

ORDINANCE NO. 2021 - _____

AN ORDINANCE AMENDING THE PRESENTLY EXISTING PROVISIONS OF TITLE 9 OF THE TOWN CODE FOR THE TOWN OF HENNESSEY, KINGFISHER COUNTY, STATE OF OKLAHOMA DEALING WITH THE CONSTRUCTION, BUILDING, MAINTENANCE AND REPAIR OF PROPERTIES AND STRUCTURES LOCATED IN THE TOWN OF HENNESSEY BY WAY OF REPEAL THEREOF AND ADOPTION OF THE PROVISIONS HEREIN CONTAINED TO BE KNOWN AS “THE BUILDING AND CONSTRUCTION REGULATIONS FOR THE TOWN OF HENNESSEY, OKLAHOMA” AND CODIFIED IN TITLE 9 OF THE TOWN CODE OF ORDINANCES FOR THE SAID TOWN; AND PROVIDING FOR REPEAL AND SEVERABILITY OF ALL ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

WHEREAS, THE TOWN OF HENNESSEY HAS COMPLETED AN EXTENSIVE REVIEW AND REVISION OF THE DEVELOPMENT REGULATIONS FOR SAID TOWN WHICH INCLUDED WITHIN THE SCOPE OF SAID REVIEW THE CURRENTLY EXISTING PROVISIONS OF THE AFORESAID TITLES OF THE CURRENT TOWN CODE DEALING WITH THE TOPIC OF CONSTRUCTION, BUILDING, MAINTENANCE AND REPAIR OF PROPERTIES AND STRUCTURES LOCATED IN THE TOWN OF HENNESSEY; AND

WHEREAS, THE MAYOR AND TOWN BOARD DEEM IT IN THE BEST INTEREST OF THE TOWN TO ENACT THIS ORDINANCE AMENDING THE ABOVE MENTIONED TITLES BY WAY OF REPEAL OF THE CURRENT SECTIONS THEREOF AND REPLACEMENT OF THE REPEALED PROVISIONS WITH THE PROVISIONS OF THIS “THE BUILDING AND CONSTRUCTION REGULATIONS FOR THE TOWN OF HENNESSEY, OKLAHOMA” TO BE CODIFIED IN TITLE 9 OF THE TOWN CODE.

THE PROVISIONS OF TITLE 9 BUILDING REGULATIONS REPEALED BY THIS ORDINANCE ARE AS FOLLOWS:

BUILDING REGULATIONS

- 9-1: BUILDING CODE
- 9-2: PLUMBING CODE
- 9-3: ELECTRICAL CODE
- 9-3A: MECHANICAL CODE
- 9-4: FIRE PREVENTION CODE
- 9-5: GAS PIPING CODE
- 9-6: LIQUEDFIED PETROLEUM GAS
- 9-7: CERTIFICATES OF OCCUPANCY
- 9-8: MOVING BUILDINGS
- 9-9: SUPPLEMENTAL BUILDING REGULATIONS
- 9-10: FLOOD DAMAGE PREVENTION
- 9-11: BUILDING PERMITS

BUILDING CODE

- 9-1-1: BUILDING CODE ADOPTED; BUILDING PERMITS
- 9-1-2: AMENDMENTS
- 9-1-3: PENALTY

PLUMBING CODE

- 9-2-1: COMPLIANCE WITH PLUMBING CODE REQUIRED
- 9-2-2: REGISTRATION AND FEE
- 9-2-3: PLUMBERS; REGISTRATION, PERMITS, FEES
- 9-2-4: BOND AND INSURANCE
- 9-2-5: PENALTY

PLUMBING CODE

- 9-3-1: ELECTRICAL CODE ADOPTION
- 9-3-2: REGISTRATION AND FEE
- 9-3-3: APPRENTICES
- 9-3-4: PENALTY

MECHANICAL CODE

- 9-3A-1: MECHANICAL CODE ADOPTED
- 9-3A-2: REGISTRATION AND FEES
- 9-3A-3: APPRENTICES; WORK PERMITTED
- 9-3A-4: PENALTY

FIRE PREVENTION CODE

- 9-4-1: ADOPTION
- 9-4-2: ENFORCEMENT
- 9-4-3: DEFINITIONS
- 9-4-4: MODIFICATIONS
- 9-4-5: APPEALS
- 9-4-6: NEW MATERIALS, PROCESSES, OR OCCUPANCIES
- 9-4-7: PENALTIES

GAS PIPING

- 9-5-1: PAMPHLET ADOPTED
- 9-5-2: GAS FITTER'S LICENSE
- 9-5-3: REGISTRATION
- 9-5-4: PENALTY

LIQUEFIED PETROLEUM GAS

- 9-6-1: LICENSE; COMPLIANCE WITH LAW
- 9-6-2: PENALTY

CERTIFICATES OF OCCUPANCY

- 9-7-1: NEW BUILDINGS
- 9-7-2: CONTENTS OF CERTIFICATE
- 9-7-3: TEMPORARY OCCUPANCY
- 9-7-4: CHANGE OF OCCUPANCY
- 9-7-5: WITHHOLDING CERTIFICATE
- 9-7-6: CERTIFICATE NOT REQUIRED
- 9-7-7: PENALTY

MOVING BUILDING

- 9-8-1: LICENSE
- 9-8-2: BOND
- 9-8-3: PERMIT
- 9-8-4: ACTION ON APPLICATION

- 9-8-5: INSPECTION
- 9-8-6: TOWN LIMITS
- 9-8-7: FEES
- 9-8-8: HEIGHT RESTRICTIONS
- 9-8-9: FLOOR AREA RESTRICTIONS
- 9-8-10: PUBLIC SAFETY REQUIREMENTS
- 9-8-11: CONDUCT OF MOVING
- 9-8-12: POLES AND WIRES
- 9-8-13: TREES AND FIXTURES
- 9-8-14: RAILWAY TRACKS
- 9-8-15: EXCEPTIONS
- 9-8-16: PENALTY

SUPPLEMENTAL BUILDING REGULATIONS

- 9-9-1: RESIDENTIAL CONSTRUCTION; ADDITIONAL REQUIREMENTS
- 9-9-2: SMOKE DETECTION DEVICES
- 9-9-3: CANOPIES AND AWNINGS
- 9-9-4: PENALTY

FLOOD DAMAGE PREVENTION

- 9-10-1: STATUTORY AUTHORIZATION
- 9-10-2: FINDINGS OF FACT
- 9-10-3: STATEMENT OF PURPOSE
- 9-10-4: METHODS OF ACCOMPLISHING PURPOSES
- 9-10-5: DEFINITIONS
- 9-10-6: APPLICATION; INTERPRETATION; COMPLIANCE
- 9-10-7: ADMINISTRATION
- 9-10-8: BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD
- 9-10-9: DEVELOPMENT PERMIT
- 9-10-10: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION
- 9-10-11: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION
- 9-10-12: STANDARDS FOR SUBDIVISION PROPOSALS
- 9-10-13: VARIANCE PROCEDURES
- 9-10-14: WARNING AND DISCLAIMER OF LIABILITY
- 9-10-15: PENALTIES FOR NONCOMPLIANCE

BUILDING PERMITS

- 9-11-1: BUILDING PERMIT REQUIRED
- 9-11-2: BUILDING CODES AND REGULATIONS
- 9-11-3: ELECTRICAL WORK
- 9-11-4: PERMIT FEES AND INSPECTIONS
- 9-11-5: PERMIT REVOLCATION
- 9-11-6: EXPIRATION OF PERMIT
- 9-11-7: PENALTY

THE REPEALED PROVISIONS SET FORTH ABOVE SHALL BE REPLACED BY THE PROVISIONS OF “THE BUILDING AND CONSTRUCTION REGULATIONS” AND CODIFIED UNDER TITLE 9 OF THE TOWN CODE FOR THE TOWN OF HENNESSEY, KINGFISHER COUNTY, OKLAHOMA AS FOLLOWS:

9-1-1: BUILDING CODE ADOPTED:

9-1-2: ADDITIONS, INSERTIONS AND CHANGES TO THE CODE:

9-1-3: BUILDING OFFICIAL:

9-1-4: BUILDING PERMIT REQUIRED; FEE:

9-1-5: FENCE OR HEDGE OBSTRUCTING VIEW:

9-1-6: PENALTY:

Chapter 2 PLUMBING CODE

9-2-1: PLUMBING CODE ADOPTED:

9-2-2: ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE:

9-2-3: PLUMBING INSPECTOR:

9-2-4: PLUMBING PERMIT REQUIRED; FEES:

9-2-5: LICENSE; FEES:

9-2-6: BOND REQUIRED:

9-2-7: MINOR REPAIRS:

9-2-8: BOARD OF APPEALS; MEMBER QUALIFICATIONS:

9-2-9: SEPTIC TANK REGULATIONS:

9-2-10: PUBLIC SYSTEM AVAILABLE:

9-2-11: WATER SERVICE PIPES:

9-2-12: MATERIALS:

9-2-13: JOINTS UNDER SLABS:

9-2-14: CERTAIN VALVES AND PREVENTERS PROHIBITED:

9-2-15: INTERCEPTORS; CAPACITY; MAINTAINANCE:

9-2-16: INSPECTIONS:

9-2-17: PENALTY:

Chapter 3 ELECTRICAL CODE

9-3-1: ELECTRICAL CODE ADOPTED:

9-3-2: COMPLIANCE WITH ELECTRICAL CODE:

9-3-3: ELECTRICAL EQUIPMENT DEFINED:

9-3-4: CONFORMANCE WITH REGULATIONS AND STANDARDS:

9-3-5: ADMINISTRATION:

9-3-6: REPAIRS:

9-3-7: LICENSE REQUIRED; FEES:

9-3-8: SERVICE FACILITIES AND INSTALLATIONS:

9-3-9: TOWN AUTHORITY; SPECIAL RULINGS:

9-3-10: INSTALLATIONS; PERMIT REQUIREMENTS; FEES:

9-3-11: UTILITY CONNECTION; PERMIT REQUIRED:

9-3-12: INSPECTION OF ELECTRICAL INSTALLATIONS:

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[9-3-15: TEMPORARY SERVICE; CERTIFICATE:](#)

[9-3-16: INSTALLATION APPROVAL BEFORE CONCEALING WORK:](#)

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[9-4-2: ADDITIONS, INSERTIONS AND CHANGES TO MECHANICAL CODE:](#)

[9-4-3: LICENSE REQUIRED, FEES:](#)

[9-4-4: BOND REQUIRED:](#)

[9-4-5: INSPECTIONS:](#)

[9-4-6: MECHANICAL INSPECTOR:](#)

[9-4-7: PERMIT REQUIRED; FEES:](#)

[9-4-8: MINOR REPAIRS:](#)

[9-4-9: BOARD OF APPEALS; MEMBER QUALIFICATIONS:](#)

[9-4-10: INCINERATORS:](#)

[9-4-11: PENALTY:](#)

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[9-5-1: FUEL GAS CODE ADOPTED:](#)

[9-5-2: ADDITIONS, INSERTIONS AND CHANGES TO FUEL GAS CODE:](#)

[9-5-3: FUEL GAS PERMIT REQUIRED; FEES:](#)

[9-5-4: REGISTRATION REQUIRED; FEE:](#)

[9-5-5: BOND REQUIRED:](#)

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[9-5-7: BOARD OF APPEALS; MEMBER QUALIFICATIONS:](#)

[9-5-8: PENALTY:](#)

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[9-6-1: CERTIFICATES OF OCCUPANCY REQUIRED; APPLICATION FEE:](#)

[9-6-2: NEW BUILDING:](#)

[9-6-3: CONTENTS OF CERTIFICATE:](#)

[9-6-4: TEMPORARY OCCUPANCY:](#)

[9-6-5: CHANGE OF OCCUPANCY:](#)

[9-6-6: WITHHOLDING CERIFICATE:](#)

[9-6-7: EXEMPTIONS:](#)

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9-7-2: BOND REQUIRED:

9-7-3: PERMIT REQUIRED; FEE:

9-7-15: PENALTY:

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9-8-2: PERMITTED PLACEMENT OF HOMES

9-8-3: NONRESIDENTIAL FACTORY-BUILT STRUCTURES PROHIBITED:

9-8-4: NOTICE FOR VIOLATIONS TO LICENSEE:

9-8-5: FACTORY-BUILT HOME REQUIREMENTS:

9-8-6: INSPECTIONS:

9-8-7: INSPECTION OF OUTSIDE PREMISES:

9-8-8: OCCUPANT TO GIVE ACCESS:

9-8-9: NOTICE OF HEALTH AND SAFETY VIOLATIONS:

9-8-10: REQUEST FOR HEARING:

9-8-11: INSPECTION FINDINGS:

9-8-12: APPEALS:

9-8-13: EMERGENCY ACTION WITHOUT NOTICE:

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9-9-2: DEFINITIONS:

9-9-3: OIL AND GAS INSPECTOR:

9-9-4: PERMIT REQUIRED; ANNUAL INSPECTION FEE:

9-9-5: APPLICATION FOR PERMIT; FILING FEE:

9-9-6: ISSUANCE OR REFUSAL OF PERMIT:

9-9-7: BOARD REVIEW; CONSENT OF ADJACENT PROPERTY OWNERS:

9-9-8: INSURANCE AND BOND:

9-9-9: SEISMIC EXPLORATION; APPROVAL; FEE:

9-9-10: COMPLIANCE WITH APPLICABLE LAWS:

9-9-11: APPLICABILITY TO EXISTING CONDITIONS:

9-9-12: FORMS FILED WITH STATE CORPORATION COMMISSION:

9-9-13: INFORMAL COMPLAINTS:

9-9-14: SERVICE COMPANIES:

9-9-15: CONDUITS ON STREETS AND ALLEYS:

9-9-16: ACCUMULATION OF VAPOR:

9-9-17: INSPECTION OF PRESSURE LINES:

9-9-18: ENHANCED RECOVERY, DELETERIOUS SUBSTANCES DISPOSAL WELLS:

9-9-19: DISPOSAL OF SALTWATER:

9-9-20: SURFACE CASING:

9-9-21: ABANDONED WELLS, PLUGGING:

9-9-22: WELL LOCATION:

9-9-23: FENCES:

9-9-24: NOISE AND OTHER NUISANCES:

9-9-25: MAINTENANCE OF FACILITIES:

9-9-26: STORAGE TANKS AND SEPARATORS:

9-9-27: FIRE PREVENTION:

9-9-28: PITS:

9-9-29: RETAINING WALLS:

9-9-30: MOTIVE POWER:

9-9-31: DERRICK AND RIG:

9-9-32: DRILLING OPERATION, EQUIPMENT:

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9-10-1: RESIDENTIAL CONSTRUCTION; ADDITIONAL REQUIREMENTS:

9-10-2: SMOKE DETECTION DEVICES:

9-10-3: CANOPIES AND AWNINGS; PERMIT REQUIRED; FEE:

9-10-4: PENALTY:

Chapter11 FLOOD DAMAGE PREVENTION

[9-11-1: STATUTORY AUTHORIZATION](#)

[9-11-2: SCOPE](#)

[9-11-3: STATEMENT OF PURPOSE](#)

[9-11-4: FINDING OF FACT](#)

[9-11-5: METHODS OF REDUCING FLOOD LOSSES](#)

[9-11-6: INTERPRETATION](#)

[9-11-7: ABROGATION AND GREATER RESTRICTIONS](#)

[9-11-8: COORDINATION WITH BUILDING CODES](#)

[9-11-9: WARNING AND DISCLAIMER OR LIABILITY](#)

[9-11-10: DEFINITIONS](#)

[9-11-11: LANDS TO WHICH THIS ORDINANCE APPLIES](#)

[9-11-12: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD](#)

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[9-11-15: ASSISTANCE IN TIMES OF DISASTER](#)

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[9-11-17: PERMIT FEE](#)

[9-11-18: STANDARDS FOR PERMIT ISSUANCE](#)

[9-11-19: PERMIT EXPIRATION](#)

[9-11-20: PERMIT REVOCATION](#)

[9-11-21: ELEVATION CERTIFICATE](#)

[9-11-22: LETTER OF MAP AMMENDMENT OR REVISION](#)

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[9-11-30: PENALTY](#)

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE BOARD OF TRUSTEES OF THE TOWN OF HENNESSEY, KINGFISHER COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1:

Title 9 of the Town Code of Ordinances of the Town of Hennessey, Kingfisher County, State of Oklahoma is hereby amended by repealing the following currently existing sections, including the existing text for the provisions, signified by section title text of same being stricken out:

BUILDING REGULATIONS

- 9-1: ~~BUILDING CODE~~
- 9-2: ~~PLUMBING CODE~~
- 9-3: ~~ELECTRICAL CODE~~
- 9-3A: ~~MECHANICAL CODE~~
- 9-4: ~~FIRE PREVENTION CODE~~
- 9-5: ~~GAS PIPING CODE~~
- 9-6: ~~LIQUEFIED PETROLEUM GAS~~
- 9-7: ~~CERTIFICATES OF OCCUPANCY~~
- 9-8: ~~MOVING BUILDINGS~~
- 9-9: ~~SUPPLEMENTAL BUILDING REGULATIONS~~
- 9-10: ~~FLOOD DAMAGE PREVENTION~~
- 9-11: ~~BUILDING PERMITS~~

BUILDING CODE

- 9-1-1: ~~BUILDING CODE ADOPTED; BUILDING PERMITS~~
- 9-1-2: ~~AMENDMENTS~~
- 9-1-3: ~~PENALTY~~

PLUMBING CODE

- 9-2-1: ~~COMPLIANCE WITH PLUMBING CODE REQUIRED~~
- 9-2-2: ~~REGISTRATION AND FEE~~
- 9-2-3: ~~PLUMBERS; REGISTRATION, PERMITS, FEES~~
- 9-2-4: ~~BOND AND INSURANCE~~
- 9-2-5: ~~PENALTY~~

PLUMBING CODE

- 9-3-1: ~~ELECTRICAL CODE ADOPTION~~
- 9-3-2: ~~REGISTRATION AND FEE~~
- 9-3-3: ~~APPRENTICES~~
- 9-3-4: ~~PENALTY~~

MECHANICAL CODE

- 9-3A-1: ~~MECHANICAL CODE ADOPTED~~
- 9-3A-2: ~~REGISTRATION AND FEES~~
- 9-3A-3: ~~APPRENTICES; WORK PERMITTED~~
- 9-3A-4: ~~PENALTY~~

FIRE PREVENTION CODE

- 9-4-1: ~~ADOPTION~~
- 9-4-2: ~~ENFORCEMENT~~
- 9-4-3: ~~DEFINITIONS~~
- 9-4-4: ~~MODIFICATIONS~~
- 9-4-5: ~~APPEALS~~
- 9-4-6: ~~NEW MATERIALS, PROCESSES, OR OCCUPANCIES~~
- 9-4-7: ~~PENALTIES~~

GAS PIPING

- 9-5-1: PAMPHLET ADOPTED
- 9-5-2: GAS FITTER'S LICENSE
- 9-5-3: REGISTRATION
- 9-5-4: PENALTY

LIQUEFIED PETROLEUM GAS

- 9-6-1: LICENSE; COMPLIANCE WITH LAW
- 9-6-2: PENALTY

CERTIFICATES OF OCCUPANCY

- 9-7-1: NEW BUILDINGS
- 9-7-2: CONTENTS OF CERTIFICATE
- 9-7-3: TEMPORARY OCCUPANCY
- 9-7-4: CHANGE OF OCCUPANCY
- 9-7-5: WITHHOLDING CERTIFICATE
- 9-7-6: CERTIFICATE NOT REQUIRED
- 9-7-7: PENALTY

MOVING BUILDING

- 9-8-1: LICENSE
- 9-8-2: BOND
- 9-8-3: PERMIT
- 9-8-4: ACTION ON APPLICATION
- 9-8-5: INSPECTION
- 9-8-6: TOWN LIMITS
- 9-8-7: FEES
- 9-8-8: HEIGHT RESTRICTIONS
- 9-8-9: FLOOR AREA RESTRICTIONS
- 9-8-10: PUBLIC SAFETY REQUIREMENTS
- 9-8-11: CONDUCT OF MOVING
- 9-8-12: POLES AND WIRES
- 9-8-13: TREES AND FIXTURES
- 9-8-14: RAILWAY TRACKS
- 9-8-15: EXCEPTIONS
- 9-8-16: PENALTY

SUPPLEMENTAL BUILDING REGULATIONS

- 9-9-1: RESIDENTIAL CONSTRUCTION; ADDITIONAL REQUIREMENTS
- 9-9-2: SMOKE DETECTION DEVICES
- 9-9-3: CANOPIES AND AWNINGS
- 9-9-4: PENALTY

FLOOD DAMAGE PREVENTION

- 9-10-1: STATUTORY AUTHORIZATION
- 9-10-2: FINDINGS OF FACT

- ~~9-10-3: STATEMENT OF PURPOSE~~
- ~~9-10-4: METHODS OF ACCOMPLISHING PURPOSES~~
- ~~9-10-5: DEFINITIONS~~
- ~~9-10-6: APPLICATION; INTERPRETATION; COMPLIANCE~~
- ~~9-10-7: ADMINISTRATION~~
- ~~9-10-8: BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD~~
- ~~9-10-9: DEVELOPMENT PERMIT~~
- ~~9-10-10: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION~~
- ~~9-10-11: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION~~
- ~~9-10-12: STANDARDS FOR SUBDIVISION PROPOSALS~~
- ~~9-10-13: VARIANCE PROCEDURES~~
- ~~9-10-14: WARNING AND DISCLAIMER OF LIABILITY~~
- ~~9-10-15: PENALTIES FOR NONCOMPLIANCE~~

BUILDING PERMITS

- ~~9-11-1: BUILDING PERMIT REQUIRED~~
- ~~9-11-2: BUILDING CODES AND REGULATIONS~~
- ~~9-11-3: ELECTRICAL WORK~~
- ~~9-11-4: PERMIT FEES AND INSPECTIONS~~
- ~~9-11-5: PERMIT REVOLCATION~~
- ~~9-11-6: EXPIRATION OF PERMIT~~
- ~~9-11-7: PENALTY~~

SECTION 2: Adoption.

