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Chapter 8 BUILDING REGULATIONS AND CODES

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ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. INTERNATIONAL BUILDING CODE AND PERMITS

Sec. 8-19. Adoption of International Building Code for regulating conditions and maintenance of property.

- (a) The city has adopted by reference, as though fully set forth in this section, the 2018 edition of the International Building Code, excluding appendix chapters A and B, as published by the International Code Council, a copy of which is on file in the office of the city clerk, as the building code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; providing the

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standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor, with the additions, insertions, deletions, and changes, if any, prescribed in subsection (b) of this section.

- (b) The following sections of the 2018 edition of the International Building Code are revised as follows:
- (1) Section 101.1—Insert City of Bristow in place of the phrase [name of jurisdiction].
 - (2) Section 1612.3—Insert City of Bristow in place of the phrase [name of jurisdiction].
 - (3) All of the provisions of Section 103 are deleted and replaced with the following: The city inspector, sometimes referred to as the city building inspector, is hereby designated as the building official for the purposes of this code.
 - (4) Section 1612.3—Insert May 4, 1982, in place of the phrase [date of issuance].
 - (5) Section 3410.2—Insert February 5, 2003, in place of the phrase [date of issuance].
 - (6) Section 112.3.1—Insert The Schedule of Fees shall be as established by Resolution of the City Council.
 - (7) Section 131.4 shall provide as follows: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be, upon conviction, be punished as provided in section 1-8. Each day a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1984, § 5-101; Res. of 7-7-1980; Ord. No. 12-04-95, §§ 1, 2; Ord. No. 7-21-97A, § 1; Ord. No. 20-110501, § 3(part); Ord. No. 34-010504, §§ 1(part), 2, 3; Ord. No. 179-070323, § I, 7-3-2023)

Secs. 8-20—8-59. Reserved.

ARTICLE III. PLUMBING CODE

Sec. 8-60. Adoption of International Plumbing Code.

The city has adopted by reference, as though fully set forth in this section, the 2018 edition of the International Plumbing Code, including appendix chapters B, C, D, E, F, and G, as published by the International Code Council, a copy of which is on file in the office of the city clerk, as the plumbing code of the city; 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 herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in this article.

(Code 1984, § 5-201; Adopted 7-7-1980; Ord. No. 11-6-89; Ord. No. 31-010504, §§ 1(part), 2; Ord. No. 180-070323, § I, 7-3-2023)

State law reference(s)—Plumbing regulations and licensing, 59 O.S. § 1001 et seq.

Sec. 8-62. Additions, insertions and changes.

The following sections of the International Plumbing Code, most recent edition, are hereby revised as follows:

- (1) Section 101.1—Insert City of Bristow in place of the phrase [name of jurisdiction].
- (2) All of the provisions of section 103 are deleted and replaced with the following: The city inspector, sometimes referred to as the city building inspector, is hereby designated as the code official for the purposes of this code.
- (3) Section 106.6.2—Insert the following schedule of fees:

<i>Plumbing Residential</i>	
Floor drain	\$2.50 each
Gas service	\$20.00 each
Kitchen sink	\$2.50 each
Lavatory	\$2.50 each
Sewer	\$20.00 each
Shower	\$2.50 each
Stool	\$2.50 each
Tub	\$2.50 each
Utility sink	\$2.50 each
Washer drain	\$2.50 each
Water heater	\$15.00 each
Water service	\$20.00 each
<i>Plumbing Commercial</i>	
Floor drain	\$4.00 each
Kitchen sink	\$4.00 each

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Lavatory	\$4.00 each
Shower	\$4.00 each
Stool	\$4.00 each
Tub	\$4.00 each
Utility sink	\$4.00 each
Washer drain	\$4.00 each
Water heater	\$4.00 each

- (4) Section 108.4 shall provide as follows: Any persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall, upon conviction, be punished as provided in section 1-8. Each day that a violation occurs after due notice has been served shall be deemed a separate offense.
- (5) Section 108.—Insert \$50.00 in the first location reciting [amount] and insert \$200.00 in the second location reciting [amount].
- (6) Section 109.2.1: Section 109.2.1 is deleted.

(Code 1984, § 5-203; Ord. No. 11-6-89; Ord. No. 31-010504, §§ 1(part), 4)

Sec. 8-63. License; surety bond.

- (a) It is unlawful to perform work as a plumbing contractor, journeyman and/or an apprentice unless a proper license has been issued by the city and a surety bond posted.
- (b) License and bonding fees and surety bonds shall be set by the city council by resolution.
- (c) Any person, firm, corporation who shall violate a provision of this section shall, upon conviction, be punished as provided in section 1-8. Each day that a violation occurs shall, upon conviction, be punished as provided in section 1-9. Each day that a violation occurs shall be deemed a separate offense.

(Code 1984, § 5-204; Ord. No. 5-18-98H, §§ 2—4; Ord. No. 134-011916, § 1, 1-19-2016; Ord. No. 178-061923, § I, 6-19-2023)

Secs. 8-64—8-84. Reserved.

ARTICLE IV. ELECTRICAL CODE

Sec. 8-85. Electrical equipment defined.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Electrical equipment means 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 for transmitting electrical current for electric light, heat or power.

Electrical wiring means the installation of electrical equipment, lighting fixtures or installing electrical apparatus of any kind or nature or description to be connected to light, heat or power service.

(Prior Code, ch. 11, in part; Code 1984, § 5-301)

Sec. 8-86. National Electrical Code adopted.

All installations of electrical equipment shall be in conformity with the provisions of this article, 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 provided by this Code or by the statutes of the state or by any orders, rules, or regulations issued by the authority thereof, conformity with the regulations set forth in the 2014 edition of the National Electrical Code as approved by the National Fire Protection Association, Inc., shall be required.

(Prior Code, ch. 11, in part; Code 1984, § 5-302; Ord. No. 10-040201, § 1; Ord. No. 75-030606, § 1; Ord. No. 181-070323, § I, 7-3-2023)

State law reference(s)—State electrical licensing and regulations, 59 O.S. §§ 1680 to 1696.

Sec. 8-87. Underwriters' Laboratories, Inc. standards.

All electrical equipment installed or used shall be in conformity with the provisions of this article, the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this article, 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.

(Prior Code, ch. 11, in part; Code 1984, § 5-303)

Sec. 8-88. Electrical inspector; office created.

There shall be an electrical inspector who may be the building official appointed in this Code or other person appointed by the mayor with approval of the council. The electrical inspector shall be a person who has had practical experience in inside electrical construction and who is familiar with the National Electrical Code and the application of the code rulings.

(Prior Code, ch. 11, in part; Code 1984, § 5-304)

Sec. 8-89. Inspector may make special rulings.

The electrical inspector with the approval of the electrical board created in this article, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations, but in all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions.

(Prior Code, ch. 11, in part; Code 1984, § 5-305)

Sec. 8-90. Wiring in city.

All commercial wiring hereafter done in the city limits must be installed in rigid galvanized conduit, thin wall EMT or metal molding. Armored cable or Greenfield is to be used only when, in the judgment of the electrical inspector, it is not practicable to install rigid conduit or any commercial or industrial building PVC plastic under concrete.

(Prior Code, ch. 11, in part; Code 1984, § 5-306)

Sec. 8-91. Permit required for electrical installation; exceptions; fee.

- (a) It is unlawful for any person to install any electrical wiring, fixtures, equipment or apparatus in or on any building or structure in the corporate limits of this city or make extensions to any existing electrical installations without first securing a permit from the electrical inspector.
- (b) Applications for electrical permits shall be made to the electrical inspector; and the applicant shall provide such plans, specifications and other data as may be necessary to determine whether the permit shall be issued.
- (c) It is the duty of the city clerk to issue all permits upon approval of the electrical inspector. The electrical inspector shall make inspection of all work for which permit a has been issued within 48 hours after having been notified that work is ready for inspection, Sundays and holidays not included.
- (d) No permit shall be issued until the applicant shall have paid a permit fee in such amount as set by the city council, by motion or resolution.

(Prior Code, art. B; Code 1984, § 5-307)

Sec. 8-92. Public utilities compliance.

It is unlawful for any public service corporation, individual, light, heat or power company to connect, or cause to be connected any service, or building for the supply of electrical current for light, heat or power, until they have been notified by the electrical inspector that electric work has been inspected and approved and is ready for electric service.

(Prior Code, ch. 11, in part; Code 1984, § 5-308)

Sec. 8-93. Electrical inspector to inspect all electrical installations.

The electrical inspector shall have the power to inspect all electrical equipment installed within the city.

(Prior Code, ch. 11, in part; Code 1984, § 5-309)

Sec. 8-94. Installation not to be concealed until approved.

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

(Prior Code, ch. 11, in part; Code 1984, § 5-310)

Sec. 8-95. Work roughed in.

New or old work roughed in shall include all electrical equipment to make the installation complete, be free from unintentional grounds, with joints properly made up, ready for attachment of fixtures, drop lights and appliances.

(Prior Code, ch. 11, in part; Code 1984, § 5-311)

Sec. 8-96. Inspection of new work roughed in.

After making inspection of new work roughed in, the electrical inspector shall leave a tag or notice in the switch cabinet or attached to the service equipment, plainly indicating whether the work has been approved and is ready to conceal, or that the installation is not standard and must not be covered until approved by the electrical inspector.

(Prior Code, ch. 11, in part; Code 1984, § 5-312)

Sec. 8-97. Premises not to be connected until installation is approved.

It is unlawful for any public service corporation, individual, light, heat or power company to connect, or cause to be connected any service or building, for the supply of electric current for light, heat or power, until they have been notified by the electrical inspector that electric work has been inspected and approved and is ready for electric service.

(Prior Code, ch. 11, in part; Code 1984, § 5-313)

Sec. 8-98. Annual inspection in fire zone; corrections.

