

PART 5

BUILDING REGULATIONS AND CODES

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101	Building code adopted.
Section 5-102	Permit Fees.
Section 5-103	Penalty.
Section 5-104	Fire limits defined.
Section 5-105	Footings and Foundations.
Section 5-106	Personal generators to produce electricity. prohibited except during emergencies.
Section 5-107	Elevator/escalator requirements and inspections.

CHAPTER 2

PLUMBING REGULATIONS

Section 5-201	Plumbing code adopted.
Section 5-202	Additions and changes to plumbing code.
Section 5-203	Plumbers' license.
Section 5-204	Penalty.

CHAPTER 3

ELECTRICAL CODE

Section 5-301	National Electrical Code adopted.
Section 5-302	Additions and changes to Electrical Code.
Section 5-303	Electricians' license.
Section 5-304	Penalty.

CHAPTER 4

GAS PIPING CODE

Section 5-401	Fuel gas code adopted.
Section 5-402	Additions and changes to fuel gas code.
Section 5-403	License.
Section 5-404	Penalty.

Building Regulations and Codes

CHAPTER 5

LIQUEFIED PETROLEUM GAS

Section 5-501 Persons must comply with code.  
Section 5-502 Penalty.

CHAPTER 6

MOVING BUILDINGS

Section 5-601 Permit required.

CHAPTER 7

MECHANICAL CODE

Section 5-701 Adoption of mechanical code.  
Section 5-702 Additions, insertions and changes.  
Section 5-703 Mechanical license.  
Section 5-704 Penalty.

CHAPTER 8

SWIMMING POOLS

Section 5-801 Definition.  
Section 5-802 Permits, fee.  
Section 5-803 Barriers required.  
Section 5-804 Safety, sanitation and conservation.  
Section 5-805 Penalty.

CHAPTER 9

FAIR HOUSING

Section 5-901 Policy.  
Section 5-902 Definitions.  
Section 5-903 Unlawful practice.  
Section 5-904 Discrimination in the sale or rental of housing.  
Section 5-905 Discrimination in the financing or housing.  
Section 5-906 Discrimination in the provision of brokerage services.  
Section 5-907 Exemption.  
Section 5-908 Administration.

## Building Regulations and Codes

Section 5-909	Education and conciliation.
Section 5-910	Enforcement.
Section 5-911	Investigation; subpoenas; giving of evidence.
Section 5-912	Enforcement by private persons.
Section 5-913	Interference, coercion, or intimidation.
Section 5-914	Prevention of intimidation in fair housing cases.

## CHAPTER 10

### JOINT CODE BOARD OF APPEALS

Section 5-1001	Creation of board, scope.
Section 5-1002	Board members, term.
Section 5-1003	Composition, qualification.
Section 5-1004	Quorum, procedure.
Section 5-1005	Votes, conflict of interest.
Section 5-1006	Appeal procedures.

## CHAPTER 11

### OIL AND GAS WELLS

Section 5-1101	Drilling prohibited, exceptions.
Section 5-1102	Amendments.
Section 5-1103	Penalty.

## CHAPTER 12

### MANUFACTURED HOMES

Section 5-1201	Definitions and Terms.
Section 5-1202	Use Conditions.
Section 5-1203	RMH Zoning District—General Description.
Section 5-1204	Uses Permitted in RMH District.
Section 5-1205	Special Exceptions.
Section 5-1206	Area Requirements.
Section 5-1207	Intensity of Use.
Section 5-1208	Coverage.
Section 5-1209	Height.

Building Regulations and Codes

CHAPTER 13

PENALTY

Section 5-1301 Penalty.  
Section 5-1302 Relief in the courts.

CHAPTER 14

BURGLARY ALARM SYSTEMS

Section 5-1401 Purpose.  
Section 5-1402 Definitions.  
Section 5-1403 Gender.  
Section 5-1404 Burglary Alarm User Permits Required.  
Section 5-1405 Operating a Burglary Alarm System Without a User's Permit.  
Section 5- 1406 Alarm Response Fees.  
Section 5- 1407 Payment of Alarm Response Fees / Suspension of User's Permit for Non-payment.  
Section 5- 1408 Operating a Burglary Alarm System under a Suspended User's Permit.  
Section 5- 1409 Appeals.  
Section 5- 1410 Exclusions.

Building Regulations and Codes

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101	Building codes adopted.
Section 5-102	Permit Fees.
Section 5-103	Penalty.
Section 5-104	Fire limits defined.

SECTION 5-101 BUILDING CODES ADOPTED.

- A. The **International Building Code** as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for design, construction, quality of materials, repair, alteration, change of use or occupancy, addition or relocation of existing buildings and structures as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Building Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and OUBCC; and (ii) the receipt and approval of said edition by the City Building Inspector. At least one copy of the code is to be kept on file in the office of the City Clerk or his or her designee. At least one copy of the code is to be kept on file in the office of the City Clerk or his or her designee.
  
- B. The **Residential Building Code** as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for design, construction, quality of materials, repair, alteration, change of use or occupancy, addition or relocation of existing buildings and structures as therein provided. Each and all of the regulations, provisions, conditions and terms of the Residential Building Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and OUBCC; and (ii) the receipt and approval of said edition by the City Building Inspector. At least one copy of the code is to be kept on file in the office of the City Clerk or his or her designee.

## Building Regulations and Codes

- C. The **International Existing Building Code**, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for design, construction, quality of materials, repair, alteration, change of use or occupancy, addition or relocation of existing buildings and structures as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Existing Building Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and OUBCC; and (ii) the receipt and approval of said edition by the City Building Inspector. At least one copy of the code is to be kept on file in the office of the City Clerk or his or her designee.

State Law Reference: Adoption of building codes, authorized codes, 11 O.S. Section 14-107; 74 O.S. Section 324.8. [Ord. 2494] [Ord. No. 2742 01/19/2016.]

### SECTION 5-102 PERMIT FEES

The applicable permit and inspection fees provided for or required by the city building codes are set forth in the Master Fee Schedule.

### SECTION 5-103 PENALTY.

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure without applying for a permit and/or in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1-108 of this code, plus costs. Each day upon which a violation continues shall be deemed a separate offense.

### SECTION 5-104 FIRE LIMITS DEFINED.

The fire limits of the city are hereby fixed and established in three (3) separate districts numbered one (1), two (2) and three (3) respectively as follows:

1. Fire limits District No. 1. Beginning at the intersection of Poplar Street with the right-of-way of the St. Louis and San Francisco Railway, thence along

## Building Regulations and Codes

such right-of-way in an easterly and southerly direction to the intersection thereof with Lee Avenue, thence west along Lee Avenue to the intersection thereof with Elm Street, thence south along Elm Street to Thompson Avenue, thence west along Thompson Avenue to Poplar Street, thence north along Poplar Street to the point of beginning; and, a strip of land three hundred eighty (380) feet in width with its center line along the center of Dewey Avenue and extending from the west right-of-way line of the St. Louis and San Francisco Railway on the west to the east line of Mission Street on the east; and, a strip of land three hundred sixty (360) feet in width, with its center line along the center of Mission Street, beginning at the north boundary line of the city on the north and extending to the south line of Dewey Avenue on the south, and in addition thereto the east thirty (30) feet of Lot 9, Block 1, Woodlawn Addition to the City of Sapulpa; and, a strip of land described as beginning at a point on the north line of Thompson Avenue at the center of the alley in Block 67, Original Townsite of the City of Sapulpa, thence running south along the center of the alley and the extensions thereof through Blocks 71 and 92 of the Original Townsite of the City of Sapulpa to the north line of Block 95, Original Townsite of the City of Sapulpa, thence west along such north line to the east line of Poplar Street, thence south along such east line to the southwest corner of such Block 95, thence east along the south line of such Block 95 to the southwest corner of Lot 5 of such Block 95, thence south along the center of the alley and extension thereof, through Blocks 108 and 111, Original Townsite of the City of Sapulpa, to the intersection with an extension of the south line of Lot 14, Block 12, Frank and Root Addition, thence east along such line to the center line of the alley in Block 13, thence north along the center line of such alley to an extension of the south line of Lot 8, Block 112, Original Townsite of the City of Sapulpa, thence east to the southeast corner of such Lot 8, thence north along the east line of Lots 8, 5, 4 and 1 to the northeast corner of Lot 1, Block 112, Original Townsite of the City of Sapulpa, thence west along the north line of such Block 112 to the center line of the alley, and thence north along a continuation thereof on the center line of the alley through Blocks 107, 96, 91 and 72 to the south line of Block 66, all in the Original Townsite of the City of Sapulpa, thence west along the south line of such Block 66 and a continuation thereof along the south line of Block 67 in the Original Townsite of the City of Sapulpa to the point of beginning; and Lot 1, Block 12, Lot 6, Block 11, Original Townsite of the City of Sapulpa; all of Block 41, Lots 27 to 32, inclusive, Block 40, Block 21, the west half of Block 9, the east half of Block 20, and all of Block 10, North Heights Addition; and the west half of Blocks 23, 18, 15 and 10, Lots 2 and 3, Block 7, the west half of Block 2, the east half of Blocks 22, 19, 14, 11, 6 and 3 in Frisco Place Addition; and a strip of land four hundred forty (440) feet in width from one hundred eighty (180) feet west to two hundred sixty (260) feet east of the center of 9th

