

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 2076

By: McCall

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.
8 2011, Section 1-102, which relates to definitions;
clarifying language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 11 O.S. 2011, Section 1-102, is
14 amended to read as follows:

15 Section 1-102. As used in ~~the Oklahoma Municipal~~ this Code:

16 1. "Charter municipality" or "~~Municipality~~ municipality
17 governed by charter" means any municipality which has adopted a
18 charter in accordance with the provisions of the Constitution and
19 laws of Oklahoma and at the time of adoption of the charter had a
20 population of two thousand (2,000) or more. Once a municipal
21 charter has been adopted and approved, it becomes the organic law of
22 the municipality in all matters pertaining to the local government
23 of the municipality and prevails over state law on matters relating
24 to purely municipal concerns;

1 2. "City" means a municipality which has incorporated as a city
2 in accordance with the laws of this state;

3 3. "Governing body" or "~~Municipal~~ municipal governing body"
4 means the city council of a city, the board of trustees of a town,
5 or the legislative body of a municipality, as it may be defined by
6 applicable law or charter provision;

7 4. "Mayor" means the official head of the municipal government
8 as defined by applicable law or charter provision. The mayor is the
9 presiding officer of the governing body in all statutory forms of
10 municipal government, and is the chief executive officer in cities
11 having the statutory aldermanic and statutory strong-mayor-council
12 forms of city government;

13 5. "Municipality" means any incorporated city or town;

14 6. "Officer" or "official" means any person who is elected to
15 an office in municipal government or is appointed to fill an
16 unexpired term of an elected office, and the clerk and the treasurer
17 whether elected or appointed. When "officer" or "official" is
18 modified by a term which refers to a personnel position or duty, the
19 holder of the position or duty is not an officer or official of the
20 municipality for any purpose;

21 7. "Ordinance" means a formal legislative act of a municipal
22 governing body which has the force and effect of a continuing
23 regulation and a permanent rule of conduct or government for the
24 municipality;

1 8. "Publish" or "~~Publication~~ publication" means printing in a
2 newspaper which:

- 3 a. maintains an office in the municipality and is of
4 general circulation in the municipality. If there is
5 no such newspaper, then in any newspaper which is of
6 general circulation in the municipality, and
7 b. meets the requirements of a legal newspaper as
8 provided in Section 106 of Title 25 of the Oklahoma
9 Statutes.

10 If there is no newspaper meeting the requirements as provided
11 for in this paragraph, the term publish or publication shall mean
12 posting a copy of the item to be published in ten or more public
13 places in the municipality. When a notice is required to be
14 published for a prescribed period of time, publishing the notice one
15 (1) day each week during the prescribed period of publication is
16 sufficient in accordance with Section 103 of Title 25 of the
17 Oklahoma Statutes;

18 9. "Quorum" means a majority of all the members of the
19 governing body, board, or commission, including vacant positions;

20 10. "Registered voter" means any person who is a qualified
21 elector, as defined by the provisions of Section 1 of Article III of
22 the Oklahoma Constitution, who resides within the limits of a
23 municipality and who has registered to vote in the precinct of his
24 residence;

1 11. "Resident" means a person whose actual dwelling or primary
2 residence is located within the corporate limits of the
3 municipality;

4 12. "Resolution" means a special or temporary act of a
5 municipal governing body which is declaratory of the will or opinion
6 of a municipality in a given matter and is in the nature of a
7 ministerial or administrative act. A resolution is not a law and
8 does not prescribe a permanent rule of conduct or government; and

9 13. "Town" means a municipality which has incorporated as a
10 town in accordance with the laws of Oklahoma.

11 SECTION 2. This act shall become effective November 1, 2017.

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13 56-1-5702 AMM 01/17/17

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