Title 9 of the Town Code of Ordinances for the Town of Hennessey is hereby amended by the addition to said Title 9 the provisions appearing as follows which are hereby adopted as “The Building and Construction Regulations” for the Town of Hennessey:

SECTION 3: Repealer.

All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed on December 7, 2020.

SECTION 4: Savings Clause.

Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5: Severability.

If any one or more of the sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this Ordinance. It is hereby declared to be the intention of the Town Board that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6: Emergency.

It being necessary for the protection of the public peace and the health and safety of the citizens of Hennessey, Oklahoma, an emergency is declared to exist, and this ordinance shall become effective immediately upon its passage by the Town Board.

PASSED AND APPROVED THIS 8th DAY OF JULY 2021 BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HENNESSEY, OKLAHOMA.

John R. Gritz, Mayor

**ATTEST:
(seal)**

Kati Walters, Town Clerk

TITLE 9

BUILDING AND CONSTRUCTION REGULATIONS

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Chapter 1

BUILDING CODE AND REGULATIONS

Section:

9-1-1: Building Code Adopted

9-1-2: Additions, Insertions and Changes to the Code

9-1-3: Building Official

9-1-4: Building Permit Required; Fee

9-1-5: Fencing of Landscaping Obstruction of View

9-1-6: Penalty

9-1-1: BUILDING CODE ADOPTED:

A. Adoption of codes.

1. There is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolishing, equipping, using and occupancy, location and maintenance of buildings and structures, including permits and penalties, those certain building codes known as:
 - a. The International Building Code, the latest editions adopted by the State of Oklahoma and its amendments OCA 748:20-1-3 to 748:20-1-19, as published by the International Code Council, hereinafter referred to as "Building Code," and
 - b. The NFPA 101: Life Safety Code, hereinafter referred to as "Safety Code," published by the National Fire Protection Association, being particularly the latest edition, and all amendments thereof.
 - c. Save and except the portions of each as are hereinafter deleted, modified or amended, of which no less than one copy of each have been and now are filed in the office of the Town Clerk. The Building Code and the Life Safety Code are hereby adopted and incorporated as fully as if set out at length herein.
2. From the date on which this section shall take effect, the provisions of the Building Code and the Life Safety Code as herein modified shall be controlling in the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the city. As the Building Code are subsequently amended or modified, the changes shall be incorporated herein by reference.

9-1-2: ADDITIONS, INSERTIONS AND CHANGES TO THE CODE:

A. The following insertions and deletions are made to the Building Code:

1. The words "the Town of Hennessey, Oklahoma" are inserted in the second line of Section 101.1;
2. The words "The permit fees for performing the activity described in this chapter shall be set periodically by the Board of Trustees of the Town of Hennessey, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Town Board of Trustees." are inserted into Section 109.2.
3. The words "the Town of Hennessey, Oklahoma, Kingfisher County, Oklahoma" are inserted in the second line of Section 1612.3;
4. Chapter 34 has been deleted and is replaced by the International Existing Building Code.
5. Section 101.4.6 pertaining to the provisions of the International Energy Conservation Code are deleted.
6. Section 110 of the Building Code is amended to include:

"It shall be the duty of the owner, contractor or permittee to inquire with the City Inspector as to the times or stages that inspection shall be required and advise the Town Clerk when the owner, contractor or permittee is ready for inspection."
7. Section 105.3 of the Building Code is amended to include:

"No person, firm or corporation shall operate a place of business or engage in the business of contracting to do construction, repairing, remodeling or altering of buildings or structures within the city without first obtaining a building contractor's license and paying the tax thereon, as required."
8. Section 105.2.2 of the Building Code is amended to include:

"Notwithstanding the provisions of this section, the owner and occupant of a single-family residential dwelling performing alterations or modifications to the existing dwelling shall be considered ordinary repairs; provided that ordinary repairs shall not include any exterior additions to the existing dwelling. Ordinary repairs shall not include the cutting away of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety."
9. Section 113.3 of the Building Code is deleted, and the following is substituted therefor: The membership of the Board of Appeals created herein shall consist of the duly appointed members of the Town of Hennessey Board of Adjustment.

10. The following design criteria are inserted into Table R301.2 (1) of the International Residential Code (adopted by reference in Section 101.2 of the International Building Code):

Column 1-Ground Snow Load: 10 psf

Column 2-Wind Speed: 90 mph

Column 3-Seismic Design Category: C

Column 4-Weathering: Moderate

Column 5-Frost Depth Line: 18 inches

Column 6-Termite: Yes

Column 7-Winter Design Temperature: 13 Deg F

Column 8-Ice Barrier Underlayment Required: No

Column 9-Flood Hazards: FIRM dated December 18, 2009

Column 10-Air Freezing Index: 333

Column 11-Mean Annual Temperature: 61.0 Deg F

11. Section 3201 of the Building Code is amended to include:

- a. No permanent structure shall be located, constructed, placed or erected on a public easement or right-of-way; provided, portable buildings on skids or platforms, fences, driveways and other structures not permanently affixed to the ground shall not be prohibited by this section. For purposes of this section, "public easement or right-of-way" means any easement or right-of-way dedicated to the public for any purpose, whether recorded or not, "permanent structure" means anything which requires location on the ground, or which is attached to something having location on the ground.
- b. Non-permanent accessory buildings not exceeding 240 square feet in size and encroaching on a public easement or right-of-way as provided in (A) above shall be constructed on skids or platforms allowing the entire structure to be moved by connecting a towing or winching device to the platform or skids.
- c. All accessory buildings in excess of 240 square feet in size shall be considered permanent structures and shall be located on a permanent footing. These accessory buildings shall not be located over utility easements or rights-of-way.
- d. No building permanent, portable or non-permanent shall be located over any gas line, any publicly owned stormwater, water, wastewater or underground electric transmission line.
- e. Non-permanent, portable buildings may be located in the side yard setback, but no part of the building including any roof overhang shall extend beyond the property line of the property on which the building is located.

12. The words "thirty" and "twenty-four" are inserted in the third and fifth lines respectively of Section 2603.5.1 of the International Residential Code (adopted by reference in Section 101.4 of the International Building Code).

13. Amendments to Residential Code for 1 and 2 Family Dwellings and Townhouses. The provisions of the International Residential Building Code for One- and Two-Family Dwellings and Townhouses is hereby amended and modified as approved by the Oklahoma Uniform Building Code Commission and as set forth in 748:20-5-5.1 to 748:20-5-24.1.

B. Safety Code; Control:

Section 102.4 of the Building Code is amended to include:

“Whenever any of the provisions of the Safety Code are in conflict with or are more restrictive than provisions of the Building Code, the Safety Code shall control where referenced by the Building Code.”

9-1-3: BUILDING OFFICIAL:

- A. The building official shall have the powers and duties prescribed for the "building official" by the Town's Building Code; provided, that his powers and duties may be exercised by his authorized representatives under his supervision and control. The term "building inspector", whenever used in the ordinances of the Town, means the building official. The terms "electrical inspector", "plumbing inspector" and "gas inspector"; whenever used in the ordinances of the Town, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector or gas inspector is appointed.
- B. Appointment; Supervision: The building official of the town shall be appointed by the Town Administrator and shall have the powers and duties prescribed for the "building official" by the building code. The building official shall be under the supervision and direction of the board of trustees.
- C. Authorized Representatives: The building official's powers and duties may be exercised by his authorized representatives under his supervision and control.
- D. Duties:
 - 1. The building official shall receive applications required by this code, issue permits, and furnish the prescribed certificates. He may examine premises for which permits have been issued and make necessary inspections to see that the provisions of law are complied with, and that construction is prosecuted safely.
 - 2. The building official shall have the power to enforce all provisions of the building code. He shall, when requested by proper authority or when the public interest so requires, make investigations in connection with matters referred to in the building code, and render written report on the same, to enforce the compliance with the law, to remove the illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate facilities in building and structures. He shall issue such notices or orders that may be necessary.
 - 3. Inspections required in the provisions of the building code shall be made by the building official. The building official may accept reports of recognized inspection services or personnel after investigation of the qualifications and the liability. No certificate called for by any provisions of the building code shall be issued on such reports unless same are in writing and certified by a responsible officer of such service.

4. The building official shall keep comprehensive records of applications for permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.
 5. The building official shall make written reports to the board of trustees as requested, including statements of permits and certificates issued and orders promulgated.
 6. In the discharge of his official duties and upon proper identification, the building official may enter any building, structure or premises at any reasonable hour.
 7. Assess fines and issue citations for building code violations as determined by the town's fine schedule and as herein provided. Citations will be issued by the building official and/or inspector using the same ticket books used by the town for its law enforcement.
- E. Cooperation of Other Officials: The building official may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the town. The town clerk, in addition to all other duties as elsewhere provided in the town code for the town clerk, shall assist the building official by issuing building permits as requested and directed by the building official.

9-1-4: BUILDING PERMIT REQUIRED; FEE:

- A. Permit Required: No building or other structure shall be built, enlarged, altered or moved without a building permit, all as required by the town's building code.
- B. Application for Permit: A person desiring a building permit shall submit an application therefor to the building official. The applicant shall submit with the application such reasonable information as may be required to enable the building official to determine whether granting the permit would be in accordance with the requirements of the ordinances of the town and applicable laws.
- C. Issuance of Permit; Payment of Fee: If the application is in accordance with the requirements of the ordinances and laws, the building official shall issue the permit upon the payment by the applicant of a building permit fee. The fee shall be set by a resolution of the board of trustees. A current copy of the fee schedule shall be kept in the office of the town clerk.
- D. Rejection of Permit; Appeal: If a permit is rejected by the building official, the applicant may appeal to the board of trustees. The official's decision may be reconsidered by the board.
- E. Scope of Permit: A building permit covers the initial plumbing and electrical installations to be made in connection with the building.
- F. Manner of Determining Fee; Size of Structure: For noncommercial storage buildings being those not attached to town owned utilities, those not used for commercial purposes and not attached to other structures with square footage of one hundred twenty (120) square feet and under, there shall be no fee; for those structures one hundred twenty hundred one feet (120) and over, a fee shall be charged as set by the town board.
- G. State Permit Fees Required: In accordance with the uniform building code commission act and the rules and regulations of the Oklahoma uniform building commission (OUBC), a fee is required to be collected on behalf of the state for each construction or building permit issued by the town.

9-1-5: FENCE OR HEDGE OBSTRUCTING VIEW:

- A. It is unlawful for any person, firm or corporation to erect, establish, plant or permit to remain any fence, hedge, or other construction or matter so as to obstruct the vision of any street intersection in the town.

9-1-6: PENALTY:

- A. Penalty Imposed: Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate, or certificate of registration is required by this title, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this title or the code adopted in this chapter, or who shall otherwise violate any provision of this title or the code adopted in this chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this title shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code.
- B. Relief in Courts: No penalty imposed by and pursuant to this title shall interfere with the right of the town also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person, firm or corporation.
- C. Violation by Corporate Officers and Agents: Violation of any of the terms or provisions of this title by any corporation or association shall subject the officers and agents actively in charge of the business of such corporation, or association, to the penalty herein provided.

Chapter 2 PLUMBING CODE

Section:

9-2-1: Plumbing Code Adopted

9-2-2: Additions, Insertions and Changes to the Plumbing Code

9-2-3: Plumbing Inspector

9-2-4: Plumbing Permit Required; Fee

9-2-5: Registration Required; Fee

9-2-6: Bond Required

9-2-7: Minor Repairs

9-2-8: Board of Appeal; Member Qualifications

9-2-9: Septic Tank Regulations

9-2-10: Public System Available

9-2-11: Water Service Pipes

9-2-12: Materials

9-2-13: Joints Under Slabs

9-2-14: Certain Values and Preventers Prohibited

9-2-15: Interceptors; Capacity; Maintenance

9-2-16: Inspections

9-2-17: Penalty

9-2-1: PLUMBING CODE ADOPTED:

- A. There is hereby adopted for the purpose of establishing rules and regulations for the design, installations, alteration and inspection of plumbing systems in buildings and structures, including permits and penalties, that certain plumbing code known as the International Plumbing Code, hereinafter called "Plumbing Code," published by the International Code Council, Inc., being particularly the latest editions adopted by the State of Oklahoma and its amendments OAC 748:20-15-16 to 748:20-15-17 and all amendments thereof, save and except the portions as are hereinafter deleted, modified or amended, of which no less than one copy has been and now is filed in the office of the Town Clerk. The same is hereby adopted and incorporated as fully as if set out at length herein.

- B. From the date on which this section shall take effect, the provisions of the code as herein modified shall be controlling in the design, installation, maintenance, alteration and inspection of plumbing systems in buildings and structures within the corporate limits of the town connected to any water or sewer system owned or operated by the town inside or outside its corporate limits. As the Plumbing Code is subsequently amended or modified, the changes shall be incorporated by reference.
- C. Violation: Any violation of the provisions of this chapter shall be deemed a violation of the ordinances of the town.

9-2-2: ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE:

The following insertions and deletions are made to the Plumbing Code:

- A. The words “the Town of Hennessey, Oklahoma,” are inserted in the second line of Section 101.1;
- B. The words “zero” and “zero” are inserted in the fifth and eighth lines of Section 106.6.3;
- C. The words “The permit fees for performing the activity described in this chapter shall be set periodically by the Town Board of Trustees for the Town of Hennessey, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Town of Hennessey Town Board of Trustees” are inserted in the third line of section 106.6.2.
- D. The words “offense” and “\$500” are inserted in the seventh and eighth lines respectively of Section 108.4 and all references to imprisonment in the section are deleted.
- E. The words “\$100” and “\$500” are inserted in the thirteenth and fourteenth lines respectively of Section 108.5.
- F. The words “thirty” and “twenty-four” are inserted in the second and fifth lines respectively of Section 305.6.1.
- G. The word “twelve” is inserted in the second line of Section 903.1.

9-2-3: PLUMBING INSPECTOR:

The office of inspector of plumbing is hereby created and shall be the building official unless some other person is appointed by the town board. He may carry out the performance of this chapter.

9-2-4: PLUMBING PERMIT REQUIRED; FEES:

- A. Permit Required: No plumbing work shall be undertaken within the town without a permit therefor from the plumbing inspector.
- B. Fees: The fees to be paid for a plumbing permit shall be as set by the town board by motion or resolution.
- C. Application for Permit: The application for permit and inspection of work shall follow the provisions of the town's plumbing code.

9-2-5: LICENSE; FEES:

- A. Section 106.4 of the Plumbing Code is amended to include:

“No person, firm or corporation shall be issued a plumbing permit, operate a place of business or engage in the business of contracting, to do installation, maintenance or alteration of plumbing systems or equipment within the town, unless the person or the agent or employee performing plumbing work for the firm or corporation first obtains a license and pays the tax thereon.

1. The applicant for a plumbing license must show and maintain a license issued by the Oklahoma Construction Industries Board 158:30-1-3 pursuant to the Plumbing Licensing Act.
 2. The provisions of this section shall apply to a maintenance plumber in the employ of the owner of the building or buildings in which the plumbing work is to be performed.
 3. The provision of this section shall not apply to:
 - a. Apprentices or helpers in plumbing work who, at all times while working, are under the direct supervision of another having a license from the town; and
 - b. The owner and occupant of a single-family residential dwelling performing necessary repairs, additions or alterations to plumbing to each dwelling, excluding any work on connections to meters or mains or work within a public easement or right-of-way.”
- B. Fees: Any person, firm or corporation, before installation, alter or repair plumbing or being a plumbing contractor or journeyman or apprentice shall pay to the Town Clerk a registration fee in such sum as set by the Town of Hennessey Town Board of Trustees by resolution.
- C. Issuance; Annual Certificate: The town shall issue certificates for such registration which shall expire annually on June 30th.

9-2-6: BOND REQUIRED:

All plumbing contractors shall, prior to the commencement of any plumbing work, furnish a current Oklahoma state plumbing license as a bond guarantee and condition that:

- A. The installation of plumbing shall be in accordance with the requirements of this code;
- B. The contractor shall, without additional cost to the person for whom the work has been done, remedy any defective or faulty work caused by incompetent workers, inferior or nonstandard material; and
- C. Such bond as is furnished shall be liable for the correction or any additional cost arising from the above-mentioned cause.

9-2-7: MINOR REPAIRS:

A. Minor Repairs Described:

1. Section 106.2 of the Plumbing Code is amended to include:

“Plumbing work shall not be commenced until a permit for the work has been issued by the Town Inspector. A permit shall not be required for making minor repairs in existing plumbing within any building. The making of minor repairs shall consist of repairing or replacing parts of water systems or the replacing or repairing of all trimmings or parts of water fixtures. The making of minor repairs shall not be construed to mean replacement of complete water

systems, making connections to the sewer or water supply mains, nor the replacement or repair of water heaters.”

- B. Exceptions: The making of minor repairs shall not be construed to mean replacing of complete water systems or distribution systems nor the making of connections with sewer mains, water supply mains or gas supply mains; nor the replacement or repair of water tanks or water heaters or parts thereof; nor shall this section be construed to permit master plumbers to make minor repairs by or through anyone except licensed journeymen plumbers.
- C. Connections Not Requiring Permit: A permit will not be required for setting or connecting gas appliances in the same room where connection is made to an opening placed by a licensed plumber or a licensed gas fitter.

