ENROLLED HOUSE
BILL NO. 1491

SECTION 1. AMENDATORY 11 O.S. 1991, Section 21-102, is amended to read as follows:

Section 21-102. Where any territory to be annexed is separated from the corporate limits of the municipality only by a railway right-of-way, an intervening strip less than four (4) rods wide, or a highway right-of-way, the territory shall be considered adjacent or contiguous to the municipality.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 21-115 of Title 11, unless there is created a duplication in numbering, reads as follows:

In the event any territory has been included within public records or public notices describing the corporate boundaries of a municipality for purposes of an election or ad valorem tax assessment of the municipality for five (5) consecutive years, there shall be a rebuttable presumption that the territory is situated within the municipality. The public records and public notices shall be evidence of the jurisdiction of the municipality over the territory in all suits by or against the municipality.

SECTION 3. AMENDATORY 11 O.S. 1991, Section 43-103, is amended to read as follows:

Section 43-103. Municipal regulations as to buildings, structures and land shall be made in accordance with a comprehensive plan and be designed to accomplish any of the following objectives:

1. To lessen congestion in the streets;

2. To secure safety from fire, panic and other dangers;

3. To promote health and the general welfare, including the peace and quality of life of the district;

4. To provide adequate light and air;

5. To prevent the overcrowding of land;

6. To promote historical preservation;

7. To avoid undue concentration of population; or

8. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality. The governing body shall provide the manner in which regulations, restrictions and district boundaries shall be determined, established and enforced, and amended, supplemented or changed.

SECTION 4. AMENDATORY 19 O.S. 1991, Section 863.13, is amended to read as follows:

Section 863.13 For the purposes of promoting the public health, safety, peace, morals, comfort, convenience, prosperity, order, quality of life, 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 council, as respects the municipality and the board of any such county, as respects the unincorporated areas of the county, are hereby empowered in accordance with the conditions and procedure specified in this act, in the areas, respectively, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot or area which may be occupied, the size of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, civic and public activities and other purposes.

The zoning power hereby conferred shall not apply to the erection, installation, and use of structures and equipment, by public service corporations subject to the jurisdiction and regulation of the Oklahoma Corporation Commission , or other similar state or federal regulatory bodies; nor to the erection or use of the usual farm buildings for agricultural purposes or the planning of agricultural crops.

SECTION 5. This act shall become effective November 1, 1999.