

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 431

By: Aldridge of the Senate

and

6 Banz of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to counties and county officers;
11 authorizing the board of county commissioners to
12 provide enforcement of certain regulations and set
13 certain penalties; authorizing the county sheriff to
14 be responsible for enforcing certain regulations;
15 setting fees and penalties; providing for
16 codification; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 868.11A of Title 19, unless
21 there is created a duplication in numbering, reads as follows:

22 A. A board of county commissioners may provide for enforcement
23 of its regulations and establish fines, penalties or other remedies,
24 for any offense in violation of its regulations, which shall be
recoverable together with costs of suit.

1 B. In addition to other powers and duties prescribed by law, a
2 board of county commissioners shall have the power to:

3 1. Establish and enforce fines and penalties for violation of
4 its zoning, subdivision and floodplain regulations, including the
5 issuance of citations by designated county personnel for violations
6 of its zoning, subdivision and floodplain regulations. A board of
7 county commissioners may additionally establish that any person who
8 fails to correct a violation for which a citation has been issued
9 within the period permitted for its correction may be assessed a
10 fine or penalty for each ensuing day during which such failure or
11 violation continues.

12 2. In issuing a citation pursuant to this subsection, the
13 county employee shall proceed as follows:

14 a. the employee shall prepare a written citation to
15 appear in court, containing the name and address of
16 the cited person and the violation/offense charged,
17 and stating when the person shall appear in district
18 court. The time to appear specified in the citation
19 shall be at least five (5) days after the issuance of
20 the citation,

21 b. one copy of the citation to appear shall be delivered
22 to the person cited, and such person shall sign a
23 duplicate written citation which shall be retained by
24 the county employee, and

1 c. as soon as practicable, one copy of the citation shall
2 be filed with the district court specified therein and
3 one copy delivered to the prosecuting attorney.

4 3. If a person fails to appear in district court at the
5 designated time, a warrant for arrest shall be issued.

6 4. Violations and penalties shall be deemed misdemeanor
7 offenses, punishable by a fine of up to Five Hundred Dollars
8 (\$500.00). Jurisdiction is hereby conferred upon the district court
9 within the county.

10 5. Fines and penalties collected pursuant to this subsection
11 shall be deposited in the Planning Commission Fee Fund.

12 6. Issuance of citations and/or payment of fines or penalties
13 shall in no way preclude other remedies or appropriate action or
14 proceedings to prevent or remove a violation.

15 SECTION 2. This act shall become effective July 1, 2009.

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

20
21 52-1-7599 AM 04/01/09
22
23
24