The electrical inspector may make an annual inspection of all electrical equipment in the fire zone of the city. When any electrical installations are found to be in an unsafe or hazardous condition, the electrical inspector shall notify the person, firm or corporation where such electrical conditions exist to correct the same and place in a safe condition. Any person, firm or corporation failing or refusing to make correction of hazardous or unsafe electrical installations, after having been notified by the electrical inspector, within a designated time to be determined by the electrical inspector, shall be fined according to the provisions of this article. Each day after the expiration of the time designated to make corrections shall constitute a separate offense. When hazardous or unsafe electrical conditions exist and any person, firm or corporation fails to make corrections after having been notified, the electrical inspector shall have the authority to discontinue the electrical service.

(Prior Code, ch. 11, in part; Code 1984, § 5-314)

Sec. 8-99. Inspector may enter buildings; decisions final.

The electrical inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises at any reasonable hour, for the purpose of making any electrical inspection, reinspection, or test of the electrical equipment contained therein or its installation. Any person interfering with the electrical inspector shall be fined as provided for in this article. The electrical inspector shall be the judge of what constitutes the safe installation of electrical conductors and his decision shall be final and binding.

(Prior Code, ch. 11, in part; Code 1984, § 5-315)

Sec. 8-100. Responsibility for damages.

The provisions of this article shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or to property caused by any defect therein, nor shall the city or any officer or employee of the city, be held as assuming such liability by reason of the inspection or reinspection as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

(Prior Code, ch. 11, in part; Code 1984, § 5-316)

Sec. 8-101. Electricians; registration required.

- (a) It is unlawful to perform work as an electrician, an electrical contractor, journeyman, and/or apprentice or to engage in the business of installing electrical fixtures, wiring, or apparatus unless a proper license has been issued by the city and a surety bond posted.
- (b) License and bonding fees and surety bonds shall be set by the city council by resolution.
- (c) Any person, firm, corporation who shall violate a provision of this section shall, upon conviction, be punished as provided in section 1-8. Each day that a violation occurs shall, upon conviction, be punished as provided in section 1-9. Each day that a violation occurs shall be deemed a separate offense.
- (d) There must be a licensed electrician on any and all jobs at all times.
- (e) Any electrical contractor or journeyman electrician registered hereunder shall be entitled to be re-registered on each succeeding year hereafter upon payment of this fee and provision of the bond herein provided.

(Prior Code, ch. 11, in part; Code 1984, § 5-317; Ord. No. 6-15-98B, §§ 1-3; Ord. No. 133-011916, § 1, 1-19-2016; Ord. No. 178-061923, § II, 6-19-2023)

State law reference(s)—State licensing and exams, city may require registration, 59 O.S. §§ 1680 to 1696.

Sec. 8-102. Registration or bond; when not required.

For the installing of bell, telephone, or signal systems not using over 12 volts, no registration or bond will be required but the installation of same must comply with all other requirements of the ordinances of the city.

(Prior Code, ch. 11, in part; Code 1984, § 5-319)

Sec. 8-103. Revocation of registration.

- (a) After adequate opportunity for a hearing, the council may revoke the registration of an electrical contractor, an apprentice electrician, or a journeyman electrician for any of the following causes:

- (1) Serious or repeated violations of the laws, ordinances or other regulations relating to electrical installations;
 - (2) Grossly unethical conduct in connection with the electrical trade or business;
 - (3) Poor workmanship or service; or
 - (4) Installing inferior or substandard materials, fixtures or equipment.
- (b) A request that the registration be revoked may be presented to the council by the electrical inspector or by any aggrieved person.

(Prior Code, ch. 11, in part; Code 1984, § 5-320)

Sec. 8-104. Electrical board created.

- (a) An electrical board is hereby created and established, which board shall consist of three members to be appointed by the mayor and confirmed by the city council. Two of the members of the board shall be licensed electrical contractors. It is the duty of this electrical board:
- (1) To work with the electrical inspector; and
 - (2) To hold meetings and pass on and settle any disputes that may arise pertaining to the provisions of this article.
- (b) The members of the electrical board shall each serve for a term of two years, or at the pleasure of the mayor and city council. The electrical inspector shall be an ex officio member of the board but without the privilege of having a vote on the decisions made by the board.

(Prior Code, ch. 11, in part; Code 1984, § 5-321)

Secs. 8-105—8-122. Reserved.

ARTICLE V. LIQUEFIED PETROLEUM GAS AND GAS PIPING

Sec. 8-123. Adoption of fuel gas code.

The city has adopted by reference, as though fully set forth in this section the most recent edition of the International Fuel Gas Code published by the International Code Council, three copies of which are on file in the office of the city clerk, as the fuel gas code of the city, in the state; regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas systems; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said code, with the additions, insertions, deletions and changes, if any, prescribed in this article.

Sec. 8-124. Inspection; fee.

All liquefied petroleum installations within the city, upon completion, shall be inspected by the plumbing inspector, or by the gas inspector if a gas inspector is appointed, and shall not be used by the occupants until approved by the inspector as complying with this article and the rules and regulations adopted thereby. The fee for such inspection shall be as set by the city council by motion or resolution.

(Code 1984, § 5-502)

Sec. 8-125. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Liquefied petroleum gases, LPG, or LP gas means and includes any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes, (normal butane and isobutane), and butylenes.

(Prior Code, ch. 11, in part; Code 1984, § 5-503)

Sec. 8-126. Tank trucks, trailers prohibited.

It is unlawful and an offense for any person, firm or corporation to operate any tank, tank truck, or tank trailer or any other container containing LPG on any street or highway within the city or to install, possess and maintain any system for the use of liquefied petroleum gas or to store or to possess any LPG or container thereof in violation of this article.

(Prior Code, ch. 11, in part; Code 1984, § 5-504)

Sec. 8-127. State inspection, approval.

No tank, truck or trailer used for or containing LPG shall be driven through the city or make any delivery within the city unless the same shall be properly labeled with the name of the contents and inspected and approved by the state liquefied petroleum gas administrator.

(Prior Code, ch. 11, in part; Code 1984, § 5-505)

Sec. 8-128. Trucks to comply with state rules.

All tanks, trucks and trailers containing or used for LPG and all liquefied petroleum gas systems used or operated within this city or passing through this city shall be, at all times, subject to the laws of the state applicable thereto, and the rules and regulations of the state liquefied petroleum gas administrator now, or hereafter in force and effect. A violation of any such laws, rules or regulations, shall be deemed a violation of this code. All such tanks, trucks, trailers and systems shall be subject to inspection at all reasonable times by the fire chief of this city, who, in the event of discovery of a violation of any such laws, rules, regulations or the provisions of this code which he deems to constitute a hazard to life or property, shall have the power to immediately order the removal or abatement of such hazard and it shall thereupon be the duty of the person having control thereof to comply with such order. Such person shall have the right to appeal the order of the fire chief to the city council but this shall not excuse his compliance with the order of the fire chief pending a hearing by the city council.

(Prior Code, ch. 11, in part; Code 1984, § 5-506)

Sec. 8-129. Parking prohibited.

No such tank, truck or trailer, whether loaded or empty shall be at any time, parked within the city except on making deliveries of LPG to any user thereof, in which event the same may be stopped long enough to make such delivery.

(Prior Code, ch. 11, in part; Code 1984, § 5-507)

Sec. 8-130. Notice to city if truck breaks down.

In the event of a breakdown or other unavoidable stop of any tank, truck, or tank trailer used for transporting LPG within the city, the driver of the tank, truck or trailer shall give immediate notice to the fire department of the city as to the location of the truck or trailer. The same shall not remain parked longer than is necessary for its removal from the city.

(Prior Code, ch. 11, in part; Code 1984, § 5-508)

Sec. 8-131. Repairs, fire chief approval.

In the event it becomes necessary to make any mechanical repairs to any such truck, tank, or trailer within the city, before such mechanical repairs shall be made, it is the duty of the person having control thereof to notify the fire chief who shall inspect the same. If he should find that the same is in a safe condition for the contemplated repairs, he shall issue a permit therefor which shall expire five days after its issuance. If the fire chief shall find upon such inspection that the same is not in a safe condition for the contemplated repairs, no such repairs shall be made until the tank, truck or trailer shall be made safe as required by the fire chief and he may require that the same be removed from the city until his requirements are complied with.

(Prior Code, ch. 11, in part; Code 1984, § 5-509)

Sec. 8-132. LPG prohibited in residential area where natural gas is available.

No person, firm or corporation shall hereafter set up or establish within the city any tanks or receptacles of any nature, temporary or permanent, for the storage, handling, transfer or sale of any LP gas within the main street business area nor within any residential area for home use where natural gas is available.

(Prior Code, ch. 11, in part; Code 1984, § 5-510)

Sec. 8-133. State certificate required for installation.

Any person, firm or corporation hereafter installing any LP gas system for domestic, commercial or other use within the city shall, prior to its use, furnish the city clerk with a certificate of the state liquefied petroleum gas administrator showing that such installation or system has been duly inspected and found satisfactory to the administrator.

(Prior Code, ch. 11, in part; Code 1984, § 5-511)

Sec. 8-134. Penalty.

The doing of any act prohibited by this article or the failure to do any act required herein, shall be an offense and upon conviction thereof, the offender shall be punished by a fine as provided in section 1-8.

(Prior Code, ch. 11, in part; Code 1984, § 5-512)

Secs. 8-135—8-151. Reserved.

ARTICLE VI. MOVING HOUSES AND BUILDINGS

Sec. 8-152. Prohibition on moving buildings, exceptions.

- (a) The moving of houses, buildings or similar structures from one location to another within the city or from a location outside of the city to a location within the city, except as provided by this article, is hereby prohibited.
- (b) Nothing in this article shall be construed to prohibit the moving of houses, buildings or similar structures through the city, or from a location within the city to a location outside the city.
- (c) The provisions of this article shall not apply to portable storage buildings not larger than 200 square feet of floor area, moved onto a location, which are not to be used for human occupancy, and which are intended for and actually used for storage of ordinary residential equipment and paraphernalia. However, to be exempt from this article, at the time of moving such a portable storage building there must exist on the location an occupied residential structure.

(Code 1984, § 5-601; Ord. No. 5586A, 5-5-1986)

Sec. 8-153. Permit, procedure and fee.

