

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB647 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Emily Gise

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED OVERSIGHT  
COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 647

By: Frix of the Senate

and

Stinson of the House

PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

An Act relating to cities and towns; amending 11 O.S. 2021, Section 43-105, which relates to amendments or changes of regulations, restrictions, and boundaries; establishing requirements for legislative municipal procedures; amending 11 O.S. 2021, Section 43-109.1, which relates to challenge to actions of a municipal governing body; providing requirements to invalidate certain municipal zoning decisions; amending 11 O.S. 2021, Section 44-110, which relates to appeals from the board of adjustment; updating internal citations; amending 11 O.S. 2021, Section 45-104, which relates to public improvements and plats of land, planning commission review, and subdivision regulations; establishing requirements for preliminary or final plats and subdivisions; designating determinations as quasi-judicial; establishing basis of determinations; clarifying purpose of notice and hearing; providing for award of reasonable costs in appeals proceedings; updating statutory language; and providing an effective date.

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2  
3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

4 SECTION 1. AMENDATORY 11 O.S. 2021, Section 43-105, is  
5 amended to read as follows:

6 Section 43-105. A. Regulations, restrictions, and district  
7 boundaries of municipalities may be amended, supplemented, changed,  
8 modified, or repealed. The requirements of Section 43-104 of this  
9 title on public hearings and notice shall apply to all proposed  
10 amendments or changes to regulations, restrictions, or district  
11 boundaries.

12 B. Protests against proposed changes shall be filed at least  
13 three (3) days before the date of the public hearings. If protests  
14 are filed by the owners of:

15 1. ~~the owners of twenty~~ Twenty percent (20%) or more of the  
16 area of the lots included in a proposed change; or

17 2. ~~the owners of fifty~~ Fifty percent (50%) or more of the area  
18 of the lots within a ~~three hundred (300) foot~~ three-hundred-foot  
19 radius of the exterior boundary of the territory included in a  
20 proposed change; and

21 then the proposed change or amendment shall not become effective  
22 except by the favorable vote of three-fourths (3/4) of all the  
23 members of the municipal governing body where there are more than  
24 seven members in the governing body, and by three-fifths (3/5)

1 favorable vote where there are seven or ~~less~~ fewer members in the  
2 governing body.

3 C. While comprehensive plans may be utilized as a guide in the  
4 decision-making process, determinations shall be made in light of  
5 objective and relevant facts as well as by utilizing processes and  
6 requirements outlined in the municipal code.

7 D. The notice and hearing provisions in Sections 43-104 through  
8 43-106 of this title, or as otherwise may be applicable, are  
9 intended to provide members of the public with a right to be heard,  
10 explain how they think their interests are affected, and bring to  
11 the attention of the governing body objective and relevant facts.  
12 Information presented from the public that is neither objective or  
13 relevant shall not be determinative in land use application  
14 proceedings.

15 SECTION 2. AMENDATORY 11 O.S. 2021, Section 43-109.1, is  
16 amended to read as follows:

17 Section 43-109.1. A. Any suit to challenge any action,  
18 decision, ruling, or order of the municipal governing body under the  
19 provisions of this article shall be filed with the district court  
20 within thirty (30) business days from the action, decision, ruling  
21 or order.

22 B. Municipal zoning decisions are deemed valid unless the  
23 challenging party proves the ordinance lacks a substantial relation  
24 to the public health, safety, or general welfare of the public in

1 light of objective and relevant facts, or if a zoning decision  
2 constitutes an unreasonable, arbitrary exercise of police power.

3 SECTION 3. AMENDATORY 11 O.S. 2021, Section 44-110, is  
4 amended to read as follows:

5 Section 44-110. A. An appeal from any action, decision,  
6 ruling, judgment, or order of the board of adjustment may be taken  
7 by any person or persons who were entitled, pursuant to Section 44-  
8 108 of this title, to mailed notice of the public hearing before the  
9 board of adjustment, by any person or persons whose property  
10 interests are directly affected by such action, decision, ruling,  
11 judgment, or order of the board of adjustment, or by the governing  
12 body of the municipality to the district court in the county in  
13 which the situs of the municipality is located.

14 B. The appeal shall be taken by filing with the municipal clerk  
15 and with the clerk of the board of adjustment, within the time  
16 limits which may be fixed by ordinance, a notice of appeal. The  
17 notice shall specify the grounds for the appeal. No bond or deposit  
18 for costs shall be required for such appeal.

19 C. Upon filing the notice of appeal, the board of adjustment  
20 shall forthwith transmit to the court clerk the original, or  
21 certified copies, of all papers constituting the record in the case,  
22 together with the order, decision, or ruling of the board.  
23  
24

1 D. The appeal shall be heard and tried de novo in the district  
2 court. All issues in any proceedings under this section shall have  
3 preference over all other civil actions and proceedings.

