

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1058

By: Isaac

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 1991, Section 21-110, which relates to the detachment of municipal territory; modifying procedures relating to detachment; requiring detachment when requested by petition in certain municipalities; limiting territory which may be detached; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 21-110, is amended to read as follows:

Section 21-110. ~~Territory~~ Except as provided in Section 2 of this act, territory may be detached from the corporate limits of a municipality by the governing body when:

1. An ordinance of the governing body so directs; or
2. A petition requesting detachment, signed by at least three-fourths of the registered voters and by the owners of at least three-fourths (in value) of the property to be detached, is filed with the governing body.

Only land which is within the limits of the municipality and upon its border and not laid out in lots and blocks; or land which had

been annexed to a municipality, may be detached by petition. Notice of any governing body action on a petition requesting detachment, and appeal to the district court, shall be in the same manner provided for petitions requesting annexation.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 21-110.1 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. In any municipality in this state with a population in excess of four hundred thousand (400,000), according to the latest Federal Decennial Census, territory shall be detached from the corporate limits of such municipality by its governing body when:

1. An ordinance of the governing body so directs; or
2. Any designated area which lies in the watershed area of another city's surface water supply shall by petition of sixty percent (60%) of the total of the votes cast in the last city election in that designated area be de-annexed, if the city whose surface water is affected by this designated area agrees to annex the designated area.

B. Only territory which is within the limits of the municipality and which a portion thereof lies upon the boundary of such municipality may be detached pursuant to subsection A of this section.

SECTION 3. This act shall become effective July 1, 1993.

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.

44-1-5655

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