- (a) No house, building or other structure shall be moved without prior approval by the city council, in accordance with the following procedures:
 - (1) The building inspector for the city or other authorized representative of the city shall first inspect such house, building or similar structure at its existing location and shall also inspect the proposed location onto which the property is to be moved. Prior to such inspection the owner thereof or applicant shall agree in writing to pay an inspection fee to the city at the rate of:
 - a. \$50.00 per hour or any part thereof; and
 - b. \$0.12 per mile.Where any part of such inspection must occur outside of the incorporated limits of the city, the owner or applicant shall deposit the sum of \$100.00, plus mileage with the city clerk to be applied upon such inspection fee.
 - (2) In the event such inspection, in the opinion of the inspector, reveals that such house, building or similar structure will or can comply with all pertinent city building codes and zoning requirements at its proposed location, and will conform generally to other structures in the immediate neighborhood, so as not to constitute a detriment to surrounding property, the owner or applicant shall be allowed to request that the city council consider such proposed move. At least ten days' notice by publication in a newspaper of general circulation in the city shall be given prior to council hearing on the permit, describing the proposed location, the present location of such structure, and the date of consideration by the city council at a public hearing. In addition, all property owners of record within a radius of 300 feet from the proposed location, as shown by the records in the office of the county treasurer of the county, shall be notified of the date of the public hearing, the proposed location, and the present location of such structure, by certified mail, postage prepaid, mailed to the last known address of such property owner at least ten days in advance of such meeting. The written findings of the inspector shall be forwarded to the council for their use at such hearing.

- (3) In the event of approval by the council for such proposed move, the owner or applicant shall provide the city with a \$5,000.00 cash or surety bond, guaranteeing that such structure will conform, with all city building and zoning codes within a period of 120 from its location on the new site, and a permit to move will not be allowed until such bond is posted with the city clerk.
- (4) The permit for moving the structure shall be issued by the city clerk only after approval of the city council and payment of the fee of \$50.00 for issuance of the permit.

(Code 1984, § 5-602; Ord. No. 5586A, 5-5-1986)

Sec. 8-154. Temporary parking of buildings, structures in transit, permit.

- (a) Houses, buildings and similar structures in transit may be parked upon a lot within a zone designated as C-4, 1-1, 1-2, or 1-3 under the zoning ordinance of the city for the purpose of storage in transit, for a period not to exceed 30 days from the date of the issuance of the permit provided hereinafter.
- (b) A special permit shall be obtained from the building inspector of the city for the storage of buildings or structures, upon payment of a fee of \$5.00, such fee to be in addition to any other fees required hereunder.

(Code 1984, § 5-603; Ord. No. 5586A, 5-5-1986)

Sec. 8-155. Caution lights.

It is the duty of the permittee to place red lights plainly visible for not less than 200 feet on not less than every side of the building or structure being moved at the close of day and to keep same burning throughout the entire night and until one hour after sunrise on the following morning. The foregoing requirement is a minimum standard only, and placement and number of lights shall be adjusted so that any person of reasonable and ordinary prudence will see the lighting and take notice of the obstruction. The caution light requirements of this section shall be applicable during the entire period that a bond is required under this article.

(Prior Code, art. D, as amended; Code 1984, § 5-604)

Sec. 8-156. Protection of trees and overhead structures.

The person who may have a permit to move a building or structure over any street within the city shall by virtue of such permit and license derive no right to injure or impair the condition or usefulness of any shade tree, electric light, telephone or telegraph poles or lines. No tree of any kind shall be cut, bruised, scarred under any circumstances, without the expressed permission in writing of the owner of the same and with the permission of the street commissioner. In all cases where necessary to remove any electric light, telephone or telegraph construction, it shall be the duty of the person moving such building or structure to give not less than 24 hours' notice to the public utility company or person owning or operating the same, which notice shall state the place, the construction which it is necessary to be removed, or temporarily changed or altered and the day on which it is desired to have such clearance made as well as the amount of time it will be necessary to keep such space clear. It is the duty of the person moving the building or structure to deposit an amount in money estimated necessary to cover the cost of the changing or moving of public utility overhead construction and replacing the same in its former condition, not exceeding the sum of \$500.00 with the city clerk. Upon such deposit being made with the city clerk and such notice being delivered to the owner or operator of the telephone or telegraph and line construction, it is the duty of the person owning or operating the overhead construction to make such temporary changes as are reasonably necessary to comply with the representations set forth in the notice made and delivered to him.

(Prior Code, art. D, as amended; Code 1984, § 5-605)

Sec. 8-157. Guards against danger.

It is the duty of the house mover, to station sufficient persons on guard and to establish such notices by placards or boards in the immediate vicinity of the moving activities as will be necessary to apprise any reasonable person of any potential danger that might be incurred by coming closer to the moving operations or buildings being moved or the instruments or agencies used in the moving of the same.

(Prior Code, art. D, as amended; Code 1984, § 5-606)

Sec. 8-158. Limit to size of building.

No permit shall be issued to move any building which in the judgment of the building inspector or street department might by any chance result in an injury to the pavements, bridges, conduits or other street improvements within the city.

(Prior Code, art. D, as amended; Code 1984, § 5-607)

Sec. 8-159. Time limit.

At the time of application for a permit it is the duty of the mover of any building or structure to estimate the reasonable time required for the moving of the building from its present location to its proposed location and shall state in his application for permit what he deems to be such reasonable time.

(Prior Code, art. D, as amended; Code 1984, § 5-608)

Sec. 8-160. Notice to fire department.

Any person desiring to move any building shall show his permit to the chief of the fire department. If for any reason any delay is occasioned by any unforeseen contingency, it is his duty to inform the fire chief of such facts, to the end that the fire chief may keep accurate and recent information on the true conditions of the streets and alleys for fire prevention purposes.

(Prior Code, art. D, as amended; Code 1984, § 5-609)

Sec. 8-161. Liability.

No provision or condition of this article shall be construed so as to limit the liability civilly of any person moving any house on or over the city streets, avenues and alleys from any and all damages which may result as the proximate cause of such acts to any person or his property or to the city.

(Prior Code, art. D, as amended; Code 1984, § 5-610)

Secs. 8-162—8-219. Reserved.

ARTICLE VII. DWELLING CODE

DIVISION 1. GENERALLY

Sec. 8-220. Adoption of housing code.

The city has adopted by reference, as though fully set forth in this section, the most recent edition of the ICC One- and Two-Family Dwelling Code published by the International Code Council, three copies of which are on file in the office of the city clerk. The dwelling code shall be fully applicable and enforceable in governing housing in the city, save and except such portions as are deleted, modified or amended, in this article. If any provision of the ordinances of the city are in conflict with the provisions of these codes, except as provided in this article, the provisions of the codes shall prevail.

(Code 1984, § 5-801)

Secs. 8-221—8-248. Reserved.

DIVISION 2. EQUAL ACCESS TO HOUSING

Sec. 8-249. Intent.

The general intention of the city council providing for the passage of the ordinance from which this division is derived, is as follows:

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

(Code 1984, § 5-802; Ord. No. 5-18-98B, § 1(1))

Sec. 8-250. Acts prohibited.

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

- (1) To 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, religion, or national origin, familial status, or disabilities;
- (2) To 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, religion, or national origin, familial status or disabilities;
- (3) To solicit or induce, or attempt to solicit or induce, any person owning any interest in 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 in the neighborhood of a person of another race, color, religion, or national origin, familial status or disabilities either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, to distribute, or cause to be distributed, material or make statements designed to induce a residential property owner to sell or lease his property due to such change in neighborhood;

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

(Code 1984, § 5-803; Ord. No. 5-18-98B, § 1(2))

Sec. 8-251. Acts exempted.

Nothing contained in this division shall apply to the following:

- (1) To prohibit persons from giving a preference to prospective buyers or tenants for reasons other than race, color, religion, national origin, familial status or disability;
- (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 housing units;
- (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.

(Code 1984, § 5-804; Ord. No. 5-18-98B, § 1(3))

Sec. 8-252. Complaint procedure.

- (a) Any person aggrieved by any discriminatory practice as prohibited by this division, may file with the mayor a complaint in writing which shall be filed under oath. Such 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 article, and shall further set forth the particulars of such violation, and may include such other information as may be required by the mayor. Complaints filed under this section must be filed within 30 days after the alleged violation, and failure to file within such time period shall be considered a waiver of the application of this section. The city may issue a complaint on its own initiative, at any time that it comes within the knowledge of the city that a person has violated any of the provisions of this division.
- (b) The mayor shall forward the filed complaint to the state human rights commission for investigation and resolution. The state human rights commission has 100 days to complete its investigation. If the state human rights commission cannot complete its investigation in that time period, it must notify the U.S. Department of Housing and Urban Development (HUD) in writing explaining the cause of the delay.
- (c) The state human rights commission will attempt to conciliate the complaint. Under state law, the state human rights commission must prosecute the alleged violator if the facts warrant it. If the state human rights commission finds the complaint is unjustified, and has followed the housing discrimination complaint guidelines issued by the U.S. Department of Housing and Urban Development, the findings will be honored by HUD. The complainant may, however, pursue redress through district court within two years of the alleged violation or from two years of the date notice is given by the state human rights commission that the matter will not be pursued.

(Code 1984, § 5-805; Ord. No. 5-18-98B, § 1(4))

Sec. 8-253. Roofing contractors; registration required.

- (a) It is unlawful to perform work as a roofing contractor unless a proper license has been issued by the city and a surety bond posted.
- (b) License and bonding fees shall be set by the city council by resolution.
- (c) Any person, firm, corporation who shall violate a provision of this section shall, upon conviction, be punished as provided in section 1-8. Each day that a violation occurs shall, upon conviction, be punished as provided in section 1-9. Each day that a violation occurs shall be deemed a separate offense.
- (d) Any electrical contractor or journeyman electrician registered hereunder shall be entitled to be re-registered on each succeeding year hereafter upon payment of this fee and provision of the bond herein provided.

(Ord. No. 183-070323, § I, 6-19-2023)

Secs. 8-254—8-282. Reserved.

