

ORDINANCE NO. 2025-13

An Ordinance Amending The Code Of Ordinances Of The City Of Sallisaw, Oklahoma By Establishing A New Section 175, In Chapter 102, Article III, Detachment, By Establishing Guidelines Providing For The Detachment Of A Single Parcel From The Corporate Limits Of The City Of Sallisaw, Oklahoma And Establishing Conditions For Approval; Establishing An Effective Date; Including A Severability Clause; Repealing All Conflicting Ordinances; Providing For Codification

WHEREAS, the City of Sallisaw recognizes that under certain circumstances, it may be in the public interest to allow for the detachment of territory from its municipal boundaries; and

WHEREAS, the Board of City Commissioners desires to establish clear and consistent guidelines and procedures governing such detachments, in accordance with Oklahoma state law;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance:

- Detachment or De-annexation means the removal of territory from within the corporate limits of the City.
- Petitioner means a property owner or group of owners requesting detachment of their property.
- Commission means the Board of City Commissioners of the City of Sallisaw.

SECTION 2. PREREQUISITES AND CONDITIONS FOR DETACHMENT. The Board of City Commissioners shall only consider a detachment request if all of the following conditions are met:

A. Petition Requirements - The request is submitted per Section 3.

B. Geographic and Service Considerations :

The detachment shall not create an unincorporated island completely surrounded by city territory. - The parcel is contiguous to the existing municipal boundary at the

time of detachment. - The detachment shall not compromise the City's ability to serve adjacent properties or impair critical infrastructure such as roads, utilities, or emergency services.

"Only land which is within the limits of the municipality and upon its border and not laid out in lots and blocks, or land which had been annexed to a municipality, may be detached by petition"- 11 O.S. § 21- 110

C. Utility and Infrastructure Requirements. If the property is currently served by City electric, water, sewer, or sanitation, the petitioner must demonstrate:

- Alternative access to services exists or will be arranged (e.g., well/septic).
- All municipal utility accounts are paid in full.
- Utility connections will be disconnected or transferred in compliance with local policy.

D. Land Use and Planning Consistency.

- The detachment must not conflict with the City's adopted comprehensive plan, growth boundaries, or zoning goals.
- Any zoning or development approvals granted by the City prior to detachment shall be nullified unless otherwise agreed upon in writing.

E. No Ongoing Violations - The property must be free from unresolved code enforcement actions, litigation, or special assessments imposed by the City.

F. Public Interest Determination. The Board of City Commissioners must determine that the detachment is in the public interest, including:

- No measurable adverse financial or service impact on the City to include being encumbered by City debt, bonds or special assessments (unless a provision is proposed for payment).
- No loss of continuity for public improvements (roads, trails, sidewalks).
- The request does not encourage fragmented land use or create a precedent detrimental to community cohesion.

G. Timeliness. A property owner whose petition is or has been denied may not refile a petition for detachment for the same property for a period of 12 months, unless significant circumstances have changed.

SECTION 3. PROCEDURE FOR DETACHMENT

A. A proposal to detach is presented in the form of an ordinance of the governing body or a petition requesting detachment, signed by at least three-fourths (3/4) of the registered

voters and by the owners of at least three-fourths (3/4), in value, of the property to be detached, is filed with the governing body.

1. For petitioners, a true and complete unsigned copy of the petition requesting detachment shall be filed with the City Clerk before it is circulated and signed by at least three-fourths (3/4) of the registered voters and by the owners of at least three-fourths (3/4), in value, of the property to be detached;
2. Signed copies of the petition requesting detachment shall be filed with the City Clerk within ninety (90) days after the initial filing of the unsigned copy with the clerk; and
3. Notice of the filing of the signed petition requesting detachment with the City Clerk shall be given in the same manner provided for petitions requesting annexation

B. The City Clerk shall schedule the matter for public hearing before the Commission within 10 days following publication.

C. Written notice of the public hearing shall be mailed to:

- The petitioner(s),
- All property owners within 300 feet of the property proposed for detachment,
- Any affected utility service providers.

D. Notice shall also be published in a newspaper of general circulation at least 15 days prior to the hearing.

SECTION 4. EFFECT OF DETACHMENT If granted:

- The City shall cease provision of all municipal services to the property on the effective date.
- The parcel shall no longer be subject to City ordinances, taxes, zoning, or jurisdiction.
- A certified copy of the ordinance shall be filed with the Sequoyah County Clerk and the Oklahoma Tax Commission – Ad Valorem Division.

SECTION 5. DECISION AND EFFECTIVE DATE.

A. The Board of City Commissioners may approve, deny, or approve with conditions any petition for detachment.

B. If approved, the Board of City Commissioner shall adopt an ordinance formally detaching the property.

C. The detachment shall become effective thirty (30) days after passage upon meeting the publication requirements and upon the filing of the ordinance with the County Clerk and any other state agencies as required by law.

SECTION 7. SEVERABILITY

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said hold shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 8. REPEALER

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of this conflict.

SECTION 9. CODIFICATION

The City Clerk is hereby directed to enter and amend the Sallisaw Code of Ordinances by adding new Section 175, Article III, Chapter 102, Zoning, in its appropriated place to the Sallisaw Code of Ordinances, as authorized and approved by this Ordinance.

Section 102-176-102-200. – Reserved.

Passed as Approved this 10th day of July 2025.

City of Sallisaw, Oklahoma

By: /s/ Ernie Martens
Ernie Martens, Mayor

Attest:

 /s/ Kim Jamison
Kim Jamison, City Clerk

[SEAL]

Approved as to Form:

 /s/ Jordan pace
Jordan Pace, City Attorney

PETITION FOR DETACHMENT (TO BE SUBMITTED BY PROPERTY OWNER)

TO: Board of City Commissioners, Sallisaw, Oklahoma

I, the undersigned, respectfully petition the City of Sallisaw to detach the property described below from the municipal boundaries:

- Legal Description: _____
- Parcel ID: _____
- Physical Address: _____

I certify that I am the sole owner of the property, and a qualified elector registered at this address (if residential).

I understand that detachment may result in the termination of City services and release from City ordinances, and that the decision rests solely with the City Council.

Signature: _____

Printed Name: _____

Date: _____
