

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB2562

By: Taylor

AS INTRODUCED

An Act relating to roads, bridges and ferries; prohibiting the closing, obstructing, or altering of public roads; stating that the closing, obstructing, or altering of public roads constitutes a public nuisance; permitting county to remove obstruction; requiring certain notice; authorizing county to enter upon private property to remove obstruction; limiting liability of county; providing criminal penalty for closing, obstructing, or altering public road; permitting county to recover certain costs; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 649.1 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to cause a county road which is open for public travel to be closed, obstructed, or altered in any manner unless such action is the result of an order issued by the board of county commissioners pursuant to Section 649 of Title 69 of the Oklahoma Statutes. The closing, obstructing, or altering of any such road open for public travel shall constitute a public nuisance, which may be summarily abated by the board of county commissioners.

B. The board of county commissioners or any employees or agents of the county, upon the order of the board of county commissioners, shall have authority to physically remove any such obstruction or structure which closes, obstructs, or alters the public road if the owner of such obstruction fails to remove such within a reasonable

time period after written demand. The board of county commissioners shall make written demand by certified mail, return receipt requested, or by personal service upon the owner of the obstruction. The county may enter upon private property to the extent necessary to accomplish the removal. The board of county commissioners or any employees, agents, or officers of the county shall not be liable for any damages caused or sustained by reason of the abatement and removal of any such nuisance.

C. Every person who closes, obstructs, or alters any county road open for public travel shall be guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned not more than sixty (60) days, or both such fine and imprisonment. In addition, such person shall be liable for the cost incurred by the county to remove, repair, or otherwise return the road to open travel by the public.

SECTION 2. This act shall become effective November 1, 2000.

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