

PART 5

BUILDING REGULATIONS AND CODES

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CHAPTER 1

BUILDING CODE AND REGULATIONS

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SECTION 5-101 BUILDING CODE ADOPTED

The International Code Council, Inc. has published construction codes that supersede, cooperatively, the Building Officials and Code Administrator's International, Inc., Codes previously adopted. The International Building Code is hereby adopted as the Building Code of the Town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Building Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this Code with the additions, insertions, deletions and changes, if any, prescribed in this Section. A copy of this Code is kept on file in the Office of the Town Clerk.

SECTION 5-102 ADDITIONS AND CHANGES TO BUILDING CODE

The following Sections of The International Code Council, Inc., and International Building Code are hereby revised as follows:

1. 101.1 insert "Town of Oologah";
2. 1612.3 insert "Town of Oologah";
3. 3409.2 insert "6th day of May, 2002".

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 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 1-108 of this Code, including costs.

SECTION 5-104 **BUILDING OFFICIAL**

The building official of this Town shall be appointed by the Town Board of Trustees and shall have the powers and duties prescribed for the “building official” by the Town’s building code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control. The term “building inspector”, whenever used in the ordinances of the Town, means the building official. The terms “electrical inspector”, “plumbing inspector”, and “gas inspector”, wherever used in the ordinances of the Town, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, or gas inspector is appointed by the Town Board of Trustees.

SECTION 5-105 **FIRE LIMITS DEFINED**

The fire limits are that part of the Town bounded as provided by the Town Board of Trustees.

SECTION 5-106 **BUILDING PERMIT REQUIRED, FEE**

A. No building or other structure shall be build, enlarged, altered, or moved without a building permit issued by the Town Clerk as follows:

1. Whenever changes to a building or other structure alter the outside appearance;
2. Whenever changes will amount to more than One Thousand Dollars (\$1,000.00) in cost; or
3. Whenever a building or structure is to be removed from without the Town to a location within the Town or from one location in the Town to another location within the Town.

B. A person desiring a building permit shall submit an application therefore to the Town Clerk. The applicant shall submit with the application such reasonable information as the Clerk may require to enable him to determine whether granting the permit would be in accordance with the requirements of the ordinances of the Town.

C. If the application is in accordance with the requirements of the ordinances and laws, the Clerk shall issue the permit upon the payment by the applicant of a building permit fee, which may be set by motion or resolution of the Town Board of Trustees. A current copy of the fee schedule shall be kept in the office of the Town Clerk.

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D. A building permit covers the initial plumbing and electrical installations to be made in connection with the building.

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CHAPTER 2

PLUMBING CODE

Section 5-201	Plumbing Code Adopted
Section 5-202	Additions, Insertions, and Changes to Plumbing Code
Section 5-203	Plumbers; Registration, Permits and Fees
Section 5-204	Plumbing; Permits and Inspections

SECTION 5-201 PLUMBING CODE ADOPTED

The International Code Council, Inc. has published construction codes that supersede, cooperatively, the Building Officials and Code Administrator's International, Inc., Codes previously adopted. The International Plumbing Code is hereby adopted as the Plumbing Code of the Town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the Plumbing Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this Code with the additions, insertions, deletions and changes, if any, prescribed in this Section. A copy of this Code is kept on file in the Office of the Town Clerk.

SECTION 5-202 ADDITIONS, INSERTIONS, AND CHANGES TO PLUMBING CODE

The following Sections of The International Code Council, Inc., and International Building Code are hereby revised as follows:

1. 101.1 insert "Town of Oologah";
2. 106.6.2 insert "The fees for all plumbing work shall be as set by the "Town Board of Trustees";
3. 106.6.3 insert "Not more than fifty percent (50%)";
4. 108.4 insert "Shall be punishable by fine as provided in 1-108 of the Town Code of Ordinances";
5. 108.5 insert "Shall be punishable by fine as provided in 1-108 of the Town Code of Ordinances";
6. 305.6.1 insert "eight inches";
7. 904.1 insert "twelve inches"

SECTION 5-203 PLUMBERS; REGISTRATION, PERMITS AND FEES

A. The phrases and words “journeyman plumber”, “plumber’s apprentice”, “plumbing contractor”, and “plumbing”, when used in the ordinances, regulation and other official acts and communications of this Town, shall have the meanings respectively prescribed for them by Sections 1001 et seq. of Title 59 of the Oklahoma Statutes, the state plumbing license law, unless the context clearly indicates a different meaning.

B. It is unlawful for any person to engage in the business, trade, or occupation of a plumbing contractor (otherwise known as a master plumber), or of a journeyman plumber, or of a plumber’s apprentice, in this Town unless he is registered with the Town and has a current and valid certificate of registration issued by the plumbing inspector.

C. Only persons who have current and valid licenses as plumbing contractors or as journeyman plumbers issued by the State Commissioner of Health as provided by the state plumbing license law may register as such with the Town. Only persons who have current and valid certificates of registration as plumber’s apprentices issued by the State Commissioner of Health as provided by law, may register as such with the Town.

D. Applicants for certificates of registration, after complying with the laws of the state and with the Town Code, and after payment of the fee hereinafter specified, shall be registered by the Town Clerk. The registration shall expire annually, but may be renewed from year to year. The registration fee shall be as set by the Town Board of Trustees. Plumbing contractors desired to renew their registration shall furnish the same evidence of compliance with state licensing laws and the same bond is required as set forth by Town Code. An applicant for plumbing contractor’s registration shall also furnish bond in such sum and such conditions as set by the Town Board of Trustees.

E. A qualified person may re-register as a plumbing contractor, a journeyman plumber, or a plumber’s apprentice, in the same manner as in the original instance, and upon the same conditions.

F. All plumbing contractors registrations not renewed within ninety (90) days after the date of expiration thereof shall be cancelled, and a new application for registration must be made and the fee for a new registration paid.

G. The fee for registration shall be as set by the Town Board of Trustees by motion or resolution.

H. The Town Board of Trustees, upon at least ten (10) days notice and adequate opportunity for a public hearing, may revoke the Town registration of any plumbing contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the Town relating to the installation of plumbing or for any other cause specified in the state plumbing license law.

State Law Reference: State plumbing licenses, requirements, 59 O.S. Sections 1001 et seq.

