ENGROSSED HOUSE
BILL NO. 2412

By: Jackson and Braddock of the House

and

Bass of the Senate

An Act relating to cities and towns; amending 11 O.S. 2001, Section 43-101.1, as last amended by Section 1, Chapter 335, O.S.L. 2004 (11 O.S. Supp. 2005, Section 43-101.1), which relates to buildings and zoning; modifying municipal authorization to enact certain ordinance; modifying area of restriction or prohibition; expanding certain conduct subject to restriction or prohibition; clarifying certain reference; expanding the type of operations that are subject to protection by ordinance; 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 last amended by Section 1, Chapter 335, O.S.L. 2004 (11 O.S. Supp. 2005, Section 43-101.1), is amended to read as follows:

Section 43-101.1 A. Any municipality in this state within ~~which there lies~~ that is wholly or in part ~~an active-duty United States military installation,~~ within an Air Instillation Compatible Use Zone (AICUZ) study area, Joint Land Use Study (JLUS) area, Army Compatible Use Buffers (ACUB), or an Environmental Noise Management Plan (ENMP) are of an active duty, National Guard or Reserve military instillation may enact a city ordinance ~~specifying that within five (5) miles of the corporate limits of the military installation~~ restricting or prohibiting future uses ~~on the property which may be hazardous to aircraft operation shall be restricted or prohibited~~ for that incorporated area which lies within the AICUZ, JLUS, ACUB, or ENMP area and which may expose residents to noise greater the sixty-five (65) Day-Night Noise Level (DNL) or accident

potential that could affect the public health, safety, and welfare, or interfere with military operations, including aircraft operations. 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~~ AICUZ or JLUS area which:

1. Release into the air any substance which would impair visibility or otherwise interfere with ~~the operation of aircraft~~ military operations, including ground operations, such as steam, dust or smoke unless ~~such~~ the substance is generated from agricultural use;

2. Produce light emissions, either directly, or indirectly or by reflective light, which would interfere with pilot vision, and aerial or ground-based night vision training;

3. Produce electrical emissions which would interfere with military ground and aircraft communications ~~systems or~~ and 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 defined aircraft approach, departure, or transitional surfaces; or one hundred (100) feet beneath a low-level military aircraft training route as provided by the Federal Aviation Administration;

6. Expose persons to noise greater than ~~seventy-five (75) decibels~~ sixty-five (65) DNL; or

7. Detract from the aesthetic appearance, or otherwise create or promote an unsightly, unsanitary or unhealthy appearance of any entrance into ~~the~~ a military 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~~ AICUZ/JLUS area which violate any Federal Aviation

Administration height restriction ~~criteria~~ in 14 CFR 77 Objects Affecting Navigable Airspace.

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" 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 the recommendations or studies with a view to protection of the public health, safety, and welfare and maintenance of safe military and aircraft operations, and assure sustainability of installation missions.

E. 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, 2006.

Passed the House of Representatives the 16th day of March, 2006.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2006.

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Presiding Officer of the Senate