## Building Regulations and Codes

Street and parallel thereto, extending from Hill Avenue northward to the north line of Block 2, Crestview Addition; and Lots 1 and 2, Block 45, Lots 5 and 6, Block 43, Lot 1, Block 44, Lots 6 to 11, inclusive, Block 19, Lots 9 and 10, Block 18, Original Townsite of the City of Sapulpa; and Lots 1, 2, 11 and 12, Block 10, Lots 1, 2, 11 and 12, Block 9, all in Business Men's Addition; and Lots 1 to 7, inclusive, Block 1, in Arthox Addition;

2. Fire limits District No. 2. A strip of land three hundred thirty (330) feet in width, with its center line along the center of Mission Street, extending from the south line of Dewey Avenue and the center of the alley of Block 9, Woodlawn Addition, to the north lines of Lot 11, Block 3, and lot 14, Block 2, of the Oak Park Addition; and a strip of land three hundred (300) feet in width, from one hundred thirty (130) feet north of the center of Taft Avenue to one hundred seventy (170) feet south of the center of Taft Avenue, extending from the east line of Water Street to the east right-of-way of the St. Louis and San Francisco Railway; and a strip of land one thousand thirty (1,030) feet in width, from one hundred thirty (130) feet north of the center of Taft Avenue to nine hundred (900) feet south of the center of Taft Avenue, extending from the east right-of-way of the St. Louis and San Francisco Railway to the line and extension thereof of the center of the alley of Block 15, Bartlett Addition; and a strip of land, five hundred ten (510) feet in width from one hundred thirty (130) feet north of the center of Taft Avenue to three hundred eighty (380) feet south of the center of Taft Avenue, extending from the line and extension thereof of the center of the alley of Block 15, Bartlett Addition, to the center of Mission Street; and a strip of land, three hundred (300) feet in width from one hundred thirty (130) feet north of the center of Taft Avenue to one hundred seventy (170) feet south of the center of Taft Avenue, extending from the center of Mission Street to the east line and extension thereof of Watchorn Street; and a strip of land, two hundred twenty (220) feet in width from the north line of Taft Avenue to one hundred seventy (170) feet south of the center of Taft Avenue, extending from the east line and extension thereof of Watchorn Street to the east line and extension thereof of Luker Lane; and a strip of land, three hundred (300) feet in width from one hundred thirty (130) feet north of the center of Taft Avenue to one hundred seventy (170) feet south of the center of Taft Avenue, extending from the east line and extension thereof of Luker Lane to the east line and extension thereof of Lot 2, Edgewood Acres, 1st Addition; and, a strip of land, one hundred seventy (170) feet in width, its north line being along the center of Taft Avenue, extending from the east line and extension thereof of Lot 2, Edgewood Acres, First Addition, to the east line of Brenner Road; and Lots 4, 5, 6, 7, 8 and 9, Block 13, Bartlett Addition; and Lots 1 through 10, inclusive, Block 2, Oak Park Addition; and

## Building Regulations and Codes

3. Fire limits, District No. 3. A strip of land one hundred thirty (130) feet in width, its south line being the center of Taft Avenue, extending from the west line of Block 10, West Highland Addition, to the center of South Muskogee Street; and a strip of land two hundred sixty (260) feet in width, with its center line along the center of Taft Avenue, extending from the center of South Muskogee Street to the center of Diane Street and the extension thereof; and a strip of land five hundred fifty (550) feet in width, its north line being one hundred thirty (130) feet north of the center of Taft Avenue and parallel thereto, extending from the center of Diane Street and an extension thereof, to the east line of Water Street and an extension thereof; and a strip of land four hundred forty (440) feet in width, with its center line along the center of Main Street, extending from the extension of the north line of Hastain Avenue, to eight hundred thirty nine (839) feet south of the center of Taft Avenue; and a strip of land two hundred twenty (220) feet in width, with its west line along the center of Main Street, extending from eight hundred thirty nine (839) feet south of the center of Taft Avenue to the center of Mill Avenue; and a strip of land four hundred forty (440) feet in width, with its center line along the center of Main Street, extending from the center of Mill Avenue to the north line of Wells Boulevard; and a strip of land which has its east line two hundred twenty (220) feet east of the center of Main Street, its west line being the east line of Hickory Street, its north line being the north line of Wells Boulevard and its south line being the north line of the Crowley Height Addition and the extension thereof; and Block 32, Southern Heights Addition; and an area of land enclosed beginning one hundred eighty (180) feet west of the center of Main Street at a point of beginning on an extension of the north line of Crowley Height Addition; thence eastward along such extension to intersect a line parallel to and two hundred eight (208) feet east of the center of Main Street; thence south along such line to the north line of Murphy Avenue; thence east along such north line to the east line of Water Street; thence south along such east line to the north line of Lots 15 and 16, Laura Lee Addition; thence east to the east line of such Addition; thence south along the east line of such Addition to the center of Teel Road; thence west along the center of Teel Road to an extension of the east line of Park Street; thence south along such extension to intersect a line parallel to and two hundred fifteen (215) feet south of the center of Teel Road; thence west along such line to the east line of Hickory Street; thence north along such east line, to intersect a line parallel to and one hundred eighty (180) feet north of the center of Teel Road; thence east along such line, to the west line of the Warehouse Market Addition; thence north along such west line, to the northwest corner of the Warehouse Market Addition; thence east along the north line of such Addition to intersect a line parallel to and one hundred eighty (180) feet west of the center of Main Street; thence north along such line to the point of beginning; all being in the city.

## Building Regulations and Codes

- B. All commercial buildings erected inside the city limits will comply with the restrictions placed upon buildings built in the fire limits heretofore set forth. (Ord. No. 1090, Section 1; Ord. No. 1608, Section 2.)

### SECTION 5-105    FOOTINGS AND FOUNDATIONS

All footings and foundations for structures 400 square feet and larger shall meet or exceed the design and constructions guidelines in this portion of the Sapulpa Building Code. These design and construction guidelines are graphically represented in Figures 5-105-1 below.

- A. Footings and foundations shall be built on undisturbed soil or compacted fill material. Compacted fill material shall be placed in accordance with the currently adopted International Building Code of the City of Sapulpa;
- B. The top surface of footings shall be level. The bottom surface is permitted to have a slope not exceeding one unit vertical in 10 units horizontal (10% slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the surface of the ground slopes more than one unit vertical in 10 units horizontal.
- C. The minimum depth and width of all footings and foundations for structures 400 square feet and larger shall meet or exceed that standards in Table 5-105.1.
- D. Footings shall be of Concrete type and shall meet or exceed that standards set forth in Table 5-105.1.
- E. When a structure is being built on "fill dirt," piers may be installed as an option as long as the pier is approved by the Building Inspector and meets or exceeds the footing depth and width requirements for 1, 2 and 3 story structures set forth in Table 5-105.1.
- F. Any footing placed on piers shall have piers to a depth equal to Table 5-105.1 for the corresponding application. Footings should be piered at every corner, change of direction, and at intervals not exceeding 10 feet when wall spans are in excess of 10 feet.
- G. Concrete slab floors shall have horizontal bracing consisting of #4 Rebar and 2 foot centers minimum. The horizontal bracing shall be attached to the vertical bracing rising out of the footing.

**Building Regulations and Codes**

- H. Post tension systems may be substituted for the horizontal rebar bracing when designed by a licensed engineer and the design approved by the Building Inspector.
- I. Vertical bracing must have sufficient length to be bent to a horizontal plane and extend at least 6 inches in the horizontal direction.