SECTION 5-204 PLUMBING; PERMITS AND INSPECTIONS

- A. No plumbing work shall be undertaken without a permit from the plumbing inspector.
- B. The application for such work must follow the adopted Town Code.
- C. The schedule of permit fees may be set forth by resolution or motion of the Town Board of Trustees. Such payment will be made upon application.
- D. Inspection of such work must conform to the guidelines set forth in the Town Code.

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CHAPTER 3

ELECTRICAL CODE

Section 5-301	“Electrical Equipment” Defined
Section 5-302	National Electrical Code
Section 5-303	Underwriters Laboratories, Inc.
Section 5-304	Town Board of Trustees may make Special Rulings
Section 5-305	Pilot Light Required for Iron in Mercantile Occupancies
Section 5-306	Branch Circuits
Section 5-307	Basement Installations
Section 5-308	Permit Required for Electrical Installations; Issuance
Section 5-309	Inspection Fee
Section 5-310	Electricians Registration Required, Bond

SECTION 5-301 **“ELECTRICAL EQUIPMENT” DEFINED**

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

State Law Reference: State electrical requirements, licensing by State, 59 O.S. Sections 1680 to 1696.

SECTION 5-302 **NATIONAL ELECTRICAL CODE**

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

SECTION 5-303 **UNDERWRITERS LABORATORIES, INC.**

All electrical equipment installed or used shall be in conformity with the provisions of this Section, the statutes of the state and the provisions of this Section, the statutes of the state and any orders, rules and regulations issued by the authority thereof, and with approved electrical standards

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

SECTION 5-304 TOWN BOARD OF TRUSTEES MAY MAKE SPECIAL RULINGS

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

SECTION 5-305 PILOT LIGHT REQUIRED FOR IRON IN MERCANTILE OCCUPANCIES

In all mercantile occupancies where electric irons are used, they must be installed with approved pilot light. If pilot light is in an enclosure such as an alteration room, an additional light must be installed in a visible position outside the enclosure.

SECTION 5-306 BRANCH CIRCUITS

In residential and mercantile occupancies, lighting branch circuits shall be confined to one thousand (1,000) watts, and not more than eight (8) outlets per circuit will be allowed in the fire limits. Branch circuit conductors shall be smaller than No. 12. Type C lamp cord will not be permitted in the kitchen or restaurants or like places where grease accumulates, nor in part of a building where live poultry is confined.

SECTION 5-307 BASEMENT INSTALLATIONS

A circuit of not less than No. 12 wire shall be installed in basements in any area subject to floods. Ground connections shall not be made in toilets, adjacent to salt storage, acid vapors, or in any location where the grounding conductor and fitting is likely to become corroded.

SECTION 5-308 PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE

A. It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits of this Town to make extensions to any existing electrical installations without first securing a permit from the Town Clerk.

B. Applications for electrical permits shall be made to the Town Clerk; and the applicant shall provide such plans, specifications, and other data as may be reasonably required.

C. The fee for an electrical permit shall be as prescribed by motion or resolution passed by the Town Board of Trustees.

SECTION 5-309 **INSPECTION FEE**

The Town Board of Trustees by motion or resolution may prescribe an inspection fee to be paid to the Town when electrical installations are inspected by the electrical inspector.

SECTION 5-310 **ELECTRICIAN'S REGISTRATION REQUIRED, BOND**

A. It is unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician, or apprentice electrician without a certificate of registration as such secured from the Town. The initial fee for a registration certificate, and any renewal, to be paid to the Town Clerk, shall be as set by the Town Board of Trustees. A registration certificate must be renewed within ninety (90) days following expiration of the certificate. After the expiration, an application for a new certificate must be requested and the initial fee paid again. No person may be registered with the Town as a contractor, journeyman, or apprentice unless he possesses a valid and current state license issued by the State and pays the registration fee in such sum as set by the Town Board of Trustees by motion or resolution. This certificate is not transferable to any other individual or company.

B. Every person receiving a certificate as an electrical contractor shall file with the Town Clerk a bond in such sum as set by the Town Board of Trustees, executed with a surety company authorized to do business in the state. The bond shall be conditioned that the principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with the law and the ordinances and other regulations of the Town relating to electrical installations and in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior, non-standard material; and that the Town may be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as an electrical contractor, or appliance electrician, as the case may be.

C. For the installing of a bell, telephone, or signal systems not using over twelve (12) volts, no registration or bond will be required. The installation of same must comply with all other requirements of the ordinances of the Town.

D. After adequate opportunity for a hearing, the Town Board of Trustees may revoke the certificate of an electrical contractor, an apprentice electrician, or a journeyman electrician.

Building Regulations and Code

CHAPTER 4

LIQUEFIED PETROLEUM GAS

Section 5-401 Code Adopted

SECTION 5-401 CODE ADOPTED

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum Gases, as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within this Town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the Town and shall be punished accordingly.

State Law Reference: State Rules, LPG, 52 O.S. Sections 420.1 et seq.

CHAPTER 5

ELECTRICAL CODE

Section 5-501 Pamphlet Adopted

SECTION 5-501 PAMPHLET ADOPTED

Pamphlet No. 54 published by the National Fire Protection Association, entitled National Fuel Gas Code, the latest edition thereof, hereby adopted and incorporated in this Code by reference. The pamphlet shall be in full force and effect in the Town and shall govern the installation of gas piping and gas appliances in the Town. Any violation of the provisions of the pamphlet shall be deemed a violation of the ordinances of the Town.

Building Regulations and Code

CHAPTER 6

OIL AND GAS DRILLING REGULATIONS

Section 5-601 Oil, Gas Drilling Prohibited

SECTION 5-601 OIL, GAS DRILLING PROHIBITED

It is unlawful for any person, firm, or corporation to drill for oil or gas within the Town limits of the Town.

Building Regulations and Code

CHAPTER 7

PENALTY

Section 5-701	Penalty
Section 5-702	Relief in Courts

SECTION 5-701 PENALTY

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without having a valid license, permit, certificate, or certificate of 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 the Sections in 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 for in this part, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this Code.