9-2-8: BOARD OF APPEALS; MEMBER QUALIFICATIONS:

Section 109.2 of the Plumbing Code is deleted, and the following is substituted therefor:

“The members of the Board of Appeals shall consist of the duly appointed members of the Town of Hennessey Board of Adjustment.”

9-2-9: SEPTIC TANK REGULATIONS:

Section 701.2 of the Plumbing Code is amended to include:

“Whenever an individual sewage disposal system is permitted in this code, the design, installation, maintenance and replacement of the system shall be controlled by the standards and regulations of the Oklahoma Department of Environmental Quality.”

9-2-10: PUBLIC SYSTEM AVAILABLE:

Section 608.1 and 701.2 of the Plumbing Code is amended to include:

“The availability of a public water or sewer system shall be governed by the policies set forth in Title 10 of the Town of Hennessey Code of Ordinances.”

9-2-11: WATER SERVICE PIPES:

Section 605.3 of the Plumbing Code is amended to include:

“All water service piping shall terminate no less than 18 inches outside the building.”

9-2-12: MATERIALS:

A. Table 605.3 of the Plumbing Code is amended to delete:

1. “Galvanized steel pipe.”

- B. Table 605.4 of the Plumbing Code is amended to delete:
 - 1. "Galvanized steel pipe."
- C. Table 702.3 of the Plumbing Code is amended to delete:
 - 1. "Concrete pipe."

9-2-13: JOINTS UNDER SLABS:

Section 605 of the Plumbing Code is amended to include:

"No joints shall be made in water piping under slabs."

9-2-14: CERTAIN VALUES AND PREVENTERS PROHIBITED:

Section 504 of the Plumbing Code is amended to include:

"Notwithstanding any of the provisions of this code, no check valve or backflow preventer shall be installed on the cold-water supply side of hot water tanks or boilers."

9-2-15: INTERCEPTORS; CAPACITY; MAINTAINANCE:

- A. Grease, oil and sand traps or interceptors shall be provided for the proper handling of liquid wastes containing pollutants in excessive amounts, flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity approved by the manager and shall be located as to be readily and easily assessable for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight. All installed grease, oil and sand interceptors shall be maintained in continuously efficient operation by the owner at the owner's expense. The use of hot water, enzymes, chemicals, other agents or devices for the purpose of causing the oil, grease, or sand to pass through the interceptor and/or the facility provided is prohibited. Materials removed from these facilities shall be either utilized by the industrial user or disposed of at designated approved location
- B. Capacity: Grease interceptors shall have the grease retention capacity indicated in the Plumbing Code.
- C. Maintenance- Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
 - 1. Grease interceptors shall be pumped and cleaned at a frequency sufficient to maintain compliance with the requirements of this chapter. At a minimum a grease interceptor shall be cleaned and pumped whenever the combined thickness of the floating greases and settled solids is equal to or greater than 25% of the content of the interceptor. If repairs are required, they shall be performed within seven days.
 - 2. When required by the Public Works Director, grease interceptors shall be pumped and cleaned within 48 hours. When in the opinion of the Director of Public Works the

- environment is threatened, the Director of Public Works may require a facility to immediately cease operations until the facility's grease interceptor is cleaned and pumped.
3. Grease interceptors shall have monitoring locations adequate for obtaining representative effluent samples. Users shall document all cleaning and maintenance activities performed on their grease interceptors. Copies of grease hauling, and handling manifests shall be maintained on site. These records shall be maintained for a minimum of three years and be available for inspection and copying by the Director of Public Works or designee.

9-2-16: INSPECTIONS:

Section 107.1 of the Plumbing Code is amended to include:

"It shall be the duty of the owner, contractor or permittee to inquire with the Town Inspector as to the times or stages that inspection shall be required and advise the Inspector and Public Works Department when the owner, contractor or permittee is ready for inspection."

9-2-17: PENALTY:

See section 9-1-6 of this title for penalty provisions.

Chapter 3

ELECTRICAL CODE

Section:

9-3-1: Electrical Code Adopted

9-3-2: Compliance with Electrical Code

9-3-3: Electrical Equipment Defined

9-3-4: Conformance with Regulations and Standards

9-3-5: Administration

9-3-6: Repairs

9-3-7: License Required; Fees

9-3-8: Service Facilities and Installations

9-3-9: Town Authority; Special Rulings

9-3-10: Installations; Permits Requirements; Fees

9-3-11: Utility Connection; Permit Required

9-3-12: Inspection of Electrical Installations

9-3-13: Right of Entry for Inspector

9-3-14: Responsibility for Damages

9-3-15: Temporary Services; Certificate

9-3-16: Installation Approval Before Concealing Work

9-3-17: Roughed in Work

9-3-18: Specific Requirements and Standards

9-3-19: Penalty

9-3-1: ELECTRICAL CODE ADOPTED:

- A. There is hereby adopted for the purpose of establishing rules and regulations for all electrical wiring, electrical equipment, machinery and apparatus operated by electricity, including permits and penalties, that certain electrical code known as NFPA 70: National Electrical Code, hereinafter referred to as "Electric Code," recommended by the National Fire Protection Association, being particularly the edition referenced by the Building Code and all amendments thereof, save and except the portions as are hereinafter deleted, modified or amended, of

which no less than one copy has been and now is filed in the office of the Town Clerk. The same is hereby adopted and incorporated as fully as if set out at length herein.

- B. From the date on which this section shall take effect, the provisions of the code, as herein modified, shall be controlling in electrical wiring, electrical equipment and machinery and apparatus operated by electricity within the corporate limits of the town. As the Electric Code is subsequently amended or modified, the changes shall be incorporated herein by reference.

9-3-2: COMPLIANCE WITH ELECTRICAL CODE:

A. Compliance with State and Local Regulations:

1. All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property.
2. Where no specific standards are prescribed by this chapter or by the statutes of the state of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the current issue of the national electrical code, as approved by the American Insurance Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

9-3-3: ELECTRICAL EQUIPMENT DEFINED:

The term "electrical equipment" used in this chapter refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind, or description, to be installed within or on any building or structure.

9-3-4: CONFORMANCE WITH REGULATIONS AND STANDARDS:

All electrical equipment installed or used shall be in conformity with the provisions of this chapter, the statutes of the state and any orders, rules and regulations issued by the authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this chapter, by a statute of the state or any orders, rules, or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

9-3-5: ADMINISTRATION:

Section 90.4 of the Electric Code is amended to include:

The Inspector shall enforce this chapter in accordance with the provisions of Chapter 1 of the Building Code, as amended, adopted herein and a Board of Appeals as provided for in this code shall consist of the duly appointed members of the Town of Hennessey Board of Adjustment.

9-3-6: REPAIRS:

Section 90.4 of the Electric Code is amended to include:

“Permits shall not be necessary for maintenance work, minor repair work or installation of portable electrical fixtures, if wiring is not altered or rearranged.”

9-3-7: LICENSE REQUIRED; FEES:

Section 90A of the Electric Code is amended to include:

“No person, firm or corporation shall be issued an electrical permit, operate a place of business, or engage in the business of contracting to do installation, repairing or altering of electric wiring or non-portable electric fixtures or apparatus within the town unless the person or the agent or employee performing electrical work for the firm or corporation first is registered with the town and pays the tax thereon, as prescribed;

- A. The applicant for electrical registration must hold a license issued by the Oklahoma Construction Industries Board 158:40-1-3 pursuant to the Electrical License Act.
- B. The provisions of this section shall apply to a maintenance electrician in the employ of the owner of the building or buildings in which the electrical work is to be performed.
- C. The provisions of this section shall not apply:
- D. The owner and occupant of a single-family residential dwelling making necessary repairs, additions or alterations to the electrical wiring of the dwelling.
- E. Registration required in this section shall be subject hereto. The registration shall be renewed annually in accordance herewith and shall remain in effect so long as the state license is current or until revoked by the town.
 1. Annual Registration; Fee: Any person, firm or corporation, before engaging in the business of electrical work or being an electrical contractor, journeyman electrician or apprentice, shall pay to the Town Clerk a registration fee in such sum as set by the town board by motion or resolution. The town shall issue certificates for such registration which shall expire annually as specified in the certificate.
 2. Bond: All electrical contractors shall, prior to the commencement of any electrical work, furnish a current Oklahoma state electrical license as a bond guarantee and condition that:
 - a. The installation of electrical work shall be in accordance with the requirements of this code;
 - b. The contractor shall, without additional cost to the person for whom the work has been done, remedy any defective or faulty work caused by incompetent workers, inferior or nonstandard material; and
 - c. Such bond as is furnished shall be liable for the correction or any additional cost arising from the above-mentioned cause.

9-3-8: SERVICE FACILITIES AND INSTALLATIONS:

Article 230 of the Electric Code is amended to include:

- A. All uses in the town shall have a minimum service of 100 amperes.
- B. No overhead service shall be permitted to or between public or private school buildings.
- C. For voltages above 600 volts, the plans for service entrance and point of delivery must be approved by the electric service company and the Town Inspector before a permit is issued. All meters and related service equipment furnished and installed by the electric service company shall be installed subject to and in compliance with the following conditions:
 - 1. Indoor and outdoor meters shall be installed so that the top of the meter will not be more than six feet six inches, nor less than five feet six inches, above the floor or ground.
 - 2. A meter board of soft lumber, and of suitable dimensions for mounting the meter and cabinet, shall be provided as part of the rough-in job. It shall be located near the service entrance on a wall or structure free of excessive vibration and readily accessible at all reasonable hours.

9-3-9: TOWN AUTHORITY; SPECIAL RULINGS:

The board of trustees of the town, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations. In all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions.

9-3-10: INSTALLATIONS; PERMIT REQUIREMENTS; FEES:

- A. Permit Required: It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits of the town or make extensions to any existing electrical installations without first securing a permit from the town.
- B. Application for Permit: Applications for electrical permits shall be made to the town. The applicant shall provide such plans, specifications, and other data as may be reasonably required.
- C. Permit Fee: The permit fees for performing the activity described in this chapter shall be set periodically by the Town Board of Trustees of the Town of Hennessey, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Town Board of Trustees.

9-3-11: UTILITY CONNECTION; PERMIT REQUIRED:

- A. Authorization for Connection: It is unlawful for any electric light or power company, or any supplier of electricity or light, heat or power, to make any electrical connection to any building or premises or electric wiring or apparatus until a building permit or electrical permit or written permit authorizing connection has been issued by the town.
- B. Notice by Town for Disconnection: All firms, corporations, or individuals, whether operating under a regular franchise granted by the town or not, shall upon written notice by the town, disconnect from any such circuit, including main service wires, branch feeder wires, or distribution, as designated by the notice, and shall not reconnect to the installation except upon written notice from the town.

9-3-12: INSPECTION OF ELECTRICAL INSTALLATIONS:

- A. Duty of Electrical Inspector: It is the duty of the electrical inspector to inspect all electrical equipment installed within the town.
- B. Issuance of Certificate of Inspection:
 - 1. On the completion of the work covered by a permit in accordance with all ordinances and laws, and after inspection and approval by the electrical inspector, the electrical inspector shall issue a certificate of inspection.
 - 2. In this certificate, the electrical inspector shall certify that the work is in accordance with the rules governing the respective class to which it belongs, as specified by this chapter.
 - 3. This certificate shall be issued to the electric service company and shall be their authority to supply electric service to the premises.

9-3-13: RIGHT OF ENTRY FOR INSPECTOR:

- A. Authority of Inspector: The electrical inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises at any reasonable hour, for the purpose of making any electrical inspection, re-inspection, or test of the electrical equipment contained therein or its installation.
- B. Interference with Inspector: Any person interfering with the electrical inspector shall be punished as provided for in this chapter.

9-3-14: RESPONSIBILITY FOR DAMAGES:

This chapter shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or to property caused by any defect therein, nor shall the town or any officer or employee of such town be held as assuming such liability by reason of the inspection or re-inspection as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

9-3-15: TEMPORARY SERVICE; CERTIFICATE:

- A. Issuance of Temporary Certificate: When, for good and sufficient cause, it is necessary to have the electricity on any installation before final certificate can be issued, the electrical inspector may, if the parts to which the current is applied are in a safe and satisfactory condition, issue a temporary certificate.
- B. Temporary Service Installation: Whenever a temporary service is installed satisfactory to the electrical inspector, the electric service company will not be permitted to make a connection to permanent service until after a final permanent certificate has been issued.
- C. Fee: Before the temporary certificate is issued, the party requesting the same shall pay a fee as set by the town board.
- D. Term of Certificate; Extensions: A temporary certificate shall be in force for a period of thirty (30) days from its issue, and if, at the end of thirty (30) days, the installation is still incomplete, another

temporary certificate shall be taken out for the next thirty (30) days, and each succeeding thirty (30) days thereafter, and for each term so requested, the required fee shall be paid.

9-3-16: INSTALLATION APPROVAL BEFORE CONCEALING WORK:

It is unlawful for any person, firm, partnership, corporation or individual to conceal or cause to be concealed any electrical equipment used for electric light, heat or power, until they know the installation has been approved by the electrical inspector; and a tag in the switch cabinet, or attached to the service equipment, properly signed and dated, so stating, will be sufficient notice.

9-3-17: ROUGHED IN WORK:

- A. New or Old Work: New or old work "roughed in" shall include all electrical equipment to make the installation complete, be free from unintentional grounds, with joints properly made up, ready for attachment of fixtures, drop lights and appliances.
- B. New Work: After making inspection of new work "roughed in", the electrical inspector shall leave a tag or notice in the switch cabinet or attached to the service equipment, plainly indicating whether the work has been approved and is ready to conceal, or that the installation is not standard and must not be covered until approved by the electrical inspector.

9-3-18: SPECIFIC REQUIREMENTS AND STANDARDS:

- A. Pilot Light for Irons: In all mercantile occupancies where electric irons are used, they must be installed with approved pilot light. If pilot light is in an enclosure such as an alteration room, an additional light must be installed in a visible position outside the enclosure.
- B. Branch Circuits:
 - 1. In residential and mercantile occupancies, lighting branch circuits shall be confined to one thousand (1,000) watts, and not more than eight (8) outlets per circuit will be allowed in the fire limits.
 - 2. Branch circuit conductors shall be smaller than No. 12.
 - 3. Type C lamp cord will not be permitted in the kitchen or restaurants or like places where grease accumulates, nor in part of a building where live poultry is confined.
- C. Basement Installations:
 - 1. A circuit of not less than No. 12 wire shall be installed in basements in any area subject to floods.
 - 2. Ground connections shall not be made in toilets, adjacent to salt storage, acid vapors, or in any location where the grounding conductor and fitting is likely to become corroded.
- D. Wiring in Fire Zone:
 - 1. All wiring hereafter installed in the fire limits must be placed in metallic raceways.
 - 2. Armored cable or flexible conduit is to be used only when, in the judgment of the electrical inspector, it is impractical to install other metallic raceways.
 - 3. Exception to the requirements of this subsection are specified in subsection E of this section.

- E. Extensions of Certain Installations: Wiring installations, consisting of concealed knob and tube, cleat, armored cable or flexible conduit that was installed previous to the adoption of this code when, in the judgment of the electrical inspector, is in a safe condition, may have extension of the same kind of work made to these installations.
- F. Overhead Service Conductors:
 - 1. Overhead service conductors shall be installed in approved metallic raceways, unless approved service entrance cable is used; and raceway shall be continuous to, and securely attached to service equipment.
 - 2. Installations of four (4) circuits or more shall have three (3) wire service.
 - 3. No service conductor shall be less than No. 6 B & S gauge.
- G. Rigid Conduit:
 - 1. For mechanical security and continuity to ground, rigid conduit shall be provided with two (2) lock nuts, one inside and one outside the equipment to which it is attached.
 - 2. Metallic service equipment rigid conduit, electrical metallic tubing, flexible conduit, metallic switch, outlet receptacle and junction boxes shall have a conductive coating or finish.
 - 3. Watertight couplings shall be employed for joining electrical metallic tubing.

9-3-19: PENALTY:

See section 9-1-6 of this title for penalty provisions.

Chapter 4

MECHANICAL CODE

Section:

9-4-1: Mechanical Code Adopted

9-4-2: Additions, Insertions and Changes to Mechanical Code

9-4-3: License Required; Fees

9-4-4: Bond Required

9-4-5: Inspections

9-4-6: Mechanical Inspector

9-4-7: Permit Required; Fees

9-4-8: Minor Repairs

9-4-9: Board of Appeals; Member Qualifications

9-4-10: Incinerators

9-4-11: Penalty

9-4-1: MECHANICAL CODE ADOPTED:

- A. There is hereby adopted for the purpose of establishing rules and regulations for the design, installation, maintenance, alteration and inspection of mechanical systems in buildings and structures, including permits and penalties, that certain mechanical code known as the International Mechanical Code, hereinafter referred to as the "Mechanical Code," the latest edition as recommended by the International Code Council as adopted by the State of Oklahoma and its amendments OAC 748:20-13-9 to 748:20-13-11, portions as are hereinafter deleted, modified or amended, of which no less than one copy has been and now is filed in the office of the Town Clerk. The same is hereby adopted and incorporated as fully as if set out at length herein.
- B. From the date on which this section shall take effect, the provisions of the code as herein modified shall be controlling in the design, installations, maintenance, alteration and inspection of mechanical systems in buildings and structures within the corporate limits of the town. As the Mechanical Code is subsequently amended or modified, the changes shall be incorporated herein by reference.
- C. Violation: Any violation of the provisions of this chapter shall be deemed a violation of the ordinances of the town.

9-4-2: ADDITIONS, INSERTIONS AND CHANGES TO MECHANICAL CODE:

The following insertions and deletions are made to the Mechanical Code:

- A. The words “the Town of Hennessey, Oklahoma,” are inserted in the second line of Section 101.1;
- B. The following fee schedule is inserted in Section 106.5.2: “The permit fees for performing the activity described in this chapter shall be set periodically by the Board of Trustees of the Town of Hennessey, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Town of Hennessey Town Board of Trustees”;
- C. The words “zero” and “zero” are inserted in the fifth and eighth lines respectively of Section 106.5.3; The words “offense” and “\$500,” are inserted in the seventh and eighth lines respectively of Section 108.4 and all references to imprisonment in the section are deleted; and
- D. The words “\$100” and “\$500” are inserted in the thirteenth and fourteenth lines respectively of Section 108.5.

9-4-3: LICENSE REQUIRED, FEES:

- A. Section 106.1 of the Mechanical Code is amended to include:
 - 1. “No person, firm or corporation shall be issued a mechanical permit, operate a place of business, or engage in the business of contracting, to do installation, maintenance or alteration of mechanical systems in buildings and structures within the town, including, but not limited to forced air heating-refrigeration and gas fitting unless the person or the agent or employee performing mechanical work for the firm or corporation first obtains a license and pays the tax thereon as prescribed.
 - 2. The applicant for a forced air heating-refrigeration license must show and maintain a license issued by the Oklahoma Construction Industries Board 158:50-1-3 pursuant to the Mechanical Licensing Act.
 - 3. The applicant for a gas fitting license must hold an appropriate certificate from the Board of Examiners of Gas Fitters, as a master or journeyman, whichever the case may be.
 - 4. The provisions of this section shall apply to a mechanical maintenance person in the employ of the owner of the building or buildings in which the mechanical work is to be performed.
 - 5. The provisions of this section shall not apply to:
 - a. The owner and occupant of a single-family residential dwelling performing necessary repairs, additions or alterations to heat and air or gas service to the dwelling, excluding any work on connections to meters or mains or work within a public easement or right-of-way.”
- B. Fees: Any person, firm or corporation, before installation or servicing of heating and air condition systems or being a mechanical contractor or journeyman or apprentice shall pay to the Town Clerk a registration fee in such sum as set by the town board by motion or resolution.
- C. Issuance; Annual Certificate: The town shall issue certificates for such registration which shall expire annually on June 30th.

