

EHB 2472

THE STATE SENATE
Monday, April 5, 2004

ENGROSSED

House Bill No. 2472

ENGROSSED 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 1. Release into the air any substance which would impair
2 visibility or otherwise interfere with the operation of aircraft,
3 such as steam, dust or smoke unless such substance is generated from
4 agricultural use;
- 5 2. Produce light emissions, either directly, or indirectly or
6 by reflective light, which would interfere with pilot vision;
- 7 3. Produce electrical emissions which would interfere with
8 aircraft communications systems or navigation equipment;
- 9 4. Attract birds or waterfowl including, but not limited to,
10 operation of sanitary landfills and maintenance of feeding stations;
- 11 5. Provide for structures within ten (10) feet of aircraft
12 approach, departure, or transitional surfaces;
- 13 6. Expose persons to noise greater than seventy-five (75)
14 decibels; or
- 15 7. Detract from the aesthetic appearance, or otherwise create
16 or promote an unsightly, unsanitary or unhealthy appearance of any
17 entrance into the installation including, but not limited to,
18 automobile or truck salvage yards, equipment storage sites or solid
19 waste storage or disposal sites.
- 20 C. The ordinance shall restrict or prohibit future uses within
21 the five-mile area which violate any Federal Aviation height
22 restriction criteria.

1 D. 1. The ordinance shall be consistent with the most current
2 recommendations or studies made by the United States Air Force
3 installations located at Altus Air Force Base located in Altus,
4 Oklahoma, Tinker Air Force Base located in Oklahoma City, Oklahoma,
5 and Vance Air Force Base located in Enid, Oklahoma, entitled "Air
6 Installation Compatible Use Zone Study", ~~Volumes I, II and III,~~
7 ~~dated October 1992~~ or studies made by the United States Department
8 of the Army installations located at Fort Sill in Lawton, Oklahoma,
9 entitled "Army Compatible Use Buffers" or any similar zoning
10 relating to or surrounding a military installation as adopted by a
11 county, city, or town or any combination of those governmental
12 entities and shall be consistent with the most current
13 recommendations; and

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

17 E. ~~The~~ Subject to the provisions and requirements of paragraph
18 1 of subsection D of this section, the ordinance shall not prohibit
19 single-family residential use on tracts of one (1) acre or more in
20 area, provided that future construction shall comply with the
21 "Guidelines for the Sound Insulation of Residences Exposed to
22 Aircraft Operations, Wyle Research Report WR 89-7". Such

1 construction shall be regulated and inspected by the municipality's
2 existing building permit and inspection ordinances and procedures.

3 SECTION 2. This act shall become effective November 1, 2004.

4 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
5 PUBLIC SAFETY, dated 3-29-04 - DO PASS.