SECTION 5-702 RELIEF IN COURTS

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

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CHAPTER 8

FAIR HOUSING

Section 5-801	Intent
Section 5-802	Acts Prohibited
Section 5-803	Acts Exempted
Section 5-804	Fair Housing Council Created
Section 5-805	Fair Housing Council Powers
Section 5-806	Complaint Procedure
Section 5-807	Hearing by Council
Section 5-808	Penalty

SECTION 5-801 INTENT

The general intention of the Town in providing for the passage of this Section is as follows:

1. To secure for all residents of the Town equal access to housing in all neighborhoods and areas of the Town; and
2. To preserve the public welfare to provide for the preservation of public peace, health and safety.

SECTION 5-802 ACTS PROHIBITED

It is unlawful for any person, firm, corporation, or association to commit any of the following acts:

1. Refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, sex, religion or national origin;
2. Refuse to negotiate with any person for the sale, rental or leasing of any residential property, or to represent that such property is not available for inspection, sale, rental or lease when in fact it is so available, because of such person's race, color, sex, religion or national origin;
3. To solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, sex, religion, or national origin, either by direct

solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed material or making statements designed to induce a residential property owner to sell or lease his property due to such change in neighborhood; or

4. To file a complaint alleging a violation of this Section, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

SECTION 5-803 **ACTS EXEMPTED**

Nothing contained herein shall apply to the following:

1. To prohibit persons from giving preference to prospective buyers or tenants for reasons other than race, color, religion, or national origin;
2. To the sale of a dwelling which is, or was at the time when first offered for sale, the principal residence of its owner;
3. To the rental of rooms in an owner-occupied residence or in a dwelling used exclusively as a rooming house;
4. To the rental or leasing of a housing unit in a building containing less than four (4) housing units; or
5. To the rental or leasing of a dwelling or housing units owned by a religious or fraternal organization, or private club used and occupied for such organizational purposes.

SECTION 5-804 **FAIR HOUSING COUNCIL CREATED**

There is hereby created a Fair Housing Council of the Town, hereinafter referred to as "Council", composed of the members of the Town Board of Trustees. All appointments to the Council shall be the same as and run concurrently with the term of office of the Town Board of Trustees.

SECTION 5-805 **FAIR HOUSING COUNCIL POWERS**

The powers of the Fair Housing Council shall be as follows:

1. Have the power to prescribe such rules and regulations as it shall deem necessary or expedient for the conduct and carrying out of its functions, and it shall have the power to revoke, suspend, or amend any rule or regulation as administered by the Council, regardless of the manner in which prescribed;

2. Seek settlement and disposition of any complaint filed with the Council by means of conferences and conciliation;
3. As to investigation:
 - a. Have the power, either by itself or by any officer or person designated for the purposes by it, to investigate and to examine or inquire into the affairs or operation of any person, firm, corporation or association within its jurisdiction; and further when so authorized by the Town Board of Trustees for the Town, the Council shall have the power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries;
 - b. For the purposes of gathering evidence on any subject, the Council shall have the power to subpoena and examine witnesses, books, papers, and other effects; and
4. The Council shall have the authority to initiate in its name, or to receive and initiate upon the filing of formal charges, complaints against any person, firm, corporation or association violating any of the provisions of this Section.

SECTION 5-806 COMPLAINT PROCEDURE

A. Any person aggrieved, by discriminatory practice prohibited by this Section, may file with the Fair Housing Council, a complaint in writing under oath. The complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this Section, and shall further set forth the particulars of the violation, and may include such other information as may be required by the Council. Complaints filed under this Section must be filed within thirty (30) days after the alleged violation, and failure to file within the time, shall be considered a waiver of the application of this Section. The Council may issue a complaint on its own initiative at any time it is within the knowledge of the Council that a person has violated any of the provisions of this Section.

B. The Council shall investigate each complain filed with the Council, and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the Council shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the Council takes no action within ninety (90) days of the filing of the complaint, it shall be considered as dismissed.

SECTION 5-807 HEARING BY COUNCIL

A. If the Council is unsuccessful by means of conference or conciliation in securing compliance with this Section by any person, firm, corporation or association against which a complaint has been filed, then a notice in writing shall be served upon the person complained

against (hereinafter referred to as the “respondent”). Notifying the respondent of the alleged violation of the provisions of this Section and requesting that the respondent answer charges of the complaint at a hearing before the Council.

B. The Council shall give notice of any such hearing at least ten (10) days before the date and time which such hearing has been set. Any and all notices required under the provisions of this Section may be served personally on any person complained against, or by mailing a copy hereof by certified registered mail, with return receipt requested, to the most current business residential address of the person.

C. The notice shall contain the request for the respondent to appear at a hearing for the purposes of determining whether or not a violation of this Section has been committed, which hearing shall be held at a certain time and place which shall be specified in the notice. The notice shall advise the respondent that upon failure to comply with the notice, the respondent shall be considered to be in violation of the provisions of this Section.

D. As to hearings by Council:

1. As any such hearing, as provided for above, the complaint shall be heard by the Council. At the hearing, the respondent, person, firm, corporation, or association shall appear either in person or by counsel and shall be required to file a written answer to the complaint. The complainant or person aggrieved by the actions of the person, firm, corporation, or association may also appear in person or by counsel at the hearing. The Council will then proceed to hold a hearing to determine whether the respondent has committed an act in violation of the provisions of this Section and which act is detrimental to the health, benefit and welfare of the public, the community, and the citizens of the Town;

2. The Council, when conducting any hearings, shall permit both the person aggrieved and the respondent to introduce any such witnesses, evidence, testimony, or exhibits as either party deems necessary and prudent. Further, the Council may at such time permit amendments to any written complaint or answer as filed with the Council and all testimony taken at the hearing shall be under oath. Either party represented by the hearing shall have the right to request that the testimony be transcribed, or the testimony shall be transcribed at the direction of the Council:

a. If the Council finds at any such hearing, that the respondent has engaged in discriminatory practices as prohibited by this Section, it shall state its finding of fact in written report form and forward the report to the Town attorney for appropriate action; or

b. If the Council, upon hearing, finds that the respondent has not engaged in any discriminatory practices as prohibited herein, it shall so state its findings in written form, and further shall issue and file an order dismissing the complaint.

E. The Council shall have the authority and right to promulgate such rules and regulations and shall govern, expedite, and assist the foregoing procedures as it deems necessary. It shall further maintain all files as provided for herein.