9-4-4: BOND REQUIRED:

All mechanical contractors shall, prior to the commencement of any mechanical work, furnish a current Oklahoma state mechanical license as a bond guarantee.

9-4-5: INSPECTIONS:

Section 107.1 of the Mechanical Code is amended to include:

“It shall be the duty of the owner, contractor or permittee to inquire with the Town Inspector as to the times or stages that inspection shall be required and advise the engineering and inspection department when the owner, contractor or permittee is ready for inspection.”

9-4-6: MECHANICAL INSPECTOR:

- A. Office Created; Appointment: The office of mechanical inspector is hereby created and shall be the building official unless some other person is appointed by the town board.
- B. Duties: The mechanical inspector may carry out the performance of this chapter.

9-4-7: PERMIT REQUIRED; FEES:

- A. Permit: No mechanical work shall be undertaken within the town without a permit therefor from the mechanical inspector.
- B. Fees: The fees to be paid for a mechanical permit shall be as provided by the town board by motion or resolution.
- C. Application for Permit; Inspection: The application for permit and inspection of work shall follow the provisions of the town's mechanical code.

9-4-8: MINOR REPAIRS:

- A. Minor Repairs Allowed Without Registration or Permit:
 - 1. Registration or permit will not be required for the making of minor repairs in existing heating and air condition systems.
 - 2. The making of minor repairs shall consist of the repairing or replacing of minor parts or minor components of heating and air condition systems.
 - 3. All minor repairs shall be made by licensed mechanical contractors or journeymen under the supervision of mechanical contractors, except that owners of property may either make such minor repairs on their own properties themselves or have the same made under their direct supervision.
 - 4. Exceptions: The making of minor repairs shall not be construed to mean replacing the complete heating and air condition systems, nor the replacement, or repair of a major component such as a compressor (but a fan motor would not be a major component) nor the substantial alteration of a system such as a conversion from electric to gas or gas to

electric, nor shall this section be construed to permit master mechanical contractors to make minor repairs by or through anyone except licensed journeymen or an apprentice.

9-4-9: BOARD OF APPEALS; MEMBER QUALIFICATIONS:

Section 109.2 of the Mechanical Code is deleted, and the following is substituted therefor:

“The members of the Board of Appeals shall consist of the duly appointed members of the Town of Hennessey Board of Adjustment.”

9-4-10: INCINERATORS:

Section 907.1 of the Mechanical Code is deleted, and the following is substituted therefor:

- A. No incinerator shall be constructed, erected or replaced in the town after April 4, 1978. Any incinerator lawfully existing as of the date may continue to operate so long as it is operated in compliance with this section.
- B. No person, firm or corporation shall use, operate or burn any matter in any incinerator until a license has been issued therefor and a tax paid as provided.
- C. Nothing contained in this section shall authorize or permit any person, firm or corporation to maintain and use an incinerator in a manner as to become a nuisance or annoyance to the neighborhood.

9-4-11: PENALTY:

See section 9-1-6 of this title for penalty provisions.

Chapter 5

FUEL GAS CODE

Section:

9-5-1 Fuel Gas Code Adopted

9-5-2: Additions, Insertions and Changes to Fuel Gas Code

9-5-3: Permit Required; Fees

9-5-4: Registration Required; Fees

9-5-5: Bond Required

9-5-6: Minor Repairs

9-5-7: Board of Appeals; Member Qualifications

9-5-8: Penalty

9-5-1: FUEL GAS CODE ADOPTED:

- A. There is hereby adopted for the purpose of establishing rules and regulations for the design, installations, alteration and inspection of plumbing systems in buildings and structures, including permits and penalties, that certain plumbing code known as the International Fuel Gas Code, hereinafter called "Fuel Gas Code," published by the International Code Council, Inc., being particularly the latest editions adopted by the State of Oklahoma and its amendments OAC 748:20-15-16 to 748:20-15-17 and all amendments thereof, save and except the portions as are hereinafter deleted, modified or amended, of which no less than one copy has been and now is filed in the office of the Town Clerk. The same is hereby adopted and incorporated as fully as if set out at length herein.
- B. From the date on which this section shall take effect, the provisions of the code as herein modified shall be controlling in the design, installation, maintenance, alteration and inspection of plumbing systems in buildings and structures within the corporate limits of the city connected to any water or sewer system owned or operated by the town inside or outside its corporate limits. As the Fuel Gas Code is subsequently amended or modified, the changes shall be incorporated by reference.
- C. Violation: Any violation of the provisions of this chapter shall be deemed a violation of the ordinances of the town.

9-5-2: ADDITIONS, INSERTIONS AND CHANGES TO FUEL GAS CODE:

The following insertions and deletions are made to the Fuel Gas Code:

- A. 101.1 is amended by inserting the jurisdiction: Town of Hennessey, Oklahoma.
- B. 106.6.3.2 is amended by inserting: eighty percent (80 %)

- C. 106.6.3.3 is amended by inserting: one hundred percent (100 %)
- D. 106.6.2 is amended by inserting: The words “The permit fees for performing the activity described in this chapter shall be set periodically by the Town Board of Trustees for the Town of Hennessey, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Town of Hennessey Town Board of Trustees”.
- E. 108.4 is amended by inserting: The words “Any person who shall violate a provision of this code or who fails to comply with any of the requirements thereof or shall erect, construct, alter, repair or remove any fuel gas system and/or gas appliance in violation of detailed statement or plan submitted and approved hereunder, or of a permit or certificate issued hereunder, shall be guilty of an offense and upon conviction, shall be punished as provided in section 11-1-7 of the Code of Ordinances.”

9-5-3: FUEL GAS PERMIT REQUIRED; FEES:

- A. No fuel gas fitting or fuel gas piping work shall be undertaken within the town without a permit therefor from the plumbing inspector. The fees to be paid for a fuel gas fitting or fuel gas piping permit shall be as provided by the town board by motion or resolution. The application for permit and inspection of work shall follow the provisions of the town's Fuel Gas Code.
- B. Permit Required: Before any person, firm or corporation shall install any equipment in the town for storage, dispensation or handling of liquefied petroleum and/or fuel gases, such person, firm or corporation shall first obtain a permit therefor from the town.
- C. Local and State Authority: In granting or refusing such permit, the fire chief or his appointee shall take into consideration the proposed location of such equipment, and the probable hazards involved by reason of the proposed location thereof, and must have the approval of the state liquefied petroleum gas administrator in conformity with the state laws regulating such approval by the state liquefied
- D. Fee: A permit for the storage or dispensation of liquefied petroleum and/or fuel gas shall not be issued until a fee as set by the town board has been paid to the town.

9-5-4: REGISTRATION REQUIRED; FEE:

- A. Registration Fee: Any person, firm or corporation, before engaging in the business of fuel gas fitting or fuel gas piping or being a fuel gas fitting or fuel gas piping contractor, journeyman fuel gas fitter or apprentice, shall pay to the Town Clerk a registration fee in such sum as set by the town board by resolution.
- B. Annual Registration: The town shall issue certificates for such registration which shall expire annually as specified in the certificate.

9-5-5: BOND REQUIRED:

All fuel gas fitting or piping contractors shall, prior to the commencement of any fuel gas fitting or fuel gas piping work, furnish a current Oklahoma state fuel gas fitting or fuel gas piping license as a bond guarantee and condition that:

- A. The installation of fuel gas fitting or fuel gas piping shall be in accordance with the requirements of this code;
- B. The contractor shall, without additional cost to the person for whom the work has been done, remedy any defective or faulty work caused by incompetent workers, inferior or nonstandard materials; and
- C. Such bond as is furnished shall be liable for the correction of any additional cost arising from the above-mentioned cause.

9-5-6: MINOR REPAIRS:

- A. Repairs Allowed Without Registration or Permit:
 - 1. Registration or permit will not be required for the making of minor repairs in existing fuel gas fitting or fuel gas piping within any building.
 - 2. The making of minor repairs shall consist of the repairing or replacing of parts of fuel gas systems and the replacing or repairing of all trimmings or parts of fuel gas fixtures with the exception of traps.
 - 3. All minor repairs shall be made by licensed fuel gas fitting or fuel gas piping contractors or journeymen fuel gas fitters under the supervision of fuel gas fitting or fuel gas piping contractors.
- B. Restrictions: The making of minor repairs shall not be construed to mean replacing of complete fuel gas distribution systems nor the making of connections with fuel gas supply mains, nor the replacement, or repair of fuel gas tanks or parts thereof, nor shall this subsection be construed to permit master fuel gas fitters to make minor repairs by or through anyone except licensed journeymen fuel gas fitters.
- C. Connecting Fuel Gas Appliances: A permit will not be required for setting or connecting gas appliances in the same room where connection is made to an opening placed by a licensed plumber or a licensed gas fitter.

9-5-7: BOARD OF APPEALS; MEMBER QUALIFICATIONS:

Section 109.2 of the Fuel Gas Code is deleted, and the following is substituted therefor:

“The members of the Board of Appeals shall consist of the duly appointed members of the Town of Hennessey Board of Adjustment.”

9-5-8: PENALTY:

See section 9-1-6 of this title for penalty provisions.

Chapter 6

CERTIFICATES OF OCCUPANCY

Section:

9-6-1: CERTIFICATES OF OCCUPANCY REQUIRED; APPLICATION FEE

9-6-2: NEW BUILDINGS

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9-6-4: TEMPORARY OCCUPANCY

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9-6-6: WITHHOLDING CERTIFICATE

9-6-7: EXEMPTIONS

9-6-8: PENALTY

9-6-1: CERTIFICATES OF OCCUPANCY REQUIRED; APPLICATION FEE:

- A. Certificate of Occupancy Required: An application for a Certificate of Occupancy shall be required for either a new occupancy or a change in occupancy is desired. The application for the certificate shall be made to the building inspector and the building inspector shall be supplied with sufficient information and data necessary to determine compliance with this title for the type of occupancy intended. When in the opinion of the building inspector it is necessary, two (2) sets of detailed plans or a general inspection or both may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this title, to the applicable zoning laws, and to the health standards as may be set therefor by the county health department for such occupancy, a certificate of occupancy shall be issued.
- B. Certificate of Occupancy Application Fee: The fee shall be set by a resolution of the board of trustees. A current copy of the fee schedule shall be kept in the office of the town clerk.

9-6-2: NEW BUILDING:

No new building or part thereof shall be occupied until the building inspector shall have issued a certificate of occupancy therefor. The building inspector shall not issue a certificate of occupancy for any such new building or structure unless and until he is furnished with a zoning clearance permit specifying that such building has been erected within the use classification permitted on the land. Where said building or structure is to be used as an eating or drinking establishment, or for such purposes as to come within the supervision of the health department, then the building inspector shall not issue a certificate of occupancy until prior approval or clearance has been given by said health department

9-6-3: CONTENTS OF CERTIFICATE:

The certificate of occupancy provided in section 9-8-1 of this chapter shall state the nature of the occupancy permitted, the number of persons for each floor when limited by law, the allowable load per square foot for each floor in accordance with the provisions of this title and shall certify that the building was erected in compliance with the approved plans and with the provisions of this title. Said certificate of occupancy shall also contain such limitations as to the type and nature of the occupancy as may be determined by the building inspector under the provisions of the building code.

9-6-4: TEMPORARY OCCUPANCY:

A temporary certificate of occupancy may, in the discretion of the building inspector, be issued for a portion or portions of a building which may be safely occupied prior to final completion of the entire building.

9-6-5: CHANGE OF OCCUPANCY:

No change of occupancy for any existing building or structure may be obtained without a change of occupancy certificate as required by the provisions of this title.

9-6-6: WITHHOLDING CERIFICATE:

Notwithstanding, however, no certificate of occupancy shall be issued (whether for new or existing buildings, or portions thereof) by the building inspector unless and until he shall be satisfied that the particular occupancy shall be in compliance with the applicable zoning laws and the health requirements of the county health department. Also, no certificate of occupancy shall be issued when the building or structure shall be considered unsafe, hazardous or shall be condemned by the fire marshal.

9-6-7: EXEMPTIONS:

This title shall not be deemed to apply to, and no certificate of occupancy shall be required for residential structures or dwellings and for change of offices by tenants, that is removal of offices from one building to another.

9-6-8: PENALTY:

The permit, or permits, authorized by this chapter shall be provided through the town offices and the office of the building inspector upon payment of the proper fees and the approval of the building inspector as set forth herein, and any person who fails to comply with the provisions of this chapter shall be guilty of an offense against the town and shall be subject to a fine not to exceed the maximum penalty provided by section 1-4-1 of this code, and each day shall be a separate offense.

Chapter 7

MOVING BUILDING

Section:

9-7-1: LICENSE REQUIRED; FEES

9-7-2: BOND REQUIRED

9-7-3: PERMIT REQUIRED, FEES

9-7-4: INSPECTION

9-7-5: TOWN LIMITS

9-7-6: HEIGHT REGULATIONS

9-7-7: FLOOR AREA RESTRICTIONS

9-7-8: PUBLIC SAFETY REQUIREMENTS

9-7-9: CONDUCT OF MOVING

9-7-10: POLES AND WIRES

9-7-11: TREES AND FIXTURES

9-7-12: RAILWAY TRACKS

9-7-13: EXCEPTIONS

9-7-14: PENALTY

9-7-1: LICENSE REQUIRED; FEES:

Every person who shall engage in the business of moving buildings and structures within the town shall obtain a license therefor from the town offices, and no such license shall be granted until the party applying therefor shall have given the bond required by section 9-7-2 of this chapter. Any person engaging in the occupation of house moving shall pay a license fee. The annual fee shall be set by a resolution of the board of trustees. A current copy of the fee schedule shall be kept in the office of the town clerk.

9-7-2: BOND REQUIRED:

The bond to be given by a licensed house mover shall be executed to the town in the penal sum of two thousand five hundred dollars (\$2,500.00), with a surety company authorized to do business in the state of Oklahoma as surety thereon, which said bond shall be for the benefit of the town and any private

person or corporation sustaining damages under the conditions thereof. Any such private person or corporation shall be entitled to sue thereon, in his or its own name. The bond shall be on condition, among other things, that if the license shall be granted, the licensee will in all respects comply with the ordinances of the town relating to the moving of buildings or structures and to the use or obstruction of the streets, highways, and other public ways and protect the town from all liability which may arise or be occasioned either directly or indirectly from the moving of any building or structure by the licensee, his agents, servants, employees, workmen, contractors, or subcontractors, while engaged in any work in connection with the moving of any building or structure, including any loss or damages which may be sustained because of the stoppage of any business or industry located along the route over which the building or structure shall be moved, caused or occasioned by the operation of moving such building or structure.

9-7-3: PERMIT REQUIRED; FEE:

- A. Required: No building or structure now or hereafter erected within the corporate limits of the town shall be removed or relocated without a permit for such work issued by the town offices, upon written application made therefor.
- B. Application: No application for a permit to move any building or structure on, over, along, or across any street or highway shall be granted to any person other than a licensed house mover, who shall file with the town offices a written application therefor, definitively stating in such application:
 - 1. Type of Building: Type and kind of building to be moved.
 - 2. Cost and Value: The original cost and present value of such building.
 - 3. Dimensions: The extreme dimensions of the length, height, and width of the building.
 - 4. Locations: Its present location and proposed new location by lot, block, subdivision, and street numbers.
 - 5. Time on Streets; Route: The approximate time such building will be upon the streets, and the contemplated route that will be taken from present to new location.
 - 6. Compliance with Law: That the moving of this building does not violate the fire district requirements, or any other requirements of the ordinances of the town.
- C. Action on Application: When such application is filed with the town offices, such offices shall immediately notify the fire chief and the police chief. Upon receiving such notification, the town administrator, or his duly appointed representative, shall examine the proposed moving route and make such changes therein as he shall deem necessary, or designate an entire new route, and attach to the application for such permit his certificate of approval of such designated moving route. The building inspector shall then make the inspection required relating to his department; and if it is found that the building or structure can be moved and relocated in accordance with the requirements of this chapter, it shall then be the duty of the town offices to issue a permit for such work; otherwise such permit shall be refused.
- D. Issuance of Permit; Payment of Fee: If the application is in accordance with the requirements of the ordinances and laws, the Town Clerk shall issue the permit upon the payment by the applicant of a moving building permit fee. The fee shall be set by a resolution of the board of trustees. A current copy of the fee schedule shall be kept in the office of the town clerk.

9-7-15: PENALTY:

Any person who violates or fails to comply with any provision of this chapter, or any legal order or regulation made pursuant thereto, may be guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in section 1-4-1 of this code.

Chapter 8

FACTORY-BUILT STRUCTURES AND TRAVEL TRAILERS

Section:

9-8-1: DEFINITIONS

9-8-2: PERMITTED PLACEMENT OF HOMES

9-8-3: NONRESIDENTIAL FACTORY-BUILT STRUCTURES PROHIBITED

9-8-4: NOTICE FOR VIOLATIONS TO LICENSEE

9-8-5: FACTORY-BUILT HOME REQUIREMENTS

9-8-6: INSPECTIONS

9-8-7: INSPECTION OF OUTSIDE PREMISES

9-8-8: OCCUPANT TO GIVE ACCESS

9-8-9: NOTICE OF HEALTH AND SAFETY VIOLATIONS

9-8-10: REQUEST FOR HEARING

9-8-11: INSPECTION FINDINGS

9-8-12: APPEALS

9-8-13: EMERGENCY ACTION WITHOUT NOTICE

9-8-14: PENALTY

9-8-1: DEFINITIONS:

FACTORY-BUILT HOUSING: A factory-built structure designed for long term residential use. For the purposes of these regulations, "factory-built housing" consists of three (3) types: modular homes, mobile homes, and manufactured homes.

FACTORY-BUILT STRUCTURES: Any structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility for installation or assembly and installation on a building site.

MANUFACTURED HOME: A structure, intended for use as a residential dwelling, transportable in one or more sections, which is built in an offsite facility for installation or assembly at the building site, and bearing a seal certifying that it is built in compliance with the federal manufactured housing construction and safety standards act of 1974 (42 USC 5401 et seq.), which became effective June 15, 1976, and any amendments thereto, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as hereinafter provided.

MANUFACTURED HOME DEVELOPMENT: A general category of development that includes manufactured home subdivisions and manufactured home parks.

MANUFACTURED HOME PARK: A parcel of land under single ownership on which two (2) or more manufactured homes are located for the purpose of occupancy as residential dwellings.

MANUFACTURED HOME SUBDIVISION: A subdivision designed and/or intended for the sale of lots for siting manufactured homes and modular homes.

MOBILE HOME: A transportable, factory-built structure designed to be used as a residential dwelling and built prior to the enactment of the federal manufactured housing construction and safety standards code of 1974 (42 USC 5401 et seq.), which became effective June 15, 1976.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes are located for the purpose of occupancy as residential dwellings, regardless of whether or not a charge is made for such accommodations.

MODULAR HOME: A structure intended for residential use and manufactured off site in accordance with the (local or state) building code.

NONRESIDENTIAL FACTORY BUILT STRUCTURES: Any structure, having the basic characteristics of a mobile home or travel trailer but which is designed for purposes other than as a residential dwelling and is not being offered for sale.

STORM SHELTER: A single structure of multiple structure designed to provide persons with temporary protection from a storm. The term storm shelter will include any above or below ground shelter in which the design, construction, and installation comply with the most recent versions of FEMA Publications 320 (Taking Shelter from the Storm) and FEMA 361 (Design and Construction Criteria for Community Safe Rooms), as well as ICC 500 (Standards for the Design and Construction of Storm Shelters).

TRAVEL TRAILER: All vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use, including tent trailers and motor driven vehicles.

