

EHB 2412

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THE STATE SENATE  
Wednesday, April 5, 2006

Committee Substitute for  
ENGROSSED

House Bill No. 2412

ENGROSSED HOUSE BILL NO. 2412 - By: JACKSON and BRADDOCK of the House and BASS of the Senate.

[ cities and towns - modifying certain ordinance - expanding operations - 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 Installation Compatible Use Zone (AICUZ) study area, Joint Land Use Study (JLUS) area, Army Compatible Use Buffer (ACUB), or an Environmental Noise Management Plan (ENMP) of an active duty, National Guard or Reserve military installation 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,

1 or ENMP area and which may expose residents to noise greater than  
2 sixty-five (65) Day-Night Noise Level (DNL) or accident potential  
3 that could affect the public health, safety, and welfare, or  
4 interfere with military operations, including aircraft operations.

5 Such authority shall not extend into the corporate limits of another  
6 municipality.

7 B. The ordinance shall restrict or prohibit future uses within  
8 the ~~five-mile~~ AICUZ or JLUS area which:

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

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

17 3. Produce electrical emissions which would interfere with  
18 military ground and aircraft communications ~~systems or~~ and  
19 navigation equipment;

20 4. Attract birds or waterfowl including, but not limited to,  
21 operation of sanitary landfills and maintenance of feeding stations;

22 5. Provide for structures within ten (10) feet of defined  
23 aircraft approach, departure, or transitional surfaces; or one

1 hundred (100) feet beneath a low-level military aircraft training  
2 route as provided by the Federal Aviation Administration;

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

5 7. Detract from the aesthetic appearance, or otherwise create  
6 or promote an unsightly, unsanitary or unhealthy appearance of any  
7 entrance into ~~the~~ a military installation including, but not limited  
8 to, automobile or truck salvage yards, equipment storage sites or  
9 solid waste storage or disposal sites.

10 C. The ordinance shall restrict or prohibit future uses within  
11 the ~~five-mile~~ AICUZ/JLUS area which violate any Federal Aviation  
12 Administration height restriction ~~criteria~~ in Title 14 of the Code  
13 of Federal Regulations (14 CFR) part 77, Objects Affecting Navigable  
14 Airspace.

15 D. 1. The ordinance shall be consistent with the most current  
16 recommendations or studies made by the United States Air Force  
17 installations located at Altus Air Force Base located in Altus,  
18 Oklahoma, Tinker Air Force Base located in Oklahoma City, Oklahoma,  
19 and Vance Air Force Base located in Enid, Oklahoma, entitled "Air  
20 Installation Compatible Use Zone Study" or studies made by the  
21 United States Department of the Army installations located at Fort  
22 Sill in Lawton, Oklahoma, entitled "Army Compatible Use Buffers" or  
23 any similar zoning relating to or surrounding a military

1 installation as adopted by a county, city, or town or any  
2 combination of those governmental entities and shall be consistent  
3 with the most current recommendations; and

4 2. Interpretations of such ordinance shall consider the  
5 recommendations or studies with a view to protection of the public  
6 health, safety, and welfare and maintenance of safe military and  
7 aircraft operations, and assure sustainability of installation  
8 missions.

9 E. Subject to the provisions and requirements of paragraph 1 of  
10 subsection D of this section, the ordinance shall not prohibit  
11 single-family residential use on tracts of one (1) acre or more in  
12 area, provided that future construction shall comply with the  
13 "Guidelines for the Sound Insulation of Residences Exposed to  
14 Aircraft Operations, Wyle Research Report WR 89-7". Such  
15 construction shall be regulated and inspected by the municipality's  
16 existing building permit and inspection ordinances and procedures.

17 SECTION 2. This act shall become effective November 1, 2006.

18 COMMITTEE REPORT BY: COMMITTEE ON VETERANS & MILITARY AFFAIRS, dated  
19 4-3-06 - DO PASS, As Amended.