ARTICLE VIII. MECHANICAL CODE

Sec. 8-283. Adoption of International Mechanical Code.

The city has adopted by reference as though fully set forth in this section the 2018 edition of the International Mechanical Code, including appendix A, as published by the International Code Council, a copy of which is on file in the office of the city clerk, as the mechanical code of the city; regulating and governing the design, construction, quality of materials, erection, installation, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, with the additions, insertions, deletions and changes, if any, prescribed in this article.

(Code 1984, § 5-901; Ord. No. 2-21-89; Ord. No. 33-010504, §§ 1(part), 2; Ord. No. 182-070323, § I, 7-3-2023)

Sec. 8-284. Additions, insertions and changes.

The following sections of the International Mechanical Code are hereby revised as follows:

- (1) Section 101.1—Insert City of Bristow in place of the phrase [name of jurisdiction].
- (2) All of the provisions of section 103 are deleted and replaced with the following: The city inspector, sometimes referred to as the city building inspector, is hereby designated as the code official for the purposes of this code.
- (3) Section 106.5.2—Insert the following schedule of fees:

<i>Residence</i>	
Refrigeration units	\$20.00
Heating appliance	\$20.00
Rough-in duct	\$20.00
Range	\$5.00
Range hood	\$5.00
Clothes dryer	\$5.00

PART II - CODE OF ORDINANCES
Chapter 8 BUILDING REGULATIONS AND CODES

Chimneys	\$20.00
Vents	\$20.00
Gas piping	\$20.00
<i>Commercial</i>	
Heating appliance	\$30.00
Refrigeration units	\$30.00
Rough-in duct	\$10.00
Incinerator	\$10.00
Range	\$10.00
Range hood	\$10.00

- (4) Section 1068.4 shall provide as follows: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall upon conviction, be punished as provided in section 1-8. Each day that a violation occurs after due notice has been served shall be deemed a separate offense.
- (5) Section 109.21: Section 109.21 is deleted and replaced with the following: The board of appeals shall consist of five individuals.

(Code 1984, § 5-903; Ord. No. 2-21-89; Ord. No. 33-010504, §§ 1(part), 4)

Sec. 8-285. License required.

It is unlawful to perform work as a mechanical contractor, journeyman and/or an apprentice unless a proper license has been issued by the city.

(Code 1984, § 5-904; Ord. No. 6-30-98D, § 1)

Sec. 8-286. License fees.

License and bonding fees and surety bonds shall be set by the city council by resolution.

(Code 1984, § 5-905; Ord. No. 6-30-98B, § 1; Ord. No. 135-011916, § 1, 1-19-2016; Ord. No. 178-061923, § III, 6-19-2023)

Sec. 8-287. Violation; penalty.

Any person, firm or corporation who shall violate a provision of this article shall, upon conviction, be punished as provided in section 1-8. Each day that a violation occurs shall be deemed a separate offense.

(Code 1984, § 5-906; Ord. No. 6-30-98C, § 1)

Secs. 8-288—8-309. Reserved.

ARTICLE IX. WATER WELL PERMITS

Sec. 8-310. Water wells to be inspected by water superintendent; permits.

No water well shall be used within the city unless the well has been inspected and approved by the water superintendent and a permit issued therefor by the city clerk.

(Prior Code, art. F; Code 1984, § 5-1001)

Sec. 8-311. Application for permit; fee; permit issued.

Each owner of property in the city having a water well thereon shall apply to the city clerk for a permit for the use of the well, and in the application shall state the location, depth, and capacity of the well, the nature of the use of the water obtained therefrom, and the sand or sands from which it produces. Each person making such application shall pay to the city clerk a permit fee in such amount as may be set by the council, by motion or resolution. After receipt of the application and fee in the office of the city clerk, the water superintendent shall inspect the well and the connections thereto, and shall approve the well if it complies with the ordinances of the city, the laws of the state and the regulations of the state health department. Upon approval by the water superintendent, or other appropriate city official, the city clerk shall issue a permit for the use of the well.

(Prior Code, art. F; Code 1984, § 5-1002)

Sec. 8-312. Use of water from private wells.

Water from privately owned wells within the city shall be used only for domestic purposes on the premises where the well is located, and there shall be no interconnection of any kind between any such well and the water supply of the city or any connection thereto or extension thereof. In the case of wells in use prior to the effective date of the ordinance from which this article is derived, use of the water therefrom for other than domestic purposes may be continued to the same extent and for the same purposes, but such uses shall not be extended or increased.

(Prior Code, art. F; Code 1984, § 5-1003)

Sec. 8-313. Drilling, deepening, and use of well.

- (a) No privately owned water well within the city shall hereafter be drilled to, nor shall any existing well hereafter be deepened to, nor shall any privately owned well be completed at, such depth as will interfere with or allow water to be taken and produced from the water producing sands from which the city obtains its municipal water supply, except in those instances and in those areas where water is not available to the prospective user from the city's regular water system.
- (b) In the event a well is completed in the sands comprising the city's water supply in pursuance of the authorization herein granted, by any citizen of the city, the well and its operation shall be subject to inspection and regulation in all respects by the officials and administrative agents of the city to prevent pollution of the water sands and to prevent damage to the sands by such operation.
- (c) No water from a privately owned well within or without the city limits shall be taken from the sands from which the city obtains its water supply for industrial or commercial purposes unless the prospective user thereof shall have first received the permission of the city council.

- (d) The city, acting through its city council, shall at all times have power and authority to issue cease and desist orders to all users of water from such water sands during those periods of drought or low water periods, and at any other time when in the discretion of the council, the cease and desist orders are necessary to the welfare of the city and its citizens.
- (e) At such time as water is available to the persons from the city's regular water system, or at such time as the city can furnish water by other means to the persons who have completed a well in the water sands, the persons owning such wells shall immediately and forthwith cease using water from the water sands, and shall plug and abandon any such wells having been completed in the water sands of the city.

(Prior Code, art. F; Code 1984, § 5-1004)

Sec. 8-314. Compliance with laws, ordinances, and regulations; revocation of permit.

The drilling and use of water wells within the city shall comply in all respects with city ordinances, the laws of the state, and the regulations of the state health department in respect to the drilling, equipping, and use of such wells. The water superintendent shall have the right to inspect any such well at any time and to revoke the permit for the use thereof if any violation of any such ordinance, law, or regulation is found to exist.

(Prior Code, art. F; Code 1984, § 5-1005)

Sec. 8-315. Penalty.

Any person, firm, or corporation violating any provision of this article, or who willfully fails to cease and desist using water from the water supply sands of the city, after receiving notice of such order from the city, upon conviction thereof, shall be fined as provided in section 1-8.

(Prior Code, art. F; Code 1984, § 5-1006)

Secs. 8-316—8-333. Reserved.

ARTICLE X. PENALTY AND JUDICIAL RELIEF

Sec. 8-334. Penalty.

Any person who shall engage in any business, trade or vocation for which a license, permit, certificate, or registration is required by this chapter without having a valid license, permit, certificate, registration as required, or who shall fail to do anything required by this article, or by any code adopted by this chapter, or who shall otherwise violate any provision of this article or of any code adopted by this chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this chapter, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in section 1-8. Each day that a violation occurs shall be deemed a separate offense.

(Code 1984, § 5-1101; Ord. No. 6-30-98A, § 1)

Sec. 8-335. Relief in the courts.

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

(Code 1984, § 5-1102)

Secs. 8-336—8-358. Reserved.

ARTICLE XI. FLOOD DAMAGE PREVENTION

Sec. 8-359. Findings of fact.

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

(Code 1984, § 5-1201; Ord. No. 5-15-87, 5-15-1987)

Sec. 8-360. Statement of purpose.

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

(Code 1984, § 5-1202; Ord. No. 5-15-87, 5-15-1987)

Sec. 8-361. Methods of reducing flood losses.

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

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage; or

- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1984, § 5-1203; Ord. No. 5-15-87, 5-15-1987)

Sec. 8-362. Definitions.

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

Accessory structure means structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principal structure, but not limited to garages and storage sheds.

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

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

Area of future conditions flood hazard means the land area that would be inundated by the one-percent-annual chance (100 year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-30 and AR that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding in any given year - also called the base flood.

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

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

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

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

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

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

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

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage prevention ordinances means sections 8-359 through 8-376, and any lawfully enacted amendments or revisions thereto.

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

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

Flood insurance study (FIS). See *flood elevation study*.

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

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

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

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

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

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Floodway. See *regulatory floodway*.

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

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

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

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

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

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

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

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever

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is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

Special flood hazard area. See *area of special flood hazard*.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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

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

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

(Code 1984, § 5-1204; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § I, 7-6-2020)

Sec. 8-363. Lands to which special flood hazard applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of the city.

(Code 1984, § 5-1205; Ord. No. 5-15-87, 5-15-1987)

Sec. 8-364. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Creek County and Incorporated Areas," dated May 18, 2009, with accompanying flood insurance rate maps (FIRM) dated May 18, 2009 are hereby adopted by reference and declared to be a part of this article.

(Code 1984, § 5-1206; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § II, 7-6-2020)

Sec. 8-365. Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this article.

(Code 1984, § 5-1207; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § III, 7-6-2020)

Sec. 8-366. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Code 1984, § 5-1208; Ord. No. 5-15-87, 5-15-1987)

Sec. 8-367. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1984, § 5-1209; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § IV, 7-6-2020)

Sec. 8-368. Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the city council; and
- (3) Deemed neither to limit nor appeal any other powers granted under state statutes.

(Code 1984, § 5-1210; Ord. No. 5-15-87, 5-15-1987)

Sec. 8-369. Warning and disclaimer of liability.

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

(Code 1984, § 5-1211; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § V, 7-6-2020)

Sec. 8-370. Designation of the floodplain administrator.

The city's building inspector is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.

(Code 1984, § 5-1212; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § VI, 7-6-2020)

Sec. 8-371. Duties and responsibilities of the floodplain administrator.