4 E. 1. During the pendency of such an appeal, the effectiveness  
5 of a decision of the board of adjustment shall not be suspended  
6 unless a party applies to the district court for a stay pending the  
7 district court's determination of the merits of the appeal. Notice  
8 of such application shall be given by first class mail to all  
9 parties, to the district court appeal, and to any applicant before  
10 the board of adjustment. Upon filing of an application for stay in  
11 the district court, all proceedings in furtherance of the action  
12 appealed from shall be temporarily stayed pending the outcome of a  
13 hearing regarding the stay, which shall be conducted within thirty  
14 (30) days of application. The Court shall determine whether to  
15 impose a stay by considering the following factors: ~~(i)~~

16 a. the likelihood of success on the merits by the party  
17 seeking to impose the stay, ~~(ii)~~

18 b. irreparable harm to the property interests of the  
19 party seeking to impose the stay if the stay is not  
20 imposed, ~~(iii)~~

21 c. relative effect on the other interested parties, and  
22 ~~(iv)~~

23 d. public policy concerns arising out of the imposition  
24 of the stay.

1        2. If the court determines to impose a stay, the court shall  
2 require a bond or other security and such other terms as it deems  
3 proper to secure the rights of the parties and compensate for costs  
4 of delay. A bond or other security shall be posted within ten (10)  
5 business days of the court's determination; provided, that a  
6 municipal governing body shall not be required to post a bond.  
7 Subject to subsection A of Section 990.3 of Title 12 of the Oklahoma  
8 Statutes, a stay pursuant to this subsection shall automatically  
9 dissolve after a judgment, decree, or final order resolving the  
10 merits of the appeal is filed with the court clerk. Notwithstanding  
11 any provision of law to the contrary, stays in appeals from the  
12 board of adjustment to the district court shall be obtained only as  
13 set forth in this section.

14        F. The district court may reverse or affirm, wholly or partly,  
15 or modify the decision brought up for review. Costs shall not be  
16 allowed against the board of adjustment unless it shall appear to  
17 the district court that the board acted with gross negligence or in  
18 bad faith or with malice in making the decision appealed from. An  
19 appeal shall lie from the action of the district court as in all  
20 other civil actions. A party may obtain a stay of the enforcement  
21 of the district court's judgment, decree, or final order as provided  
22 by Section 990.4 of Title 12 of the Oklahoma Statutes.

23        SECTION 4.        AMENDATORY        11 O.S. 2021, Section 45-104, is  
24 amended to read as follows:

1       Section 45-104. A. Before final action may be taken by any  
2 municipality or department thereof on the location, construction, or  
3 design of any public building, statue, memorial, park, parkway,  
4 boulevard, street, alley, playground, public ground, or bridge, or  
5 the change in the location or grade of any street or alley, the  
6 question shall be submitted to the planning commission for  
7 investigation and report. Counties and school districts may be  
8 exempted from the payment of a fee to obtain any license or permit  
9 required by a zoning, building, or similar ordinance of a  
10 municipality.

11       B. All plans, plats, or replats of land laid out in lots or  
12 blocks, and the streets, alleys, or other portions of the same,  
13 intended to be dedicated to public or private use, within the  
14 corporate limits of a municipality, shall first be submitted to the  
15 municipal planning commission for its approval or rejection. Before  
16 ~~said~~ the plans, plats, or replats shall be entitled to be recorded  
17 in the office of the county clerk, they shall be approved by the  
18 municipal governing body. It shall be unlawful to offer and cause  
19 to be recorded any such plan, plat, or replat in any public office  
20 unless the same shall bear thereon, by endorsement or otherwise, the  
21 approval of the municipal governing body. Any plat filed without  
22 the endorsed approval of the municipal governing body shall not  
23 import notice nor impose any obligation or duties on the  
24 municipality. The disapproval of any such plan, plat, or replat by



1 the municipal governing body shall be deemed a refusal of the  
2 proposed dedication shown thereon.

3 C. The municipal planning commission may exercise jurisdiction  
4 over subdivision of land and adopt regulations governing the  
5 subdivision of land within its jurisdiction. Any such regulations,  
6 before they become effective, shall be approved by the municipal  
7 governing body and shall be published as provided by law for the  
8 publication of ordinances. Such regulations may include provisions  
9 as to the extent to which streets and other ways shall be graded and  
10 improved and to which water, sewer, and other utility mains, piping,  
11 or other facilities shall be installed as a condition precedent to  
12 the approval of the plat. The regulations may provide for a  
13 tentative approval of the plat before such installation. Any such  
14 tentative approval shall be revocable for failure to comply with  
15 commitments upon which the tentative approval was based and shall  
16 not be entered on the plat. In lieu of the completion of any  
17 improvements or utilities prior to the final approval of the plat,  
18 the commission may accept an adequate bond with surety, satisfactory  
19 to the commission, to secure for the municipality the actual  
20 construction and installation of the improvements or utilities at a  
21 time and according to specifications fixed by or in accordance with  
22 the regulations of the commission, and further conditioned that the  
23 developer will pay for all material and labor relating to the  
24 construction of the improvements. The municipality may enforce ~~said~~

1 such bond by all appropriate legal and equitable remedies. Nothing  
2 in this section shall be construed as granting to any municipality  
3 or planning commission the power to direct any public utility to  
4 extend its services to any particular area.