<b>Table 5-105.1</b>						
Number of Floors Supported by Footing & Foundation	Thickness of Foundation Wall	Width of Footing (inches)	Thickness of Footing (inches)	Depth of Footing Below Undisturbed Ground Surface	Rebar Requirements (horizontal)	Rebar Vertical Requirements (up-rights for ground)
1	6	16	18	16	4#4's	#4's at 2'
2 and 1 story if pired	8	16	18	16	4#5's	#4's at 2'
3	10	18	24	18	6#5's	#4's at 2'

[Ord. 2396]

**SECTION 5-106      PERSONAL GENERATORS TO PRODUCE ELECTRICITY PROHIBITED EXCEPT DURING EMERGENCIES**

No person, firm or entity owning, leasing or in custody or control of any building or structure located within the city limits, which building or structure has access to available electrical service through the a regulated electric utility provider, shall operate a gasoline/propane generator to produce electricity for the electrical needs of such building or structure, excepting in times of emergency when public electricity is not available to such building or structure and then only during such time of emergency. A person who violates this provision or fails to comply herewith shall be guilty of an offense and, upon conviction, shall be punished as provided in Section 1-108 of the Code.

[Ord. 2509]

**SECTION 5-107      ELEVATOR/ESCALATOR REQUIREMENTS AND INSPECTIONS**

- A. The following safety standards covers new, existing elevators, escalators and their hoistways. The current American Society of Mechanical Engineers safety code ASME A 17.1 for new elevators and escalators and ASME A 17.3 for existing elevators and escalators is hereby adopted in its entirety and

## Building Regulations and Codes

incorporated by reference herein as if fully set forth. Existing installations, at a minimum, shall meet the requirements of this code. If an existing installation does not meet the requirements of this code, it shall be upgraded no later than six months after the effective date of this Code, except that the requirement of knox box provided for herein must be in place within thirty days of the passage of this Code. If an existing installation was required to meet more stringent requirements, it shall continue to meet those requirements.

- B. Alterations, if made, shall conform to the requirements of Part XII of ASME A 17.1. The alterations in Part XII may be more stringent than the requirements of this code. The more stringent of the two shall be adhered to. Where a requirements, because of practical difficulty, cannot be complied with literally or where it's literal application would cause undue hardship, the enforcing authority may, upon proper application, grant exceptions, but only when it is clearly evident that reasonable safety is assured. The enforcing authority may also grant exceptions or permit alternate methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.
- C. Every establishment with new and existing installation shall provide a knox box key box with an elevator drop key for Sapulpa Fire Department use only. The knox box shall be located no further than ten (10) feet from the elevator door at ground level. The Sapulpa Fire Department, Office of the Fire Marshal or his designee, being the authority having jurisdiction, will make periodic inspections during the calendar year. At any time the authority having jurisdiction, finds an unsafe condition, or the knox box with key is not provided, the authority will have the right to immediately close the installation for the safety and welfare of the public.
- D. All installations shall be tested annually by a certified inspection company. These results shall be forwarded to the Office of the Fire Marshal at the Sapulpa Fire Department no later than December 31<sup>st</sup> of each calendar year.

[Ord. 2374; Ord. 2375]

Building Regulations and Codes

CHAPTER 2

PLUMBING REGULATIONS

Section 5-201	Plumbing code adopted.
Section 5-202	Additions, insertions and changes to plumbing code.
Section 5-203	Plumbers' license.
Section 5-204	Penalty.

SECTION 5-201      PLUMBING CODE ADOPTED.

The "International Plumbing Code" 2009 edition, including all Appendix Chapters, as published by the International Code Council, is hereby adopted as the Plumbing Code of the City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Plumbing Code fully applicable in the City. The applicable permit and inspection fees provided for or required by the Plumbing Code are set forth in the Master Fee Schedule. [Ord. 2494]

SECTION 5-202                      ADDITIONS OR CHANGES TO PLUMBING CODE

The Plumbing Code shall be and hereby is amended to include any later or subsequent edition to the 2009 edition of the International Plumbing Code provided for in Section 5-201, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and (ii) the receipt and approval of said edition by the City Building Inspector.

State Law Reference: Plumbing regulations and licensing, 59 O.S. Sections 1001 et seq.

SECTION 5-203      PLUMBERS' LICENSE.

- A. No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber, or a plumber's apprentice unless he is possesses a current and valid license as such from the state.
- B. Bond and insurance requirements of plumbing contractors shall meet the requirements established by state law.

## Building Regulations and Codes

- C. No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber or a plumber's apprentice unless he has first registered as such with the city and paid the annual fee set forth in the Master Fee Schedule. Such registrations shall expire annually on June 30.

State Law Reference: State plumbing licenses required, cities may require registration, 59 O.S. Sections 1001 et seq.

### SECTION 5-204    PENALTY.

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure without applying for a permit and/or in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1-108 of this code, plus costs. Each day upon which a violation continues shall be deemed a separate offense.

Building Regulations and Codes

CHAPTER 3

ELECTRICAL CODE

Section 5-301	National Electrical Code adopted.
Section 5-302	Additions, Insertions and Changes to Electrical Code.
Section 5-303	Electricians' license.
Section 5-304	Penalty.

SECTION 5-301 NATIONAL ELECTRICAL CODE ADOPTED.

The "NFPA 70 National Electrical Code" 2008 edition, including all Appendix Chapters, as published by the National Fire Protection Association, is hereby adopted as the Electrical Code of the City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical installations and systems as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Electrical Code fully applicable in the City. The applicable permit and inspection fees provided for or required by the Electrical Code are set forth in the Master Fee Schedule. [Ord. 2494]

SECTION 5-302 ADDITIONS OR CHANGES TO ELECTRICAL CODE.

The Electrical Code shall be and hereby is amended to include any later or subsequent edition to the 2008 edition of the National Electrical Code provided for in Section 5-301, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the National Electric Code and (ii) the receipt and approval of said edition by the City Building Inspector.

SECTION 5-303 ELECTRICIANS' LICENSE.

- A. No person shall practice or engage in the business, trade or occupation of an electrical contractor, journeyman electrician or electrician's apprentice unless he holds a current license obtained from the state.
- B. Bond and insurance requirements of electrical contractors shall meet the requirements established by state law.
- C. No person shall practice or engage in the business, trade or occupation of an electrical contractor, a journeyman electrician or an electrician's apprentice unless he has first registered as such with the city and paid the annual fee set by the Master Fee Schedule. Such registrations shall expire annually on June 30.

State Law Reference: 59 O.S. Sections 1680 to 1696.

## Building Regulations and Codes

### SECTION 5-304    PENALTY.

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure without applying for a permit and/or in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1-108 of this code, plus costs. Each day upon which a violation continues shall be deemed a separate offense.

Building Regulations and Codes

CHAPTER 4

GAS PIPING CODE

Section 5-401	Code adopted.
Section 5-402	Additions or Changes to Fuel Gas Code.
Section 5-403	License.
Section 5-404	Penalty.

SECTION 5-401     FUEL GAS CODE ADOPTED.

The "International Fuel Gas Code" 2009 edition, including all Appendix Chapters, as published by the International Code Council, is hereby adopted as the Fuel Gas Code of the City for regulating and governing fuel gas systems and gas-fired appliances as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Fuel Gas Code fully applicable in the City. The applicable permit and inspection fees provided for or required by the Fuel Gas Code are set forth in the Master Fee Schedule.

SECTION 5-402     ADDITIONS OR CHANGES TO FUEL GAS CODE.

The Fuel Gas Code shall be and hereby is amended to include any later or subsequent edition to the 2009 edition of the International Fuel Gas Code provided for in Section 5-401, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and (ii) the receipt and approval of said edition by the City Building Inspector.

SECTION 5-403     LICENSE.

- A. It is unlawful for any person to engage in the business of installing gas piping or gas appliances without first obtaining any license required by the state.
- B. Bond and insurance shall be provided by the licensee in such amounts as required by the state.

SECTION 5-404     PENALTY.

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure without applying for a permit and/or in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1-108 of this code, plus costs. Each day upon which a violation continues shall be deemed a separate offense.

Building Regulations and Codes

CHAPTER 5

LIQUEFIED PETROLEUM GAS

Section 5-501                      Persons must comply with code.  
Section 5-502                      Penalty.