TRAVEL TRAILER PARK: Any plot of ground which two (2) or more travel trailers occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

9-8-2: PERMITTED PLACEMENT OF HOMES:

- A. From the date of passage hereof, no mobile home or manufactured home shall be permitted in the town's residential or platted areas unless in a previously established mobile or manufactured home park and are not permitted in unplatted areas less than five (5) acres. In unplatted areas of five (5) acres or more, the mobile home must be six hundred sixty feet (660') from the property line of any platted area or residence, unless written permission has been received from property owners within six hundred sixty feet (660') and after approval from the town board of trustees. A permit to place mobile or manufactured housing in an unplatted area of five (5) acres or more is required and may

be issued by the inspection officer, if the application for permit complies with all town regulations. No variance may be granted to an applicant who does not meet the requirements of this section.

- B. From the date of passage hereof, no new placement of travel trailers shall be permitted within any mobile home park or manufactured home development within the Town of Hennessey corporate limits. The placement of travel trailers is restricted to travel trailer parks only, provided that existing mobile home parks having existing spaces equipped for travel trailer usage are permitted to continue to locate trailers at such sites provided that each travel trailer placed on such sites shall comply with the area, location, and building regulations set forth in this chapter.
- C. Mobile homes presently existing inside of a mobile home park or manufactured home park may remain provided they are maintained and operated in accordance with all applicable regulations, licenses, and permits of the town.

9-8-3: NONRESIDENTIAL FACTORY-BUILT STRUCTURES PROHIBITED:

- A. Nonresidential factory-built structures shall be prohibited, except temporary use, not to exceed one hundred eighty (180) days, if granted by the Town of Hennessey Board of Adjustments through the Special Exception process.

9-8-4: NOTICE FOR VIOLATIONS TO LICENSEE:

- A. Whenever the health officer, fire marshal, or inspection officer finds conditions existing in violation of this chapter, or of any regulation adopted pursuant thereto, he shall give notice in writing to the person to whom the license was issued that, unless such conditions or practices be corrected within a reasonable period of time specified in the notice, the license will be suspended. At the end of such period, not to exceed ninety (90) days, the inspection officer, fire marshal, or health officer shall reinspect such park, and if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license was issued. Upon receipt of notice of suspension such person shall cease operation of such park except as provided in section 9-8-11 of this chapter.

9-8-5: FACTORY-BUILT HOME REQUIREMENTS:

- A. Any factory-built home located within the town shall comply with all regulations herein contained concerning the inspection by the health officer, inspection officer, and fire marshal to meet with the sections herein relating to sewer, water, sanitation and electrical installations and shall meet the following requirements:
 - 1. Each home shall bear a seal certifying compliance with the federal manufactured construction and safety standards as revised. All structures must meet minimum wind safety standards.
 - 2. Each unit must be at least a minimum of one thousand two hundred (1,200) square feet.
 - 3. Each unit must be attached to a permanent concrete or concrete block foundation that meets all town codes. There must be a footing/stem wall foundation and flooring

substructure that must be a minimum of twenty-four inches (24") above exterior ground level.

4. The roof must be hip or gable type construction with at least class C shingle roofing material or an approved metal roofing system. Roof slope shall be a minimum 3/12 slope with a distinctive eave overhang. No bare metal siding or roofing shall be allowed. Any and all metal shall be confined to the roof and must be of a baked on painted surface and approved by the planning committee.
 5. Exterior finish must be compatible with surrounding existing homes; this includes skirting materials.
 6. Any attached or nonattached structures, i.e., garages, carport or outbuildings, must be compatible with the structure and surrounding existing homes. All porches must be permanent and affixed. These must also be compatible with structures and surrounding existing homes.
 7. Each unit must be owner occupied and ownership must include the lot on which it is placed.
 8. Each home must meet Kingfisher County's criteria to be assessed as a "real estate manufactured home", and not as a "personal property manufactured home".
 9. Each unit must be a single-family dwelling.
 10. All transporting equipment must be removed from the structure with no visible means of distinction, i.e., all axles and hitches.
 11. Only installers certified by the state of Oklahoma must install all structures and installer's certification must be presented upon application of permit.
 12. Each home shall have a manufactured date of no more than five (5) years preceding date of permit application.
- B. Existing factory-built homes within the town limits of Hennessey on the passage date hereof shall continue in their existing condition, but upon removal from its current lot any replacement must adhere to the requirements in this section.
- C. A special exception may be granted by the board of adjustments for a temporary placement of a factory-built home or travel trailer for one year, for the purpose of a residence during the construction of a permanent site-built home. Plans must be submitted at the time of application and permit requests. This must be approved by the board before the special exception will be granted. The special exception may be extended upon approval from the board of adjustments.
- D. Storm shelters will be encouraged for all factory-built structures prior to the occupancy said structure installed on a lot or space inside of the town limits.
- E. A building permit will be required for all factory-built structures prior to the installation on a lot or space inside of the town limits and a copy of the manufactured home installer's license must accompany the request for the building permit. No utilities shall be connected prior to the issuance of a building permit.
- F. A building permit shall be required for any construction on a factory-built structure lot or space or any alteration or structural addition to the extension of a factory-built structure.

9-8-6: INSPECTIONS:

- A. The inspection officer, fire marshal, or health officer is hereby authorized and directed to make inspections to determine the conditions of manufactured home parks located within the town in

order to perform their duty of safeguarding the health and safety of occupants of manufactured home parks and of the general public.

- B. Wrecked, damaged or dilapidated factory-built structures and travel trailers shall not be kept or stored in a manufactured home park, mobile home park, or travel trailer park. The health officer shall determine if a mobile home, manufactured home, or travel trailer is dilapidated to a point which makes the mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises.

9-8-7: INSPECTION OF OUTSIDE PREMISES:

- A. The inspection officer, fire marshal, or health officer shall have the power to inspect the outside premises of private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or of regulations promulgated hereunder.
- B. Under an emergency situation and in order to ensure the health, safety, and welfare of the occupants, the inspection officer, fire marshal, or health officer shall have the power to inspect the register containing a record of all manufactured homes and occupants using the park.

9-8-8: OCCUPANT TO GIVE ACCESS:

- A. It shall be the duty of every occupant of a park to give the owner thereof or his agent or employees access to any part of such mobile home park, manufactured home park, or travel trailer park or their premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter, or with any lawful regulations adopted hereunder, or with any lawful order issued pursuant to the provisions of this chapter.

9-8-9: NOTICE OF HEALTH AND SAFETY VIOLATIONS:

- A. Whenever the inspection officer, fire marshal, or health officer determines that violations of pertinent regulations exist, the inspection officer shall provide written notify the licensee or permittee of such alleged violation. Such notice shall:
 - 1. include a statement of the reasons for its issuance;
 - 2. Contain an outline of remedial action which if taken will affect compliance with provisions of this chapter and other pertinent regulations;
 - 3. Allow a reasonable time, not to exceed ninety (90) days for the performance of any act it requires provided that violations pertaining to safety of life may require immediate corrective action; and
 - 4. Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed as properly served upon owner or his agent when served in accordance with the requirements of the Oklahoma state statutes.
- B. Whenever the health officer, fire marshal, or the inspection officer finds conditions existing in violation of this chapter or of any regulation adopted pursuant thereto, the inspection officer shall give notice in writing to the person to whom the license was issued, that unless such conditions or

practices be corrected within a reasonable period of time specified in the notice, the occupation license will be suspended.

- C. At the end of such period, not to exceed ninety (90) days, the inspection officer, fire marshal, or health officer shall reinspect such park, and if such conditions or practices have not been corrected, the inspection officer shall so inform the town clerk and the clerk shall suspend the license and give notice in writing of such suspension to the person to whom the license was issued. Upon receipt of notice of suspension, such person shall cease operation of such park except as provided in section 9-8-11 of this chapter.

9-8-10: REQUEST FOR HEARING:

- A. Any person affected by any notice issued under this chapter or resulting regulations may request and shall be granted a hearing on the matter before the council of the town provided that the person shall file with the inspection officer a written request for such hearing and setting forth briefly the grounds for such request within ten (10) days after the day the notice was served. When no request for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten (10) day period. The filing of such request shall stay the notice of suspension of permits and licenses except in cases of orders issued under section 9-8-14 of this chapter. The hearing shall be held by the council of the town at the earliest possible time.

9-8-11: INSPECTION FINDINGS:

- B. After the hearing, the inspection officer shall compile the findings of the council of the town as to compliance with this chapter and pursuant regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior notice which shall be served as provided in section 9-8-10 of this chapter. Upon failure to comply with such order, the permit of the manufactured home park, mobile home park or travel trailer park shall be revoked.

9-8-12: APPEALS:

- C. Appeals from decisions of the council of the town shall be to the district court.

9-8-13: EMERGENCY ACTION WITHOUT NOTICE:

- D. Whenever the inspection officer, fire marshal, or health officer finds that an emergency exists which requires immediate action to protect the public health, the inspection officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem it necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this chapter such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the board of trustees shall be afforded a hearing at the next regular meeting even if the agenda has been completed.

9-8-14: PENALTY:

Any person who violates or fails to comply with any provision of this chapter, or any legal order or regulation made pursuant thereto, may be guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in section 1-4-1 of this code.

Chapter 9

OIL AND GAS DRILLING

Section:

9-9-1: INTENT AND PURPOSE

9-9-2: DEFINITIONS

9-9-3: OIL AND GAS INSPECTOR

9-9-4: PERMIT REQUIRED; ANNUAL INSPECTION FEE

9-9-5: APPLICATION FOR PERMIT; FILING FEE

9-9-6: ISSUANCE OR REFUSAL OF PERMIT

9-9-7: BOARD REVIEW; CONSENT OF ADJACENT PROPERTY OWNERS

9-9-8: INSURANCE AND BOND

9-9-9: SEISMIC EXPLORATION; APPROVAL; FEE

9-9-10: COMPLIANCE WITH APPLICABLE LAWS

9-9-11: APPLICABILITY TO EXISTING CONDITIONS

9-9-12: FORMS FILED WITH STATE CORPORATION COMMISSION

9-9-13: INFORMAL COMPLAINTS

9-9-14: SERVICE COMPANIES

9-9-15: CONDUITS ON STREETS AND ALLEYS

9-9-16: ACCUMULATION OF VAPOR

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9-9-18: ENHANCED RECOVERY, DELETERIOUS SUBSTANCES DISPOSAL WELLS

9-9-19: DISPOSAL OF SALTWATER

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9-9-21: ABANDONED WELLS, PLUGGING

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9-9-36: FRACTURE AND ACIDIZING

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9-9-38: RUPTURE IN SURFACE CASING

9-9-39: DEPOSITING OIL PRODUCTS

9-9-40: SAFETY PRECAUTIONS

9-9-41: WATER FOR MUDS

9-9-42: INGRESS AND EGRESS

9-9-43: MOVEMENT OF HEAVY EQUIPMENT

9-9-44: PURCHASE OF WELL SITES BY TOWN

9-9-45: ORDER TO CEASE OPERATIONS

9-9-46: APPEALS

9-9-47: PENALTIES

9-9-1: INTENT AND PURPOSE:

Whereas the imprudent operation of an oil and gas facility can constitute a menace to the public health, safety and welfare of the town, it is the intent and purpose of this chapter that oil and gas operations be reasonably regulated for the public good.

9-9-2: DEFINITIONS:

All technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have the meanings customarily attributable thereto by prudent operators in the oil and gas industry. For the purpose of this chapter, the following definitions shall apply:

ABANDONED WELL: A. Each well in which no production casing has been run, and for which drilling or testing operations have ceased for thirty (30) consecutive days; or any other well for which there is no current town permit.

ARTIFICIAL PRODUCTION: The raising to the surface of the earth, by means other than natural flow, petroleum or natural gas.

BOARD OF TRUSTEES: The governing body of the town.

CORPORATION COMMISSION: The Oklahoma corporation commission.

DELETERIOUS SUBSTANCE: Any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of oil, gas or condensate.

ENHANCED RECOVERY: An operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery therefrom.

MAYOR: The chief elected official of the town.

NATURAL PRODUCTION: The raising to the surface of the earth, by natural flow, petroleum or natural gas.

OIL AND GAS INSPECTOR: That person, firm or corporation qualified and employed by the town to enforce the provisions of this chapter, or by his/her authorized representatives.

PERMITTEE: The person to whom is issued a permit or permits under the terms of this chapter.

PERSON: Any person, firm, partnership, association, corporation, trust, cooperative, or other type of organization.

POLLUTION: The contamination or other alteration of the physical, chemical, or biological properties of any natural waters of the town, or such discharge of any liquid, gaseous or solid substance into any water of the town as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to: a) public health, safety, or welfare; b) to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses; or c) to livestock, animals or aquatic life.

PRESSURE MAINTENANCE: An operation by which gas, water or other fluids are injected into a supply of oil to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery therefrom, and which has been approved by the state corporation commission after notice and hearing.

SALT WATER: As used in this chapter shall mean any water containing more than five hundred milligrams per liter (500 mg/l) chlorides.

STATE: The state of Oklahoma, its branches, departments, agencies, boards or the officers thereof.

TREATABLE WATER: Surface and subsurface water in its natural state which may or may not require treatment to be useful for human consumption and contains less than ten thousand (10,000) ppm total dissolved solids and/or five thousand (5,000) ppm chlorides.

WATER, WATERS OF THE TOWN OR TOWN WATER: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon, the town or any portion thereof.

WELL: Shall mean, unless specifically qualified, any hole or holes, bore or bores, to any depth, for the purpose of producing and recovering any oil, gas or liquefied petroleum matter or deleterious substances, or for the injection or disposal of any of the foregoing. (1984 Code § 5-802)

9-9-3: OIL AND GAS INSPECTOR:

- A. Employment: The Town Board of Trustees shall appoint a qualified person, firm or corporation as an oil and gas inspector, whose duty it shall be to enforce the provisions of this chapter.
- B. Authority, Duties:
 - 1. The oil and gas inspector shall have the authority to issue such orders or directives as are required to carry out the intent and purpose of this chapter and its particular provisions. Failure to abide by any such order or directive shall be a violation of this chapter.
 - 2. The oil and gas inspector shall have the authority to go upon and inspect any premises covered by the terms of this chapter to ascertain whether this chapter and the applicable laws, rules, regulations, standards or directives of the state are being complied with. Failure to permit access to the oil and gas inspector shall be deemed a violation of this chapter.
 - 3. The oil and gas inspector shall have the authority to request and receive any records, specified in this chapter, relating to the status or condition of any well or project or the appurtenances thereto within the town. Failure to provide any such requested material shall be deemed a violation of this chapter.

9-9-4: PERMIT REQUIRED; ANNUAL INSPECTION FEE:

- A. Permit: It is unlawful and an offense for any person acting for himself or acting as agent, servant, employee, subcontractor, or independent contractor of any other person, to operate or maintain a well within the town, or to work upon or assist in any way in the production or operation of any such well, without a permit having first been issued by the authority of the oil and gas inspector in accordance with this chapter.
- B. Annual Inspection Fee to Operate:
 - 1. An annual inspection fee is hereby levied upon each well operated or maintained under a permit issued by the town; such fee as set by the Town Board of Trustees by resolution, payable to the town on or before the annual anniversary date of the issuance of any permit under this chapter.
 - 2. No permit for any well shall be considered valid for any year for which the annual fee has not been paid.

3. Failure to pay any required permit fee within thirty (30) days of a delinquent notice sent to the latest address provided by the permittee will result in cancellation of the permit.

9-9-5: APPLICATION FOR PERMIT; FILING FEE:

- A. Filing Fee; Contents of Application: Every application for a permit to drill an original well or to reenter an abandoned well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the oil and gas inspector and be accompanied by a permit fee as set by the Town Board of Trustees by resolution. No application shall request a permit to drill more than one well. The application shall contain full information required by the oil and gas inspector, including the following:
 1. A block map of the ten (10) acres surrounding the drill site, including thereon the location of the proposed well, and distance therefrom to all existing dwelling houses, buildings, or other structures, designed for the occupancy of human beings or animals, and the owners thereof, as shown by the current tax rolls in the county treasurer's office, within three hundred feet (300') of any such well, and the location of all existing oil, gas or fresh water wells within the ten (10) acre tract; and
 2. The names of the mineral, surface and lease owners.
 3. A drilling prognosis, to specify in detail the amount, weight, and size of conductor pipe and surface pipe and the procedures to be used for cementing such. Plugging procedures to be used in the event production is not established shall also be specified.
 4. A statement of the provisions for water for the drilling rig.
 5. A written plan for disposal of deleterious substances produced during the drilling operations and any deleterious substances produced as a result of production from the well. This plan shall include the method of transportation and the name of transporter or transport contractor for the deleterious substances and the name and location of the permitted disposal site, including a copy of the permit for the disposal site and a contract with the owner of the permitted site for the disposal of the deleterious substances, or in the alternative, provide proof of ownership of the permitted disposal site. The permittee shall provide monthly reports to the town of the amount of saltwater and other deleterious substances produced, along with receipts for disposal of same.
 6. The name and address of the person within the state upon whom service of process upon applicant may be made within this state; and in the case of any nonresident person who has no such service agent within this state, there shall be attached to the application the designation of such a service agent resident in Kingfisher County, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations of the applicant hereunder.
 7. A verification of the above information by the applicant hereunder.
- B. Name and address of applicant and date of application.
- C. Where applying for a proposed original well:
 1. A block map of the ten (10) acres surrounding the drill site, including thereon the location of the proposed well, and distance therefrom to all existing dwelling houses, buildings, or other structures, designed for the occupancy of human beings or animals, and the owners thereof, as shown by the current tax rolls in the county treasurer's office, within three hundred feet (300') of any such well, and the location of all existing oil, gas or fresh water wells within the ten (10) acre tract; and
 2. The names of the mineral, surface and lease owners.
 3. A drilling prognosis, to specify in detail the amount, weight, and size of conductor pipe and surface pipe and the procedures to be used for cementing such. Plugging procedures to be used in the event production is not established shall also be specified.
 4. A statement of the provisions for water for the drilling rig.
 5. A written plan for disposal of deleterious substances produced during the drilling operations and any deleterious substances produced as a result of production from the well. This plan shall include the method of transportation and the name of transporter or transport contractor for the deleterious substances and the name and location of the permitted disposal site, including a copy of the permit for the disposal site and a contract with the owner of the permitted site for the disposal of the deleterious substances, or in the alternative, provide proof of ownership of the permitted disposal site. The permittee shall provide monthly reports to the town of the amount of saltwater and other deleterious substances produced, along with receipts for disposal of same.
 6. The name and address of the person within the state upon whom service of process upon applicant may be made within this state; and in the case of any nonresident person who has no such service agent within this state, there shall be attached to the application the designation of such a service agent resident in Kingfisher County, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations of the applicant hereunder.
 7. A verification of the above information by the applicant hereunder.
- D. Copy of State Drilling Permit: A copy of the approved drilling permit from the state corporation commission and a copy of the staking plat shall be filed with the town prior to issuance of the municipal permit.

- E. Reentry of Abandoned Well: Where the application is one for the reentry of an abandoned well, the application shall contain all the information required by subsection A of this section, with the exception that the oil and gas inspector may vary the requirements thereof to suit the application before him. Provided, that such an application for a permit to reenter an abandoned well shall provide the following information in every case:
1. A statement of:
 - a. The then condition of the well;
 - b. The depth to which it is proposed such well shall be deepened; and
 - c. The proposed casing program to be in connection with the proposed deepening.
 2. Evidence of adequate current tests showing that the casing strings currently passed the same tests that are required in the case of the drilling of an original well.