SECTION 5-808 **PENALTY**

Any person, firm, corporation, or other legal entity which shall violate any of the provisions of this Section or fails to comply therewith or with any of the requirements thereof, shall be deemed guilty of an offense punishable as provided in Section 1-108 of this Code.

Building Regulations and Code

CHAPTER 9

PROPERTY MAINTENANCE CODE

Section 5-901 **Property Maintenance Code Adopted**
Section 5-902 **Additions, Insertions, and Changes to Property Maintenance Code**

SECTION 5-901 **PROPERTY MAINTENANCE CODE ADOPTED**

The International Code Council, Inc. has published property maintenance codes that supersede, cooperatively, the Building Officials and Code Administrator’s International, Inc., Codes, previously adopted. The International Property Maintenance Code is hereby adopted as the Property Maintenance Code of the Town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Property Maintenance Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this Code with the additions, insertions, deletions and changes, if any, prescribed in this Section. A copy of this Code is kept on file in the Office of the Town Clerk. (Ord. No. 03-3-3, 03-04-2003)

SECTION 5-902 **ADDITIONS, INSERTIONS, AND CHANGES TO PROPERTY MAINTENANCE CODE**

The following Sections of The International Code Council, Inc., and International Property Maintenance Code are hereby revised as follows:

1. 101.1 insert “Town of Oologah”;
2. 103.6 insert “Fees shall be set by the Town Board of Trustees”;
3. 303.14 delete “from and to dates”;
4. 602.3 delete “from and to dates”;
5. 602.4 delete “from and to dates”

CHAPTER 10

MECHANICAL CODE

Section 5-1001 Mechanical Code Adopted
Section 5-1002 Additions, Insertions, and Changes to Mechanical Code

SECTION 5-1001 MECHANICAL CODE ADOPTED

The International Code Council, Inc. has published construction codes that supersede, cooperatively, the Building Officials and Code Administrator's International, Inc., Codes previously adopted. The International Mechanical Code is hereby adopted as the Mechanical Code of the Town. The Mechanical Code shall be fully applicable and enforceable in governing mechanical work in the Town. Each and all of the regulations, provisions, penalties, conditions and terms of the Mechanical Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this Code with the additions, insertions, deletions and changes, if any, prescribed in this Section. A copy of this Code is kept on file in the Office of the Town Clerk.

SECTION 5-1002 ADDITIONS, INSERTIONS, AND CHANGES TO MECHANICAL CODE

The following Sections of the International Code Council, Inc., International Building Code are hereby revised as follows:

1. 101.1 insert "Town of Oologah";
2. 106.5.2 insert "The fees for all mechanical work shall be as set forth by the Town Board of Trustees";
3. 106.5.3 insert "Not more than fifty percent (50%);
4. 108.4 insert "Shall be punishable by fine as provided in 1-108 of the Town Code of Ordinances";
5. 108.5 insert "Shall be punishable by fine as provided in 1-108 of the Town Code of Ordinances"

CHAPTER 11

MOBILE HOMES

Section 5-1101	Specific Standards for Mobile Homes
Section 5-1102	Specific Standards for Mobile Home Courts
Section 5-1103	Definitions
Section 5-1104	Inspection of Mobile Home and Travel Trailer Parks
Section 5-1105	Notice, Hearings and Orders
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SECTION 5-1101 SPECIFIC STANDARDS FOR MOBILE HOMES

Mobile homes shall conform to all the regulations and provisions of this Town and the State and to any other applicable rules and regulations, with the following exceptions or additions:

1. Density standards: minimum lot areas for mobile homes shall conform to the following standard:

	<u>Length of Mobile Home Unit</u>	<u>Minimum Lot Area</u>
a.	Up to 40 feet	1600 sq. feet
b.	40 to 50 feet	1900 sq. feet
c.	50 to 60 feet	2400 sq. feet
d.	Over 60 feet	2800 sq. feet

2. Maximum occupancy: the maximum number of occupants of a mobile home shall be limited to the number determined on the basis of the square feet of habitable floor area exclusive of habitable floor area used for cooking purposes in accordance with the following:

- a. One hundred and fifty (150) square feet for one or two (2) occupants;
- b. Two hundred and fifty (250) square feet for three (3) occupants;
- c. Eight (80) square feet additional for each occupant thereof.

3. Minimum floor widths shall be in accordance with generally accepted standards of the mobile home industry.

4. Habitable space shall have a minimum ceiling height of seven (7) feet over fifty percent (50%) of the floor area; and the floor area where the ceiling height is less than five (5) feet shall not be considered in computing habitable floor area.

5. A mobile home shall have a safe and unobstructed primary exit and an emergency exit located remote from the primary exit.

6. A mobile home shall contain cooking equipment and refrigeration equipment of an approved type for mobile home installation.

7. Garbage and refuse: suitable containers shall be provided for the temporary storage of garbage and refuse within the mobile home.

SECTION 5-1102 SPECIFIC STANDARDS FOR MOBILE HOME COURTS

A. Mobile home courts shall be designed and constructed to conform to applicable zoning and building regulations and generally accepted standards for mobile home courts, and shall meet the following conditions:

1. Mobile home courts shall have adequate facilities for drainage of surface and subsurface water. This shall include proper grading and installation, where necessary, of gutters, culverts, catch basins, drain inlets, or other satisfactory drainage systems.

2. Walks, driveways, and parking spaces shall be provided with a sealed surface and arranged in a manner that provides safe and convenient access under normal use and weather conditions;

3. Wires installed above driveways and parking spaces shall have a clearance of not less than eighteen (18) feet.

Building Regulations and Code

4. Mobile home courts shall be properly maintained so as to assure the desirable residential character of the property.

5. No occupied travel or vacation trailer or other form of temporary living units shall be permitted in a mobile home court.

B. A mobile home court shall be provided with the following utilities which shall have sufficient capacity to supply the requirements of the mobile home court and the maximum number of mobile homes which will be located there: water supply system, sewage disposal system, electrical system, which shall meet the following conditions:

1. The water supply system shall be designed to provide a sufficient supply of potable water, under adequate pressure to outlets serving mobile homes, community structures, drinking fountains, hose connections and hydrants.

2. A sewage disposal system shall provided each mobile home and community structures containing plumbing fixtures with an approved, adequate and safe method of sewage disposal:

a. No untreated sewage from a plumbing system shall be disposed of into any waters of the State; and

b. Where a public sewage disposal system is not available an adequate private sewage disposal system, approved by the Health Officer shall be provided.

