

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 266

By: Aldridge

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5
6 AS INTRODUCED

7 An Act relating municipal facilities fees;
8 authorizing municipalities to adopt ordinances,
9 resolutions, or regulations for the collection of
10 certain fees for new developments; stating
11 prohibitions for use of fees; determining needs for
12 facilities fees in certain circumstances; providing
13 for judicial review in certain circumstances;
14 defining term; providing for codification; and
15 providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 43-116 of Title 11, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Municipalities may adopt ordinances, resolutions, or
21 regulations for the implementation and collection of facilities fees
22 to fund or recover their costs for capital improvements to increase
23 or enlarge public infrastructure or services when such costs are
24 made necessary by new development or expanded or modified existing
development.

1 B. Facilities fees shall not be used to fund repairs,
2 maintenance, restorations, refurbishments, or fixes to existing
3 systems in any way that does not result in an increase or expansion
4 in the capacity of the system to serve new or expanded existing
5 growth and development.

6 C. Facilities fees may be imposed if the municipality
7 determines there is a nexus between the new or expanded development
8 and the need for new or enlarged facilities. The fee shall be based
9 on the proportionate impact of the development on the cost of the
10 capital improvement necessitated by the development.

11 D. Upon judicial review of any ordinance, resolution, or
12 regulation adopted pursuant to this section, the municipal
13 determination shall be upheld if there are any reasonably
14 conceivable facts that provide a rational basis for such adoption or
15 if the question is fairly debatable.

16 E. As used in this section, "facilities fee" means any payment
17 of money, imposed, in whole or in part, as a condition of approval
18 upon any building permit, plat approval, or zoning change, to the
19 extent the fee is to pay for capital costs for the public
20 infrastructure or public services that are attributable to new
21 development or to expanded or modified existing development.

22 SECTION 2. This act shall become effective November 1, 2011.

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