

EHB 2115

THE STATE SENATE
Monday, April 1, 2002

ENGROSSED

House Bill No. 2115

ENGROSSED HOUSE BILL NO. 2115 - By: BRADDOCK of the House and CAPPS of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 43-101.1, which relates to restrictions on property hazardous to aircraft operation; providing certain exception; deleting certain ordinance restriction or prohibition; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 43-101.1, is amended to read as follows:

Section 43-101.1 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,

1 such as steam, dust or smoke unless such substance is generated from
2 agricultural use;

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

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

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

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

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

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

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

22 D. 1. The ordinance shall be consistent with the
23 recommendations or studies made by the United States Air Force

1 entitled "Air Installation Compatible Use Zone Study", Volumes I, II
2 and III, dated October 1992; and

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

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

13 SECTION 2. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-25-02
18 - DO PASS.