SECTION 5-501      PERSONS MUST COMPLY WITH CODE.

The National Fire Protection Association Pamphlet No. 58 entitled Storage and Handling of Liquefied Petroleum Gases, or latest edition thereof, also adopted by the Oklahoma Liquefied Petroleum Gas Board, is adopted and incorporated herein by reference and shall have full force and effect within this city.

State Law Reference: See 52 O.S. Sections 420.1 et seq.

SECTION 5-502      PENALTY.

Any person, firm, or corporation who shall violate this ordinance, or any section or part of section thereof, is guilty of an offense, and upon conviction thereof shall be punished by a fine as provided in Section 1-108 of this code.

Building Regulations and Codes

CHAPTER 6

MOVING BUILDINGS INTO CITY LIMITS

Section 5-601 Permit required.

SECTION 5-601 PERMIT REQUIRED.

- A. The moving of residential structures from one location to another within the city or from a location outside the city to a location within the city is prohibited except as provided by this section. It is unlawful for any person to so move any house or building in, along, across or over any street or alley in the city limits without first having obtained prior approval.
- B. An application for such approval shall be made upon forms provided by the building inspector and shall contain the following information: (i) type and kind of building to be moved; (ii) its present location and proposed new location; (iii) the extreme dimension of the loaded length, height and width of the building; (iv) the appropriate time such buildings will be upon the streets of the city and the contemplated route that will be taken from the present to the proposed location that will be taken from the present to the proposed location; and (v) the present value of such building. The application to move such building shall be submitted to the fire and police departments of the city and any utility providers and their approval of the request shall be obtained prior to issuance of any permit for such movement.
- C. A permit to move such building or structure shall not be issued until (i) such building or structure has been inspected by the city building inspector and found to be in such condition that the same complies with all pertinent city building codes and zoning requirements at its proposed location and may be moved with safety and in accordance with this section, and satisfy any other criteria adopted as policy by the Urban Development Department of the city, (ii) the applicant deposits with the building inspector of a policy of insurance bond, or similar surety covering public liability for personal injuries, property damage, or death in the minimum amount of \$500,000 per occurrence; and property damage to any person by reason of the moving of such building or structure and reimburse the city for any and all damages to its streets and public ways occasioned by such moving in an amount of \$50,000.
- D. The provisions of this section shall not apply to storage sheds moved onto a location which are not used for human occupancy. Every applicant, before being granted approval under this section, shall pay all building and inspection fees and permit fee as required and set forth in the Master Fee Schedule to the city clerk.

[Ord 2395-A]

Building Regulations and Codes

CHAPTER 7

MECHANICAL CODE

Section 5-701	Adoption of mechanical code.
Section 5-702	Additions, insertions and changes.
Section 5-703	Mechanical license.
Section 5-704	Penalty.

SECTION 5-701     MECHANICAL CODE ADOPTED.

The "International Mechanical Code" 2009 edition, including all Appendix Chapters, as published by the International Code Council, is hereby adopted as the Mechanical Code of the City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code are hereby referred to, adopted, and made a part hereof, as if fully set out, and the same is necessarily amended so as to make the Mechanical Code fully applicable in the City. The applicable permit and inspection fees provided for or required by the Mechanical Code are set forth in the Master Fee Schedule.

[Ord. 2494]

SECTION 5-702     ADDITIONS OR CHANGES TO MECHANICAL CODE

The Mechanical Code shall be and hereby is amended to include any later or subsequent edition to the 2009 edition of the International Mechanical Code provided for in Section 5-701, said amendment, incorporation and codification occurring automatically upon (i) the publication of such later edition by the International Code Council and (ii) the receipt and approval of said edition by the City Building Inspector.

SECTION 5-703     MECHANICAL LICENSE.

- A. No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical journeyman, or a mechanical apprentice unless he has a current and valid license issued by the state.
- B. Bond and insurance requirements of mechanical contractors shall meet the requirements established by state law.
- C. No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical journeyman or a mechanic's apprentice unless he has first registered as such with the city and paid the annual fee set by the Master Fee Schedule. Such registrations shall expire annually on June 30.

## Building Regulations and Codes

State Law Reference: State mechanical licenses required, cities may require registration, 59 O.S. Sections 1850.1 et seq.

### SECTION 5-704    PENALTY.

A violation of this chapter shall be deemed a misdemeanor and shall be punishable as provided in Section 1-108 of this code. Any person who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code.

Building Regulations and Codes

CHAPTER 8

SWIMMING POOLS

Section 5-801	Definition.
Section 5-802	Permits, fee.
Section 5-803	Barriers required.
Section 5-804	Safety, sanitation and conservation.
Section 5-805	Penalty.

SECTION 5-801     DEFINITION.

For the purpose of this chapter, "swimming pool" means any and every pool of water, any part of which is more than twenty-four (24) inches in depth constructed on either public or private property.

SECTION 5-802     PERMITS, FEE.

No person shall erect, construct or install a swimming pool in the city on public or private property without first making written application and obtaining a permit therefor from the building inspector and paying the applicable permit fee set by the Master Fee Schedule.

SECTION 5-803     BARRIERS REQUIRED.

Before the city authorizes the issuance of a permit, the applicant shall submit to the building inspector plans and specifications for suitable effective barriers for preventing children and other unauthorized persons from entering the swimming pool area, including but not limited to any fence, wall, structure not less than forty-eight (48) inches in height. No person shall construct, install, erect, locate or maintain any swimming pool in the city unless the swimming pool is in an area completely enclosed or protected by a suitable effective barrier.

SECTION 5-804     SAFETY, SANITATION AND CONSERVATION.

Any person owning and operating a swimming pool shall not violate any ordinary rules of safety, sanitation or conservation of the state or city concerning the maintenance and operation of a swimming pool.

SECTION 5-805     PENALTY.

Violations of this chapter are punishable as provided in Section 1-108 of this code.

Building Regulations and Codes

CHAPTER 9

FAIR HOUSING

Section 5-901	Policy.
Section 5-902	Definitions.
Section 5-903	Unlawful practice.
Section 5-904	Discrimination in the sale or rental of housing.
Section 5-905	Discrimination in the financing or housing.
Section 5-906	Discrimination in the provision of brokerage services.
Section 5-907	Exemption.
Section 5-908	Administration.
Section 5-909	Education and conciliation.
Section 5-910	Enforcement.
Section 5-911	Investigation; subpoenas; giving of evidence.
Section 5-912	Enforcement by private persons.
Section 5-913	Interference, coercion, or intimidation.
Section 5-914	Prevention of intimidation in fair housing cases.

SECTION 5-901    POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city. (Prior Code, Chapter 9AA, as amended)

SECTION 5-902    DEFINITIONS.

As used herein:

1. "Discriminatory housing practice" means an act that is unlawful under Section 5-904 through Section 5-906;
2. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended or occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;
3. "Family" includes a single individual;

## Building Regulations and Codes

4. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries; and
5. "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (Prior Code, Chapter 9AA, as amended)

### SECTION 5-903 UNLAWFUL PRACTICE.

Subject to the provisions of paragraph 2 of this section and Section 5-907, the prohibitions against discrimination in the sale or rental of housing set forth in Section 5-903 shall apply to:

1. All dwellings except as exempted by paragraph 2 of this section;
2. Nothing in Section 5-904 shall apply to:
  - a. Any single-family house sold or rented by an owner provided: that such private individual owner does not own more than three (3) such single-family houses at any one time:
  - b. that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period:
  - c. that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time:
  - d. that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented:
3. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

## Building Regulations and Codes

- a. Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of paragraph 3 of Section 5-904 of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow, agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
  - b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence;
4. For the purposes of paragraph 2, a person shall be deemed to be in the business of selling or renting dwellings if:
- a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;
  - b. He has, within the preceding twelve (12) months, participated as an agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein;
  - c. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(Prior Code, Chapter 9AA, as amended)

### SECTION 5-904     DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by Section 5-903 and except as exempted by paragraph 2 of Section 5-903 and Section 5-907, it shall be unlawful:

1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, national origin, handicap, or familial status;
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, national original, handicap, or familial status;

## Building Regulations and Codes

3. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, or national origin, handicap, or familial status or an intention to make any such preference, limitation, or discrimination;
4. To represent to any person because of race, sex, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available; or
5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, or national origin, handicap, or familial status.

