

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 405

BY: WEEDN

AS INTRODUCED

AN ACT RELATING TO COUNTIES AND COUNTY OFFICERS AND MOTOR VEHICLES; AMENDING 19 O.S. 1981, SECTIONS 866.1, AS AMENDED BY SECTION 1, CHAPTER 303, O.S.L. 1983 AND 866.2, AS LAST AMENDED BY SECTION 1, CHAPTER 33, O.S.L. 1985 (19 O.S.SUPP. 1990, SECTIONS 866.1 AND 866.2), AND 47 O.S. 1981, SECTION 15-104, WHICH RELATE TO METROPOLITAN AREA PLANNING COMMISSIONS AND THE STATE TRANSPORTATION COMMISSION; MODIFYING CERTAIN POPULATION REQUIREMENT; MODIFYING CERTAIN TIME LIMITATION; UPDATING CERTAIN STATUTORY REFERENCE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 19 O.S. 1981, Section 866.1, as amended by Section 1, Chapter 303, O.S.L. 1983 (19 O.S. Supp. 1990, Section 866.1), is amended to read as follows:

Section 866.1 For the purpose of cooperating with the State of Oklahoma in conserving the natural resources of the state, and in promoting the health, safety, peace, morals and general welfare of

the people of the state, there may be provided in any county of the State of Oklahoma in which there is no city having a population of more than ~~two hundred thousand (200,000)~~ two hundred and fifty thousand (250,000), according to the last preceding Federal Decennial Census or any future federal census, one or more city and county planning and zoning commissions, in the manner herein provided, and for the purpose there is hereby authorized to be created in each of such counties city-county cooperative planning commissions, which shall be designated "Metropolitan Area Planning Commission", and a county board of adjustment with the respective powers and duties as set out in this act. In the execution of its purposes, such Metropolitan Area Planning Commission shall function as an advisory, consultative and coordinating agency, established to harmonize its planning activities with the planning activities of departments, agencies and instrumentalities of federal, state and local government; and to stimulate public interest and participation in the development of the area. As used in Sections 866.1 through 866.36 of this title, the word "city" includes incorporated towns.

SECTION 2. AMENDATORY 19 O.S. 1981, Section 866.2, as last amended by Section 1, Chapter 33, O.S.L. 1985 (19 O.S. Supp. 1990, Section 866.2), is amended to read as follows:

Section 866.2 In any county of the state authorized to avail itself of the provisions of this act and form with a city located therein a cooperative planning commission, such city is hereby empowered to adopt, amend, extend, add to or carry out a comprehensive plan for such city under the authority of existing statutes and laws and in addition is hereby authorized to establish a housing code in accordance with the provisions hereinafter set forth in this act, and it may also perform any additional urban planning which is needed including, but not limited to, surveys, land use studies, urban renewal plans, conservation plans, technical service and other planning work.

Such county is hereby granted authority to establish zoning regulations, a building code and construction codes and a housing code in accordance with the provisions of this act for all the area located within three (3) miles of such municipality or within one-fourth (1/4) mile of any state or federal highway located anywhere in the county, or within one-half (1/2) mile of any water supply or reservoir owned by the municipality, excluding, however, any incorporated area, except as hereinafter provided; and further provided that such county is hereby granted authority to adopt, amend, extend, add to or carry out within the jurisdictional limits as provided by this act, excluding, however, any incorporated area and any unincorporated town which has been platted for more than ~~ten~~ five (5) years, except as hereinafter provided, all additional elements of a comprehensive plan including, but not limited to, plans for major streets and highways and other elements of water, rail, air and land transportation plans, public facilities plans, capital improvement programs, uniform regulations for land subdivision and for the improvements located thereon, building line regulations, urban renewal plans and conservation plans. However, the provisions of this section shall not be construed to prohibit a municipality in a Metropolitan Area Planning Commission from creating its own separate planning commission to act within the boundary of the municipality. In every county of this state having an upstream terminal port and turnaround where navigation ends, or in any county containing all or any part of a reservoir or reservoirs constructed by the Bureau of Reclamation, the United States Army Corps of Engineers or by the Grand River Dam Authority, such county is hereby granted authority, at the discretion of the board of county commissioners, to establish zoning regulations, a building code and construction codes and a housing code in accordance with the provisions of this act for all or any part of the unincorporated area within the county, and further provided that

such county is hereby granted authority to adopt, amend, extend, add to or carry out, throughout the unincorporated area of the county, additional elements of a comprehensive plan including, but not limited to, plans for major streets and highways and other elements of water, rail, air and land transportation plans, public facilities plans, capital improvement programs, uniform regulations for land subdivision and for the improvements located thereon, building line regulations and conservation plans.

SECTION 3. AMENDATORY 47 O.S. 1981, Section 15-104, is amended to read as follows:

Section 15-104. The State ~~Highway~~ Highway Transportation Commission shall adopt a manual and specifications for a uniform system of traffic-control devices for use upon streets and highways within this state. Such uniform system shall correlate with and, so far as possible, conform to the system then current as approved by the American Association of State Highway and Transportation Officials, and the manual so adopted may be amended or revised from time to time as the Commission may deem necessary. The manual so adopted and any amendments or revisions thereof shall be published by the State ~~Highway~~ Highway Transportation Commission and one copy thereof shall be distributed free of charge to the local governing bodies of counties and incorporated cities and towns.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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