5 D. Upon adoption of the regulations governing the subdivision  
6 of land as provided in subsection C of this section, no plat or deed  
7 or other instrument concerning the subdivision of land within the  
8 corporate limits of a municipality shall be filed with the county  
9 clerk until it has been approved by the municipal planning  
10 commission of that municipality in accordance with the officially  
11 adopted regulations of subdivisions of that commission. If such  
12 approval is needed, the approval shall be endorsed on the face of  
13 the plat, or in the case of a deed or other instrument, in the form  
14 of a special subdivision certificate. If the adopted regulations  
15 exempt a certain subdivision of land from the approval requirement,  
16 the municipal planning commission shall provide to the county clerk  
17 an exemption statement to accompany the deed or instrument to be  
18 filed.

19 E. A municipality which contains large areas of rural land not  
20 served by water and sewer facilities by the municipality shall  
21 authorize the use of private roadways in either platted or unplatted  
22 areas and shall issue building permits to property owners whose  
23 property is abutting upon the private roadways, without complying  
24

1 with standards as provided for dedicated streets, subject to the  
2 following conditions:

3 1. The private roadway easement shall be at least fifty (50)  
4 feet in width; ~~and~~

5 2. The property abutting upon the private roadway shall contain  
6 not less than two (2) acres; provided, however, if the covenants of  
7 the subdivision allow for ~~Evapotranspiration Absorption Systems~~  
8 evapotranspiration absorption systems or an ~~Aerobic Wastewater~~  
9 ~~Treatment System~~ aerobic wastewater treatment system, the property  
10 abutting upon the private roadway may contain not less than one (1)  
11 acre; ~~and~~

12 3. The property shall be more than one-fourth (1/4) mile from  
13 sewer and water facilities furnished by the municipality; ~~and~~

14 4. The private roadway shall not be dedicated to the public but  
15 reserved for future dedication and, until such future dedication,  
16 shall be the private roadway of the owners of the abutting property;  
17 ~~and~~

18 5. The private roadway shall be maintained by the owners of the  
19 property within the subdivision; ~~and~~

20 6. The municipality shall have no responsibility for the  
21 maintenance or repair of the private roadway; ~~and~~

22 7. If the property is platted, there shall be emblemized on  
23 the face of the plat, clearly conspicuous, a notice that the streets  
24 and drives have not been dedicated to the public and that the

1 streets shall be maintained by the private property owners within  
2 the subdivision. ~~Said~~ Such streets shall always be open to police,  
3 fire, and other official vehicles of all state, federal, county, and  
4 municipal agencies; ~~and~~

5 8. Every deed shall clearly acknowledge that the roadway is  
6 private and not maintained by the municipality; ~~and~~

7 9. Prior to the sale of any parcel of land in the subdivision,  
8 a conspicuous sign shall be posted at the entrance to the  
9 subdivision: "Private roadway not maintained by \_\_\_\_\_ (the  
10 municipality)". At any time after the municipality permits the use  
11 of ~~said~~ such private roadway, a petition of the owners of at least  
12 sixty percent (60%) of the area of the land to improve and dedicate  
13 the street shall bind all of the owners thereby to permanently  
14 improve the street or roadway in compliance with the requirements of  
15 the municipality; and

16 10. The planning commission may require the developer of such  
17 property to reserve appropriate utility easements for water, sewer,  
18 and any other utility installations as may be required for present  
19 and future development.

20 F. Municipal platting decisions are quasi-judicial in nature.  
21 The planning commission and the governing body of a municipality  
22 shall have reasonable discretion to determine the compliance of  
23 preliminary and final plats with the municipality's adopted  
24 subdivision regulations and all applicable codes and ordinances. If

1 the planning commission and governing body determine the proposed  
2 plat is in compliance with the adopted subdivision code, and meets  
3 all applicable ordinances, and the governing body and planning  
4 commission accept any proposed dedications, if applicable, the plat  
5 shall be approved.

6 G. While comprehensive plans may be utilized as a guide in the  
7 decision-making process, determinations shall be made using  
8 applicable objective and relevant facts as to proposed plats as well  
9 as utilizing processes, standards, and requirements outlined in the  
10 municipal code. Compliance with comprehensive plans shall not be a  
11 requirement for plat approval.

12 H. In the case of a preliminary or final plat denial, if  
13 requested by the applicant at the meeting on the vote, the city  
14 shall identify on the record, or in the minutes of the meeting, the  
15 basis for the denial, including at a minimum all of the applicable  
16 objective and relevant facts upon which the denial is based.

17 I. The notice and hearing provisions in Sections 43-104 through  
18 43-106 of this title, or as otherwise may be applicable, are  
19 intended to provide members of the public with a right to be heard,  
20 explain how they think their interests are affected, and bring to  
21 the attention of the governing body objective and relevant facts.  
22 Information presented from the public that is neither objective or  
23 relevant shall not be determinative in land use application  
24 proceedings.

SECTION 5. This act shall become effective November 1, 2025.

60-1-13593 MJ 04/22/25