

CS for SB 274

THE STATE SENATE
Wednesday, February 19, 2003

Committee Substitute for
Senate Bill No. 274

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 274 - By: CRUTCHFIELD of
the Senate and TURNER of the House.

An Act relating to cities and towns; amending 11 O.S. 2001,
Section 21-103, which relates to city annexation procedure;
requiring preparation of specified plan; modifying
annexation procedures and requirements; requiring
implementation of service plan in accordance with capital
improvement plan; modifying time period for implementation
of certain plans; requiring detachment of property under
specified circumstances; modifying type of mail notice;
excepting certain farming units from certain ordinances;
requiring property that discharges into certain water
systems to be in compliance with certain environmental
standards; providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 21-103, is
amended to read as follows:

Section 21-103. A. Before the governing body of a city may
annex any territory adjacent or contiguous to the city, it must
obtain the written consent of the owners of at least a majority of
the acres to be annexed to the municipality; except that no such
consent is needed where:

- 1. The territory to be annexed is subdivided into tracts or
parcels of less than five (5) acres and contains more than one
residence; or

1 2. Three sides of the territory to be annexed are adjacent or
2 contiguous to the property already within the municipal limits.

3 B. Before any territory is annexed to a municipality, without
4 the written consent of the owners of at least a majority of the
5 acres to be annexed to the municipality in accordance with
6 ~~subparagraph~~ subsection A of this section, the governing body of the
7 municipality shall direct that notice of the proposed annexation of
8 the territory be published in a legally qualified newspaper of
9 general circulation in the territory and shall hold a public hearing
10 on the proposed annexation. Prior to the publication of notice, the
11 municipality shall prepare a plan to extend municipal services
12 including, but not limited to, water, sewer, fire protection, law
13 enforcement and the cost of such services appropriate to the
14 proposed annexed territory. The plan shall provide that the
15 municipality complete the implementation of the plan in accordance
16 with any existing capital improvement plan applicable to the portion
17 of the municipality adjacent to the territory proposed to be
18 annexed. If no such capital improvement plan has been adopted, the
19 municipality shall complete the service plan within a ~~reasonable~~
20 ~~time to be determined at the hearing and set forth in the ordinance~~
21 ~~annexing the territory~~ one-hundred twenty (120) months from the date
22 of annexation unless a different time is determined by consensus
23 between property owners and the municipality at the hearing. The

1 time for completion of the service plan shall be set forth in the
2 ordinance annexing the territory. If municipality services are not
3 substantially complete within the prescribed time, then the
4 territory shall be detached by the governing body as provided in
5 Section 21-110 of this title. For purposes of this subsection,
6 services may be provided by any method or means available to the
7 municipality to extend municipal services to any other area of the
8 city. Such notice, hearing and plan shall be subject to the
9 following provisions:

10 1. The notice shall describe the boundaries of the territory
11 proposed to be annexed by reference to a map, geographical
12 locations, legal or physical description or other reasonable
13 designation and shall state that the proposed service plan is
14 available for inspection at a specified location. The notice shall
15 state the date, time, and place when the governing body shall
16 conduct a public hearing on the question of annexing the territory.
17 The notice shall be published in a legal newspaper of general
18 circulation in the territory sought to be annexed within fourteen
19 (14) days following the date the governing body directed the notice
20 to be published. A copy of the notice of annexation shall be mailed
21 by first-class mail to all owners of property to be annexed as shown
22 by the current year's ownership rolls in the office of the county
23 treasurer; provided that the notice of annexation shall be mailed by

1 certified mail to every person who owns a farm unit as described in
2 subsection C of this section that is proposed to be annexed.

3 2. The public hearing of such annexation shall be held no
4 earlier than fourteen (14) days nor more than thirty (30) days
5 following the publication and mailing of the notice.

6 3. The proposed service plan shall be available for inspection
7 and be explained to the property owners of the territory to be
8 annexed at the public hearing. The plan may be amended through
9 negotiation at the hearing. The final service plan shall be
10 incorporated into and made part of the ordinance annexing the
11 territory.

12 C. Farming units of five (5) acres or more within the municipal
13 limits shall be exempt from ordinance restricting land use and
14 building construction to the extent such land use or construction is
15 related to farming purposes. Where there is no residence within
16 fifty (50) feet of the boundaries of such a farming unit, the
17 property shall not be subject to ordinance regulating that would not
18 be an offense under state law; provided that any such property that
19 discharges into the municipal water, wastewater, or sewer system
20 shall be subject to any ordinances or regulations related to
21 compliance with environmental standards for that system.

22 SECTION 2. This act shall become effective July 1, 2003.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-17-03
6 - DO PASS, As Amended and Coauthored.