

ENROLLED HOUSE
BILL NO. 1858

By: Gilbert, Sweeden, Liotta
and Covey of the House

and

Brogdon of the Senate

An Act relating to cities and towns; amending 11 O.S. 2001, Sections 2-104 and 3-101, which relate to municipal incorporation; providing an exception to territory that may not incorporate as a municipality; requiring petition for incorporation of town to include certain information; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 2-104, is amended to read as follows:

Section 2-104. ~~No~~ A. Except as otherwise provided by subsection B of this section, no territory within five (5) miles of the corporate limits of a municipality having a population of more than two hundred thousand (200,000), and no territory within three (3) miles of the corporate limits of any municipality having a population less than two hundred thousand (200,000), according to the latest federal census, shall be included in the survey and plat provided in Section 2-103 of this title or incorporated as a new municipality.

B. Territory within five (5) miles of the corporate limits of a municipality having a population of more than two hundred thousand (200,000) may incorporate as a new municipality if it can be proved to the board of county commissioners by documentation that the territory has historically been identified as a community of people residing in compact form. Such territory shall be included in the survey and plat provided in Section 2-103 of this title or incorporated as a new municipality. Upon application of any person or municipality affected, the district court in the county where such territory is located may afford appropriate relief for any violation of this section. Urban areas annexed by a municipality which are completely nonadjacent to the corporate limits of the municipality are not considered as within the corporate limits of that municipality for the purposes of this section.

SECTION 2. AMENDATORY 11 O.S. 2001, Section 3-101, is amended to read as follows:

Section 3-101. A. A petition for incorporation of a town shall be presented to the board of county commissioners of the county in which the proposed town is located, at the time indicated in the

notice, as provided for in subsection C of this section, or as soon thereafter as the board can receive and consider it. The petition shall be:

1. In writing; and

2. Signed by at least one-third (1/3) of the registered voters residing in the proposed town as shown by the preceding general election or by at least twenty-five (25) registered voters residing in the proposed town, whichever number is greater.

B. Each petition shall be on a separate sheet and shall be authenticated by the affidavit of at least one credible witness that the signatures are genuine and that the signers of the petition are registered voters of the proposed town. The petition shall include:

1. The name of the proposed town; ~~and~~

2. The survey and plat of the proposed town; ~~and~~

3. The resident population, including names and addresses of persons residing in the area of the proposed town not more than sixty (60) days prior to presenting the petition to the board of county commissioners; ~~and~~

4. The number and boundaries of the proposed town wards or, if no wards are proposed, the number of positions on the proposed board of trustees; ~~and~~

5. ~~affidavits~~ The appropriate documentation to prove that territory within five (5) miles of the corporate limits of a municipality having a population of more than two hundred thousand (200,000) has historically been identified as a community of people residing in compact form, if applicable; and

6. Affidavits verifying the facts contained in the petition.

C. Not less than thirty (30) days before presenting the petition to the board of county commissioners, notice of the intent of the petitioners to apply for incorporation of a town shall be given by leaving the survey, plat, census, and description of wards, if any, in some convenient place in the proposed town for examination by those having an interest in the application.

SECTION 3. This act shall become effective November 1, 2004.

Passed the House of Representatives the 10th day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 18th day of May, 2004.

Presiding Officer of the Senate