(Prior Code, Chapter 9AA, as amended)

### SECTION 5-905      DISCRIMINATION IN THE FINANCING OR HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or their financial assistance, because of the race, sex, color, religion, national origin, handicap, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in paragraph 2 of Section 5-903. (Prior Code, Chapter 9AA, as amended)

## Building Regulations and Codes

### SECTION 5-906     DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access,, membership, or participation, on account of race, sex, color, religion, national origin, handicap, or familial status.

### SECTION 5-907     EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose to persons of he same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, handicap or familial status. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

### SECTION 5-908     ADMINISTRATION.

- A.     The authority and responsibility for administering this chapter shall be in the city manager.
- B.     The city council shall serve as the fair housing board for the city.

### SECTION 5-909     EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the city manager shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Prior Code, Chapter 9AA, as amended)

## Building Regulations and Codes

### SECTION 5-910 ENFORCEMENT.

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the city manager. Complaints shall be in writing and shall contain such information and be in such form as the manager requires. Upon receipt of such a complaint, the manager shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under Subsection C, the manager shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the manager decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the city who shall make public any information in violation of this provision shall be (upon conviction) punished as provided in Section 1-108 of this code.
- B. A complaint under Subsection A shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at anytime. A respondent may file an answer to the complaint against him and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- C. If within thirty (30) days after a complaint is filed with the city manager, the manager has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The manager will assist in this filing.
- D. If the city manager has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent names in the complaint to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

## Building Regulations and Codes

- E. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
- F. Whenever an action filed by an individual shall come to trial, the city manager shall immediately terminate all efforts to obtain voluntary compliance. (Prior Code, Chapter 9AA, as amended)

### SECTION 5-911 INVESTIGATION; SUBPOENAS; GIVING OF EVIDENCE.

- A. In conducting an investigation the city manager shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: provided however, that the manager first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The manager may issue subpoena to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The city manager may administer oaths.
- B. Upon written application to the manager, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the manager to the same extent and subject to the same limitations as subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- C. Witnesses summoned by subpoena of the manager shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- D. Within five (5) days after services of a subpoena upon any person, such person may petition the manager to revoke or modify the subpoena. The manager shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of contumacy or refusal to obey a subpoena, the manager or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

## Building Regulations and Codes

- F. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the manager shall be punished as provided in Section 1-108 of this code. Any person who, with intent thereby to mislead the manager, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the manager pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be punished as provided in Section 1-108 of this code.
- G. The city attorney shall conduct all litigation in which the manager participates as a party or as amicus pursuant to this chapter. (Prior Code, Chapter 9AA, as amended)

### SECTION 5-912 ENFORCEMENT BY PRIVATE PERSONS.

- A. The rights granted by Sections 5-903 through 5-906 and may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: provided however, that the court shall continue such civil case brought pursuant to this section or Subsection D of Section 5-910 from time to time before bringing it to trial if the court believes that the conciliation efforts of the manager are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the manager and which practice forms the basis for the action in court: and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.
- B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and punitive damages as provided by law, together with court costs and reasonable attorneys fees in the case of a prevailing plaintiff. Provided, that the plaintiff in the opinion of the court is not financially able to assume the attorney's fees. (Prior Code, Chapter 9AA, as amended)

## Building Regulations and Codes

### SECTION 5-913 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 5-903 through 5-906. This section may be enforced by appropriate civil action. (Prior Code, Chapter 9AA, as amended)

### SECTION 5-914 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

1. Any person because of his race, color, religion, national origin, handicap or familial status and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

- a. Participating, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in paragraph 1 of this section;
- b. Affording another person or class of persons opportunity or protection so to participate; or

3. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in paragraph 1 of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be punished as provided in Section 1-108 of this code.

(Prior Code, Chapter 9AA, as amended)

Building Regulations and Codes

CHAPTER 10

JOINT CODE BOARD OF APPEALS

Section 5-1001	Creation of board, scope.
Section 5-1002	Board members, term.
Section 5-1003	Composition, qualification.
Section 5-1004	Quorum, procedure.
Section 5-1005	Votes, conflict of interest.
Section 5-1006	Appeal procedures.

SECTION 5-1001 CREATION OF BOARD, SCOPE.

A joint code board of appeals (board) is hereby created to hear and determine all appeals of building, electrical, fire, mechanical and plumbing code violations or decisions made by the respective code official for the city. (Ord. No. 2068, 10/7/91)

SECTION 5-1002 BOARD MEMBERS, TERM.

The joint code board of appeals shall consist of seven (7) members appointed by the mayor, and approved by the council, as follows:

1. Two (2) for five (5) years;
2. Two (2) for four (4) years,
3. One for three (3) years;
4. One for two (2) years, and
5. One for one year.

Thereafter, each member shall serve for five (5) years or until a successor has been appointed, but in no event shall a member serve more than two (2) consecutive terms. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term. A board member may be removed by the appointing commission for failure to attend three (3) consecutive regular or special meetings, or failure to attend two-thirds (2/3) of the regular or special meetings held during any six-month period, or for failure to maintain their prerequisite qualifications. All members shall serve without pay. (Ord. No. 2068, 10/7/91)

## Building Regulations and Codes

### SECTION 5-1003 COMPOSITION, QUALIFICATIONS.

- A. The board shall be composed of three (3) lay persons and one person from each of the respective fields of practice as follows:
  - 1. Building;
  - 2. Electrical;
  - 3. Mechanical; and
  - 4. Plumbing.
- B. The lay people shall be employed in or reside in the city limits and be, in the judgment of the mayor, qualified and experienced in matters relating to code enforcement.
- C. The building representative shall have five (5) years code experience, shall be active as an architect or professional engineer and shall keep, occupy or be employed by a company doing business in the respective professional trade, shall be knowledgeable of fire safety design and procedure and all other building codes.
- D. The electrical representative shall have five (5) years code experience, shall be active as a registered electrical contractor or registered journeyman electrician and shall keep, occupy or be employed by a company doing business in the electrical trade.
- E. The mechanical representative shall have five (5) years code experience, shall be active as a registered mechanical contractor or registered mechanical journeyman and shall keep, occupy or be employed by a company doing business in the mechanical trade.
- F. The plumbing representative shall have five (5) years code experience, shall be active as a registered plumbing contractor or registered journeyman plumber and shall keep, occupy or be employed by a company doing business in the plumbing trade. (Ord. No. 2068, 10/7/91)

### SECTION 5-1004 QUORUM, PROCEDURE.

In order to conduct official business, a quorum consisting of five (5) members must be present. Meetings shall be held at the call of the chair and at such other times as the board may determine. The chair, or in the absence of the chair, the vice-chair, or acting chair may

## Building Regulations and Codes

administer oaths and compel attendance of witnesses. All meetings, deliberations, and voting of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each individual member, or if absent or failing to vote, indicating such fact. Records of board examinations and other official actions are public records which shall be kept and immediately filed in the office of the joint code board of appeals located within city hall. (Ord. No. 2068, 10/7/91)

### SECTION 5-1005 VOTES, CONFLICT OF INTEREST.

All decisions made by the board will be by majority vote of the members present. A board member shall refrain from voting on any question involving a project on which the member, or the member's firm, has been involved. In such situations, the member shall not be counted as a member present for purposes of determining the majority vote.

### SECTION 5-1006 APPEAL PROCEDURES.

- A. An appeal to the board may be taken by any person aggrieved where it is alleged there is an error in any order, requirement, decision or determination of the city's code official in the enforcement of the respective code.
- B. An appeal shall be taken within ten (10) days from the determination complained of by filing with the secretary of the board and with the office of the city's code official, who made the determination complained of, a notice of appeal, specifying in detail the grounds thereof and the specific code provision in question. The city's code official, upon receipt of notice, shall transmit to the secretary of the board and the city clerk certified copies of all the papers constituting the record of the matter. Upon receipt of the record, the secretary shall cause an investigation to be made upon the appeal and shall set the matter for public hearing.
- C. The board shall hold the public hearing within thirty (30) days after the timely filing of the notice of appeal. The board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, in accordance with the code and ordinances currently in force. To the extent of the question on appeal before the board, the board shall have all the powers of the officer from whom the appeal is taken.
- D. The board shall make its decision within thirty (30) days after the final hearing, and the decision shall be in writing and filed of record in the office of the city clerk. The concurring vote of five (5) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the city's code official.