9-9-6: ISSUANCE OR REFUSAL OF PERMIT:

- A. Issuance; Conditions: The oil and gas inspector, within thirty (30) business days after the filing of an application for a permit under this chapter, shall determine whether or not the application complies in all respects with the provisions of this chapter and applicable federal and state law, and, if it does, shall recommend to the mayor and Board of Trustees that the permit be issued. Each permit issued under the terms of this chapter shall:
1. By reference have incorporated therein all the provisions of this chapter with the same force and effect as if this chapter were copied verbatim therein;
 2. By reference have incorporated therein all the provisions of applicable state law and the rules, regulations and standards adopted in accordance therewith relating to the protection of human beings, animals, and natural resources;
 3. Specify that the term of the permit shall be for a period of one year from the date of issuance thereof, and for like periods thereafter upon the successful inspection of the permittee's well and operations, as is provided for elsewhere herein;
 4. Specify such conditions imposed by the oil and gas inspector as are by this chapter authorized; and
 5. Specify that no actual operations shall be commenced until the permittee shall file and have approved the required bond and certificate of insurance in the appropriate amounts as provided for elsewhere herein.
- B. Original Signed Copies of Permit: If the permit be issued, it shall, in two (2) originals, be signed by the oil and gas inspector and the permittee, and when so signed shall constitute the permittee's license to drill and operate in the town and the contractual obligation of the permittee to comply with the terms of such permit, such bonds as are required, and applicable state law, rules, regulations, standards and directives. One executed original copy of the permit shall be retained by the oil and gas inspector; the other shall be retained by the permittee and shall be kept available for inspection by any town or state law enforcement official who shall demand to see same.
- C. Fees Nonrefundable; Exception: All permit fees paid shall be nonrefundable; provided, however, an applicant who has paid a permit fee and who is not issued a permit, may make written application to the Board of Trustees for a refund. The Board of Trustees may refund such portion of the permit fee as the Board in its sole discretion believes is fair and equitable considering all of the circumstances

including the cost and expense to the town and the reason the permit was not issued. The Board's decision shall be final. A permit is issued when it has been approved by the Board of Trustees.

9-9-7: BOARD REVIEW; CONSENT OF ADJACENT PROPERTY OWNERS:

- A. Board Consider Recommendations: Upon the consideration of any application for a permit required by the terms of this chapter, the oil and gas inspector shall recommend approval or disapproval thereof to the mayor and Town Board of Trustees, who shall review the matter at a town meeting, and thereupon uphold or reverse the recommendation with or without the addition of any conditions thereto.
- B. Adjacent Property Owners, Written Consent: The application for a permit shall be accompanied by the written consent of each owner of an existing dwelling house, building or other structure designed for occupancy of human beings or animals, which house, building or structure is within three hundred feet (300') of any such well, as shown in the application subsection 9-9-5A2 of this chapter. The town board may not approve the application without such consent.

9-9-8: INSURANCE AND BOND:

- A. Requirements: A permit shall not be issued by the oil and gas inspector, and no actual operations shall be commenced, until the permittee shall file with the town a bond and certificate of insurance which is approved by the Town Board of Trustees as follows:
 - 1. Bond:
 - a. A bond in the principal sum of one hundred thousand dollars (\$100,000.00). Any person who drills or operates any well for the exploration, development or production of oil or gas, or as an injection or disposal well within the town, shall furnish on forms approved by the town and maintained at all times as a blanket site restoration bond or a blanket site restoration irrevocable letter of credit in the principal sum of one hundred thousand dollars (\$100,000.00). The bond or letter of credit must be executed by an insurance company licensed in and in good standing with the state or bank authorized to do business in the state, as surety or creditor, with the permittee as principal or debtor, running to the town for the benefit of the town and all persons concerned, conditioned that the permittee will comply with the terms and conditions of the town code in the drilling and operation of all oil or gas wells drilled or operated within the town. The bond or letter of credit must become effective on or before the date same filed with the town and remain in full force and effect for at least twelve (12) months subsequent to the expiration of the initial permit term and all subsequent annual terms, and, in addition the:
 - i. Bond or letter of credit must be conditioned that the permittee must promptly pay all fines, penalties, and other assessments imposed upon the permittee by reason of his breach of any of the terms, provisions or conditions of the town code;
 - ii. Permittee must promptly restore the streets, sidewalks and other public property within the town, which may be disturbed or damaged during the permittee's operations, to their former condition;

- iii. Permittee must promptly clear all premises of all litter, trash, waste and other substances, and must, after plugging and abandonment, grade, level and restore the property to the same surface condition, as far as possible, as existed prior to commencing operations;
 - iv. Permittee shall indemnify and hold harmless the town from any and all liability attributable to granting the permit;
 - v. Permittee shall promptly pay all sums with respect to deductibles on covered losses under insurance policies required by the town code; and
 - vi. Permittee shall comply with all of the terms of the town code concerning the plugging and abandonment of all such wells.
 - b. Each bond or letter of credit submitted shall cover all wells drilled or operated by the person within the town as specifically described; all wells covered by name, legal description, and oil and gas permit number, if any. For good cause shown, the town, after notice to a permittee and opportunity for hearing, may require the filing of a blanket bond or letter of credit for all wells within the town in an amount of one hundred thousand dollars (\$100,000.00). "Good cause" shall include, but shall not be limited to, a showing that the operator or permittee has previously violated the provisions of the town code, or that the operator has multiple wells, that in the sole discretion of the Town Board of Trustees an additional amount of bond shall be required;
- 2. Insurance: In addition to the bond required in subsection A1 of this section, the permittee shall obtain insurance as follows:
 - a. An insurance policy of seepage and pollution insurance of one million dollars (\$1,000,000.00) per well for the benefit of the town and all other persons, from an insurance company licensed in and in good standing with the state. This insurance shall remain in full force and effect for at least twelve (12) months subsequent to the expiration of the initial permit term and all subsequent annual terms. In the exercise of their sole discretion, the Board of Trustees of the town shall approve or disapprove such insurance submitted by the permittee. It is recognized that the terms and conditions of seepage and pollution insurance will vary, and the trustees may accept or reject any policy based upon their collective judgment; and
 - b. An insurance policy of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee as insured and the town as an additional insured, issued by an insurer authorized to do business within Oklahoma and in good standing with the state, in the aggregate amount of one million dollars (\$1,000,000.00).
- B. Bond and Insurance In Effect; Actions Upon Cancellation: The bond and insurance required in subsection A of this section shall be maintained in full force and effect continuously by the permittee during the initial permit term and all annual renewals thereof and for twelve (12) months following surrender, termination or cancellation of the permit. The insurance policy or policies and bond shall not be cancelled without written notice to the town clerk at least thirty (30) days prior to the effective date of cancellation. Notice of cancellation shall be by certified mail, return receipt requested. In the event the insurance or bond is cancelled, the permittee shall, prior to the cancellation date, provide replacement insurance policy or policies or bond acceptable to the town

Board of Trustees. In the event the permittee fails to so furnish acceptable replacement insurance or bond prior to cancellation, the permittee shall immediately cease all operations, and its permit shall immediately terminate without any action on the Town's behalf. The permittee may not recommence operations of the well until it has filed a new application for reinstatement of its permit, together with all required information and documents of insurance, bond and additional permit fee, as if for a new well. In addition, an additional bond or irrevocable letter of credit shall be required upon such terms and amount deemed sufficient by the Board of Trustees to protect the Town and all other persons from potential loss or harm occasioned by the cancellation of such insurance or bond and for such period of no insurance or bond coverage.

9-9-9: SEISMIC EXPLORATION; APPROVAL; FEE:

- A. Filing of Map or Chart; Statement: No person shall conduct seismic explorations or operations within the town limits without first filing with the town clerk a map or chart showing the location of proposed operations and explorations in the town and a statement describing the extent of exploration, equipment to be used and time frame of the proposed exploration.
- B. Map or Chart Approval; Payment of Fee: After approval of the map or chart and statement, the payment of the application fee, the exploration or operation may be conducted.
- C. Determination of Fee: The fee for the application shall be in an amount as set by the Town board by motion or resolution per mile of cable laid for purpose of the exploration, payable to the town clerk.

9-9-10: COMPLIANCE WITH APPLICABLE LAWS:

No person shall drill an original well or reenter an abandoned well for any purpose, or permit to exist any well, structure, equipment, pipeline, machinery, tank or other appurtenance, in violation of any of the provisions of this chapter or other town ordinances as may be applicable, or the laws, rules, regulations, operative standards or directives of the state.

9-9-11: APPLICABILITY TO EXISTING CONDITIONS:

This chapter shall apply to any person drilling an original well, reentering an abandoned well, conducting natural or artificial production projects or operations, or maintaining a disposal well within the town on July 1, 2020, and every such person shall have no longer than ninety (90) days to come into compliance with this chapter, provided that:

- A. No initial permit fees shall be charged such person as would otherwise apply; and
- B. No penalties shall be sought against any activity violate of this chapter where such activity preexisted the adoption of this chapter and was otherwise in compliance with the applicable state law, rules, regulations, standards or directives.

9-9-12: FORMS FILED WITH STATE CORPORATION COMMISSION:

Copies of all applications, notices, forms, records, logs and the like filed by permittee with the state corporation commission shall be filed with the town within one week of such filing with the corporation

commission. The oil and gas inspector shall keep confidential all submitted material which the state requires to be kept confidential.

9-9-13: INFORMAL COMPLAINTS:

- A. Filing of Complaint; Notice to Permittee: If, upon information or inspection, it is found that a permittee is violating any portion of this chapter or causing damage or pollution to any surface or underground treatable water, the oil and gas inspector shall file a written administrative complaint with the mayor, a copy of which shall be delivered or mailed to the permittee or his agent.
- B. Action of Town Board: If upon subsequent inspection, it is determined that the permittee has taken the corrective actions specified, the complaint may be dismissed; otherwise, formal application will be made to the Town Board of Trustees for an order revoking the permit, and for any other appropriate remedy.
- C. Authority to Shut Down Operations: Pending the outcome of the final determination of the Town Board of Trustees on the formal application, the oil and gas inspector shall, after an on-site inspection, have the authority to shut down those operations where conditions appear obvious that surface or underground pollution is occurring.

9-9-14: SERVICE COMPANIES:

- A. File Reports and Records: Upon request of the oil and gas inspector, service companies or other persons shall furnish and file reports and records showing perforating, hydraulic fracturing, cementing, shooting, chemical treatment and all other service operations on any site covered by this chapter.
- B. Materials Confidential: Such furnished material shall remain confidential where such confidentiality is usually granted by the state.
- C. Failure to Provide: Failure to provide any such requested material shall be deemed a violation of this chapter.

9-9-15: CONDUITS ON STREETS AND ALLEYS:

- A. Permit Required; Filing Fee:
 - 1. No permittee shall make any excavations or construct any lines for the conveyance of fuel, water or minerals, on, under or through the streets and alleys of the town without first having obtained a permit therefor upon application to the department of public works.
 - 2. The director of public works shall prescribe the forms to be used for such application and the information to accompany it.
 - 3. Each application for a permit under this section shall be accompanied by a nonrefundable filing fee in the amount as set by the Town Board of Trustees by resolution.
 - 4. The director of public works shall, within twenty (20) days of receipt of the properly executed application, either grant or deny the request.
 - 5. The granting, of any such permit shall not be construed to be the granting of a franchise.
 - 6. In addition to the application fee in subsection A3 of this section, the applicant shall come before the Board of Trustees which may fix a price per rod for damages to be paid by the

applicant for the right to lay the lines on, under or through the town streets and alleys. The Town Board of Trustees may consider before fixing a rate per rod for damages the route to be traveled, the inconvenience to the Town and the public, the prevailing commercial fair market value rate normally paid as damages, and any special damages which may be caused to town utilities, streets and rights of way.

B. Annual Fee:

1. The permittee under this chapter shall pay to the Town an annual renewal and inspection fee as set by the Town Board of Trustees by resolution.
2. The director of public works shall appoint a representative who shall inspect such conduits to assure the public safety. No permit issued under this chapter shall be renewed if the conduit or any part thereof covered by such permit is in an unsafe condition.

9-9-16: ACCUMULATION OF VAPOR:

The oil and gas inspector shall have the authority to require the immediate shutting in or closing of any well if he finds that there exists, within a one hundred-foot (100') radius of any well, any gas or gasoline vapor in a quantity sufficient to constitute, in his judgment, or in the judgment of the town fire chief, a fire hazard. The well shall remain shut or closed in until the hazard and its cause are removed.

9-9-17: INSPECTION OF PRESSURE LINES:

The oil and gas inspector shall inspect all pressure lines in use at any well or at any project to assure that tubing, fittings, equipment or connections are reasonably tight, safe and free from leaks.

9-9-18: ENHANCED RECOVERY, DELETERIOUS SUBSTANCES DISPOSAL WELLS:

- A. Permits Required: No person shall reenter any well or drill an original well or convert an existing producing well to be used for enhanced recovery or disposal of saltwater or other deleterious substances without first obtaining the necessary permit therefor. Such permit shall consist of two (2) separate parts:
 1. Permit to drill or reenter and construct; and
 2. Permit to operate.
- B. Drilling or Reentry Permit; Application Information: An application for the permit to drill or reenter a well for enhanced recovery or substance disposal shall be in the original well, and shall contain complete information required by the oil and gas inspector, including the following:
 1. A block map of the well site, showing all equipment to be used thereat, location of pipelines, access road, and distances from the well to any and all fences, public roadways, and buildings within a radius of three hundred thirty feet (330').
 2. A block map of the project, showing the location of:
 - a. All water supply wells within a one-fourth (1/4) mile radius of each injection or disposal well;

- b. All public water supply wells, disposal wells, injection wells, producing wells, and plugged and abandoned wells, within the project area and those sections immediately adjacent;
 - c. All conduits; and
 - d. Tank battery, pumping station and appurtenant equipment.
- 3. All wells within the project area and those sections immediately adjacent shall be indicated by status (e.g., plugged and abandoned, injection, saltwater, oil, etc.), and show the following additional information:
 - a. Footage location (surface casing);
 - b. Derrick floor and ground level elevation;
 - c. Drilled total depth;
 - d. Packer body total depth;
 - e. Size, depth and quality of surface and production casing, including zones from which casing has been removed;
 - f. Location of all plugs, packers, cement plugs, tubing anchors, etc., with the well bore;
 - g. Depth and nature of all cement squeeze jobs;
 - h. Formation name and depth of all open perforations in a producing open hole;
 - i. Volume and type of cement used on surface and production strings; and
 - j. Top of cement.
 - i. One copy of all electric, mechanical, sample and driller's logs, if available.
 - ii. Fee and operation name for each well.
 - iii. One copy of all cement bond logs and production logs.
 - iv. One copy of all work performed on the well.
 - v. Copies of all information supplied to the corporation commission, and the commission's approval of the project.
 - vi. Evidence that all wells in the area of the project and the adjacent sections are adequately plugged.
- C. Recommendations: Upon the completion of the application required hereunder, the oil and gas inspector shall have thirty (30) business days to review same and make a recommendation of approval or disapproval to the mayor and Board of Trustees.
- D. Operation Permit; Application Information: Prior to placing any enhanced recovery or substance disposal well into service, a permit to operate such well shall be obtained from the oil and gas inspector. Every application for a permit to operate such well shall contain the following information; and
 - 1. Depth to static water level (hydrostatic head). Such data shall be obtained by means of a method approved by the oil and gas inspector. Such data shall be obtained not less than forty-eight (48) hours after openings have been made through the casing into the injection disposal zone or zones.
 - 2. Based on the static water level identified in subsection D1 of this section, maximum operating pressures and rates of injection shall be established and maintained so as to prevent the hydraulic pressure level at a radius of ten feet (10') from the injection or disposal wells from rising above the base elevation of treatable water. Such maximum operating pressures and injection rates shall be noted on the permit. No injection or

disposal well will be permitted to operate if the well's zone of influence will exceed the above referenced limits.

- E. Application Fee: A fee as set by the Town Board of Trustees by resolution. This fee shall be submitted along with every application for a permit to operate an injection or substance disposal well.
- F. Proof of Pressure Testing: Copies of corporation commission form No. 1015, indicating successful pressure testing of each injection well at a pressure greater than the maximum proposed for the project, or if no such form No. 1015 has been filed and approved, then sufficient evidence of the successful pressure testing of each injection well shall be filed with the oil and gas inspector.
- G. Sealing of Injection Zone: Every such injection or disposal well shall be constructed so as to seal the injection zone from the upper portion of the casing. The annulus between the injection tubing and the casing shall be filled with a noncorrosive fluid, then sealed and a one-fourth inch (1/4") female fitting with cutoff valve shall be attached so that the pressure in the annulus may be measured by the oil and gas inspector by attaching a gauge having a one-fourth inch (1/4") male fitting. A pressure shall be maintained in the annulus sufficient to monitor the fluids in the annulus. Any significant deviation from the established pressure shall be cause to shut down the well, and may result in cancellation of the operating permit, until such time as the established pressure can once again be maintained.
- H. Injection Lines: Injection lines shall be buried in a trench of a depth no less than four feet (4'), and shall be pressure tested (static) annually at a minimum of one hundred fifty percent (150%) of the pressure normally encountered at the injection pump discharge for a period of hours to be fixed by the oil and gas inspector. The oil and gas inspector shall be notified five (5) days in advance of such test and may supervise same. Test results shall be filed with the Town upon completion.
- I. Testing for Deleterious Substances: Domestic and public water supply wells located within a radius of one-fourth (1/4) mile of any enhanced recovery or disposal well shall be tested prior to beginning injection or disposal and thereafter semiannually for the presence of deleterious substances, such as chlorides, sulfates, and dissolved solids. Such testing is the responsibility of the permittee and at permittee's expense, to be conducted by a person approved by the oil and gas inspector. The oil and gas inspector shall be notified five (5) days in advance of such testing and may be present therefor. Test results shall be filed with the Town upon completion.
- J. Access Road Requirements: Access road requirements are as follows:
 - 1. Applicant shall construct, as necessary, concrete drive approach to town standards, including radius as specified by the oil and gas inspector, with proper curbs and gate;
 - 2. The operator will ensure that the road and well location has adequate rock or other road materials to ensure that mud and debris are not carried onto the public street; and
 - 3. Applicant shall not modify the access road to the well site unless agreed to by the town oil and gas inspector.
- K. Repair Street Damage: The oil and gas inspector shall inspect the town streets to determine what, if any, damage has been caused by the applicant's activity, and if in the opinion of the town engineer such damage has occurred, the applicant shall repair such damages at his expense.
- L. Notice to Oil and Gas Inspector: Applicant shall notify the office of oil and gas inspector of the following:
 - 1. For coordinating a meeting five (5) working days prior to moving onto site location;
 - 2. Provide oil and gas inspector with copies of cement bond logs; and

