

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 658

By: Littlefield of the Senate

and

Roberts of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to cities and towns; amending 11 O.S. 1991, Section 22-120, which relates to municipal ordinances to protect public health; authorizing municipalities to enact special ordinances restricting occupancy of certain vacant properties upon notification by the Department of Environmental Quality of extraordinary environmental hazards; authorizing restriction of occupancy of certain property by certain persons; requiring enactment of certain city ordinances within certain distance of United States Air Force military installation; stating restrictions and prohibition of future uses within certain area; requiring restriction on future uses in violation of certain federal aviation height restriction criteria; requiring ordinance be consistent with certain federal recommendations; stating requirement for consideration of ordinance; authorizing certain single-family residential use; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 22-120, is amended to read as follows:

Section 22-120. A. The municipal governing body may enact and enforce such ordinances, rules and regulations as it deems necessary for the protection of the public health, not inconsistent with state law; and may establish and regulate hospitals, and provide for their operation and support. The governing body may make regulations to prevent the introduction of contagious diseases into the municipality and may enforce quarantine laws within five (5) miles of the municipal limits.

B. If the Department of Environmental Quality notifies a municipality in writing that certain vacant property presents an extraordinary environmental hazard to public health and safety, the municipal governing body is authorized to enact special ordinances restricting occupancy and use of the vacant buildings, vacant structures or land as necessary to protect against the extraordinary environmental hazard. This includes, but is not limited to, the authority to restrict occupancy or use by classes of persons who may be especially vulnerable to the environmental hazard. The municipal governing body is further authorized to restrict occupancy or use, by children or other especially vulnerable classes of persons, of property in areas or at locations with contamination by lead or other hazardous substances to such a degree that normal health and welfare of members of the class are at significant risk.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 43-101.1 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. Any municipality in this state within which there lies wholly or in part an active-duty United States Air Force military installation, may enact a city ordinance specifying that within five (5) miles of the corporate limits of the military installation future uses on the property which may be hazardous to aircraft operation shall be restricted or prohibited. Such authority shall not extend into the corporate limits of another municipality.

B. The ordinance shall restrict or prohibit future uses within the five-mile area which:

1. Release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft, such as steam, dust or smoke;

2. Produce light emissions, either directly, or indirectly or by reflective light, which would interfere with pilot vision;

3. Produce electrical emissions which would interfere with aircraft communications systems or navigation equipment;

4. Attract birds or waterfowl including, but not limited to, operation of sanitary landfills, maintenance of feeding stations, or the growing of certain vegetation;

5. Provide for structures within ten (10) feet of aircraft approach, departure, or transitional surfaces;

6. Expose persons to noise greater than seventy-five (75) decibels; or

7. Detract from the aesthetic appearance, or otherwise create or promote an unsightly, unsanitary or unhealthy appearance of any entrance into the installation including, but not limited to, automobile or truck salvage yards, equipment storage sites or solid waste storage or disposal sites.

C. The ordinance shall restrict or prohibit future uses within the five-mile area which violate any Federal Aviation height restriction criteria.

D. 1. The ordinance shall be consistent with the recommendations or studies made by the United States Air Force entitled "Air Installation Compatible Use Zone Study", Volumes I, II and III, dated October 1992; and

2. Interpretations of such ordinance shall consider such recommendations or studies with a view to protection of the public and maintenance of safe aircraft operations.

E. The ordinance shall not prohibit single-family residential use on tracts of one (1) acre or more in area, provided that future construction shall comply with the "Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, Wyle Research Report WR 89-7". Such construction shall be regulated and inspected by the municipality's existing building permit and inspection ordinances and procedures.

SECTION 3. 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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