## Building Regulations and Codes

- E. Upon filing of an appeal, the appellant may request a restraining order be granted by the board or by the court of proper jurisdiction on due and sufficient cause shown. Within the joint code board of appeals, the chair, and in the absence of the chair the vice-chair, shall have authority to grant a temporary restraining order based upon sufficient cause shown.
  
- F. An appeal from any action, ruling, decision, judgment, or order of the board may be taken by any person or persons aggrieved or officer, department, board, or bureau of the city to the district court, by filing with the city clerk and with the secretary of the board within ten (10) days from the date of such action, a notice of appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, the city clerk shall transmit to the court clerk of the county the original or certified copies of all the papers constituting the record in the case, together with the order, decision, or ruling of the board. The case shall be heard and tried de novo in the District Court of Creek County, Oklahoma. An appeal shall lie from the action of the district court as in all other civil actions. (Ord. No. 2068, 10/7/91)

Building Regulations and Codes

CHAPTER 11

OIL AND GAS WELLS

Section 5-1101	Drilling prohibited, exceptions.
Section 5-1102	Amendments.
Section 5-1103	Penalty.

SECTION 5-1101 DRILLING PROHIBITED; EXCEPTIONS.

Drilling for oil or gas is prohibited in the city except under the following conditions:

1. Where the owner or owners of all lots in any one block in the city consent to the drilling of a well for oil or gas, one well may be drilled on such block, provided the same is located near the center of the block and at least one hundred twenty-five (125) feet from any residence, dwelling, house or building on any other lands within the city and outside of the block on which such well is to be located; provided, further, that in the event that the person desiring to drill such well secures the consent of the owners of as much as seventy-five percent (75%) of any such block, in writing, to drill such well, and the owners of the remaining twenty-five percent (25%) thereof are either nonresidents or refuse to consent thereto, such well may be drilled notwithstanding the nonconsent of such twenty-five percent (25%) of such owners, but such owners shall be entitled to participate in the one-eighth (1/8) royalty of any oil or gas produced, saved and sold from any such well;
2. The term "block" as used in this section is defined to mean a tract of land which has for its exterior boundary lines public streets, the corporate limits of the city, railway rights-of-way or unplatted tracts of land; provided, that in unplatted tracts the term "block" shall mean one continuous tract of not less than five (5) acres in area; no alley or street of less than twenty-five (25) feet in width shall be considered a boundary line of any such block;
3. Before any person shall commence operations for the drilling of a well for oil or gas in the city, there must be filed with the city clerk an application showing the name of the operator, the description and ownership of the block on which the well is to be drilled and showing the exact location of the hole;
4. Upon the filing of such application, the city council of the city shall then fix the amount of the bond necessary to be filed, which must be filed with the city clerk; the amount of such bond as fixed by the city council shall be based upon the value of the real estate and improvements immediately surrounding the well to be drilled. Such bond shall be executed by some bonding or indemnity company

## Building Regulations and Codes

authorized to do business in the state, running in the name of the city, and conditioned that the party drilling and operating such well will discharge any liability imposed by law on account of injury to property either private or public, or bodily injury including death, received or suffered by any person, persons, firm or corporation and resulting from the drilling, operating or maintenance of such well; such bond shall be for a period of not less than one year and a new bond shall be furnished at the expiration of any existing one if the operation of such well covered thereby is continued; and

- E. Upon filing of such application and the approval of such bond, the city council shall by resolution permit the drilling of such well.

(Ord. No. 356, Sec. 1; Ord. No. 690, Sec. 1.)

### SECTION 5-1102 AMENDMENTS.

This chapter shall be amended from time to time when, in the discretion of the city council, the circumstances necessitate any such amendment. In the event oil or gas is found and produced, the production of the same shall be subject to such rules and regulations which may be deemed proper by the city council to be hereafter prescribed. (Ord. No. 690, Sec. 3.)

### SECTION 5-1103 PENALTY.

Any person violating any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code, and each day that any provision of this chapter is violated shall constitute a separate offense. (Ord. No. 356, Sec. 2; Ord. No. 690, Sec. 4.)

Building Regulations and Codes

CHAPTER 12

MANUFACTURED HOMES

Section 5-1201	Definitions and Terms.
Section 5-1202	Use Conditions.
Section 5-1203	Rmh Zoning District--general Description.
Section 5-1204	Uses Permitted in Rmh District.
Section 5-1205	Special Exceptions.
Section 5-1206	Area Requirements.
Section 5-1207	Intensity of Use.
Section 5-1208	Coverage.
Section 5-1209	Height.

SECTION 5-1201                      DEFINITIONS AND TERMS.

‘Residential Manufactured home subdivision’ means an exclusive family residential housing subdivision for manufactured homes and modular housing units in which the home or housing unit owner owns the property upon which the home is situated;

‘Residential manufactured home’ means transportable, factory built, detached single-family residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standard of 1995.

SECTION 5-1202                      USE CONDITIONS.

All units in a Residential Manufactured Home Subdivision shall meet with no variance the following use conditions:

- A. All residential manufactured housing subdivisions shall be platted according to the adopted subdivision regulations meeting all requirements therein with no variances from the SMAPC or council. A building permit is required prior to installation or construction on any lot. Application for a building permit requires a site plan, footing and foundation plan and show a front and side view of the manufactured house as it will appear after installation, demonstrating architectural compliance with this chapter. No RMH-S shall be located next to RS-1 and RS-2 zoned property.
  
- B. The unit must bear a seal certifying compliance with the Federal Manufactured Construction and Safety Standards as revised on April 1, 1995. In addition, the structure must comply with the wind safety standard provisions for Wind Zone 1, as set forth in said standards.

## Building Regulations and Codes

- C. The unit is dual or triple sectional with a minimum front width of 24 feet and a minimum floor area of 1,200 square feet.
- D. Every manufactured home must have a site plan, and footing plan. Footing and foundation/stemwall installation shall be inspected by the building inspector prior to installation of a manufactured home to insure conformance with the regulations of this chapter. The unit must be attached to a continuous concrete or concrete block foundation that complies with the Building Code. The foundation must be an excavated and back filled foundation, enclosed at the perimeter with the finished floor being a maximum of 24 inches above the exterior grade of the lot. Due to differences in construction between manufactured and modular homes the method of attachment to the foundation will differ, Manufactured housing, shall use method described in Attachment "A", Modular housing may use methods described by Attachment "A" or "B". If the dwelling is multi-leveled, the lowest finished floor above exterior shall meet this requirement. The manufactured unit shall have a brick or rock wainscot to the bottom of the windows. No metal will be allowed. Transport axles and towing tongue must be removed
- E. The roof must be a gable or hip type construction with at least Class C fire resistant shingle roofing material. No dwelling shall have a roof covered with continuous rolled metal. The roof slope must have a minimum vertical rise of 3 inches for every 12 inches of horizontal run with a minimum eave projection and roof overhang of 12 inches, which may include guttering.
- F. Front and rear porches and site-built steps must be constructed with exterior materials matching the structure. All units must have an attached 2 car garage. The exterior covering material used on the garage shall be the same as exterior covering material used on a substantial portion of the dwelling and compatible with the surrounding neighborhood. The same roofing material shall be used on the garage and the dwelling.
- G. The exterior finish must be comparable to and compatible with site-built houses on the block face. No bare metal siding or roofing is allowed.
- H. No residential manufactured home can be sited adjacent to any structure designated as a historic landmark or within a locally designated historic district.

## Building Regulations and Codes

- I. Items A thru H of this section as listed above may not be waived, modified, or otherwise altered by the board of adjustment or city council except by amendment of this section.

### SECTION 5-1203      RMH ZONING DISTRICT--GENERAL DESCRIPTION.

The purpose of this district is to provide a grouping of home sites within the setting of a residential subdivision for manufactured and modular housing. This district provides for individual lots which allow the manufactured home owner to own the property on which the home is situated. A minimum subdivision size is established to assure that a desirable residential environment is created, and to provide separation from neighboring conventional housing areas. Residential manufactured homes can provide a major source of acceptable housing for persons of moderate income at a time when the cost of conventional housing is increasing.

The "RMH" zone will allow the maximum amount of freedom possible in the design of the homes in the area, and will provide for related recreational, commercial and other service facilities for the planned residential developments. The requirements established in this district are intended to afford adequate design planning and utilization of the land, provide for open and pedestrian space, to encourage site and development plans which will maximize compatibility between manufactured home developments and developments on adjoining land, and to protect and enhance the manufactured home site and its environs. Occupied manufactured or mobile homes are not permitted within the city except in districts zoned for such use.

