

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 647

By: Rader

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5  
6 AS INTRODUCED

7 An Act relating to enforcement of county regulations;  
8 amending 19 O.S. 2021, Section 863.13A, which relates  
9 to fines and penalties; providing for applicability  
10 of provisions based on population; expanding list of  
11 regulations for which fines and penalties may be  
12 established and enforced; requiring written warning  
13 of certain violation; modifying requirements for  
14 issuance of certain citations; eliminating required  
15 court appearance; specifying proper delivery of  
16 citation; establishing additional penalties for  
17 certain violations; authorizing filing of lien  
18 against certain property; authorizing plea of not  
19 guilty and request for court hearing; requiring  
20 certain information be provided to district attorney;  
21 and providing an effective date.

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

28 SECTION 1. AMENDATORY 19 O.S. 2021, Section 863.13A, is  
29 amended to read as follows:

30 Section 863.13A. A. A board of county commissioners in  
31 counties with a population of two hundred thousand (200,000) or more  
32 may provide for enforcement of its regulations and establish fines,  
33 penalties or other remedies for any offense in violation of its  
34 regulations, which shall be recoverable together with costs of suit.

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

14 2. A county employee responsible for the enforcement of county  
15 codes and regulations shall provide a written warning by certified  
16 mail to the property owner and attached to the property of the  
17 violation. If the violation is not corrected within a reasonable  
18 time, the employee shall issue a citation. In issuing a citation  
19 pursuant to this subsection, the ~~county~~ employee shall proceed as  
20 follows:

- 21 a. the employee shall prepare a written citation ~~to~~  
22 ~~appear in court,~~ containing the name and address of  
23 the cited person and the ~~violation/offense~~ violation  
24 or offense charged, specifying the applicable fine,

1 and stating ~~when the person shall appear in district~~  
2 ~~court. The time to appear specified in the citation~~  
3 ~~shall be at least five (5) days~~ that the person may  
4 plead not guilty and request a court hearing within  
5 ten (10) business days after the ~~issuance~~ receipt of  
6 the citation, and

7 b. one copy of the citation ~~to appear~~ shall be delivered  
8 to the person cited, and ~~such person shall sign a~~  
9 duplicate written citation ~~which~~ shall be retained by  
10 the county employee, ~~and~~

11 e. ~~as soon as practicable, one copy of the citation shall~~  
12 ~~be filed with the district court specified therein and~~  
13 ~~one copy delivered to the prosecuting attorney.~~ The  
14 delivery may be in person or by certified or  
15 registered mail to the address on file with the county  
16 assessor's office or the last-known address, or posted  
17 in a conspicuous place in or about the property where  
18 the violation occurred.

19 3. If a person fails to ~~appear in district court at~~ request a  
20 court hearing or pay by the designated time, a warrant for arrest  
21 shall be issued.

22 4. Violations and penalties shall be deemed misdemeanor  
23 offenses, punishable by a fine of up to Five Hundred Dollars  
24 (\$500.00) and up to thirty (30) days in jail. Any subsequent

1 violations on the property that is subject to the citation may  
2 result in a fine of up to One Thousand Dollars (\$1,000.00) per  
3 violation. Jurisdiction is hereby conferred upon the district court  
4 within the county.

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

7 6. Issuance of citations ~~and/or~~ or payment of fines or  
8 penalties shall ~~in no way~~ not preclude other remedies or appropriate  
9 action or proceedings to prevent or remove a violation.

10 7. Amounts owed under this section may be enforced as a lien  
11 against the property and may be filed against such property and  
12 foreclosed as provided by law for civil liens.

13 8. A person may plead not guilty to the charged violation and  
14 request a court hearing through the court clerk within ten (10)  
15 business days of receipt of the citation. If the person requests a  
16 court hearing, the district attorney shall be provided all  
17 information, evidence, reports, photographs and other materials  
18 related to the offense prepared by and in the custody of the  
19 designated county personnel who wrote the citation.

20 SECTION 2. This act shall become effective November 1, 2023.

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