3. The electrical system shall be designed to provide adequate capacity to supply the connected load without exceeding the current carrying capacity of the conductors.

C. Community fuel supply and storage requirements are as follows:

1. A gas piping system, if installed, shall be designed to provide a supply of gas sufficient to meet the maximum demand without undue loss of pressure at the connection to the mobile home furthest from the source of supply;

2. Liquefied petroleum gas storage containers having a capacity exceeding one hundred twenty-five (125) gallons shall be located not less than twenty-five (25) feet from the nearest mobile home structure, building and lot line and shall be so located and protected that it will not be subject to damage from moving vehicles; and

3. Fuel oil and other flammable materials shall be stored so as not to be a fire hazard.

D. A mobile home court shall be maintained in a safe sanitary and orderly condition and shall meet the following property maintenance conditions:

Building Regulations and Code

1. Premises shall be kept clean and free of physical hazards;
2. Open areas shall be maintained free of heavy undergrowths; accumulations of plant growth which are noxious or detrimental to health shall be eliminated;
3. Grounds and structures shall be maintained free of insect, vermin and rodent harborage and infestation;
4. Exterior wood surfaces of structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative;
5. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse; and
6. Domestic animals and pets shall be kept in an appropriate manner and shall not be permitted to run at large.

SECTION 5-1103 DEFINITIONS

For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them in this Section:

1. “Dependent mobile home” means a mobile home which does not have a flush toilet and a bath or shower. For purposes of regulation under this Chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified;
2. “Free-standing mobile home or travel trailer” means any mobile home or travel trailer not located in a mobile home park or travel trailer park or in an approved mobile home subdivision;
3. “Health Officer” means the legally designated health authority of the Town or his authorized representative;
4. “Independent mobile home” means a mobile home which has a flush toilet and a bath or shower. Unless otherwise indicated in the text of this Chapter, the term “mobile home” shall mean an independent mobile home;
5. “Inspection Officer” means the building inspector of the Town or his authorized agent;
6. “Mobile home” means a movable or portable dwelling consisting of one or more components or of two (2) or more units separately towable but designed to be joined into one integral unit designed for towing or transport on streets and highways on its own wheels, chassis

Building Regulations and Code

or on flatbed or other trailers, both complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, skirting, connection to utilities and similar operations. Unless otherwise indicated in the text of this Chapter, the term “mobile home” shall refer to an “independent mobile unit” as defined in this Section;

7. “Mobile home park” means any plot of ground upon which two (2) or more mobile homes,, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations;

8. “Mobile home space” means a plot of ground within a mobile home park designed for the accommodation of one mobile home, and not located on a mobile home sales lot;

9. “Mobile home subdivision” means a subdivision designed and intended for residential use where residence is in mobile homes exclusively and where mobile home lots are sold for occupancy;

10. “Nonresidential mobile trailer” means any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale as indicated by a clearly displayed sign on or near the trailer;

11. “Park” means a mobile home or travel trailer park;

12. “Person” means natural individual, firm, trust, partnership, association or corporation;

13. “Public water system or public sewer system” means any such system built and owned by, or dedicated to and accepted by the Town; all other systems are private;

14. “Rural” means any area shown on the Town area general plan for suburban or rural development and which is zoned agriculturally;

15. “Service building” means a building housing toilet and bathing facilities for men or women, and may also include buildings containing laundry facilities and other facilities;

16. “Subdivision” means mobile home subdivision, unless otherwise indicated;

17. “Travel trailer” or “trailer” means all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use not included in the definition of independent mobile homes. For purposes of regulation under this Chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified;

18. “Trailer park” or “travel trailer park” means any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations;

19. “Travel trailer space” means a plot of ground within a travel trailer park designed for accommodation of one travel trailer; and

20. “Urban” means any area shown on the Town Area General Plan for urban intensity development.

SECTION 5-1104 INSPECTION OF MOBILE HOME AND TRAVEL TRAILER PARKS

A. The Inspection or Health Officers are hereby authorized and directed to make inspections to determine the condition of mobile home and travel trailer parks located within the Town in order to perform their duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

B. The Inspection Officer and the Health Officer shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions in relation to the enforcement of this Chapter or of regulations promulgated thereunder.

C. The Inspection and the Health Officer shall have the power to inspect any register containing a record of all mobile homes and occupants using the park.

D. It is the duty of every occupant of a park to give the owner thereof or his agent or employee access to any part of the mobile home park or travel trailer park or their premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or with any lawful regulation adopted thereunder, or with any lawful order issued pursuant to the provisions of this Chapter.

SECTION 5-1105 NOTICE, HEARINGS AND ORDERS

A. Whenever the Inspection or Health Officer determines violations of this Chapter or pertinent laws or ordinances exist, he shall notify the owner or his agent of the alleged violation. The notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Contain an outline of remedial action, which, if taken, will effect compliance with provisions of this Chapter and other pertinent regulations;
4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and

5. Be served upon the owner or his agent as the case may require. The notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

B. Any person affected by any notice issued under this Chapter or resulting regulation may request and shall be granted a hearing on the matter before the Town's Board of Adjustment. Such person shall file with the Inspection Officer or Health Officer a written request for such hearing and setting forth briefly the grounds for such request within ten (10) days after the notice was served. When no request for such hearing shall have been filed within ten (10) days following the day on which notice was served, a violation shall be deemed to have been automatically in existence at the expiration of the ten (10) day period. The filing of the request shall not stay the notice in cases of orders issued under this Section. The hearing shall be held by the Town's Board of Adjustment at the earliest possible time.

C. After the hearing, the Inspection Officer or Health Officer shall compile the findings of the Board of Adjustment as to compliance with this Chapter and pursuant regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior notice which shall be served as provided in this Section. Appeals from decisions of the Board of Adjustment shall be to the District Court.

D. Whenever the Inspection Officer or Health Officer finds that an emergency exists which requires immediate action to protect the public health, the Inspection Officer or Health Officer may, without notice or hearing, issue an Order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this Chapter, such Order shall be effective immediately. Any person to who such an Order is directed shall comply therewith immediately, but upon Petition to the Town Board of Trustees, shall be afforded a hearing at the next regular meeting even if the agenda has been completed.