### SECTION 5-1204      USES PERMITTED IN RMH DISTRICT.

Property in the residential manufactured home subdivision district shall be used exclusively for the following purposes:

- A. Single-family detached dwellings, modular homes, and residential-design manufactured homes;
- B. Public facilities such as parks, playgrounds, community centers, churches, schools, libraries, and noncommercial facilities such as golf courses, shuffleboard courts, swimming pools and tennis courts; and
- C. Accessory buildings and uses customary and incidental to any of the above uses when located on the same lot.

Building Regulations and Codes

SECTION 5-1205

SPECIAL EXCEPTIONS.

Since the manufactured home subdivision district is an exclusive district, only municipal uses, public buildings and public utilities which hold the right of eminent domain may be permitted by the Board of Adjustment as special exceptions.

SECTION 5-1206

AREA REQUIREMENTS.

In order to ensure adequate light, air, fire safety, convenience and amenities for the residents in the manufactured home subdivision development, the following area requirements shall apply:

- A. The manufactured home subdivision district shall not be allowed on tracts of land less than five (5) contiguous acres;
- B. Front yard setback: All manufactured homes shall be set back from the front property line a minimum of twenty-five (25) feet. When a lot has double frontage, the front yard set back shall be provided on both streets;
- C. Side yard setback: All manufactured homes shall be set back from the side yard property line a minimum distance of ten (10) feet. Unattached buildings of accessory use shall be set back from the side yard property line and other buildings a minimum distance of five (5) feet. On any corner lot, dwellings, manufactured homes and accessory buildings shall be set back from the side property line a distance of fifteen (15) feet when a lot is back to back with another corner lot, and a distance of twenty (20) feet in all other instances;
- D. Rear yard setback: All manufactured homes shall be set back from the rear yard property line a minimum distance of twenty (20) feet. Unattached buildings of accessory use may be located in the rear yard, but shall be set back at least five (5) feet from alley line or rear property line and clear of utility easements.

SECTION 5-1207

INTENSITY OF USE.

- A. For each individual manufactured home site, there shall be a minimum lot area of not less than 9,000 thousand (9,000) square feet. Each lot will have a minimum of 80 feet of front lot width.
- B. Individual manufactured home site lots on cul-de-sacs and exterior curve radiuses shall abut on a street for a distance of not less than forty (40) feet.
- C. Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of these regulations, that lot may be used for any of the uses, except churches, permitted by these regulations.

## Building Regulations and Codes

- D. For churches and main accessory buildings, other than dwellings and buildings accessory to the dwelling, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Chapter 10 et seq. of this code.
- E. There shall be no more than one dwelling unit and one use per lot in the "RMH" Manufactured Home Subdivision District.

### SECTION 5-1208

#### COVERAGE.

- A. Maximum density in any manufactured home subdivision development shall not exceed four point eight (4.8) units per gross acre for all single-family dwellings. For purposes of these regulations, gross acreage is to be computed as all usable land area within the exterior boundaries of the property, including streets, common open space, lands occupied by recreational facilities, community buildings, manufactured homes and utility easements. No manufactured housing shall be allowed in a designated floodplain.
- B. Manufactured home dwelling units and their accessory uses shall not occupy more than thirty percent (30%) of the total usable lot area on interior lots, and thirty-five percent (35%) of the lot area on corner.

### SECTION 5-1209

#### HEIGHT.

No building shall exceed two (2) stories or thirty-five (35) feet in height. In no instance shall the height be increased on the manufactured or modular home nor shall the manufactured or modular home be structurally altered, modified, enlarged or added to in any way which will increase the height of the dwelling or structurally alter the roof of the dwellings; however, accessory use structures may be modified, enlarged, altered or added to upon review. It shall be permissible to enhance the outward appearance of the manufactured home dwelling so long as its structural integrity is not compromised.

Building Regulations and Codes

CHAPTER 13

PENALTY

Section 5-1301           Penalty.  
Section 5-1302           Relief in the courts.

SECTION 5-1301       PENALTY.

Any person who engages in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without first having a valid license, permit, certificate or registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of this part, or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided in this part, shall be guilty of an offense, punishable as provided in Section 1-108 of this code. Each day upon which a violation continues shall be deemed a separate offense.

SECTION 5-1302       RELIEF IN THE COURTS.

No penalty imposed by and pursuant to this part shall interfere with the right of the city also to apply to the proper courts of the state for mandamus, an injunction, or other appropriate action against such person.

Building Regulations and Codes

CHAPTER 14

BURGLARY ALARM SYSTEMS

Section 5-1401	Purpose
Section 5-1402	Definitions
Section 5-1403	Gender
Section 5-1404	Burglary Alarm User Permits Required
Section 5-1405	Operating a Burglary Alarm System Without a User's Permit
Section 5- 1406	Alarm Response Fees
Section 5- 1407	Payment of Alarm Response Fees / Suspension of User's Permit for Non-payment
Section 5- 1408	Operating a Burglary Alarm System under a Suspended User's Permit
Section 5- 1409	Appeals
Section 5- 1410	Exclusions

SECTION 5-1401      PURPOSE.

The purpose of this chapter is to encourage burglary alarm users to assume increased responsibility for maintaining the mechanical reliability and the proper use of burglary alarm systems, to prevent unnecessary police emergency response to false alarms and thereby to protect the emergency response capability of the City.

SECTION 5-1402      DEFINITIONS.

- A. Terms which are not defined in this chapter shall have their ordinarily accepted meanings or such as the context may imply.
- B. When not inconsistent with the context, words used in the present tense include the future tense, words in plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not directory.
- C. For the purpose of this chapter, each of the following words and phrases shall have the meanings given herein.
  - 1. "Alarm response" shall mean an actual police response to the location of a burglary alarm system resulting from the activation of any burglary alarm signal except those signals specifically excluded by Subsection 1410.A.
  - 2. "Burglary Alarm System" shall mean any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an entry or attempted entry into the area protected by the system.

## Building Regulations and Codes

3. "Burglary Alarm User" shall mean and include the person or persons owning or leasing a burglary alarm system.
4. "Chief of Police" shall mean the duly appointed, qualified or acting Chief of Police of the City of Sapulpa or his authorized representative.
5. "Chief Administrative Officer" shall mean the duly appointed, qualified or acting City Manager of the City of Sapulpa or his authorized representative.
6. "Director of Finance" shall mean the duly appointed, qualified or acting Director of the finance Department of the City of Sapulpa or his authorized representative.
7. "Person" shall mean every natural person, firm, partnership, association or corporation.

### SECTION 5-1403      GENDER.

Words used in the masculine gender comprehend as well the feminine gender and neuter.

### SECTION 5-1404      BURGLARY ALARM USER PERMITS REQUIRED.

- A. Every burglary alarm user shall obtain a burglary alarm user's permit for each burglary alarm system from the Director of Finance before the system becomes operative. Only one permit shall be required for any burglary alarm system, provided that all burglary alarm users shall be listed on a single permit. The permit shall be issued in the names of the burglary alarm users and shall be issued to the specific address/location of the burglary alarm system. The permit shall not be transferable to any other burglary address/location. Applications for a burglary alarm user's permit shall be filed with the Director of Finance and accompanied by a permit fee necessary to defray the cost of issuing the permit and overseeing the number of alarm responses made to the burglary alarm system. Each permit shall bear the signature of the Director of Finance and shall be valid for a five (5) year period immediately following issuance of the permit.
- B. The permit fee established for issuing a burglary alarm user's permit and necessary for regulation of alarm responses shall be twenty dollars (\$20.00), or as reflected by the Master Fee Schedule to the Code, whichever is greater. The permit fee after expiration of the burglary alarm user's permit shall be twenty dollars (\$20.00), or as reflected by the Master Fee Schedule to the Code, whichever is greater. Any permit fee paid pursuant to any previous enactment

## Building Regulations and Codes

of this section shall satisfy any requirement of a permit fee, provided that the user's permit is in good standing and has not expired. Any burglary alarm user's permit renewed before expiration shall be renewed at no charge to the burglary alarm user provided that user's permit is in good standing with the City and all alarm response fees have been paid.

- C. The Director of Finance shall not issue a burglary alarm user's permit to any person indebted to the City of Sapulpa for any past alarm response fees.

