

ENROLLED SENATE
BILL NO. 431

By: Aldridge of the Senate

and

Banz, Tibbs and Martin
(Steve) of the House

An Act relating to counties and county officers;
authorizing the board of county commissioners to
provide enforcement of certain regulations and set
certain penalties; providing procedures; setting fees
and penalties; repealing 19 O.S. 2001, Section
865.67, which relates to violations and penalties;
and providing for codification.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 863.13A of Title 19, unless
there is created a duplication in numbering, reads as follows:

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

B. 1. In addition to other powers and duties prescribed by
law, a board of county commissioners shall have the power to
establish and enforce fines and penalties for violation of its
zoning, subdivision, storm water and floodplain regulations,
including the issuance of citations by designated county personnel
for violations of its zoning, subdivision, storm water and
floodplain regulations. A board of county commissioners may

additionally establish that any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a fine or penalty for each ensuing day during which such failure or violation continues.

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

- a. the employee shall prepare a written citation to appear in court, containing the name and address of the cited person and the violation/offense charged, and stating when the person shall appear in district court. The time to appear specified in the citation shall be at least five (5) days after the issuance of the citation,
- b. one copy of the citation to appear shall be delivered to the person cited, and such person shall sign a duplicate written citation which shall be retained by the county employee, and
- c. as soon as practicable, one copy of the citation shall be filed with the district court specified therein and one copy delivered to the prosecuting attorney.

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

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

5. Fines and penalties collected pursuant to this subsection shall be deposited in the appropriate county fund.

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 865.67A of Title 19, unless there is created a duplication in numbering, reads as follows:

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

B. 1. In addition to other powers and duties prescribed by law, a board of county commissioners shall have the power to establish and enforce fines and penalties for violation of its zoning, subdivision, storm water and floodplain regulations, including the issuance of citations by designated county personnel for violations of its zoning, subdivision, storm water and floodplain regulations. A board of county commissioners may additionally establish that any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a fine or penalty for each ensuing day during which such failure or violation continues.

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

- a. the employee shall prepare a written citation to appear in court, containing the name and address of the cited person and the violation/offense charged, and stating when the person shall appear in district court. The time to appear specified in the citation shall be at least five (5) days after the issuance of the citation,
- b. one copy of the citation to appear shall be delivered to the person cited, and such person shall sign a duplicate written citation which shall be retained by the county employee, and
- c. as soon as practicable, one copy of the citation shall be filed with the district court specified therein and one copy delivered to the prosecuting attorney.

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

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

5. Fines and penalties collected pursuant to this subsection shall be deposited in the appropriate county fund.

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 866.16A of Title 19, unless there is created a duplication in numbering, reads as follows:

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

B. 1. In addition to other powers and duties prescribed by law, a board of county commissioners shall have the power to establish and enforce fines and penalties for violation of its zoning, subdivision, storm water and floodplain regulations, including the issuance of citations by designated county personnel for violations of its zoning, subdivision, storm water and floodplain regulations. A board of county commissioners may additionally establish that any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a fine or penalty for each ensuing day during which such failure or violation continues.

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

- a. the employee shall prepare a written citation to appear in court, containing the name and address of the cited person and the violation/offense charged,

and stating when the person shall appear in district court. The time to appear specified in the citation shall be at least five (5) days after the issuance of the citation,

- b. one copy of the citation to appear shall be delivered to the person cited, and such person shall sign a duplicate written citation which shall be retained by the county employee, and
- c. as soon as practicable, one copy of the citation shall be filed with the district court specified therein and one copy delivered to the prosecuting attorney.

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

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

5. Fines and penalties collected pursuant to this subsection shall be deposited in the appropriate county fund.

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 868.11A of Title 19, unless there is created a duplication in numbering, reads as follows:

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

B. 1. In addition to other powers and duties prescribed by law, a board of county commissioners shall have the power to establish and enforce fines and penalties for violation of its zoning, subdivision, storm water and floodplain regulations,

including the issuance of citations by designated county personnel for violations of its zoning, subdivision, storm water and floodplain regulations. A board of county commissioners may additionally establish that any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a fine or penalty for each ensuing day during which such failure or violation continues.

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

- a. the employee shall prepare a written citation to appear in court, containing the name and address of the cited person and the violation/offense charged, and stating when the person shall appear in district court. The time to appear specified in the citation shall be at least five (5) days after the issuance of the citation,
- b. one copy of the citation to appear shall be delivered to the person cited, and such person shall sign a duplicate written citation which shall be retained by the county employee, and
- c. as soon as practicable, one copy of the citation shall be filed with the district court specified therein and one copy delivered to the prosecuting attorney.

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

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

5. Fines and penalties collected pursuant to this subsection shall be deposited in the appropriate county fund.

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

SECTION 5. REPEALER 19 O.S. 2001, Section 865.67, is hereby repealed.

Passed the Senate the 14th day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 18th day of May, 2009.

Presiding Officer of the House
of Representatives