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

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

- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state water resources board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 8-364, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of [this article].
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12 [of the National Flood Insurance Program regulations].
- (11) Become accredited by the OWRB in accordance with 82 O.S. §§ 1601—1620, as amended.
- (12) After a disaster or other type of damage occurrence to structures in the city, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.
- (13) Maintain a record of all actions involving an appeal from a decision of the board of trustees.

(Code 1984, § 5-1213; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § VII, 7-6-2020)

Sec. 8-372. Permit procedures.

- (a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 8-375(2);

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- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (5) Maintain a record of all such information in accordance with [this section].
- (b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Code 1984, § 5-1214; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § VIII, 7-6-2020)

Sec. 8-373. Variance procedures.

- (a) The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (c) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 8-372(b)(2) of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (g) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 8-360).
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) The criteria outlined in subsections 8-373(a)—(i) are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Code 1984, § 5-1215; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § IX, 7-6-2020)

Sec. 8-374. Provisions for flood hazard reduction; general standards.

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

- (1) All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwater; and
- (7) On-site waste water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Code 1984, § 5-1216; Ord. No. 5-15-87, 5-15-1987)

Sec. 8-375. Provisions for flood hazard reduction; specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) section 8-364; (ii) subsection 8-371(8); or (iii) subsection 8-376(c), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 8-372(a)(1) is satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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(4) *Manufactured homes.*

- a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites:
 1. Outside of a manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to an existing manufactured home park or subdivision; or
 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the I-beam of the manufactured home is elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the floodplain administrator by said installer prior to habitation of the manufactured home.

- c. Require that manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection (4) be elevated on a permanent foundation such that the bottom of the I-beam of the manufactured home is elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A, A1-30, AH and AE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days; or
- b. Be fully licensed and ready for highway use; or
- c. Meet the permit requirements of section 8-372, and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(6) *Accessory structure.* Accessory structures to be placed on sites within zones A and AE on the city's FIRM shall comply with the following:

- a. The structure shall be used only for parking and limited storage.
- b. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use.
- c. The structure shall be unfinished on the interior.

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- d. Structures shall be small in size, not exceed 600 square feet in size.
- e. Structures exceeding 600 square feet in size will be required to meet all applicable standards of section 8-365, section 8-373, [this subsection], sections 8-374 and 8-375, including relevant subsections.
- f. Service facilities such as electrical and heating equipment must be elevated to or above the BFE plus one foot freeboard.
- g. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- h. The structure shall be considered low in value, designed to have low flood damage potential and constructed with flood resistant materials.
- i. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement.
- j. Floodway requirements must be met in the construction of the structure.
- k. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and be placed on opposing walls with the net area of not less than one square inch for every square foot of the size of the footprint of the structure (flood vents).
- l. The openings (flood vents) shall be located no higher than one foot above grade.
- m. The openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Code 1984, § 5-1217; Ord. No. 5-15-87, 5-15-1987; Ord. No. 160-070620, § X, 7-6-2020)

Sec. 8-376. Standards for subdivision proposals.

- (a) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with sections 8-359, 8-360 and 8-361.
- (b) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of sections 8-365, 8-372 and the provisions of sections 8-374 and 8-375.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to sections 8-364 or 8-371(8).
- (d) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Code 1984, § 5-1218; Ord. No. 5-15-87, 5-15-1987)

Sec. 8-377. Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 8-364, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly

defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated at or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures;
 - a. Have the lowest floor (including basement) elevated at or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 8-372 are satisfied.
- (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(Ord. No. 160-070620, § X, 7-6-2020)

Sec. 8-378. Floodways.

Located within areas of special flood hazard established in section 8-364, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

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

(Ord. No. 160-070620, § X, 7-6-2020)

Sec. 8-379. Severability.

If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.

(Ord. No. 160-070620, § X, 7-6-2020)

Sec. 8-380. Floodplain management fee schedule.

The city board of trustees establishes the following fee schedule not to exceed \$500.00 for any one service:

- (1) Notice of intent fee: \$25.00 maximum.
- (2) Floodplain development permit application review: \$100.00.
- (3) Floodplain development permit fee: \$25.00.
- (4) Inspection fee—per inspection: \$25.00.
- (5) Variance request filing fee: \$25.00.

(Ord. No. 160-070620, § X, 7-6-2020)

Sec. 8-381. Penalties for noncompliance.

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

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

(Ord. No. 160-070620, § X, 7-6-2020)

Secs. 8-382—8-395. Reserved.

ARTICLE XII. OIL AND GAS DRILLING

Sec. 8-396. Intent and purpose.

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

(Code 1984, § 5-1301; Ord. No. 11-16-92)

Sec. 8-397. Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned well means any natural production or enhanced recovery well in which production casing has been run but which has not been operated for six months and the city has not granted temporarily abandoned status; each well in which no production casing has been run, and for which drilling operations have ceased for 30 consecutive days; and each well for which a city permit has not been obtained.

Artificial production means the raising to the surface of the earth, by means other than natural flow, petroleum or natural gas.

Conduit means any casing used to protect one or more pipelines where the pipeline crosses a city street or alley.

Corporation commission means the Oklahoma Corporation Commission.

Deleterious substance means any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of oil, gas or condensate.

Drinking quality water means water from a fresh water well or a city water supply and suitable for domestic use.

Dry hole means any well which is determined to be noncommercial and in which plugging operations are completed within 90 days of the initial removal of the completion rig from the well.

Enhanced recovery means an operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery therefrom.

Injection well means any well used for the injection of any fluid and shall include wells used for enhanced recovery and injection purposes.

Natural production means the raising to the surface of the earth, by natural flow, petroleum or natural gas.

Oil and gas inspector means that person, firm or corporation appointed by the city mayor to enforce the provisions of this article, or by his authorized representatives.

Permittee means the person to whom is issued a permit or permits under the terms of this article.

Pipeline means any pipe constructed or used to transport produced oil, water or gas or any water or other fluid for enhanced recovery or disposal purposes in association with any oil or gas production operation.

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

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

Public building means all buildings used or designed and intended to be used for gathering together 50 or more persons for such purposes as deliberation, entertainment, amusement, health care, or awaiting transportation. Public buildings include, but shall not be limited to:

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- (1) Armories;
- (2) Assembly halls;
- (3) Auditoriums;
- (4) Bowling lanes;
- (5) Clubrooms;
- (6) Conference rooms;
- (7) Courtrooms;
- (8) Dance halls;
- (9) Drinking establishments;
- (10) Exhibition halls;
- (11) Golf course clubhouse;
- (12) Gymnasiums;
- (13) Hospitals;
- (14) Libraries;
- (15) Mortuary chapels;
- (16) Motion picture theaters;
- (17) Museums;
- (18) Pool rooms;
- (19) Recreation piers;
- (20) Rodeo facilities;
- (21) Restaurants;
- (22) Skating rinks; and
- (23) Theaters.

Salt water means any water containing more than 250 mg/l chlorides.

Temporarily abandoned well means any well, for which the city has issued a permit as a temporarily abandoned well.

Treatable water means surface and subsurface water in its natural state which may or may not require treatment to be useful for human consumption, and contains less than 10,000 ppm total dissolved solids and/or 5,000 ppm chlorides.

Water, waters of the city or city water means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the city or any portion thereof.

Well means, unless specifically qualified, any hole, bore, to any depth for the purpose of producing and recovering any oil, gas or liquefied petroleum matter or deleterious substances, or for the injection or disposal of any of the foregoing.

- (b) All technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.

(Code 1984, § 5-1302; Ord. No. 11-16-92)

Sec. 8-398. Permits.

It is unlawful and an offense for any person acting for himself or acting as agent, servant, employee, subcontractor, or independent contractor of any other person, to commence to drill an original well or re-enter any abandoned well or plugged well or temporarily abandoned well or to change the status of any well or to plug any well or to relocate or to enlarge any surface production facilities in this city, or to work upon or assist in any way in the production or operation of any such well, or other oil and gas facility, without a permit having first been issued by the authority of the oil and gas inspector in accordance with this article.

(Code 1984, § 5-1303; Ord. No. 11-16-92)

Sec. 8-399. Application and filing fee.

- (a) Every application for a permit to drill an original well, to deepen an existing well, or to re-enter an abandoned well, except when a valid permit exists, shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the oil and gas inspector and be accompanied by a filing fee as set by the council in cash or certified funds. No application shall request a permit to drill more than one well. The application shall contain full information required by the oil and gas inspector, including the following:
- (1) Name and address of applicant and date of application;
 - (2) Where applying for a proposed original well:
 - a. A plat of the surface surrounding the drill site and proposed surface facilities, including thereon the location of the proposed well, the proposed surface facilities, pipe lines, roads, power lines, fences, streams and ponds. The plat should show the distances from the proposed well bore and proposed production facilities to all dwelling houses, buildings, or other structures designated for the occupancy of human beings or animals within 600 feet of the proposed well bore and the proposed production facilities. The plat should also show the distances from the proposed well bore and proposed surface facilities to all oil, gas, or fresh water wells located within 600 feet of the proposed well or production facilities. The radius required by this subsection shall be increased when such a condition is placed on the special use permit issued by the city; and
 - b. The names of the mineral, surface and lease owners;
 - (3) A copy of the approved notice of intent to drill from the corporation commission and a copy of the staking plat, showing the location and elevation of the proposed well bore signed by a registered surveyor;
 - (4) The applicant shall provide all of the information required by the application form and this article. Plugging procedures to be used in the event production is not established shall also be specified. A well bore diagram showing the proposed plugging of a dry hole shall be included. The applicant shall provide any additional information which may be required by the oil and gas inspector;

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- (5) A statement of the provisions for water for the drilling rig;
 - (6) The name and address of the person within the state upon whom service or process upon applicant may be made within this state; and in the case of any non-resident person who has no such service agent within this state, there shall be attached to the application the designation of such a service agent resident in the county, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations of the applicant hereunder; and
 - (7) A verification of the above information by the applicant hereunder.
- (b) Where the application is one for the re-entry of an abandoned well or plugged well, the application shall contain all the information required by subsection (a) of this section, with the exception that the oil and gas inspector may vary the requirements thereof to suit the application before him, provided that such application for a permit to re-enter an abandoned well shall provide the following information in every case:
- (1) A statement of:
 - a. The then condition of the well at time of present application;
 - b. The depth to which it is proposed such well shall be deepened;
 - c. The proposed casing program to be used in connection with the proposed re-entry; and
 - (2) A statement of the tests which are to be performed on the casing strings in order to show that the casing meets the same requirements for casing as for an original well.
- (c) There shall be no fee charged for the re-entry of a temporarily abandoned well in full compliance with the requirements of the city ordinance except when the application includes the deepening of the well.