3. The oil and gas inspector shall be notified so that he may inspect and be present to witness the running and cementing of pipe, the BOP equipment and the placement and verification of cement;
- M. Lighting at Well Site: The operator will ensure any lighting installed in conjunction with the well or its facilities will be directed in such a manner that will not endanger any traffic or will not interrupt the privacy of other property owners in the area.
- N. Costs of Utility Line Moving or Equipment Repairs: Applicant shall pay for any "up or down" charges of electrical and telephone lines that must be moved for the well site. Applicant shall repair any underground services (water, sewer or electric) that would be damaged by the equipment and work on the well at their expense.
- O. Coated Tubing: The operator will install only new internally lined or coated tubing in an injection well.
- P. Location: The applicant shall ensure that the well or any aperture will be set a minimum of two hundred feet (89') from any existing or proposed building line and three hundred feet (300') from any existing or proposed water wells in the area. Any existing water wells within three hundred feet (300') must be plugged prior to conversion of well.
- Q. Disposal of Mud, Deleterious Substances: The applicant or his agent shall not dispose of mud by pumping it into the well bore or any annulus of the well. In addition, the following will be complied with:
1. A written plan for disposal of deleterious substances produced during the drilling operations, and any deleterious substances produced as a result of production from the well will be submitted to the oil and gas inspector prior to commencing any operations in case the injection wells are not operating. This plan shall include:
 - a. The method of transportation;
 - b. The name of the transporter or transport contractor for the deleterious substances; and
 - c. The name and location of the permitted disposal site.
 2. The permittee shall have available monthly reports for town inspectors, upon request, of the amount of saltwater and other deleterious substances produced, along with receipts for disposal of the same, provided further that receipts are not applicable when injection wells are operating.
- R. Down Hole Log: Copies of down hole log shall be submitted to the Town for the well.
- S. Fence Requirements: The applicant shall provide at all well sites included in the water flood:
1. Sight proof fencing not less than eight feet (8') high with three (3) strands of barbed wire above for the security of the well site to include the pumping unit and appurtenant facilities;
 2. The sight-proof fencing may be ornamental fencing or a wall fence and must meet the requirements in subsection S1 of this section; and
 3. The fence shall be constructed and maintained in good condition at all times during the life of the well.
- T. Dikes: The well site and all storage tank areas will be diked to the following requirements:
1. Dikes erected to hold one hundred fifty percent (150%) of the capacity of all storage vessels and the wellhead for leaks;
 2. Lines will be buried a minimum of forty-eight inches (48") from the surface and be inspected by the oil and gas inspector prior to being covered;

3. A dike will be placed to separate the tanks from the separator and heater treater where feasible; and
 4. The wellhead will be diked to contain minimal spillage.
- U. Site Plan: The applicant shall provide the office of oil and gas inspector a scale site plan of all equipment and lines, diking and fencing prior to any one construction on tank batteries or well site for approval by the Town.
- V. Flow Injection and Pipeline Specifications: The flow injection lines and pipeline for the well shall meet the following specifications:
1. Will be pressure tested a minimum of one hundred fifty percent (150%) of the pressure normally encountered on the line for a period of twelve (12) hours. The pressure test of the injection lines to be repeated on an annual basis and be witnessed by the oil and gas inspector; and
 2. The oil and gas inspector will be notified five (5) days in advance of such test.
- W. Well Plugging Plan: If the operator elects to plug this well or any well in the water flood, he will submit in writing to the oil and gas inspector three (3) days prior to plugging the well, a plugging plan complete with diagram showing casing, casing stubs, cement plugs, cement specifications and well logs for approval by the Town, to include:
1. A two hundred foot (200') plug at bottom of casing one hundred feet (100') in/one hundred feet (100') out; and
 2. A fifty foot (50') plug in top of casing.
- X. Water Samples: All of the freshwater wells located within one-fourth (1/4) mile of any of the proposed injection wells should be sampled prior to commencement of injection. The water samples should be subjected to a complete ion analysis. Water samples should be collected and transported to the lab by the town's oil and gas inspector. The applicant should bear the cost of the analysis. These freshwater wells should be resampled at six (6) month intervals, and each sample shall be analyzed.
- Y. Tubing-Casing Annulus Testing: The tubing-casing annulus of each injection well shall be pressure tested to one thousand (1,000) psi prior to the commencement of injection and this test be repeated at twelve (12) month intervals. The oil and gas consulting engineer shall witness and approve these tests.
- Z. Noncorrosive Fluid Required: A nontoxic, noncorrosive fluid should be placed in the tubing-casing annulus of each injection well during recompletion of the well.

9-9-19: DISPOSAL OF SALTWATER:

- A. Responsibility for Safe Disposal: Every permittee under this chapter shall be responsible for the safe disposal of salt water or other deleterious substances which he may bring to the surface of the earth and shall provide a plan for such disposal as required in subsection 9-9-5A5 of this chapter. Such disposal shall not result in pollution of the waters of the Town and shall not result in any other environmental hazard and shall incorporate the best available techniques and equipment.
- B. Notify Inspector of Leakage or Spillage: In the event of any leakage or spillage of any pollutant or deleterious substance, whatever the cause thereof, the permittee shall cause the oil and gas inspector to be notified thereof promptly. If, in the judgment of the oil and gas inspector, such leakage or spillage represents a potential environmental hazard, he may issue whatever corrective

orders he deems appropriate, and additionally may require the appropriate testing of the surface and subsurface for pollutant incursion, the cost of such test or tests to be borne by the permittee.

- C. Disposal in Earthen Pit Prohibited: No person shall dispose of saltwater or other deleterious substance in any lined or unlined earthen pit within the town limits.
- D. Injecting Into Annulus: No person shall inject any salt water or other deleterious substance into the annulus between the inside of the surface casing string and the next inside casing string, except when the bottom of the properly cemented surface casing extends two hundred feet (200') or more through or into a continuous impermeable clay barrier below the base of treatable water.

9-9-20: SURFACE CASING:

- A. Logs Identifying Base of Treatable Water: Surface casing shall be set a minimum of two hundred feet (200') below the deepest encounter of treatable water found in eight (8) sections adjacent to the section in which the well is located. Logs which identify the base of treatable water shall be run in the surface hole before the surface pipe is set. A copy of such logs shall be filed with the oil and gas inspector, or; surface casing may be set without the above required logging, provided the applicant can demonstrate to the satisfaction of the oil and gas inspector that the bottom of the surface casing will extend through or into at least two hundred feet (200') of continuous impermeable clay barrier below the base of treatable water, is properly cemented and cement bond logs run with the quality of the cement bond approved by the oil and gas inspector. Surface pipe shall have a centralizer on the shoe joint, and centralizers within fifty feet (50') of the shoe joint, and centralizer no more than two hundred feet (200') apart above the second centralizer.
- B. Cementing Surface Pipe: Surface pipe shall be cemented by attempting to circulate good cement to surface by normal displacement practices. If cement cannot be circulated to surface due to washed out hole or lost circulation, the existing cement shall not be over-displaced, and a plug shall be left in the bottom of the casing string to be drilled out once the surface is set. The remaining uncemented annular space will then be cemented until good cement is circulated to surface. No further digging shall be accomplished until the cement has set for at least twenty-four (24) hours or, in the alternative, until samples of the cement have passed independent laboratory tests satisfactory to the oil and gas inspector.
- C. Existing Well: Where an existing well is to be used as an injection or disposal site, the existing casing and cement shall be of such integrity and depth as to adequately and safely isolate fresh water producing zones from the seepage or bleeding of injection fluids or disposants. Where additional protective operations are undertaken to comply with this subsection, the oil and gas inspector shall be notified thereof sufficiently in advance in order for to be present for such operations.

9-9-21: ABANDONED WELLS, PLUGGING:

Whenever any well is abandoned it shall be the obligation of the permittee and the operator of the well to set a two hundred foot (200') cement plug in the bottom of the surface casing, with the bottom of the plug one hundred feet (100') below the surface casing section and to set a fifty foot (50') cement plug in the top of the surface casing. No surface or conductor string of casing may be pulled or removed from a well. During initial abandonment operations it will be the obligation of the permittee and operator to flood the well with mud-laden fluid weighing not less than nine (9) pounds per gallon, and to circulate

this mud until stabilized, and the well shall be kept filled to the top with mud-laden fluid of the weight herein specified at all times; mud-laden fluid of the above specifications will be left in the well bore below and between cement plugs. Any additional provisions or precautionary measures prescribed by the state or the corporation commission of the state in connection with the abandonment and plugging of a well shall be complied with by the permittee.

9-9-22: WELL LOCATION:

No permit shall be issued for the drilling of an original well or the reentry of an abandoned well at any location which is nearer than two hundred feet (200') of any permanent residence or commercial building, or which is closer than three hundred feet (300') to a producing fresh water well.

9-9-23: FENCES:

Any person who completes any well as a producer shall have the obligation to enclose the well, together with its surface facilities, by a fence sufficiently high and properly built so as to ordinarily keep persons and animals out of the enclosure with all gates thereto to be kept locked when the permittee or his employees are not within the enclosure. Provided, that in nonplatted areas the oil and gas inspector, at his discretion, may waive the requirement of any fence or may designate the type of fence to be erected. Fences must be kept locked at all times workers of permittee are not present; a duplicate set of keys to the lock shall be filed with the oil and gas inspector.

9-9-24: NOISE AND OTHER NUISANCES:

All oil operations, drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to exploration for, drilling for, and production of, oil, gas and other hydrocarbon substances. Proven technological improvements in exploration, drilling and production methods shall be adopted as they become, from time to time, available, if capable of reducing factors of nuisance and annoyance.

9-9-25: MAINTENANCE OF FACILITIES:

All lease equipment shall be painted and maintained in a good state of appearance, and shall have posted in a prominent place a metal sign no less than two feet (2') square in area upon which the following information shall be conspicuous: permittee's name; lease name; location of the drill site by reference to the United States survey; identifying number of the permit issued by the Town.

9-9-26: STORAGE TANKS AND SEPARATORS:

A. Limitations: Crude oil storage tanks shall not be constructed, operated or used except to the extent of two (2) steel tanks for oil storage, not exceeding five hundred (500) barrels capacity each and so

constructed and maintained as to be vapor tight. Provided, that additional tankage may be approved by the oil and gas inspector.

- B. Specifications: A permittee may use, construct and operate a steel conventional separator and such other steel tanks and appurtenances as are necessary for treating oil with each of such facilities to be so constructed and maintained as to be vapor tight. Each oil, gas separator shall be equipped with both a regulation pressure-relief safety valve and a bursting head.

9-9-27: FIRE PREVENTION:

Adequate firefighting apparatus and supplies approved by the town fire department shall be maintained on the drilling site at all times during drilling and production operations. All machinery, equipment and installations on all drilling sites within the town limits shall conform with such requirements as may from time to time be issued by the fire department.

9-9-28: PITS:

Steel mud or circulating pits shall be used. Such pits and contents shall be removed from the premises and the drilling site within fifteen (15) days after completion of the well. Earthen pits will be allowed only as temporary emergency pits or as catch basins. Catch basin pits shall be used only for the purpose of catching any deleterious substance runoff and shall be not greater than three hundred twenty (320) cubic feet. Such catch basin will be equipped with a liquid level activated pump designed to keep fluids pumped out of such catch basin pit. All such earthen pits must be lined and approved in writing by the oil and gas inspector. Emergency pits shall be emptied as soon as the emergency is over, and all such pits shall be emptied and then leveled within fifteen (15) days after completion of the well.

9-9-29: RETAINING WALLS:

- A. Low Side of Well Site: An earthen retaining wall of adequate size for the terrain involved will be constructed on the low side of the well site in the event the well site is located on sloping or unlevel ground. The top of the retaining wall shall be at least level with the top of the base of the Christmas tree or other wellhead connections on any completed well, or at least level with the ground at the point where surface casing is set in the well when drilling.
- B. High Side of Well Site: An earthen diversion wall of adequate size for the terrain involved shall be constructed on the high side of the well site in the event the well site is located on sloping or unlevel ground. The diversion wall will be of sufficient height and strength so as to divert runoff waters around the well site.

9-9-30: MOTIVE POWER:

Motive power for all well pumping equipment shall be electricity unless otherwise approved by the oil and gas inspector.

9-9-31: DERRICK AND RIG:

It is unlawful and an offense for any person to use or operate in connection with the drilling, reentry or reworking of any well within the Town, any wooden derrick or any steam powered rig, and all engines shall be equipped with adequate mufflers approved by the oil and gas inspector. Permitting any drilling rig or derrick to remain on the premises or drilling site for a period of longer than sixty (60) days after completion or abandonment of a well is hereby prohibited.

9-9-32: DRILLING OPERATION, EQUIPMENT:

All drilling, reentry and operations at any well performed under this chapter shall be conducted in accordance with the best practices of the reasonably prudent operator. All casing, valves, and blowout preventers, drilling fluid, tubing, Braden head, Christmas tree and wellhead connections shall be of a type and quality consistent with the best practices of such reasonably prudent operator. Setting and cementing casing and running drill stem tests shall be performed in a manner and at a time consistent with the best practices of such reasonably prudent operator. Any permittee under this chapter shall observe and follow the recommendations or regulations of the American petroleum institute and the corporation commission, except in those instances that are specifically addressed by this chapter. A copy of all logs associated with the surface casing shall be filed with the oil and gas inspector.

9-9-33: MOVING OF DRILLING RIG:

It is unlawful and an offense for any person to move or cause to be moved the drilling rig from a well until the hole has been cased or properly plugged unless written permission to do so is obtained from the oil and gas inspector.

9-9-34: STREETS AND ALLEYS:

No well shall be drilled, and no permit shall be issued for any well to be drilled, at any location which is within any of the streets or alleys of the town; and no street or alley shall be blocked or encumbered or closed in any drilling or production operation except with the written approval of the oil and gas inspector, and then only temporarily.

9-9-35: FLARING OF GAS:

All produced gas shall either be sold or flared with the flaring procedure being approved by the oil and gas inspector and the town fire chief.

9-9-36: FRACTURE AND ACIDIZING:

In the completion of oil and gas, injection, disposal or service well, where acidizing or fracturing processes are used, no oil, gas or other deleterious substances or pollutants shall be permitted to pollute any surface or subsurface fresh waters.

9-9-37: SWABBING AND BAILING:

In swabbing, bailing or purging a well, all deleterious substances removed from the bore hole shall be placed in appropriate tanks, and no substances shall be permitted to, pollute any surface or subsurface fresh waters.

9-9-38: RUPTURE IN SURFACE CASING:

In the event a rupture, break or opening occurs in the surface or production casing, the permittee or the operator or drilling contractor shall take immediate action to repair it, and shall report the incident to the oil and gas inspector promptly.

9-9-39: DEPOSITING OIL PRODUCTS:

No person shall deposit, drain or divert into or upon any public highway, street or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake or lagoon, any oil or oily liquid with petroleum content or any mud, rotary mud, sand, water or salt water, or in any manner permit by seepage, overflow, deliberate release or otherwise, any of such substances to escape from any property owned, leased or controlled by such person and flow or be carried into or upon any public highway, street or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake or lagoon, within the town.

9-9-40: SAFETY PRECAUTIONS:

Persons drilling, operating or maintaining any well shall use all necessary care and take all precautions which shall be reasonably necessary under the circumstances to protect the public. The provisions of this chapter shall be deemed to be the minimum requirements for the preservation of the public health, safety and welfare, and compliance with the terms hereof shall not be deemed to relieve any persons of any additional duty imposed by law.

9-9-41: WATER FOR MUDS:

In the event a fresh water supply well is drilled to provide water for drilling muds, the depth of such well shall not be greater than two hundred feet (200') below surface. Upon the completion of operations for which such well is required, the town shall have the right to purchase the well at a price determinable by the cost of completion. If the town, in a proper case, does not make such purchase, such well shall be properly plugged after notice of intention to so plug is provided the oil and gas inspector, who may supervise the operation.

9-9-42: INGRESS AND EGRESS:

Lease roads shall be maintained in such a manner as to safely and comfortably allow for ingress and egress of town or state personnel traveling in a common passenger motor vehicle.

9-9-43: MOVEMENT OF HEAVY EQUIPMENT:

No person shall move or cause to be moved, over, upon or across any paving or paved street, or alley, within the town, any piece of machinery of extreme weight which may crack or injure such pavement, except as herein provided.

9-9-44: PURCHASE OF WELL SITES BY TOWN:

If any well is to be abandoned, or has otherwise been determined by the permittee to be useless for his purposes, the permittee shall give notice to the town thereof, and, in a proper case, the town shall have the right, if it so chooses, to acquire the well or any portion thereof for use as a fresh water supply well, at a price determinable by its costs to the permittee. No well shall be plugged before the town has first, in writing, declined to obtain such well as a source of fresh water, any other provision of this chapter notwithstanding.

9-9-45: ORDER TO CEASE OPERATIONS:

- A. Authority to Order Remedial Action: If the oil and gas inspector finds that, in his judgment, a hazard to life or natural resources exists, he shall order immediate rectification of the cause. If the permittee takes no immediate measure to reduce the hazard, or if the situation be so perilous as to constitute an imminent threat to safety, then, in either of these events, he may order the prompt cessation of activity and, if necessary, the clearance of the premises.
- B. Apply to Mayor for Hearing: The oil and gas inspector shall apply to the mayor for a hearing upon such order, which hearing shall be held no longer than twenty-four (24) hours after the issuance of the order by the oil and gas inspector. The mayor shall determine if proper cause existed, and, if not, shall order the permittee's activity to resume without delay. If the mayor determines that proper cause did exist for the order to cease activity to issue, then he shall make whatever ruling is proper to assure rectification of the cause of the peril. Such ruling and compliance with it by the permittee shall not be construed to absolve the permittee of any liability for any violation of this chapter or for any damage or injury caused thereby.

9-9-46: APPEALS:

Any permittee aggrieved by any order, directive or ruling issued by the oil and gas inspector, or by any ruling by the mayor, may appeal the same to the Town Board of Trustees which shall hear the matter at its next scheduled meeting. The lodging of such appeal shall not stay the enforcement of any of the provisions of this chapter. The Board of Trustees, upon hearing the matter, may issue whatever ruling or order is appropriate, provided that such ruling or order be in keeping with the spirit and purpose of this chapter.

9-9-47: PENALTIES:

- A. Violation; Penalty: It is unlawful and an offense for any person to violate or neglect to comply with any provisions hereof irrespective of whether or not the verbiage of each section hereof contains

the specific language that such violation or neglect is unlawful and is an offense. Any person who shall violate any of the provisions of this chapter, or any of the provisions of a drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this chapter, or who shall neglect to comply with the terms hereof, shall be punished as provided in section 1-4-1 of this code, and the violation of each separate provision of this chapter, and of the permit, and of the bond, shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense.

B. Revocation of Permit:

1. In addition to the foregoing penalties, it is further provided that the Town Board of Trustees at any regular or special sessions or meeting thereof, may, provided ten (10) days' notice has been given to the permittee that revocation is to be considered at such meeting, revoke or suspend any permit issued under this chapter and under which drilling or producing operations are being conducted in the event the permittee thereof has violated any provision of the permit, the bond, or this chapter.
2. In the event the permit be revoked, the permittee may make application to the oil and gas inspector for reissuance of such permit, and the action of the town thereon shall be final. Any continuing offense shall be considered a public nuisance, the remedies for which under law shall be in addition to those hereinbefore enumerated.

Chapter10 SUPPLEMENTAL BUILDING REGULATIONS

Section:

9-10-1: RESIDENTIAL CONSTRUCTION; ADDITIONAL REQUIREMENTS

9-10-2: SMOKE DETECTION DEVICES

9-10-3: CANOPIES AND AWNINGS; PERMIT REQUIRED; FEE

9-10-4: PENALTY

9-10-1: RESIDENTIAL CONSTRUCTION; ADDITIONAL REQUIREMENTS:

The building and construction standards, specifications and guidelines of the veterans administration and federal housing administration, as presently promulgated and as amended hereafter, are hereby adopted by reference for the purpose of establishing rules and regulations for the construction, alteration and use of residential structures and shall apply to all construction standards applicable by the town. At least one copy of said standards, specifications and guidelines is on file and available for inspection in the office of the town clerk.

9-10-2: SMOKE DETECTION DEVICES:

- A. Required: No permit shall be issued for construction of any structure designed for human occupancy unless the plans for same include a smoke detection device to be placed at a location therein which will enable said device to detect smoke at the earliest possible moment. Said device will comply with the standards set forth in the International Fire Code, latest edition as adopted by the Oklahoma Uniform Building Code Commission. No variance shall be allowed which will defeat this section.
- B. Prohibited Occupancy: The town administrator shall have the power to prohibit occupancy by persons of any structures constructed pursuant to the building regulations if said structure is not equipped with a smoke detection device which is in good working order at the time of inspection. Said occupancy may be prohibited until such time as said device is demonstrated to perform its designed purpose.