### SECTION 5-1405      OPERATING A BURGLARY ALARM SYSTEM WITHOUT A USER'S PERMIT.

It shall be an offense for any burglary alarm user to operate, use, or maintain a burglary alarm system without a burglary alarm user's permit issued by the Director of finance. Any person convicted of a violation of this section shall be punished as provided by Section 1-108 of the Code; provided, however, that any person charged with violation of this section shall have two (2) working days to present proof to the court that a burglary alarm user's permit has been obtained, in which case said charge shall be dismissed upon payment of court costs. Each day such violation is committed or permitted to continue shall constitute a separate offence.

### SECTION 5- 1406      ALARM RESPONSE FEES.

- A. Every burglary alarm user shall be charged alarm response fees after the third alarm response occurring within one (1) year of the date of the first alarm response to the user's burglary alarm system. The alarm response fees shall be charged by the Director of Finance as follows:
  - 1. Fourth through fifth alarm responses - FIFTY DOLLARS (\$50.00) each;
  - 2. Sixth and any additional alarm responses - ONE HUNDRED FIFTY DOLLARS (\$150.00) each.

For the purpose of this section, each burglary alarm user shall begin at zero alarm responses one (1) year from the date of the user's first alarm response for that one (1) year period.

- B. The Director of Finance shall mail a Notification of Alarm Response Fee Charge to the burglary alarm user. The Notification shall be sent by first class, U.S. Mail, to the mailing address that appears on the permit application. The Notification shall clearly state the amount of the alarm response fee due the City and shall notify the user of the consequences of the failure to pay the alarm response fee. The Director of Finance shall also inform the user of its right to appeal the validity of the alarm response fee, as provided in Section 1409.

## Building Regulations and Codes

- C. The Director of Finance shall not collect any alarm response fees for any alarm response caused by:
  - 1. Natural catastrophe, including tornadoes, floods, earthquakes or similarly sudden, violent conditions;
  - 2. Telephone line outage; or
  - 3. The testing of a local/audible burglary alarm system by a licensed alarm business agent or employee who is present at the area protected by the system and who is servicing, repairing or installing the alarm system.
- D. The Director or Finance shall not collect any alarm response fees in any case where the burglary alarm user can demonstrate that the activation of the burglary alarm signal was caused by the act of a person or persons engaged in the commission of a felony as defined by the laws of the state of Oklahoma.
- E. An alarm user may present evidence that successive alarm activations were caused by a common cause, which could not have been reasonably corrected before subsequent activations occurred, in which case, the activations shall be counted as a single activation. This provision shall only apply to commonly caused activations occurring within a sixty (60) hour period, commencing with the first commonly caused activation, provided that the responsible alarm user has documented, to the Director of Finance, the action taken to rectify the cause and there are no additional activations of the alarm system from the documented cause within thirty (30) days from the documented cause.
- F. In any case where the Director of Finance has determined that the provisions of Subsections 1406.C or 1406.D apply, in addition to not collecting the alarm response fee, the Director of Finance shall expunge the alarm response from the burglary alarm user's record with the City.

### SECTION 5- 1407      PAYMENT OF ALARM RESPONSE FEES - SUSPENSION OF USER'S PERMIT FOR NON-PAYMENT.

- A. Every burglary alarm user shall pay its alarm response fees within sixty (60) days of the day the Notification of Alarm Response Fee was mailed by the Director of Finance. A burglary alarm user's failure to pay the alarm response fees within sixty (60) days shall be grounds for the suspension of the user's permit by the Director of finance pursuant to Subsection B of this section.
- B. If a burglary alarm user fails to make full payment within the sixty (60) day period, and there is no appeal pending on the validity of the alarm response fee, the Director of Finance shall serve upon the user a Notice of Suspension of

## Building Regulations and Codes

Permit either by personal service or by certified mail. The Notice of Suspension shall inform the burglary alarm user of its right to appeal the validity of the suspension, as provided in Section 1409. The suspension of the burglary alarm user's permit shall commence ten (10) days after service of the Notice of Suspension unless an appeal has been made pursuant to Section 1409. The Notice of Suspension shall inform the user that its burglary alarm user's permit shall be suspended ten (10) days after service of the Notice unless an appeal has been made pursuant to Section 1409.

- C. An Application for Reinstatement of a Suspended Burglary Alarm User's permit and a reinstatement fee of One Hundred Dollars (\$100.00) shall be filed with the Director of Finance before reinstatement of a suspended user's permit. The Director of Finance shall reinstate a suspended burglary alarm user's permit upon the following:
1. The filing of a completed Application for Reinstatement of a Suspended Burglary Alarm User's Permit;
  2. The payment of a reinstatement fee of One Hundred Dollars (\$100.00); and
  3. The payment of all due and past due alarm response fees by the user seeking reinstatement of its permit.

### SECTION 5- 1408      OPERATING A BURGLARY ALARM SYSTEM UNDER A SUSPENDED USER'S PERMIT.

It shall be an offense for any burglary alarm user to operate, use or maintain a burglary alarm system when its burglary alarm system user's permit has been suspended by the Director of Finance. Any person convicted of a violation of this section shall be punished as provided by Section 1-108 of the Code. Each day such violation is committed or permitted to continue shall constitute a separate offense.

### SECTION 5- 1409      APPEALS.

- A. A burglary alarm user who wants to appeal the validity of an alarm response fee may appeal for a hearing. The appeal must be in writing and must be filed with the Director of Finance within fifteen (15) days of the date of the Notification of Alarm Response Fee notice to the user. Failure to appeal the alarm response fee within the required time period shall result in a determination that the alarm response fee was valid.
- B. A burglary alarm user who wants a hearing before the suspension of its user's permit for non-payment of alarm response fees may appeal for a hearing. The appeal must be in writing and must be filed with the Director of Finance within

## Building Regulations and Codes

ten (10) days of service of the Notice of Suspension upon the user. Failure to appeal the suspension within the required time period shall result in the suspension of the permit.

- C. If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Director of Finance, either by personal service or certified mail, at least ten (10) days prior to the date set for the hearing, which date shall not be more than twenty (20) nor less than ten (10) days after the filing of the request for hearing.
- D. All hearings shall be conducted before the Chief Administrative Officer. All hearings shall be conducted in an informal manner; provided, however, the Director of Finance and the burglary alarm subject to the right of cross examination. The City shall have the burden of proof by a preponderance of the evidence at all hearings.
- E. For appeals contesting the validity of an alarm response fee, the Chief Administrative Officer shall issue written findings expunging or sustaining the entry of an alarm response on a user's record as appropriate. If the alarm response fee is sustained after appeal, the Director of Finance shall mail a Notice of Alarm Response Fee After Denial of Appeal to the burglary alarm user. The Notice shall be sent by first class, United States Mail, to the mailing address that appears on the permit application. The Notice shall clearly state the amount of the Alarm Response Fee due the city and shall notify the user of the consequences of the failure to pay the alarm response fees.
- F. For appeals contesting the validity of the suspension of a user's permit, the Chief Administrative Officer shall issue written findings. If the chief Administrative Officer determines that the user's permit shall be suspended, the Director of Finance shall serve upon the user, either by personal service or by certified mail, a Notice of Suspension of Permit After Denial of Appeal. The suspension of the burglary alarm user's permit shall be effective ten (10) days from the date of service of the Notice upon the user.
- G. The Chief Administrative Officer may appoint another person to hear appeals and to render judgment.
- H. A burglary alarm user may appeal any adverse decision of the Chief Administrative Officer to the city Council by filing a written request for a hearing with the City Clerk within ten (10) days of the service upon the user of any adverse decision rendered by the chief Administrative Officer. Appeals to the Council shall, when timely filed, be docketed on the Council's next available agenda and notice of the date and time of hearing shall be given to all parties concerned. At such hearing, the Council shall receive any evidence it deems appropriate and, shall either affirm, reverse or modify the Chief Administrative Officer's decision.

## Building Regulations and Codes

### SECTION 5- 1410      EXCLUSIONS.

- A. No provision within this chapter shall be construed as to apply to panic buttons, manually activated buttons or robbery alarm systems which elicit an immediate police response to their activation.
  
- B. No provision within this chapter shall be construed as to apply to any building, structure or facility owned, controlled or occupied by the United States of America, the state of Oklahoma or any governmental subdivision of the state of Oklahoma.