

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2531 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Aaron Stiles

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2531

By: Stiles

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to cities and towns; amending 11 O.S.
9 2011, Section 13-109, which relates to municipal
10 charters; providing exception; declaring certain
11 charter provisions void; requiring municipalities
12 comply with certain state law; amending 11 O.S. 2011,
13 Section 15-103, which relates to municipal
14 initiatives and referendums; providing exception;
15 modifying signature requirements for certain
16 petitions; defining term; modifying certain timing
17 limitations; amending 11 O.S. 2011, Sections 43-103
18 and 43-104, which relate to municipal buildings and
19 zoning; mandating objectives for regulations and
20 restrictions; requiring notice to include certain
21 information; requiring notice by certified mail to
22 certain property owners; providing an effective date;
23 and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 13-109, is
amended to read as follows:

Section 13-109. ~~Whenever~~ A. Except as provided by subsection B
of this section, whenever a charter is in conflict with any law
relating to municipalities in force at the time of the adoption and

1 approval of the charter, the provisions of the charter shall prevail
2 and shall operate as a repeal or suspension of the state law or laws
3 to the extent of any conflict.

4 B. Any provision of a municipal charter that grants the
5 municipality the general powers of building and zoning shall be
6 declared void and the municipality shall comply with the building
7 and zoning requirements set forth by Title 11 of the Oklahoma
8 Statutes.

9 SECTION 2. AMENDATORY 11 O.S. 2011, Section 15-103, is
10 amended to read as follows:

11 Section 15-103. A. The form of the petition for either
12 initiative or referendum in a municipality shall be substantially as
13 provided in Sections 1 and 2 of Title 34 of the Oklahoma Statutes.
14 A true copy of each measure proposed by initiative and referendum
15 shall be filed with the clerk of the municipality before it is
16 circulated and signed by the registered voters.

17 B. ~~Every~~ Except as provided by subsection C of this section,
18 every petition for either the initiative or referendum shall be
19 signed by a number of the registered voters residing in the
20 municipality equal to at least twenty-five percent (25%) of the
21 total number of votes cast at the preceding general election or
22 biennial town meeting if the municipality is subject to the Oklahoma
23 Town Meeting Act. The signatures to each petition shall be verified
24 in the manner provided by law.

1 C. A petition for either the initiative or referendum regarding
2 a municipal building or zoning matter shall be signed by at least
3 twenty-five percent (25%) of the total number of affected property
4 owners. For purposes of this subsection, "affected property owners"
5 means any owner of real property located within the area of the lots
6 included in a proposed change and any owner of real property located
7 within a three-hundred-foot radius of the exterior boundary of the
8 territory included in a proposed change.

9 D. Signed copies of an initiative petition shall be submitted
10 to the clerk within ninety (90) days after the initial filing of the
11 measure with the clerk. Signed copies of a petition invoking a
12 referendum upon any ordinance or resolution shall be submitted to
13 the clerk within ~~thirty (30)~~ ninety (90) days after the passage of
14 the ordinance or resolution. Amendments to municipal charters may
15 be proposed by an initiative petition, and signed copies of such
16 petition shall be submitted to the clerk not less than ~~sixty (60)~~
17 ninety (90) days before the election at which the amendments are to
18 be voted upon.

19 SECTION 3. AMENDATORY 11 O.S. 2011, Section 43-103, is
20 amended to read as follows:

21 Section 43-103. ~~Municipal regulations~~ Any municipal regulation
22 or restriction as to buildings, structures and land shall be made in
23 accordance with ~~a comprehensive plan and be designed to accomplish~~
24 ~~any of~~ the following objectives:

1 1. ~~To lessen congestion in the streets;~~

2 2. ~~To secure safety from fire, panic and other dangers;~~

3 3. ~~To promote~~ There shall be a municipal interest that promotes
4 the health and, safety, morals or the general welfare, including the
5 peace and quality of life of the district community;

6 4. ~~To provide adequate light and air;~~

7 5. ~~To prevent the overcrowding of land;~~

8 6. ~~To promote historical preservation;~~

9 7. ~~To avoid undue concentration of population; or~~

10 8. ~~To facilitate the adequate provision of transportation,~~
11 ~~water, sewerage, schools, parks and other public requirements~~

12 2. The municipal interest shall be important to the
13 municipality as a whole. The municipal interest need not be
14 compelling; however, the interest shall be more than merely
15 legitimate;

16 3. The municipal interest and the reason for the regulation or
17 restriction shall be stated with clarity in the municipal ordinance
18 and any notice requirement; and

19 4. The municipal regulation or restriction shall be
20 substantially related to solving the important municipal interest.
21 The regulation or restriction need not be the necessary means to
22 solve the important municipal interest; however, the regulation or
23 restriction shall be more than a rational means to solving the
24 important municipal interest.

1 The regulations shall be made with reasonable consideration, among
2 other things, as to the character of the district and its peculiar
3 suitability for particular uses, and with a view to conserving the
4 value of buildings and encouraging the most appropriate use of land
5 throughout the municipality. The governing body shall provide the
6 manner in which regulations, restrictions and district boundaries
7 shall be determined, established and enforced, and amended,
8 supplemented or changed.

9 SECTION 4. AMENDATORY 11 O.S. 2011, Section 43-104, is
10 amended to read as follows:

11 Section 43-104. A. Parties in interest and citizens shall have
12 an opportunity to be heard at a public hearing before any district
13 regulation, restriction, or boundary shall become effective. At
14 least fifteen (15) days' notice of the date, time, and place of the
15 hearing shall be published in a newspaper of general circulation in
16 the municipality. The notice shall include a map of the area to be
17 affected which indicates street names or numbers, streams, or other
18 significant landmarks in the area, and the important reason or end
19 for the regulation, restriction, or boundary as required by Section
20 43-103 of this title.

21 B. In addition to the notice required in subsection A of this
22 section, ~~if the zoning change requested permits the use of treatment~~
23 ~~facilities, multiple family facilities, transitional living~~
24 ~~facilities, halfway houses and any housing or facility that may be~~

1 ~~used for medical or nonmedical detoxification as these terms are~~
2 ~~defined pursuant to Section 3-403 of Title 43A of the Oklahoma~~
3 ~~Statutes,~~ the entity proposing the change in district regulation,
4 restriction, or boundary shall send by certified mail a written
5 notice within ~~thirty (30)~~ ninety (90) days of the hearing to all
6 real property owners within ~~one-quarter (1/4) of a mile where the~~
7 ~~area to be affected is located~~ the area of the lots included in a
8 proposed change and all real property owners within a three-hundred-
9 foot radius of the exterior boundary of the territory included in a
10 proposed change and shall be responsible for all costs incurred in
11 mailing this notice.

12 For purposes of this subsection, "entity" means any individual,
13 corporation, company, firm, partnership, association, trust, state
14 agency, government instrumentality or agency, institution, county,
15 incorporated municipality or municipal authority or trust in which
16 any governmental entity is a beneficiary, venture, or other legal
17 entity however organized.

18 SECTION 5. This act shall become effective July 1, 2012.

19 SECTION 6. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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24 53-2-9251 EK 02/14/12

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