to be provided information so that it may make the following determinations related to the subject property: (1) whether the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property; (2) whether the building, if dilapidated, would be benefited by the removal of such conditions; and (3) whether the dilapidated building should be removed or remain in place with improvements made.

If Council determines that the building should be torn down, Council can order the property owner to be torn down and removed within a reasonable date. Immediately, the City can file a notice of dilapidation and lien against the property. If the owner fails to take property action within the time given, the City can take steps to demolish the property. The cost of demolition will then be a lien against the property, coequal with liens for ad valorem and superior in interest to other liens and titles against the property.

DISCUSSION:

Resolution R-2425-111 is presented to Council for consideration. This resolution was previously set on Council's agenda to be considered May 13, 2025. However, on May 6, 2025, the mortgage holder, First Bank and Trust, initiated a foreclosure action in Cleveland County District Court, which included an emergency motion for a temporary injunction seeking postponement of the

City's hearing. On May 12, 2025, the court granted the temporary injunction to allow the bank the opportunity to seek appointment of a receiver over the property, enjoining the City from conducting the hearing for a period of thirty (30) days from the date of the order. In compliance with the Court's order, the hearing was reset for June 17, 2025.

If adopted, the resolution will serve as the determination and findings of the Council as it relates to the subject property. The resolution, as written, generally makes the following findings: (1) that the building is dilapidated; (2) that the building is harmful to the health, benefit, and welfare of the public and constitutes a fire hazard; (3) the general public and community benefit from the building being demolished.

In addition to those findings, the resolution would also order the building to be demolished by the owner on or before July 31, 2025, and directs the City Manager to cause the work to be done by the City if the owner fails to demolish the building by that date. Although NCC Section 2-204(d) would normally require a 30-day timeline for the demolition of a dilapidated building, due to the scope of the demolition at issue, the additional time provided ensures the owner is given a reasonable timeframe for the demolition to be completed.

RECOMMENDATION:

Staff is available to answers Council's questions related to the subject property or Resolution R-2425-111.