

1 ENGROSSED SENATE
2 BILL NO. 431

By: Aldridge of the Senate

3 and

4 Banz of the House

5
6
7 [counties - enforcement of certain regulations -
8 penalties - citations - authorizing warrant -
9 codification - effective date -
10 emergency]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 A. A board of county commissioners may provide for enforcement
17 of its regulations and establish fines, penalties or imprisonment,
18 for any offense in violation of its regulations, which shall be
19 recoverable together with costs of suit.

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

22 1. Establish and enforce fines and penalties for violation of
23 its zoning, subdivision and floodplain regulations, including the
24 issuance of citations by designated county personnel for violations

1 of its zoning, subdivision and floodplain regulations. A board of
2 county commissioners may additionally establish that any person who
3 fails to correct a violation for which a citation has been issued
4 within the period permitted for its correction may be assessed a
5 fine or penalty for each ensuing day during which such failure or
6 violation continues.

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

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

16 b. one copy of the citation to appear shall be delivered
17 to the person cited, and such person shall sign a
18 duplicate written citation which shall be retained by
19 the county employee, and

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

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

1 4. Violations and penalties shall be deemed misdemeanor
2 offenses, not punishable by a fine of more than Five Hundred Dollars
3 (\$500.00) or more than one year in the county jail. Jurisdiction is
4 hereby conferred upon the district court within the county.

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

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

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

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

15 Passed the Senate the 11th day of March, 2009.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the ____ day of _____,

20 2009.

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Presiding Officer of the House
of Representatives

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