(Code 1984, § 5-1304; Ord. No. 11-16-92; Ord. No. 1-4-93A)

Editor's note(s)—Ordinance No. 1-4-93A set fee in subsection (a) at \$50.00.

Sec. 8-400. Issuance or refusal of permit.

- (a) The oil and gas inspector's office within 30 city business days after the filing of a complete application for a permit under this article shall determine whether or not the application complies in all respects with the provisions of this article and applicable federal and state law, and, if it does, shall recommend to the mayor and city council that the permit be issued. Each permit issued under the terms of this article shall:
- (1) By reference have incorporated therein all the provisions of this article with the same force and effect as if this article were copied verbatim therein;
 - (2) By reference have incorporated therein all the provisions of applicable state law and the rules, regulations and standards adopted in accordance therewith relating to the protection of human beings, animals, and natural resources;
 - (3) Specify that the term of the permit shall be for a period of one year from the date of issuance thereof, and for like periods thereafter upon the successful inspection of the permittee's well and operations, as is provided for elsewhere herein;
 - (4) Specify such conditions imposed by the oil and gas inspector as are by this article authorized; and
 - (5) Specify that no actual operations shall be commenced until the permittee shall file and have approved the required bonds and certificate of insurance in the appropriate amounts as provided for elsewhere herein.

- (b) If the permit is issued, it shall, in two originals, be signed by the oil and gas inspector and the permittee, and when so signed shall constitute the permittee's license to drill and operate in the city and the contractual obligation of the permittee to comply with the terms of such permit, such bonds as are required, and applicable state law, rules, regulations, standards and directives. One executed original copy of the permit shall be retained by the oil and gas inspector; the other shall be retained by the permittee and shall be kept available for inspection by any city or state law enforcement official who shall demand to see same.
- (c) If the approved permit is refused, or if the applicant notifies the oil and gas inspector in writing that he wishes to withdraw his application prior to approval by council, or if the applicant fails to execute the approved permit within ten city business days of the date of city approval, then upon the happening of any of the events the cash fee filed with the application shall be refunded to the applicant, except that there shall be retained therefrom by the city the sum as set by the city council as a processing fee.

(Code 1984, § 5-1305; Ord. No. 11-16-92)

Sec. 8-401. Permittee's insurance and bond.

- (a) In the event a permit shall be issued by the city, no operations shall be commenced until the permittee shall file with the city a bond and insurance certificate as provided in this section.
- (b) An approved bond or irrevocable letter of credit in the principal sum of at least \$25,000.00. The bond to be executed by a reliable insurance company authorized to do business in the state, as surety, and with the applicant as principal, running to the city for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this article in the operation of the well for either natural or artificial production, injection or disposal. The bond shall become effective on or before the date the same is filed with the city and remain in force and effect for at least 12 months subsequent to the expiration of the permit term, and in addition the bond will be conditioned that the permittee will promptly pay fines, penalties, and other assessments imposed upon the permittee by reason of his breach of any of the terms, provisions and conditions of this article, and that the permittee will promptly restore the streets, sidewalks and other public property of the city which may be disturbed or damaged in permittee's operations, to their former condition; and that the permittee will promptly clear all premises of all litter, trash, waste, and other substances, and will, after abandonment, grade, level and restore the property to the same surface condition, as practicable as is possible, as existed prior to commencing operations; and further that the permittee shall indemnify and hold harmless the city from any and all liability attributable to granting the permit. When a permittee operates several wells in the city, he may post a blanket bond or an irrevocable blanket letter of credit in the amount of \$150,000.00 to cover all of his wells in the city.
- (c) In addition to the bond required in subsection (a) of this section, the permittee shall obtain either a bond as in subsection (c)(1) of this section or pollution insurance as in subsection (c)(2) of this section.
 - (1) The permittee shall obtain a bond in the principal sum of at least \$1,000,000.00. The bond to be executed by a reliable insurer licensed to do business in the state, as surety, and with applicant as principal, running to the city for the benefit of the city and all persons concerned, conditioned that the permittee will comply with every applicable federal and state law, rule, regulations, standard or directive relating to the maintenance of the safe and beneficial physical, chemical and biological properties of any natural waters of the city; that the permittee shall obtain the necessary permits from the city and state with regard to any operations which have the potential of rendering such water harmful or detrimental or injurious to the public health, safety and welfare; that the permittee shall bear all the costs necessary and incidental to the correction of any pollution to the water caused by the permittee or permittee's agents, servants, employees, subcontractors or independent contractors; that the permittee shall pay all fines, penalties, assessments or judgments resulting directly or incidentally

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from the permittee's activities and which result in pollution of city waters; that the permittee shall indemnify and hold harmless the city from any and all liability attributable to granting the permit where such liability results from the pollution of city waters;

- (2) Pollution insurance meeting the requirements set out below:
- a. The policy shall indemnify the insured for all losses incurred due to pollution of any waters of the city. The indemnification and loss to include, but not be limited to reimbursement to the city for all costs incurred in clean up or containment of any pollution of the waters of the city, including the Garber-Wellington Aquifer which provides the city with potable water, and in restoring the waters to their previous condition; any additional costs of water treatment or other costs incurred to supplement or continue the city's water supply and services prior to clean up and restoration; and, any net revenues lost by reason of irreparable damage to any waters of the city or to water stored by the city or which could have been stored by the city;
 - b. For the purposes of this policy, the term "water" or "waters of the city" means all rivers, streams, lakes, ponds, marshes, watercourses, waterways, aquifers, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the city or any portion thereof;
 - c. The city shall be named as additional insured hereunder. However, this extension shall not limit the city from any rights it would have, had it not been included as an additional insured;
 - d. The limits of liability as provided by this policy shall be in the sum of \$1,000,000.00 for each accident or occurrence;
 - e. This policy is specifically intended to cover all claims made by third parties against the city, but only in respect of the rights and interests in wells scheduled below;
 - f. The well insured hereunder represents 100 percent interest irrespective of the insured working interest being less than 100 percent;
 - g. The deductible applicable shall be \$25,000.00 for any one accident or occurrence;
 - h. In the event of expiration of the term of this policy any well which is in course of drilling at the time of such termination shall continue under full coverage afforded by the policy until drilling of the well is completed or complete abandonment of the well. Where a well hereon has been covered while drilling, coverage shall continue while producing until policy expiry without additional premium;
 - i. The policy shall identify covered wells by operator, lease, well number and United States survey location, including quarter section, township and range;
 - j. The city shall receive 30 days' written notice by certified mail with return receipt requested prior to any termination, cancellation or change in any of the conditions of the policy. Notice shall be mailed to the following address:

Oil and Gas Inspector
The City of Bristow
110 W. 7th St.
Bristow, Oklahoma 74010

- k. The policy shall show the name and address of the authorized agency. The policy shall be issued by an insurer authorized to do business in the state;
- (d) In addition to the bonds required in subsections (a) and (b) of this section, the permittee shall carry a policy of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee and the city, issued by an insurer authorized to do business within the state, the policy in the aggregate shall provide for the following minimum coverage: \$1,000,000.00 per occurrence combined bodily injuries and property damage. Permittee shall file with the city, certificates of the insurance as above stated, and shall obtain the written approval thereof of the oil and gas inspector who shall act thereon promptly after the date of such filing. The insurance policy shall not be cancelled without written notice to the oil and gas inspector at least 30 days prior to the effective date of such cancellation. In the event the policy are cancelled, the permit granted shall immediately thereupon terminate without any action on the part of the oil and gas inspector, and permittee's rights to operation under the permit shall cease until permittee files additional approved insurance as provided herein.

(Code 1984, § 5-1306; Ord. No. 11-16-92)

Sec. 8-402. Conversion from natural or primary to enhanced recovery or disposal well.

No person shall convert any well from natural or primary production to a use for enhanced recovery or disposal.

(Code 1984, § 5-1307; Ord. No. 11-16-92)

Sec. 8-403. Annual fee to operate.

- (a) An annual inspection fee is hereby levied upon each well operated or maintained under a permit issued by the city.
- (b) Such fee shall be in the amount set by the council, payable to the city on or before the annual anniversary date of the issuance of any permit under this article.
- (c) No permit for any well shall be considered valid for any year for which the annual fee has not been paid. Failure to pay any required permit fee within 30 days of a delinquent notice sent to the latest address provided by the permittee will result in cancellation of the permit.

(Code 1984, § 5-1308; Ord. No. 11-16-92; Ord. No. 1-4-93B)

Editor's note(s)—Ordinance No. 1-4-93B set fee in subsection (a) at \$ 50.00.

Sec. 8-404. Disposal of salt water.

- (a) Every permittee under this article shall be responsible for the safe disposal of salt water or other deleterious substances which he may bring to the surface of the earth and shall provide a plan for such disposal as required in this article. Such disposal shall not result in pollution of the waters of the city and shall not result in any other environmental hazard, and shall incorporate the best available techniques and equipment.
- (b) In the event of any leakage or spillage of any pollutant or deleterious substance, whatever the cause thereof, the permittee shall cause the oil and gas inspector to be notified thereof promptly. If, in the judgment of the oil and gas inspector, such leakage or spillage represents a potential environmental hazard, he may issue whatever corrective orders he deems appropriate, and additionally may require the appropriate testing of the surface and subsurface for pollutant incursion, the cost of such test to be borne by the permittee.

