

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2531

By: Stiles

4  
5 AS INTRODUCED

6 An Act relating to cities and towns; amending 11 O.S.  
7 2011, Section 13-109, which relates to municipal  
8 charters; providing exception; declaring certain  
9 charter provisions void; requiring municipalities  
10 comply with certain state law; amending 11 O.S. 2011,  
11 Section 15-103, which relates to municipal  
12 initiatives and referendums; providing exception;  
13 modifying signature requirements for certain  
14 petitions; defining term; amending 11 O.S. 2011,  
15 Sections 43-101 and 43-104, which relate to municipal  
16 buildings and zoning; limiting regulations and  
17 restrictions; requiring notice to include certain  
18 information; providing an effective date; and  
19 declaring an emergency.

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

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

23 Section 13-109. ~~Whenever~~ A. Except as provided by subsection B  
24 of this section, whenever a charter is in conflict with any law  
relating to municipalities in force at the time of the adoption and  
approval of the charter, the provisions of the charter shall prevail  
and shall operate as a repeal or suspension of the state law or laws  
to the extent of any conflict.

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

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

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

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

22        C. A petition for either the initiative or referendum regarding  
23 a municipal planning or zoning matter shall be signed by at least  
24 twenty-five percent (25%) of the total number of affected property

1 owners. For purposes of this subsection, "affected property owners"  
2 means any owner of real property located within the boundaries or  
3 bordering the area of the proposed municipal planning or zoning  
4 matter.

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

14 SECTION 3. AMENDATORY 11 O.S. 2011, Section 43-101, is  
15 amended to read as follows:

16 Section 43-101. ~~For the purpose of promoting health, safety,~~  
17 ~~morals, or the general welfare of the community, a~~ A municipal  
18 governing body may regulate and restrict the height, number of  
19 stories, and size of buildings and other structures, the percentage  
20 of lot that may be occupied, the size of yards, courts and other  
21 open spaces, the density of population, and the location and use of  
22 buildings, structures and land for trade, industry, residence or  
23 other purposes, only when the regulations and restrictions are  
24 substantially related to an important reason or end. The reason or

1 end shall promote the health, safety, morals or the general welfare  
2 of the community, it shall be important enough to the community as a  
3 whole to justify the reason or end and the reason or end shall be  
4 stated with clarity.

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

7 Section 43-104. A. Parties in interest and citizens shall have  
8 an opportunity to be heard at a public hearing before any district  
9 regulation, restriction, or boundary shall become effective. At  
10 least fifteen (15) days' notice of the date, time, and place of the  
11 hearing shall be published in a newspaper of general circulation in  
12 the municipality. The notice shall include a map of the area to be  
13 affected which indicates street names or numbers, streams, or other  
14 significant landmarks in the area, and the important reason or end  
15 for the regulation, restriction, or boundary as required by Section  
16 43-101 of this title.

17 B. In addition to the notice required in subsection A of this  
18 section, if the zoning change requested permits the use of treatment  
19 facilities, multiple family facilities, transitional living  
20 facilities, halfway houses and any housing or facility that may be  
21 used for medical or nonmedical detoxification as these terms are  
22 defined pursuant to Section 3-403 of Title 43A of the Oklahoma  
23 Statutes, the entity proposing the change in district regulation,  
24 restriction, or boundary shall mail a written notice within thirty

1 (30) days of the hearing to all real property owners within one-  
2 quarter (1/4) of a mile where the area to be affected is located and  
3 shall be responsible for all costs incurred in mailing this notice.

4 For purposes of this subsection, "entity" means any individual,  
5 corporation, company, firm, partnership, association, trust, state  
6 agency, government instrumentality or agency, institution, county,  
7 incorporated municipality or municipal authority or trust in which  
8 any governmental entity is a beneficiary, venture, or other legal  
9 entity however organized.

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

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

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