9-10-3: CANOPIES AND AWNINGS; PERMIT REQUIRED; FEE:

- A. Requirements: A canopy or awning or similar structure, hereinafter referred to as "canopy", may be constructed on any commercial structure which abuts a public right of way, provided that said canopy or awning or other canopy complies with the following requirements:
 - 1. Projection: Said canopy may project one-half (1/2) the width of any existing sidewalk or no more than six feet (6'), whichever is less, and in no event shall any such canopy project into any alley or space used as a fire lane.

2. Height: The bottom edge of such canopy shall be no less than seven feet (7') from the ground or pavement beneath it.
 3. Vertical Supports: No vertical supports shall be used in the construction of said canopy which extend beneath or above the same.
 4. Permanence; Compliance with Ordinances: All such canopies shall be permanent in nature and shall comply with all fire ordinances now existing or which may be adopted in the future.
- B. Applicability: This section shall govern the construction and maintenance of any awning, canopy or device within the town limits.
 - C. Permit Required: A building permit shall be required for the construction of any such canopy and the town administrator shall have the power to review plans for said canopies and make changes deemed necessary to render the completed canopy safe; provided, that upon completion of construction of said canopy, the town administrator shall have the power to order any further modifications which he/she deems necessary for the protection of the health, welfare and safety of the public at large.
 - D. Permit Fee: The fee shall be set by a resolution of the board of trustees. A current copy of the fee schedule shall be kept in the office of the town clerk.
 - E. Removal of Canopy: The town shall have the power to remove or have removed any such canopy, at the owner's expense, when the same is deemed to be detrimental to the public interest, after ten (10) days' notice to said owner.
 - F. Nuisance: Any such canopy which does not conform to the requirements set forth herein is hereby declared to be a "public nuisance" as defined in this code.

9-10-4: PENALTY:

Any person who violates or fails to comply with any provision of this chapter, or any legal order or regulation made pursuant thereto, may be guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in section 1-4-1 of this code.

Chapter11

FLOOD DAMAGE PREVENTION

Section:

9-11-1: STATUTORY AUTHORIZATION

9-11-2: SCOPE

9-11-3: STATEMENT OF PURPOSE

9-11-4: FINDING OF FACT

9-11-5: METHODS OF REDUCING FLOOD LOSSES

9-11-6: INTERPRETATION

9-11-7: ABROGATION AND GREATER RESTRICTIONS

9-11-8: COORDINATION WITH BUILDING CODES

9-11-9: WARNING AND DISCLAIMER OR LIABILITY

9-11-10: DEFINITIONS

9-11-11: LANDS TO WHICH THIS ORDINANCE APPLIES

9-11-12: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

9-11-13: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

9-11-14: DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

9-11-15: ASSISTANCE IN TIMES OF DISASTER

9-11-16: ESTABLISHMENT OF DEVELOPMENT PERMIT

9-11-17: PERMIT FEE

9-11-18: STANDARDS FOR PERMIT ISSUANCE

9-11-19: PERMIT EXPIRATION

9-11-20: PERMIT REVOCATION

9-11-21: ELEVATION CERTIFICATE

9-11-22: LETTER OF MAP AMMENDMENT OR REVISION

9-11-23: NONCONFORMING USES AND STRUCTURES

9-11-24: GENERAL STANDARDS

9-11-25: SPECIFIC STANDARDS

9-11-26: STANDARDS FOR SUBDIVISION PROPOSALS

9-11-27: FLOODWAYS

9-11-28: VARIANCE PROCEDURES

9-11-29: SEVERABILITY

9-11-30: PENALTY

DIVISION 1 – GENERAL

9-11-1: STATUTORY AUTHORIZATION

The Legislature of the State of Oklahoma has in the Oklahoma Floodplain Management Act, Sections 1601 through 1620.1 of Title 82 of the Oklahoma Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees of the Town of Hennessey, Oklahoma, does ordain as follows:

9-11-2: SCOPE

The provisions of this chapter shall apply to all development that is wholly within, partially within, or in contact with any area of special flood hazard, including but not limited to the subdivision of land; filling, grading, and any other site improvements and utility installations; construction, alteration, remodeling, enlargement, replacement, repair, relocation or demolition of any building or structure; placement installation of manufactured homes; storage of hazardous materials; installation or replacement of tanks; placement of temporary structures and temporary storage of materials; and installation of swimming pools, storm shelters, fences, accessory buildings, utility and miscellaneous structures. The provisions of this chapter also apply to development related to critical facilities in areas subject to inundation by flooding and to development and redevelopment of land that could create flood hazard, even if such development is located outside of a defined area of special flood hazard. Areas of land proposed for development or redevelopment but lacking data necessary to determine whether the proposed development will be reasonably safe from flooding, whether inside or outside of an area of special flood hazard, are subject to the requirements of this chapter related to provision of detailed data and compliance with mapping and study standards.

9-11-3: STATEMENT OF PURPOSE

It is the purpose of this chapter is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Reduce the potential for loss of human life and detriment to public health and safety caused by flooding;
- B. Minimize unnecessary disruption of commerce and interruption of public services during times of flooding;

- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- E. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential;
- F. Minimize the need for future of expenditure of public funds for flood control projects and for rescue and relief efforts associated with flooding;
- G. Manage the alteration of flood hazard areas and stream channels to minimize the impact of development on the natural and beneficial functions of the floodplain;
- H. Maintain a stable community by providing for the sound use and development of flood-prone areas in such a manner as to minimize future blighted conditions resulting from flood damage and to encourage responsible redevelopment of blighted conditions within flood hazard areas;
- I. Minimize damage to public and private facilities, utilities and infrastructure; and Ensure that planning and construction of all development within areas of flood hazard addresses and mitigates potential adverse impacts on properties throughout the watershed and entire community.

9-11-4: FINDING OF FACT

- A. The flood hazard areas of the Town of Hennessey are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

9-11-5: METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

9-11-6: INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be;

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

9-11-7: ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

9-11-8: COORDINATION WITH BUILDING CODES

This ordinance is intended to be administered and enforced in conjunction with the provisions of the town's adopted building codes, which contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Unless otherwise specified herein, the term "adopted building codes" refers to the currently adopted versions of the International Building Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Fire Code, International Private Sewage Disposal Code, International Property Maintenance Code and National Electrical Code, together with any local modifications, amendments, and adopted appendices. Without amendment, these codes contain provisions sufficient to meet the minimum standards for community participation in the National Flood Insurance Program. Every effort has been made to ensure that these codes have been modified to reflect certain higher regulatory standards contained within this ordinance. In the event of a conflict between a higher regulatory standard contained within this ordinance and a minimum standard provision contained within the town's adopted building codes, the higher regulatory standard shall be applied.

9-11-9: WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

9-11-10: DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ACCESSORY STRUCTURE – Structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principal structure, but not limited to garages and storage sheds.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

A. AREA OF FUTURE CONDITIONS FLOOD HAZARD – means the land area that would be inundated by the one (1)-percent-annual chance, often referred to as the one hundred (100) year flood, based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-30, VE or V.

BASE FLOOD - means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING – means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

FLOODPLAIN ADMINISTRATOR - means a person accredited by the board and designated by the city manager to administer and implement laws and regulations relating to the management of the floodplains.

FLOODPLAIN DEVELOPMENT PERMIT - means the official document issued by the floodplain administrator which authorizes performance of a specific development at a certain location within an area of special flood hazard.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or;
 2. Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

- A. Built on a single chassis;
- B. Four Hundred (400) square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RIVERINE – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA – see Area of Special Flood Hazard

START OF CONSTRUCTION - includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cumulative cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

A. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in floodplains.

DIVISION 2 – FLOOD HAZARD AREAS

9-11-11: LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard, also known as the 1% (one percent) annual chance floodplain, within the jurisdiction of the Town of Hennessey, Oklahoma. Mapping standards contained within this ordinance shall apply to all areas within the jurisdiction of the Town of Hennessey.

9-11-12: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) 40073CV000C dated June 7, 2019, with accompanying Flood Insurance Rate Maps (FIRM) 40073CIND0C dated June 7, 2019 and 40073C0185D dated August 19, 2010 are hereby adopted by reference and declared to be a part of this ordinance.

DIVISION 3 – FLOODPLAIN ADMINISTRATOR

9-11-13: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Town Administrator’s shall, in writing, designate a Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Code of Federal Regulations, Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

9-11-14: DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- A. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- B. Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- C. Review, approve or deny all applications for development permits required by adoption of this ordinance.
- D. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- F. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Oklahoma Water Resources Board (OWRB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- H. When base flood elevation data has not been provided in accordance with section 9-11-12 of this chapter, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Flood Hazard Reduction section of this chapter.
- I. Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1620, as amended.
- J. After a disaster or other type of damage occurrence to structures in the community of the Town of Hennessey determine if the residential and non-residential structures and manufactured homes have been substantially damaged and enforce the substantial improvement requirement.
- K. Maintain a record of all actions involving an appeal from a decision of the Town of Hennessey Board of Trustees.

9-11-15: ASSISTANCE IN TIMES OF DISASTER

In times of flooding or other disaster impacting structures within an area of special flood hazard, the floodplain administrator, with approval of the town administrator, is authorized to request and accept assistance from any qualified source, including floodplain administrators and building officials from other communities, staff from federal and state agencies including the Federal Emergency Management Agency and Oklahoma Water Resources Board, and members of disaster relief organizations including the Oklahoma Floodplain Managers Association's Disaster Response Team.

DIVISION 4 – FLOODPLAIN DEVELOPMENT PERMITS, FEES, ELEVATION CERTIFICATES AND LETTERS OF CHANGE

9-11-16: ESTABLISHMENT OF DEVELOPMENT PERMIT

A floodplain development permit is hereby established. No development within an area of special flood hazard shall occur until the property owner and entity intending to complete the work have applied for such a permit and such a permit has been issued.

9-11-17: PERMIT FEE

- A. The fee shall be set by a resolution of the board of trustees. A current copy of the fee schedule shall be kept in the office of the town clerk. Such fees shall include, but are not limited to the following:
 - 1. Notice of Intent Fee
 - 2. Floodplain Development Permit Application Review
 - 3. Floodplain Development Permit Fee

- 4. Inspection Fee-per inspection
- 5. Variance Request Filing Fee
- B. Exemption: There shall be no permit fee shall be collected for development limited to regular channel maintenance.
- C. For any permit application submitted after work has begun, a penalty fee equal to three (3) times the fee that would otherwise be applicable shall be collected, provided that this penalty fee may be waived, and the originally applicable fee collected in the event that the applicant demonstrates that the error was made in good faith and was not fraudulent or habitual in nature.
- D. For good cause, the town administrator, at the direction of the board of trustees, may waive or reduce the permit fee for a particular permit.

9-11-18: STANDARDS FOR PERMIT ISSUANCE

- A. Application for a floodplain development permit must be made on the forms provided by the floodplain administrator. Permit applications must be completed in full and must include all documentation needed to demonstrate compliance with the regulations contained within this chapter. At minimum the following information will be required:
 - 1. A site plan drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard;
 - 2. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - 3. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - 4. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the flood proofing criteria of 9-11-25;
 - 5. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - 6. Maintain a record of all such information in accordance with 9-11-14.
- B. The documentation required will differ based on the nature of the proposed development, and the determination as to what documentation is required will be made by the floodplain administrator. For any type of development, the floodplain administrator may require submission of a detailed site plan prepared by an appropriate design professional that documents the location of any proposed development in relation to the location of floodways, floodplain zones and any natural or manmade feature that may have a bearing on the issuance of a floodplain development permit. The floodplain administrator may also require the submission of topographic data to support a permit application.
- C. The floodplain administrator may, at any time, choose to rely on the best available data in order to make a decision regarding approval or denial of a permit application. Additionally, any permit application may be approved with conditions or restrictions. These conditions or restrictions shall be considered accepted by the applicant upon issuance of the permit and commencement of work. Failure to comply with such conditions or restrictions invalidates the permit and is considered to be a violation subject to criminal prosecution and/or administrative action.

- D. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 8. The necessity to the facility of a waterfront location, where applicable; and
 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

9-11-19: PERMIT EXPIRATION

Floodplain development permits are valid for one hundred eighty (180) days. Permits may be extended by the floodplain administrator in cases where active work is occurring on a regular basis, but the project has not yet been completed.

9-11-20: PERMIT REVOCATION

After a permit has been issued, the floodplain administrator may cause a permit to be revoked, or may cause a permit to be suspended pending submission of additional information, or may cause a permit to be modified or restricted, under any of the following circumstances:

- A. It is determined, based on the best available data, that continuation of the permitted development will result in a condition not reasonably safe from flooding or will result in adverse impacts to other properties anywhere in the watershed;
- B. It is determined that the permit was issued based on the submission of inaccurate, misleading, or incomplete information; and
- C. It is determined that the permit was issued in error.

9-11-21: ELEVATION CERTIFICATE

Any development resulting in a new or substantially improved structure or addition requires submission of one (1) or more elevation certificates.

Elevation certificates must be completed on the forms authorized and published by the Federal Emergency Management Agency and must bear the seal of an appropriate design professional. Elevation certificates must be completed using a datum matching the datum used in the adopted flood insurance

study. Base flood elevations noted on submitted elevation certificates must be based on the best available data and are subject to review and approval by the floodplain administrator.

For any new or substantially improved structure or addition thereto other than an accessory structure, an elevation certificate showing the proposed elevations of the lowest finished floor and highest adjacent grade for the proposed structure must be submitted with the application for a floodplain development permit ("design elevation certificate"). Before a new or substantially improved structure or addition may be occupied, an elevation certificate based on as-built conditions must be submitted to the floodplain administrator ("as-built elevation certificate). It is recommended that an additional elevation certificate be completed and submitted after finished grade is established and foundation forms have been set in order to verify that the lowest finished floor elevation will conform to that submitted on the design elevation certificate (pre-construction elevation certificate). For accessory structures, only an as-built elevation certificate is required to be completed and submitted.

9-11-22: LETTER OF MAP AMMENDMENT OR REVISION

Before community endorsement for an application for letter of map change or conditional letter of map change may be granted, the applicant must submit documentation necessary to demonstrate that the conditions resulting from the development for which the letter of map change is being sought are or will be equivalently protected from flooding as if the property were located within an area of special flood hazard and the provisions of this ordinance were applied.

For letters of map change involving alteration to a watercourse, community endorsement will not be granted unless the application has detailed the full impacts of the proposed change to all properties within the watershed.

9-11-23: NONCONFORMING USES AND STRUCTURES

Existing uses of property within an area of special flood hazard that do not comply with the provisions of this ordinance may be continued, regardless of change in occupant, so long as the following conditions are met:

- A. The use was lawful and proper at the time it was originated;
- B. The use does not cease for a period exceeding ninety (90) days;
- C. The primary structure in which the use is conducted is not determined to be substantially damaged or condemned for occupancy;
- D. The use is otherwise compliant with all applicable city ordinances and state laws.
- E. In the event that a nonconforming use fails to meet one of these criteria, its nonconforming status is terminated, and it must be discontinued unless or until it can be reinitiated in such a way as to be compliant with this ordinance and all other applicable regulations. In the event a nonconforming use is terminated, the floodplain administrator may order all remnants of that use removed from any area of special flood hazard within thirty (30) days, or sooner if these items pose a threat to life or property.

PROVISIONS FOR FLOOD HAZARD REDUCTION

9-11-24: GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

9-11-25: SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 9-11-12 section 9-11-14(H) or section 9-11-26(C), the following provisions are required:

- A. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to a minimum of one (1) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in 9-11-18, is satisfied.
- B. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to a minimum of one (1) foot above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

- C. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one (1) foot above grade.
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- D. Manufactured Homes –
1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:
 - a. Outside of a manufactured home park or subdivision,
 - b. In a new manufactured home park or subdivision,
 - c. In an expansion to an existing manufactured home park or subdivision, or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such bottom of the I-beam of the manufactured home is elevated at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.
 3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this section be elevated on a permanent foundation such that the bottom of the I-beam of the manufactured home is elevated at least thirty-six (36) inches in height above the grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- E. Recreational Vehicles – Require that recreational vehicles placed on sites within Zones A, A1-30, AH and AE on the Kingfisher County FIRM either:
1. Be on the site for fewer than one hundred eighty (180) consecutive days, or

2. Be fully licensed and ready for highway use, or
 3. Meet the permit requirements of section 9-11-18, and the elevation and anchoring requirements for "manufactured homes" in paragraph (D) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- F. Accessory Structure – Accessory structures to be placed on sites within Zones A and AE on the Kingfisher County FIRM shall comply with the following:
1. The structure shall be used only for parking and limited storage;
 2. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
 3. The structure shall be unfinished on the interior;
 4. Structures shall be small in size, not exceed six hundred (600) square feet in size;
 5. Structures exceeding six hundred (600) square feet in size will be required to meet all applicable
 6. Service facilities such as electrical and heating equipment must be elevated to or above the BFE plus one (1) foot Freeboard;
 7. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 8. The structure shall be considered low in value, designed to have low flood damage potential and constructed with flood resistance materials;
 9. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
 10. Floodway requirements must be met in the construction of the structure;
 11. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and be placed on opposing walls with the net area of not less than one (1) square inch for every square foot of the size of the footprint of the structure (Flood Vents);
 12. The Openings (Flood Vents) shall be located no higher than one (1) foot above grade;
 13. The openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- G. Parking - Parking is permitted within an area of special flood hazard only if the parking is transient in nature and incidental to a nonresidential use on the same property, provided that the area in which parking occurs may not represent more than fifty (50) percent of the total parking area for that nonresidential or residential use on that property.

Other parking, including long term parking, storage of vehicles, or parking related to a residential use is not permitted within an area of special flood hazard.

- H. Open storage - Open storage is permitted within an area of special flood hazard only when it is necessary due to the location of existing infrastructure that must necessarily be located in low-lying, flood-prone areas, such as waste-water treatment facilities, or that cannot be elevated for functional reasons, such as railroad tracks.

Open storage is not permitted within the boundaries of a regulatory floodway.

When open storage is permitted within an area of special flood hazard, all reasonable steps must be taken to ensure that the materials are reasonably safe from flooding, including requiring that

materials be anchored in place where possible. Compensatory storage based on the maximum amount of material permitted to be stored below the elevation of the base flood is required. An emergency evacuation plan must be submitted and must detail reasonable steps to ensure that the stored material will not adversely impact other properties in the event of flooding.

9-11-26: STANDARDS FOR SUBDIVISION PROPOSALS

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with 9-11-4, 9-11-3, and 9-11-5 of this chapter.
- B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of 9-11-16, 9-11-18, and the provisions of the Flood Hazard Reduction section of this chapter.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to sections 9-11-12 or 9-11-14(H) of this chapter.
- D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

9-11-27: FLOODWAYS

Floodways - located within areas of special flood hazard established in section 9-11-12 of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. If subsection 9-11-27(A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of the Flood Hazard Reduction section of this chapter.
- C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

9-11-28: VARIANCE PROCEDURES

- A. The Board of Trustees shall hear and render judgment on requests for variances from the requirements of this ordinance.
- B. The Board of Trustees shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- C. Any person or persons aggrieved by the decision of the Board of Trustees may appeal such decision in the courts of competent jurisdiction.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 9-11-18(D) of this chapter have been fully considered. As the lot size increases beyond the half (1/2) acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this ordinance, the Board of Trustees may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance 9-11-3.
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- J. Prerequisites for granting variances:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - 3. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in section 9-11-29 of this chapter are met; and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

9-11-29: 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 holding shall in no way affect the validity of the remaining portions of this Ordinance.

9-11-30: PENALTY

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than one (1) year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Board of Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

It is hereby found and declared by Kingfisher County that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program, and in order to effectively remedy the situation described herein, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect and after its passage and approval.