

## ORDINANCE NO. 37.25

**AN ORDINANCE AMENDING PART 12, CHAPTER 4, ARTICLE G LANDSCAPING REGULATIONS OF THE MOORE CITY CODE BY AMENDING SECTION 12-458 "MAINTENANCE OF LANDSCAPING" ESTABLISHING ENFORCEMENT PROCEDURES FOR REQUIRED LANDSCAPING; AND ADDING SECTION 12-458.1 "ABATEMENT OF LANDSCAPING VIOLATIONS" ESTABLISHING ACTIONS TO BE TAKEN WHEN ABATING LANDSCAPING VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER.**

**Be it ordained by the Mayor and the Council of the City of Moore, Oklahoma that Part 12, Chapter 4, Article G, shall be amended as follows:**

### **Sec 12-458 Maintenance Of Landscape**

1. It shall be the responsibility of the property owner to maintain in good condition all landscaping required by this section. Any vegetation that dies or is otherwise removed shall be replaced no later than the following planting season, being November 15<sup>th</sup> to March 15<sup>th</sup> of each year.
2. When it is determined by the community development director, or their designee, that landscaping required by this section is not being maintained, it shall be their duty to give notice in writing to the property owner and the tenant(s) on record. Such notice shall specify in what manner the landscaping is in need of maintenance and a date for compliance. The property owner shall have not less than 30 days to comply with the notice, unless a compliance plan is approved by the community development director, or their designee.
3. Failure to provide or maintain the landscaping required by this Code shall constitute an offense and violation of this Code and shall be subject to one or more of the following penalties:
  - a. A Certificate of Occupancy may be withheld for a commercial building which fails to provide or maintain the landscaping requirements contained within this Article; and/or
  - b. The City may cause dead or diseased landscaping to be removed and new landscaping installed that meets the requirements of this code or may cause new landscaping that meets the requirements of this code to be installed where required landscaping is missing. The cost of such improvements, including an administrative fee of three-hundred dollars (\$300.00), shall be placed on the water bill of the business; and/or
  - c. A citation may be issued in accordance with Section 1-108 for each day dead, diseased or missing landscaping is maintained or allowed to exist on the property.

### **Sec 12-458.1 Abatement Of Landscaping Violations**

1. The City may cause dead or diseased landscaping to be removed and new landscaping installed that meets the requirements of this code or may cause new landscaping that meets the requirements of this code to be installed where required landscaping is missing in accordance with the following procedure:
  - a. At least thirty days' notice shall be given to the owner of the property before the city takes action. A copy of the notice shall be posted on the property to be affected. In addition, 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 county treasurer. At the time of mailing of the notice to any property owner, the city shall obtain a receipt of mailing from the postal service, which shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined by 11 O.S. § 1-102. Such notice may be published once not less than thirty days prior to any action to be taken pursuant to this section;
  - b. After 30-days notice, if said landscaping is not removed and replaced, or in the event of missing landscaping, installed per the requirements of this code, the community development director or their designee may cause the dead or diseased landscaping to be removed, and/or may cause missing landscaping to be installed meeting the requirements of this Article and shall fix reasonable dates for the commencement and completion of the work. The community development director or their designee shall direct the removal and installation of the required landscaping be done by a private contractor who is the lowest and best bidder or quote.
  - c. After the landscaping has been removed and/or installed, the community development director or designee shall determine the actual cost of such action and any other expenses as may be necessary in conjunction therewith, including an administrative fee of three-hundred dollars (\$300.00). The community development director or designee shall forward a statement of such actual cost attributable to the removal and/or planting and a demand for payment by mail to the property owner at the address specified in this section. The city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee.
  - d. If payment is not made within thirty-days from the date of the mailing of the statement, the community development director or designee shall cause such costs to be placed on the property's water bill to be paid at the next month's billing to be paid in installments over 90-days unless other terms are agreed upon by the community development director, or their designee.

**Severability**

If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

**Repealer**

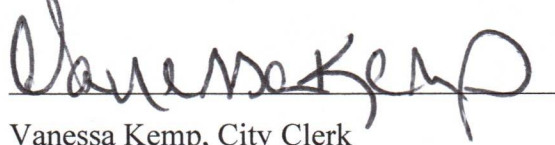
Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 2<sup>nd</sup> DAY OF JUNE, 2025.



Mark Hamm, Mayor

ATTEST:



Vanessa Kemp, City Clerk

APPROVED AS TO FORM AND LEGALITY:



Brian K. Miller, City Attorney