

ENROLLED HOUSE
BILL NO. 1243

By: Satterfield of the House

and

Long (Lewis) of the
Senate

An Act relating to fire protection districts; amending 19 O.S. 1991, Section 901.23, which relates to withdrawal of territory from fire protection district; modifying percentage necessary to petition for withdrawal; modifying the property owners who may petition for withdrawal; providing for board of county commissioners to consider location of nearest fire protection facility; providing for board of county commissioners to consider certain fire protection facilities and equipment; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 901.23, is amended to read as follows:

Section 901.23 Any portion of the District which will not be benefited by remaining therein may be withdrawn from the District by the filing of a petition containing the names of more than fifty-one percent (51%) of the homeowners with one (1) acre or less, homeowners within a planned unit development, or property owners who are not developers of a planned unit development or other real estate development within the portion sought to be withdrawn, requesting the withdrawal of such portion from the District on the grounds that it will not be benefited by remaining therein. Such petition shall be filed with the board of county commissioners and notice thereof shall be given to the Board of Directors of the District. The time for hearing said petition shall not be less than thirty (30) days after the receipt of the petition. Any person interested may appear at the hearing and object to the withdrawal or may object to the continuance of the remaining territory as a District. The board of county commissioners shall consider and pass upon all objections and if it ~~find~~ finds that the portion of the District sought to be withdrawn will not be benefited by remaining within the District and will not serve as a fire hazard to the remaining portion of the District, and that the territory remaining in the District will be benefited by continuing as a District then it shall grant the petition. In determining the benefits to the territory to be withdrawn and determining what constitutes a fire hazard, the board shall consider the location of the nearest fire protection facility. If the nearest facility is considered by the board to be an unsafe distance which would create a fire hazard to the territory to be withdrawn or the remaining territory, the board shall deny the petition. The board shall also consider the benefit to the territory sought to be withdrawn of any newly constructed fire protection facilities or newly purchased fire protection

equipment for the District and if such facilities and equipment are determined to be of substantial benefit to the territory to be withdrawn, then the board may deny the petition. If in the judgment of the board of county commissioners existence of the territory sought to be withdrawn will make further existence of the District impracticable, the board shall proceed to order a dissolution of the District. In the case of withdrawal of any property from the District as herein provided, such property shall remain subject to the payment of its proportionate part of any bonds theretofore authorized by the District and shall remain subject to annual assessment for the payment of the principal and interest thereof in the same manner and to the same extent as if such property had not been withdrawn. Such annual assessments, however, shall be computed upon the appraisal shown on the District Appraisal Record at the time of the withdrawal of such property.

SECTION 2. This act shall become effective September 1, 1993.

Passed the House of Representatives the 3rd day of March, 1993.

Speaker of the House of
Representatives

Passed the Senate the 17th day of March, 1993.

President of the Senate