SECTION 5-1106 FREE-STANDING MOBILE HOMES, LOCATION

Mobile homes are prohibited within the Town of Oologah, Oklahoma.

A. All mobile homes set up, in place and occupied shall be entitled to remain and non-conforming uses.

B. The owner of any existing mobile home which is set up, in place and occupied on the 14th day of August, 2000, may replace that mobile home, however, any replacement shall be of a newer model and the same size or larger as the one being replaced. Additionally, the occupant may improve or remodel any existing mobile home. Any replacement, remodeling or improvement shall be in compliance with the Zoning Regulations of the Town of Oologah, Oklahoma, or any other existing Ordinances or laws and shall require Town Board approval.

C. In the event an existing permanent structure is destroyed or damaged and not inhabitable due to a disaster, a mobile home may be moved onto the property for a period not to exceed 180 days to enable construction or repair of the existing permanent structure.

D. In the event any lot occupied by a mobile home should become vacant a mobile home may be replaced on that lot within one (1) year from the date of vacancy. The lot, however, shall lose its exemption relating to the right to set up and occupy a mobile home on that property if not done within the one (1) year time limitation.

(Ord. No. 2000-4, 08/14/2000)

SECTION 5-1107 NONRESIDENTIAL MOBILE TRAILERS, PERMITS

A. No nonresidential mobile trailer shall be permitted in the Town unless a permit for its operation is issued by the Inspection Officer or Health Officer. Such permit shall specify the permitted use of the nonresidential mobile trailer, the location of such operation and the termination date of the permit. No permit shall be issued for a use which would violate any Town ordinance or state or federal law or regulation.

B. An annual fee of Twenty Dollars (\$20.00) shall be charged for each nonresidential mobile trailer. No governmental or non-profit agency shall be charged such a fee.

C. Operation of nonresidential trailers by contractors on construction projects for which building permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project without issuance of a permit.

D. This Section is not to be construed as permitting or authorizing the permanent location of any nonresidential mobile trailer in the Town.

SECTION 5-1108 MOBILE HOME, TRAVEL TRAILER PARK PLANS

Any mobile home park or travel trailer park shall conform to the following requirements:

1. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water;

2. Spaces shall be provided consisting of a minimum of one thousand (1,000) square feet for each space which shall be at least thirty (30) feet wide and clearly defined. Mobile homes or trailers shall be so harbored on each space that there shall be at least fifteen (15) foot clearance between trailer coaches at their nearest point; provided, however, that with respect to mobile homes or trailers parked end-to-end, the end-to-end clearance between trailer coaches may be less than fifteen (15) feet but shall be not less than ten (10) feet. No mobile home or trailer shall be located closer than ten (10) feet from any building within the park or from any side or rear property line bounding the park, nor closer than twenty-five (25) feet from the front property line;

3. All spaces shall abut upon a driveway of not less than twenty-five (25) feet in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be well marked;

4. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each space, with one hundred ten (110) volt outlets; and

5. All electrical, plumbing, gas or other installations in the park shall comply with all state and local codes and ordinances.

SECTION 5-1109 **LOCATION**

Mobile home or trailer parks may be located at any commercial or general business zone as permitted by the Zoning Regulations of the Town.

SECTION 5-1110 **WATER SUPPLY**

An adequate supply of pure, potable water for drinking and domestic purposes shall be supplied to meet the requirements of the park. It shall be capable of furnishing a minimum of two hundred fifty (250) gallons per day per space. Each space shall be provided with a cold water tap at least four (4) inches above the ground.

SECTION 5-1111 **LAUNDRY FACILITIES**

If laundry facilities are provided, not less than one double laundry tub and one conventional wringer type washing machine shall be provided for every twenty (20) spaces or one single laundry tub and one automatic or semi-automatic type washing machine shall be furnished for every twenty (20) spaces. An electrical outlet shall be provided to supply current sufficient to operate each washing machine. Drying spaces shall be provided to accommodate the laundry of the occupants of trailers or mobile homes. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating building, electrical installations and plumbing and sanitation systems.

SECTION 5-1112 **SEWAGE AND REFUSE DISPOSAL**

Each space shall be provided with a sewer connection at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, and kitchen sink of the mobile home or trailer harbored in such space. The sewer in each space shall be connected to discharge the waste into a public sewer system. It is unlawful for any dependent mobile home to be harbored in a mobile home or trailer park within the Town.

SECTION 5-1113 GARBAGE RECEPTACLES

Water proof, fly-tight and rodent-proof garbage containers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage containers shall be located no farther than two hundred (200) feet from any space. The containers shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow.

SECTION 5-1114 TRAFFIC, PARKING

A. In mobile home or travel trailer parks existing as of May 1, 1982, parking on or adjacent to the street within the park is permissible as long as it does not obstruct free movements of traffic. Whether or not a safety hazard exists is a question to be determined by the Town Planning Commission with final appeal to the Town Board of Trustees. If, upon final appeal before the Town Board of Trustees, it is determined by the Town Board of Trustees that a safety hazard does in fact exist, the mobile home or travel trailer park will be required to comply with subsection B of this Section.

B. In the Town limits, new mobile home parks should abut, and have their major means of ingress and egress on at least a secondary thoroughfare. Travel trailer parks in the Town limits shall abut, and have their major means of ingress and egress on at least a primary thoroughfare.

SECTION 5-1115 INSECT AND RODENT CONTROL

A. Insect and rodent control measures to safeguard public health as required by the Health Officer shall be applied in the park.

B. Effective larvicidal solutions may be required by the inspection or health officer for fly or mosquito-breeding areas which cannot be controlled by other, more permanent measures.

C. The inspection or health officer may require the park operator to take suitable measures to control other insects and obnoxious weeds.

D. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.

E. When rats or other objectionable rodents are known to be in the park the park operator shall take definite action, as directed by the inspection or health officer, to exterminate them.

SECTION 5-1116 ANIMALS AND PETS

No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or omit any nuisance within the limits of any trailer or mobile home park.