- (c) The operator shall identify in writing to the oil and gas inspector the method of disposing of salt water produced from each well. The disposal well used shall be identified by operator, lease, well number and U.S. Survey number when the disposal well is located within the city limits. The operator shall notify the oil and gas inspector in writing when there is any change in the method of disposing of produced water from any producing well.
- (d) No lined or unlined earthen pit shall be used in conjunction with any salt water disposal facility located in the city.
- (e) No person shall inject any salt water or other deleterious substance into the annulus between the inside of the surface casing string and the next inside casing string, or into any other annulus of a well.
- (f) No disposal well shall be used to dispose of any substance other than fluids produced from oil or gas wells located on the same lease or other leases in the immediate area.

(Code 1984, § 5-1309; Ord. No. 11-16-92)

Sec. 8-405. Compliance with applicable laws.

No person shall drill an original well or re-enter an abandoned well or a temporarily abandoned well or change the status of any well for any purpose, or permit to exist any well, structure, equipment, pipeline, machinery, tank or other appurtenance, in violation of any of the provisions of this article or other city ordinances as may be applicable, or the laws, rules, regulations, operative standards or directives of the state.

(Code 1984, § 5-1310; Ord. No. 11-16-92)

Sec. 8-406. Surface casing.

- (a) Surface casing requirements are as follows:
 - (1) Surface casing shall be set a minimum of 200 feet below the deepest fresh water zone found in the nine section area surrounding the well site;
 - (2) A resistivity and porosity electric log shall be run in the surface hole before surface pipe is set, a copy of which will be filed with the corporation commission, state water resources board, and the oil and gas inspector, but the oil and gas inspector may waive these logs when sufficient data exists to show the depth of the fresh water in the nine section area. Surface pipe shall have a centralizer on the shoe joint, a centralizer within 50 feet of the shoe joint and centralizers no more than 200 feet apart above the second centralizer;
 - (3) A guide shoe shall be installed on the first joint of surface casing and a float collar or equivalent shall be installed within 50 feet of the first joint. No cement baskets may be installed on the surface casing;
 - (4) Surface casing requirements:
 - a. Surface casing shall be new pipe of an API grade of J or K or a higher grade. The casing shall be 8 $\frac{3}{8}$ inch outside diameter casing having a minimum weight of 24 pounds per foot or a different diameter and weight of pipe, having a wall thickness and internal yield pressure at least equal to the casing specified above;
 - b. Provided, however, that the oil and gas inspector may approve used casing to be used for surface casing when he inspects the used casing and finds it to be acceptable. The used casing shall be inspected by the oil and gas inspector and he may reject such casing based solely on this inspection and any decision by the oil and gas inspector to reject the casing shall be final. Before the oil and gas inspector may approve the used casing, he shall witness a successful pressure test

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on such casing to a minimum internal pressure of 4000 pounds per square inch (PSI). The oil and gas inspector may require any additional non-destructive testing of such casing which he may consider appropriate to ensure the quality and acceptability of the casing. The cost of all pressure testing or non-destructive testing to be borne by the applicant. When used casing approved by the oil and gas inspector is installed in a well, a signed, written statement stating that the casing installed was the casing approved by the oil and gas inspector and that no other pipe was substituted, shall be submitted to the oil and gas inspector within 24 hours of the installation of such casing. The statement shall be signed by the pipe vendors, the applicant, the trucking firm, the drilling contractor, the casing contractor, the cementer and any other firm or individual assisting with the installation of such casing; and

- (5) Only drinking quality water shall be used to mix cement used to cement the surface casing.
- (b) Surface pipe and cementing requirements are as follows:
- (1) Surface pipe shall be cemented by attempting to circulate good cement to surface by normal displacement practices. If cement cannot be circulated to surface due to washed out hole or lost circulation, the existing cement shall not be over-displaced and a plug shall be left in the bottom of the casing string to be drilled out once the surface is set. The remaining open hole behind the surface pipe shall be cemented by running a tubing string between the conductor string and the surface pipe until the top of the cement is tagged. The remaining uncemented annular space will then be cemented until good cement is circulated to surface;
 - (2) The cement used to cement surface casing shall be a grade of cement capable of reaching a minimum compressive strength of 500 PSI in 24 hours at a curing temperature of 80 degrees Fahrenheit. After the surface casing is cemented, the surface casing shall not be disturbed in any way until the cement has set a sufficient period of time to reach a compressive strength of 600 PSI at a curing temperature of 80 degrees Fahrenheit. A minimum of 12 hours curing time is required on any cement used to cement surface casing before cutting off the casing or disturbing the casing. Only drinking quality water shall be used to mix cement to be placed in the well. Prior to drilling below the surface casing a cement bond log of a type approved by the oil and gas inspector shall be run to check the quality of the cement bond. The oil and gas inspector shall be notified so that he may be present to witness the running of the cement bond log. The applicant shall not drill below the surface casing until the oil and gas inspector has examined and approved the cement bond log. If the bond log does not show good bonding then remedial cementing shall be performed as required by the oil and gas inspector and an additional bond log shall be run to check the cement bond. This process shall be repeated until a good cement bond has been achieved throughout the complete interval of the surface casing.
- (c) Where an existing well is to be used as an injection or disposal site, the existing casing and cement shall be of such integrity and depth as to adequately and safely isolate fresh water producing zones from the seepage or bleeding of injection fluids or dispersants. Where additional protective operations are undertaken to comply with this subsection, the oil and gas inspector shall be notified thereof sufficiently in advance in order for him to be present for such operations.

(Code 1984, § 5-1311; Ord. No. 11-16-92)

Sec. 8-407. Plugging and abandonment.

- (a) A permit shall be required to plug any well in the city with the exception of a dry hole permitted under this article.
- (b) Application requirements are as follows:

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- (1) When applying to the oil and gas inspector for a plugging permit, the following information must be provided to the oil and gas inspector:
 - a. A well bore diagram showing the current status of the well bore. This diagram should show all tubing, packers, casing, perforations, plugs, squeeze cemented intervals, known cement tops and any known defects in the casing;
 - b. Details of the original casing and cementing of the well;
 - c. Copies of any cement bond logs or temperature surveys run in the well to evaluate the cement or to locate the top of the cement;
 - d. A proposed plugging procedure including the position of plugs, the quantity of cement to be used for plugs, and the type of cement to be used. This procedure should also identify any casing stubs to be left in the well;
 - e. A well bore diagram to show the proposed plugged condition of the well; and
 - f. Copies of any forms filed with the state corporation commission pertaining to any drilling, recompletion, deepening or reclassification of the well;
- (2) Whenever any well is abandoned it shall be the obligation of the permittee and the operator of the well to properly plug the well. In plugging wells, it is essential that all formations bearing usable quality water, oil or gas be protected. All cementing operations during plugging must be performed under the direct supervision of the operator or his authorized representative, who shall not be an employee of the service or cementing company hired to plug the well. Direct supervision means supervision on location at the well site;
- (3) A cement plug shall be set to isolate the productive horizons. A productive horizon is defined as any zone known to be capable of producing hydrocarbons at any location in the city. This plug shall be placed above but within 200 feet of the top of the shallowest productive horizon. The plug shall be sized to fill a minimum of 200 feet of the well bore. This plug shall be tagged by placing tubing or drill string weight on the plug. If the plug has moved, an additional plug shall be required;
- (4) Cement plugs must be placed by the circulation or squeeze method through tubing or drill pipe;
- (5) All cement for plugging shall be an appropriate API oil well cement without volume extenders mixed in accordance with API standards. Slurry weights shall be reported on the cementing report. The oil and gas inspector may require specific cementing compositions to be used in special situations;
- (6) Operators shall use only cementers approved by the oil and gas inspector. Cementing companies, service companies or operators can qualify as approved cementers by demonstrating that they are able and qualified to mix and pump cement in compliance with this rule. If the oil and gas inspector refuses to administratively approve a cementing company, the company may request a hearing on the matter with the city mayor. After the hearing, the city mayor shall recommend final action to the city council;
- (7) A 50 foot cement plug shall be placed in the top of the well, and the casing must be cut off three feet below ground level;
- (8) Mud-laden fluid having a density of at least nine pounds per gallon, but not less than the density of the mud used to drill the well, and a funnel viscosity of at least 36 funnel seconds shall be placed in all portions of the hole not filled with cement. The hole must be in static condition at the time cement plugs are set; and
- (9) Material that would hamper re-entry of a well shall not be placed in any well bore during plugging operations. Pipe and irretrievable junk shall not be cemented in the hole during plugging operations

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without prior approval by the oil and gas inspector. After the plugging work is completed, the operator must fill the rat hole, mouse hole and cellar, and must remove all loose junk and trash from the location. All pits must be emptied and back-filled within a reasonable period of time.

