

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2848

By: Lindley

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 1991, Section 22-132, which relates to photographing or reproducing records for storage; permitting certain original documents to be destroyed prior to expiration of retention period; amending 11 O.S. 1991, Section 47-115, which relates to procedure for approval of plats; requiring certain notice to be sent by first-class mail; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 22-132, is amended to read as follows:

Section 22-132. A. The head of any municipal department, commission, bureau or board may have any or all records kept by the official, department, commission, bureau or board photographed, microphotographed, photostated, reproduced on film or stored on optical disk. Such film or reproducing material shall be of durable material and the device used to reproduce such records on film or other material shall be such as to accurately reproduce and perpetuate the original records in all details.

B. The photostatic copy, photograph, microphotograph, photographic film or optical disk of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof shall, for all purposes recited herein, be deemed to be a transcript, exemplification or certified copy of the original.

C. Whenever photostatic copies, photographs, microphotographs, reproductions on films or optical disks shall be placed in conveniently accessible files and provisions made for preserving, examining and using same, the head of any municipal department, commission, bureau or board may certify those facts to the municipal governing body. The governing body may, by ordinance or resolution, authorize the disposal, archival storage or destruction of such records and papers.

D. The original of a record copied pursuant to this section may be destroyed before the expiration of the retention period established pursuant to Section 22-131 of this title.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 47-115, is amended to read as follows:

Section 47-115. The commission shall approve or disapprove a plat within thirty (30) days after it has been submitted to the commission; otherwise the plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand. The applicant for the commission's approval may waive the thirty-day requirement and consent to an extension of the period. The ground for disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address for a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the person at ~~said~~ the address by registered mail of the

time and place of the hearing not less than five (5) days before the date fixed therefor. Similar notice shall be mailed by first-class mail to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the county clerk's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county. Every plat approved by the commission, by virtue of the approval, shall be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The commission from time to time may recommend to the council amendments of the zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The commission shall have the power to agree with the applicant upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. The requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power or amendment or repeal as though set out as a part of the zoning ordinance or map of the municipality.

SECTION 3. This act shall become effective November 1, 1998.

46-2-8599

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