SECTION 5-1117 REGISTER OF OCCUPANTS

It is the duty of the licensee to keep a register containing a record of all mobile home or travel trailer owners and occupants located within the park. The register shall contain the following information:

1. Name and address of each occupant;
2. The make, model and year of all automobiles, trailers and mobile homes;
3. License number and owner of each trailer, mobile home, and any automobile by which either is towed;
4. The State issuing such license; and
5. The date of arrival and departure of each trailer or mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials, whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

SECTION 5-1118 SUPERVISION

A responsible attendant or caretaker, owner or operator shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition and he shall be answerable, with the licensee, for any violation of the provisions of this Chapter.

SECTION 5-1119 WRECKED OR DAMAGED HOMES, TRAILERS

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

SECTION 5-1120 MINIMUM HOUSING REGULATIONS FOR MOBILE HOMES

A. Every mobile home located in either a mobile home park, a mobile home subdivision, or as a free-standing mobile home, shall meet the provisions of the housing code of the Town except as may be otherwise provided in this Section.

B. Dependent mobile homes shall not be required to have a flush toilet or a bath or shower.

C. The housing code shall not apply to travel trailers insofar as floor area, flush toilet, bath or shower, and ceiling height is concerned.

SECTION 5-1121 MOBILE HOME SUBDIVISIONS

A. Mobile home subdivisions shall comply with the subdivision ordinance and zoning ordinance of the Town, effective May 1, 1982, except as otherwise provided.

B. The minimum size of mobile home subdivision shall be ten (10) acres.

C. No residences except mobile homes shall be permitted in a mobile home subdivision.

D. Minimum effect lot width in a mobile home subdivision shall be forty (40) feet measured at the front building line and minimum lot areas shall be four thousand (4,000) square feet provided that at least a five (5) foot side yard shall be provided on each lot beyond any mobile home and additions thereto, and further provided that in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the health officer on the basis of safe and sanitary sewer service. The effective lot width of a mobile home shall be determined, for interior lots, by measuring at right angles across the lot from one diagonal side line to the other, and for corner lots, the measurements shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line or an extension thereof.

E. Side lines of lots in mobile home subdivisions need not be at right angles to straight street lines or radial to curved street lines.

F. Regardless of the effective lot width, mobile home subdivision lots must abut a public street for at least twenty-five (25) feet.

G. All parks may have and maintain a buffer strip along all park boundaries not bordering a street. Such strip may consist of shrubs spaced at a distance that will properly screen with a solid appearance a height of at least five (5) feet or more or a wood or masonry fencing material at least five (5) feet in height. Also opaque fencing shall be installed where mobile home parks abut existing single family residential areas. Opaque fencing shall not include conventional wire or chain link type construction with materials inserted to give a solid appearance.

SECTION 5-1122 PENALTY

Any person violating the provisions of this Chapter shall, upon conviction, be fined as provided in Section 1-108 of this code.

CHAPTER 12

ANTENNAS

Section 5-1201	Antennas
Section 5-1202	Antennas and Supporting Structures
Section 5-1203	Accessory Uses in the Agriculture District
Section 5-1204	Accessory Uses in the Residential District

SECTION 5-1201 ANTENNAS

Antennas within the Town of Oologah are regulated as follows:

A. Antennas and their supporting structures, whether they be principal uses or accessory uses on the lot, whether permitted by right or by special exception, are regulated as provided in Section 5-1202.

B. Antennas and their supporting structures that are accessory uses in an Agriculture District are further regulated as provided in Section 5-1203.

C. Antennas and their supporting structures that are accessory uses in a Residential District are further regulated as provided in Section 5-1204.

D. Antenna supporting structures that are accessory to permitted principal uses in any District shall be setback from an R District boundary line a distance equal to at least one hundred ten percent (110%) of the height of the tower measured at grade. The setback distance shall be measured from the nearest point of the antenna supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line.

(Ord. No. 2009-4, 12/2009)

SECTION 5-1202 ANTENNAS AND SUPPORTING STRUCTURES

A. **Siting Requirements.** Antennas and their supporting structures shall meet the following siting requirements. The goals of these requirements are to:

- (1) protect residential areas and land uses from potentially adverse impacts of towers and antennas;
- (2) encourage the location of towers in nonresidential areas;
- (3) minimize the total number of towers throughout the community;

(4) encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) encourage users of tower and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

(6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting and landscaping so that providers of telecommunications services may provide these services to the community quickly, effectively, and efficiently; and

(7) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In pursuit of these goals, the Town of Oologah shall give due consideration to its master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. **Exclusion.** Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, shall be exempt from these regulations provided there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the standards set forth in this Chapter.

C. **Definitions.** As used in this Chapter, the following terms shall have these meanings:

(1) **Antenna** means any exterior transmitting or receiving device used in communications to radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.

(2) **FAA** means the Federal Aviation Administration.

(3) **FCC** means the Federal Communications Commission.

(4) **Height** means when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad.

(5) **Preexisting towers and preexisting antennas** means any tower or antenna that lawfully existed on or before December, 2009, including permitted towers or antennas that have been constructed so long as such approval is current and not expired.

(6) **Tower** means any structure more than twenty (20) feet tall that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and the like. The term includes the structure and any appurtenant support.

D. General Requirements for Antennas and Towers

(1) **Principal or Accessory Use.** Towers may be considered either principal or accessory uses. A different existing use on the same lot shall not preclude the installation of a tower on the lot.

(2) **Towers and antennas shall meet the following requirements:**

(a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color, including galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

(b) Other than in an Industrial zoning district, communication towers shall be of a monopole design unless the Board of Adjustment determines by special exception that an alternative design would adequately blend into the surrounding environment, or that the required antennas cannot be supported by a monopole.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(3) **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this Chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(4) **Tower Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless it is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ballfields, parking lots, or similar areas may be attached to the tower.

(5) **Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(6) **Accessory Utility Buildings.** All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet, if visible from ground level, shall be screened from view from property within 300 feet used for residential purposes.

(7) **Setback Requirements.** The following setback requirements shall apply to all towers; provided, that the Board of Adjustment may modify the requirements by special exception;

Building Regulations and Code

(a) Towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line.

(b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(8) **Security fencing.** Towers shall be enclosed by security fencing not less than six (6) feet in height or shall be equipped with an appropriate anti-climbing device; provided, that the Board of Adjustment may modify or waive such requirements by special exception.

E. **Antennas and Towers Permitted by Administrative Approval.** Antennas or towers, except those approved or requiring approval by special exception by the Board of Adjustment, shall be permitted by right, provided that a permit is obtained from the Town prior to construction and provided that the towers shall comply with the following standards.

