ENROLLED SENATE
BILL NO. 37 By: Herbert of the Senate

and

Seikel of the House

An Act relating to counties and county officers; amending 19 O.S. 1991, Sections 868.4 and 868.5, which relate to staff, finances and fees and procedure for the county planning commission; authorizing the county planning commission to set certain fee upon approval by the board of county commissioners; providing procedure if certain petition is withdrawn or denied; prohibiting filing additional petition for amendment to zoning regulations under certain conditions; authorizing the county planning commission to set certain fees and time periods upon approval by the board of county commissioners; modifying expenditures from certain fund; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 868.4, is amended to read as follows:

Section 868.4 The county planning commission may appoint such employees as it may deem necessary for its work and may contract with planners and other consultants for such services as it may require, and may incur other necessary expenses; provided that the expenditures of the county funds by the planning commission shall not be in excess of the amounts appropriated for that purpose by the board of county commissioners. It shall be lawful for the board of county commissioners to appropriate funds for the administration of this act and to contract with the governing body of the county seat city to contribute jointly to pay expenses and salaries of a combined staff to serve the county planning commission, county board of adjustment, city planning commission and city board of adjustment, and to provide offices for such combined staff either in the county courthouse or the municipal building.

For building permits issued ~~under~~ pursuant to this ~~act~~ section, the county engineer shall collect a fee ~~equal to one-tenth of one percent (1/10 of 1%) of the cost of construction for the first One Hundred Thousand Dollars ($100,000.00) of construction and a fee equal to one twenty-fifth of one percent (1/25 of 1%) of the cost of construction in excess of One Hundred Thousand Dollars ($100,000.00); provided, however, that there shall be a minimum fee of Five Dollars ($5.00) and a maximum fee of Three Hundred Dollars ($300.00). For each plat, the county planning commission shall collect a fee of Fifteen Dollars ($15.00) and a fee of One Dollar ($1.00) for each lot contained thereon~~ set by the county planning commission, which shall be approved every two (2) years by the board of county commissioners. For each petition for amendments to zoning

regulations, the county planning commission shall, upon approval and authorization by the board of county commissioners, collect a fee ~~of Twenty-five Dollars ($25.00)~~ sufficient to cover the cost of mailing notices and conducting investigations into the applicant's petition. In the event the petition is withdrawn by the applicant before consideration by the county planning commission but after notice and mailing of such public hearing on applicant's amendments to zoning regulations or in the event the applicant's petition is denied by the county planning commission and an appeal is not pursued to the county board of adjustment, the applicant shall not be permitted to file another petition for amendment to zoning regulations covering the matter withdrawn or denied until ninety (90) days from such withdrawal or denial and upon payment of a nonrefundable fee as set by the county planning commission, which shall be approved by the board of county commissioners. For each appeal to the county board of adjustment, the county planning commission shall collect a fee of Fifteen Dollars ($15.00). All fees collected by the county planning commission and the county engineer shall be deposited with the county treasurer daily, as is now provided by law, to the credit of the county planning commission and such fees shall be placed in a separate fund to the credit of the said county planning commission, to be designated as the "County Planning Commission Special Fund," and shall be expended by ~~said~~ the county planning commission, as follows: for salaries of the staff or any member thereof, for mailing cost to potentially affected members of the public concerning notice of petitions for amendment to zoning regulations, for books, records, supplies, fixtures and other necessary expenses incurred in the operation of said Planning Commission, provided that any of ~~said~~ the fee so expended shall be upon verified claims duly filed, and approved by the board of county commissioners of ~~said~~ the county as provided by law. Provided, however, that in the event ~~said~~ the fees shall be in excess of the necessary operating expenses of ~~said~~ the planning commission, said excess shall revert to the general fund of any such county at the end of the fiscal year. Provided further, that in the event said fees shall not be sufficient to operate ~~said~~ the planning commission, the difference may be supplied by appropriation as provided by law. On the first day of each month the county engineer and the county planning commission shall each submit to the board of county commissioners a verified report of all fees charged and collected during the preceding month.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 868.5, is amended to read as follows:

Section 868.5 The county planning commission shall hold at least one regular meeting each month. The commission shall elect a ~~chairman~~ chair who shall serve for one (1) year with eligibility for reelection. The commission shall adopt rules of procedure for the transaction of its business ~~and~~, set fees for building permits and time periods for filing petitions and fees for amendments to zoning regulations which shall be approved and adopted by the board of county commissioners. The county planning commission shall keep a public record of its resolutions, transactions, findings and recommendations.

Before holding any hearing hereinafter provided for in this act, the county planning commission shall give notice stating the nature of the hearing and the time and place where it shall be held. Such notice shall be given at least once each week for three (3) successive weeks prior to the date of such hearing in a newspaper of general circulation in the county.

SECTION 3. This act shall become effective November 1, 1995.

Passed the Senate the 20th day of February, 1995.

President of the Senate

Passed the House of Representatives the 10th day of April, 1995.

Speaker of the House of Representatives