

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1098

By: Dunegan

AS INTRODUCED

An Act relating to environment and natural resources; amending 63 O.S. 1991, Section 1-910, as last amended by Section 16, Chapter 353, O.S.L. 1994, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1994, Section 2-6-403), which relates to public sewage systems; prohibiting requiring percolation tests on certain tracts of land; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-910, as last amended by Section 16, Chapter 353, O.S.L. 1994, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1994, Section 2-6-403), is amended to read as follows:

Section 2-6-403. A. No small public sewage system or private individual sewage disposal system shall be constructed or operated unless such system, when constructed, complies with requirements prescribed by the Board as determined by an inspection performed by the Department or a person authorized by the Department. Provided, that upon reinspection of an approved system, performed at the

request of the lot owner, the Department or a person authorized by the Department shall not require that the system be uncovered unless there is evidence that the system has not functioned properly.

B. Any person, corporation or other legal entity which creates or intends to create a residential development outside the corporate limits of a city or town shall file a plan describing the methods of sewage disposal for such residential development with the Department. Approval of the plan shall be obtained prior to recording any plat or certificate, offering a lot or lots for sale or beginning construction within such residential development.

1. The plan shall be in a form required by the Board and shall include a plan of the residential development and a description of the methods for providing water supply and sewage disposal.

2. If individual wells or sewage disposal systems are to be used, the plan shall be drawn to show streets, building lines, lot dimensions, lot numbers, contours, percolation tests, core tests, and the locations where water wells and sewage disposal systems may be properly installed provided percolation tests shall not be required for tracts that are being developed for individual residences that are more than one acre of land.

3. Upon approval the plan and either the plat or the certificate provided for in subsection E of this section, of the residential development shall be imprinted with the stamp of the Department bearing the word "approved", restrictions, if any, signature of the Department or the Department's local representative and the date. Approval of the plat or certificate shall be made effective thirty (30) days after the same is filed with the Department unless specifically rejected prior to the expiration of the said thirty-day period of time.

4. The office of county clerk shall not record a plat containing any lot of less than two and one-half (2 1/2) acres situated outside the corporate limits of a municipality unless said

instrument bears the "approved" stamp of the Department. The Department shall have no authority to disapprove and shall approve plats of tracts that are being developed for individual residence in which no single tract is less than two and one-half (2 1/2) acres.

C. In addition to filing plans of residential developments with the Department or the Department's local representative, persons creating or intending to create a residential development shall obtain a certificate or cause a plat to be made and, after receiving the stamp of approval from the Department or the Department's local representative, shall file such certificate or plat in the land records of the county where the residential development is to be situated.

D. A residential development occurs when a platted lot is split or, within any quarter section, unplatted land is subdivided and such subdivision causes there to be at least three parcels of land:

1. Which, within the preceding five (5) years, had a common grantor; and

2. Of which at least one of such parcels of land contains less than two and one-half (2 1/2) acres of land; and

3. Of which at least two of such parcels of land are being used, or are intended to be used, for residential purposes.

E. A person intending to create a residential development without recording an approved plat, in lieu of a plat or a plan and prior to conveying or offering to convey any tract of land in such residential development, shall obtain from the Department or the Department's local representative and file in the land records of the county wherein the land is situated, a certificate of either approval or disapproval of the tract of land for private sewage disposal systems.

F. Any person who knowingly creates a residential development without receiving the approval of the Department or the Department's local representative of a plan or without filing of record either a

plat or a certificate in violation of this section, or who installs a private sewage disposal system on a lot for which disapproval of a private sewage disposal system has previously been filed of record shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation.

SECTION 2. 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.

45-1-5152

KSM