(1) When located in any zoning district, towers shall be set back from the nearest boundary line one-hundred ten percent (110%) of the height of the tower measured at grade. The setback may be modified by special exception by the Board of Adjustment.

(2) When antennas are to be attached to a roof or wall of buildings in commercial or industrial zones, or to office or multi-family buildings of two or more stories, or to institutional buildings such as schools, churches and hospitals with existing architectural elements more than thirty-five (35) feet tall:

(a) An antenna does not extend more than twenty (20) feet above the highest point of the building, or if located on an architectural feature such as a steeple or bell tower does not protrude above that structure: provided the Board of Adjustment may modify these requirements by special exception; and

(b) The antennas comply with all prevailing FCC and FAA regulations: and

(c) The antennas comply with all prevailing building codes.

(3) When antennas are to be attached to an existing tower, and/or Town owned buildings or structures,

(4) When the tower is to be modified or reconstructed to accommodate the collocation of antennas; and

(a) The tower is of the same type as the existing tower or is to be constructed as a monopole, and

(b) The modification or reconstruction does not exceed thirty (30) feet over the height of the existing tower and all general requirements are otherwise met.

F. Antenna and Towers Requiring Special Exceptions. If a tower or antenna is not permitted by right, a special exception shall be required for the construction of a tower in all zoning districts.

(1) Factors to be considered in granting a special exception. In addition to any other requirements of this Chapter, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures, residential district boundaries and existing towers;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation;
- (h) Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
- (i) Proposed ingress and egress;
- (j) The need of the applicant for a communication tower within the immediate geographic area to provide an acceptable level of communications service to the area;
- (k) The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.

(2) Collocation. Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

(3) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is required; provided, that the Board of Adjustment may modify or waive such requirements by special exception.

- (a) Tower facilities shall be landscaped with a continuously maintained buffer of plant materials that effectively screens the view of the tower compound from property within three hundred (300) feet used for

residential purposes. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(b) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(4) The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.

G. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the antenna or tower shall remove it within ninety (90) days of receipt of notice from the Town of Oologah notifying the owner of the abandonment. Failure to remove the abandoned antenna or tower within ninety (90) days shall be grounds for the Town of Oologah to remove the antenna or tower at the owner's expense. Any abandoned tower that is not current in any structural safety inspection provided by applicable law may be subject to nuisance abatement procedures provided by law.

H. Existing Towers and Antennas. Antennas and towers lawfully existing on or before December 1, 2009, shall be allowed to continue their usage as they presently exist. Routine maintenance, including antenna replacement, shall be permitted on the existing towers. New construction other than routine maintenance shall comply with all requirements of this Chapter.

I. Antenna supporting structures, if damaged or destroyed by any means, may be reconstructed by obtaining a building permit; provided that the supporting structure is placed in the same location and has less than or equivalent height and mass.

(Ord. No. 2009-4, 12/2009)

SECTION 5-303 ACCESSORY USES IN THE AGRICULTURE DISTRICT

A. Accessory Uses Permitted. Antennas and their supporting structures are permitted as accessory uses in an Agriculture District.

B. Accessory Use Conditions.

(1) An accessory building erected as an integral part of the principal building shall be made structurally a part of the principal building, and shall comply with the requirements applicable to the principal building.

(2) Accessory buildings shall meet the minimum yard or building setback requirements.

(3) Antennas and their supporting structures that are accessory to a residential use are permitted to be mounted on a residential dwelling or customary accessory building; provided, that it does not exceed sixty-five (65) feet in height measured from the average ground elevation at the residential dwelling to the highest horizontal point of the antenna supporting structure and that the surface area of all such mounted antennas shall not exceed ten (10) square feet. Only one (1) side having the largest surface area is to be calculated. These provisions shall not apply to principal use antennas or to antennas that are accessory to uses requiring Board of Adjustment approval.

(4) Structures other than a dwelling or customary accessory building that are used to support accessory antennas (including guy lines) shall:

- (a) Be located in the rear yard only, and limited to one (1) such structure;
- (b) Not exceed sixty-five (65) feet in height, measured from the average ground elevation at the residential dwelling to the highest horizontal point of the antenna supporting structure;
- (c) Not encroach upon the land or airspace of any abutting property: and
- (d) Not exceed twenty-four (24) inches in width above twenty-five (25) feet in height, exclusive of guy lines.

(Ord. No. 2009-4, 12/2009)

SECTION 5-304 ACCESSORY USES IN THE RESIDENTIAL DISTRICT

A. Accessory Uses Permitted. Antennas and their supporting structures are permitted as accessory uses in a Residential District.

B. Accessory Use Conditions.

(1) An accessory building erected as an integral part of the principal building shall be made structurally a part of the principal building, and shall comply with the requirements applicable to the principal building.

(2) A detached accessory building or accessory building not erected as an integral part of the principal building shall not be located in the front yard.

(3) Within the rear yard, a detached accessory building shall comply with all related requirements otherwise provided by law.

(4) Detached accessory buildings and accessory buildings not erected as an integral part of the principal building in the aggregate shall not exceed five hundred (500) square feet of floor area in the R District, or forty percent (40%) of the floor area of the principal residential structure, whichever is greater.

Building Regulations and Code

(5) Antennas and their supporting structures that are accessory to a residential use shall be permitted to be mounted on a residential dwelling or customary accessory building; provided that:

(a) The antenna supporting structure is considered part of the residential building and shall comply with the building height restrictions of the district: and

(b) The surface area of all such mounted antennas shall not exceed ten (10) square feet. Only one (1) side having the largest surface area is to be calculated. These provisions shall not apply to principal use antennas or to antennas that are accessory to uses requiring Board of Adjustment approval.

(6) Structures other than a dwelling or customary accessory building that are used to support accessory antennas (including guy lines) shall:

(a) Be located in the rear yard only, and shall be limited to one (1) such structure;

(b) Not exceed sixty-five (65) feet in height, measured from the average ground elevation of the rear building wall of the residential dwelling to the highest horizontal point of the antenna supporting structure;

(c) Not encroach upon the land or airspace of any abutting property, and

(d) Not exceed twenty-four (24) inches in width above twenty-five (25) feet in height, exclusive of guy lines.

(Ord. No. 2009-4, 12/2009)