

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2071

By: Gilbert

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 2001, Section 2-104, as amended by Section 1, Chapter 329, O.S.L. 2004 (11 O.S. Supp. 2005, Section 2-104), which relates to municipal incorporation; modifying criteria for certain municipal incorporation; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 2-104, as amended by Section 1, Chapter 329, O.S.L. 2004 (11 O.S. Supp. 2005, Section 2-104), is amended to read as follows:

Section 2-104. A. Except as otherwise provided by subsection B of this section, no territory within five (5) miles of the corporate limits of a municipality having a population of more than two hundred thousand (200,000), and no territory within three (3) miles of the corporate limits of any municipality having a population less than two hundred thousand (200,000), according to the latest federal census, shall be included in the survey and plat provided in Section 2-103 of this title or incorporated as a new municipality.

B. Territory within ~~five (5)~~ three (3) miles of the corporate limits of a municipality having a population of ~~more~~ less than two hundred thousand (200,000) may incorporate as a new municipality if it can be proved to the board of county commissioners by documentation that the territory has historically been identified as a community of people residing in compact form. Such territory shall be included in the survey and plat provided in Section 2-103 of this title or incorporated as a new municipality. Upon

application of any person or municipality affected, the district court in the county where such territory is located may afford appropriate relief for any violation of this section. Urban areas annexed by a municipality which are completely nonadjacent to the corporate limits of the municipality are not considered as within the corporate limits of that municipality for the purposes of this section.

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

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