STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2306 By: Reese

COMMITTEE SUBSTITUTE

An Act relating to forestry activities; amending 19 O.S. 1991, Sections 866.16 and 866.30, which relate to county zoning powers; exempting certain forestry activities; defining term; amending 50 O.S. 1991, Section 1.1, which relates to nuisances; adding and amending definitions relating to forestry; making forestry activity not a nuisance; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 866.16, is amended to read as follows:

Section 866.16 A. For the purposes of promoting the public health, safety, peace, morals, comfort, convenience, prosperity, order and general welfare, and to lessen danger and congestion of public transportation and travel, and to secure safety from fire and other dangers, and to prevent overcrowding of land, and to avoid undue concentration of population, and to provide adequate police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, military and naval facilities, and other public requirements, and to prevent undue encroachment thereon, the board of any such county is hereby empowered in accordance with the conditions and procedure specified in this act, to regulate ~~the~~:

1. The location, height, bulk, number of stories and size of buildings and other structures in the areas of the county not included within the territorial jurisdiction of the municipality as herein defined~~, the~~;

2. The percentage of the lot or area which may be occupied~~, the~~;

3. The size of yards, courts and other open spaces~~, the~~;

4. The density and distribution of population~~,~~; and ~~the~~

5. The uses of buildings, structures and land for trade, industry, residence, recreation, civic and public activities and other purposes.

B. 1. The zoning power hereby conferred shall not apply to the erection or use of the usual farm buildings for agricultural purposes ~~or~~, the planting of agricultural crops or forestry activities.

2. For purposes of this subsection, "forestry activity" means any activity associated with the reforesting, growing, managing, protecting and harvesting of timber, wood and forest products including, but not limited to, forestry buildings and structures. The term "forestry activity" shall not include areas and property which would restrict access to public road construction or right-of-way.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 866.30, is amended to read as follows:

Section 866.30 A. 1. The zoning power conferred herein shall not apply to the erection or use of the usual farm buildings for agricultural purposes or to the planting of agricultural crops, ~~nor~~ to the extraction of oil or natural gas, or to forestry activities.

B. The power of the board to establish building and construction codes shall not apply to ~~a~~:

1. A single family residence located on a separate parcel of land under one ownership, containing twenty (20) acres or more in area; ~~nor shall the provision of this act apply to any~~

2. Any lands which, as of the effective date hereof~~,~~:

~~(a)~~ a. are devoted to manufacturing and/or industrial use, or

~~(b)~~ b. have been acquired by any owner for expansion of facilities devoted to manufacturing and/or industrial use, so long as such use or ownership continues; ~~nor shall the provisions of this act apply to the~~

3. The acquisition of property or easements for or the installation, construction, maintenance or use of structures, facilities and property of electric cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma, or other similar state or federal body.

C. For purposes of this section, the term "forestry activity" means any activity associated with the reforesting, growing, managing, protecting and harvesting of timber, wood and forest products including, but not limited to, forestry buildings and structures. The term "forestry activity" shall not include areas and property which would restrict access to public road construction or right-of-way.

SECTION 3. AMENDATORY 50 O.S. 1991, Section 1.1, is amended to read as follows:

Section 1.1 A. As defined in this act:

1. "Agricultural activities" shall include, but not be limited to, the growing or raising of horticultural and viticultural crops, berries, poultry, livestock, grain, mint, hay ~~and~~, dairy products and forest activities; and

2. "Farmland" shall include, but not be limited to, land devoted primarily to production of livestock or agricultural commodities.

3. "Forestry activity" means any activity associated with the reforesting, growing, managing, protecting and harvesting of timber, wood and forest products including, but not limited to, forestry buildings and structures.

B. Agricultural activities conducted on farm or ranch land, if consistent with good agricultural practices and established prior to

nearby nonagricultural activities, are presumed to be reasonable and do not constitute a nuisance unless the activity has a substantial adverse affect on the public health and safety.

If that agricultural activity is undertaken in conformity with federal, state and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety.

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.

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