ENROLLED HOUSE
BILL NO. 2472

By: Braddock of the House

and

Helton and Aldridge of the Senate

An Act relating to cities and towns; amending 11 O.S. 2001, Section 43-101.1, as amended by Section 1, Chapter 41, O.S.L. 2002 (11 O.S. Supp. 2003, Section 43-101.1), which relates to land use hazardous to aircraft operation; updating reference to certain studies and recommendations; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 43-101.1, as amended by Section 1, Chapter 41, O.S.L. 2002 (11 O.S. Supp. 2003, 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, such as steam, dust or smoke unless such substance is generated from agricultural use;

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 and maintenance of feeding stations;

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 most current recommendations or studies made by the United States Air Force installations located at Altus Air Force Base located in Altus, Oklahoma, Tinker Air Force Base located in Oklahoma City, Oklahoma, and Vance Air Force Base located in Enid, Oklahoma, entitled "Air Installation Compatible Use Zone Study"~~, Volumes I, II and III, dated October 1992~~ or studies made by the United States Department of the Army installations located at Fort Sill in Lawton, Oklahoma, entitled "Army Compatible Use Buffers" or any similar zoning relating to or surrounding a military installation as adopted by a county, city, or town or any combination of those governmental entities and shall be consistent with the most current recommendations; and

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

E. ~~The~~ Subject to the provisions and requirements of paragraph 1 of subsection D of this section, 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 2. This act shall become effective November 1, 2004.

Passed the House of Representatives the 18th day of February, 2004.

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Presiding Officer of the House of Representatives

Passed the Senate the 6th day of April, 2004.

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Presiding Officer of the Senate