- (c) Plugging requirements for wells with surface casing are as follows:
- (1) When insufficient surface casing is set to protect all usable quality water strata and such usable quality water strata are exposed to the well bore when production or intermediate casing is pulled from the well or as a result of such casing not being run, a cement plug shall be placed from 100 feet below the base of the deepest usable water stratum to 100 feet above the top of the stratum. This plug shall be evidenced by tagging with tubing or drill pipe. The plug must be respotted if it has not been properly set. In addition a cement plug must be set across the shoe of the surface casing. This plug must be a minimum of 200 feet in length and shall extend at least 100 feet above and below the shoe;
 - (2) When sufficient surface casing has been set to protect all usable quality water strata, a cement plug shall be placed across the shoe of the surface casing. This plug shall be a minimum of 200 feet in length and shall extend at least 100 feet above the shoe and at least 100 feet below the shoe; or
 - (3) If the surface casing has been set deeper than 200 feet below the base of the deepest usable quality water stratum, an additional cement plug shall be placed inside the surface casing across the base of the deepest usable quality water stratum. This plug shall be a minimum of 200 feet in length and shall extend from 100 feet below the base of the deepest usable quality water stratum to 100 feet above the top of the stratum.
- (d) Plugging requirements for wells with intermediate casing are as follows:
- (1) For wells in which the intermediate casing has been cemented through all usable quality water strata and all productive horizons, a cement plug shall be placed inside the casing and centered opposite the base of the deepest usable quality water stratum, but extend no less than 100 feet above and below the stratum; or
 - (2) For wells in which the intermediate casing is not cemented through all usable quality water strata and all productive horizons, and if the casing will not be pulled, the intermediate casing shall be perforated at the required depths to place cement outside of casing by squeeze cementing through casing perforations.
- (e) Plugging requirements for wells with production casing are as follows:
- (1) For wells in which the production casing has been cemented through all usable quality water strata and all productive horizons, a cement plug having a minimum height of 200 feet shall be placed inside the casing and centered opposite the base of the deepest usable quality water stratum and across any multi-stage cementing tool;
 - (2) For wells in which the production casing has not been cemented through all usable quality water strata and all productive horizons and if the casing will not be pulled, the production casing shall be perforated at the required depths to place cement outside of the casing by squeeze cementing through casing perforations;
 - (3) The oil and gas inspector may approve a cast iron bridge plug to be placed immediately above each perforated interval, provided at least 20 feet of cement is placed on top of each bridge plug.
- (f) Plugging requirements for a well with screen or liner are as follows:
- (1) If practical, the screen or liner shall be removed from the well; or

- (2) If the screen or liner is not removed, a cement plug having a minimum height of 200 feet shall be placed on the top of the liner.
- (g) Plugging requirement for wells without production casing and open-hole completions are as follows: Any production horizon or any formation in which a pressure or formation water problem is known to exist shall be isolated by placing a cement plug having a minimum height of 200 feet immediately above the productive horizon or formation.
- (h) When any oil, gas or water line is abandoned, it shall be flushed with fresh water, and the salt water or hydrocarbons removed shall be collected in steel tanks and disposed of properly. The portions of any abandoned lines underlying any city street shall be abandoned in accordance with the recommendations of the oil and gas inspector and the city engineer.
- (i) Any foundations remaining at the site of an abandoned well or associated oil and gas operation shall be removed from the site or buried on-site with a minimum of four feet of cover.
- (j) All abandoned pressure vessels, tanks and other surface facilities used in conjunction with an oil and gas operation shall be removed from the site.
- (k) The ground at the site of the abandoned well shall be returned as near as is practical to the original contour.
- (l) The surface shall be seeded, sodded or otherwise treated as required by the oil and gas inspector to prevent erosion.

(Code 1984, § 5-1312; Ord. No. 11-16-92; Ord. No. 1-4-93C)

Sec. 8-408. Well location.

- (a) No well shall be drilled nor shall any tank batteries, well facilities or equipment be located and no permit shall be issued for any well to be drilled at any location which is nearer than 300 feet to any occupied or unoccupied dwelling or any other building used or designated and intended to be used for human occupancy. This distance shall be calculated from the well bore, tank batteries, well facilities and equipment to the closest exterior point of the dwelling or other subject building.
- (b) No well shall be drilled nor shall any tank batteries, well facilities or equipment be located and no permit shall be issued for any well to be drilled at any location which is nearer than 600 feet to any public building, religious building or school building. This distance shall be calculated from the well bore, tank batteries, well facilities and equipment to the closest exterior point of the building. The city council may waive the requirement for a 600 foot separation distance.
- (c) No well shall be drilled and no permit shall be issued for any well to be drilled at any location which is nearer than 300 feet to an active or inactive fresh water well. This distance shall be calculated from the well bore to the fresh water well bore. An inactive fresh water well nearer than 300 feet to the proposed well bore may be plugged in accordance with the state water resources board if the owner of the inactive fresh water well grants permission for such plugging.
- (d) The provisions of this section shall also apply to any dwellings, public buildings, religious buildings, or other subject buildings under construction or to any fresh water wells being drilled on the date the application for a permit is filed with the oil and gas inspector.
- (e) The application of the provisions of this section to a proposed well shall be determined by examining the existing uses of the surrounding property as of the date the application for a permit is filed with the oil and gas inspector.

- (f) The provisions of this section shall not apply to wells, facilities or equipment in use on the effective date of the ordinance from which this article is derived.

(Code 1984, § 5-1313; Ord. No. 11-16-92)

Sec. 8-409. Movement of heavy equipment.

- (a) The permittee shall submit to the oil and gas inspector the description of the route to be used for the move-in and move-out of all heavy equipment. The route to be used for the transportation of any mud, rock, oil, pipe, cement, water, or other heavy load shall also be identified. The permittee shall state the following information regarding the maximum load to be transported on each route:
- (1) Maximum length of vehicle and load;
 - (2) Maximum width of vehicle and load;
 - (3) Maximum weight of the vehicle and load;
 - (4) Maximum weight of the load; and
 - (5) Maximum axle load.
- (b) No heavy load may be transported on any city street without first obtaining written permission from the oil and gas inspector. Mud or debris shall not be deposited on city streets. Lease roads shall be paved or graveled, if necessary, to prevent mud being carried onto city streets by any vehicle. The oil and gas inspector may require rerouting of any heavy equipment as may be necessary to protect city roadways from damage. Similarly, axle load limits shall be regulated as may be necessary. It shall be the duty of every permittee to ensure that any agents or subcontractors shall conform to routes approved hereunder. Failure of any equipment mover to so abide shall be deemed a violation of this article by the permittee.

(Code 1984, § 5-1314; Ord. No. 11-16-92)

Sec. 8-410. Fences.

Any person who completes any well as a producer shall have the obligation to enclose the well, together with its surface facilities, by a fence sufficiently high and properly built so as to ordinarily keep persons and livestock out of the enclosure with all gates thereto to be kept locked when the permittee or his employees are not within the enclosure. A duplicate set of keys to the lock shall be filed with the oil and gas inspector. The oil and gas inspector may require sight-proof fencing and landscaping be installed around the well site and surface production facilities when such installations are located in developed areas.

(Code 1984, § 5-1315; Ord. No. 11-16-92)

Sec. 8-411. Noise and other nuisances.

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

(Code 1984, § 5-1316; Ord. No. 11-16-92)

Sec. 8-412. Facilities.

All lease equipment shall be painted and maintained in a good state of appearance, and shall have posted at the point the access road intersects the city street and near the well in a prominent place metal signs no less than two feet square in area upon which the following information shall be conspicuous: permittee's name; lease name; location of the drill site by reference to the United States survey; identifying number of the permit issued by the city; and emergency telephone numbers. Additional signs shall be posted warning of "Danger," "No Smoking," and "Equipment Starts Automatically" when equipment operates under automatic control.

(Code 1984, § 5-1317; Ord. No. 11-16-92)

Sec. 8-413. Storage tanks and separators.

- (a) Crude oil storage tanks shall not be constructed, operated or used except to the extent of three steel tanks for crude storage, not exceeding 210 barrels capacity each. One water storage tank not to exceed 210 barrels capacity may be constructed, operated and used, provided that additional tankage may be approved by the oil and gas inspector when the applicant or permittee can show that a need for the additional tankage exists. The operator shall provide for the safe handling of vapors which may be released from the tanks. A flame arrestor valve shall be installed on the tank battery vent line. In the event that excessive vapors are being released from the tanks, in the opinion of the oil and gas inspector, the operator shall be required to install a vapor recovery system to prevent the release of the vapors into the atmosphere.
- (b) A permittee may use, construct and operate a steel conventional separator and such other steel tanks and appurtenances as are necessary for treating oil with each of such facilities to be so constructed and maintained as to properly control vapors. Each separator or pressure vessel shall be equipped with both a regulation pressure-relief safety valve and a bursting head.
- (c) A dike made of properly compacted impervious material shall be constructed around any crude oil or salt water storage tanks or pressure vessels. The dike shall be sized to hold 100 percent of the combined volume of the tanks and vessels which it surrounds with a minimum of six inches additional height of the dike wall. Any vessel heated by gas burners or electric heating coils shall be diked separately from crude storage tanks. The design of the dike, including materials used to construct the dikes and the degree of compaction achieved shall meet the specifications of the oil and gas inspector.
- (d) All crude storage tanks and gas separators shall be located so that the top of the dike surrounding the above shall be at least 300 feet from the nearest point on any occupied or unoccupied dwelling or commercial building. All crude storage tanks and gas separators shall be located so that the top of the dike surrounding the above shall be at least 600 feet from the nearest point of a religious center, school or public building. The requirement of this subsection shall not apply to tanks in use on the effective date of the ordinance from which this article is derived. A greater separation distance shall be required when such condition is placed on the special use permit issued by the city. For pressure vessels or crude tanks installed after the effective date of the ordinance from which this article is derived, the distance separating pressure vessels containing hydrocarbons or crude tanks and residents or commercial buildings shall meet the guidelines of the United States Department of Housing and Urban Development handbook titled Urban Development Siting with Respect to Hazardous Commercial/Industrial Facilities (and prepared under contract HC 5232) in regard to protecting buildings and people from blast overpressure and thermal radiation.

(Code 1984, § 5-1318; Ord. No. 11-16-92)

Sec. 8-414. Fire prevention.

- (a) Adequate firefighting apparatus and supplies approved by the city fire department shall be maintained on the drilling site at all times during drilling and production operations. All machinery, equipment and installations on all drilling sites within the city limits shall conform with such requirements as may from time to time be issued by the fire department.
- (b) During drilling, workover, or any down-hole operations, the permittee shall provide a minimum of four portable fire extinguishers, the size, rating, distribution and maintenance of which shall be in accordance with national Fire Protection Association (NFPA) Standard #10, entitled Portable Fire Extinguishers and NFPA Standard #30, entitled Flammable Liquids Code.
- (c) In areas where flammable vapors may be present, precautions shall be taken to prevent ignition by controlling sources of ignition.
- (d) The permittee shall protect all hazardous materials or special hazards at the well site in accordance with applicable NFPA standards.
- (e) The permittee shall comply with such other requirements which the oil and gas inspector or the city fire department may prescribe for the particular well.
- (f) Crude and water storage tanks shall be equipped with lightening protection equipment as required by the oil and gas inspector.

(Code 1984, § 5-1319; Ord. No. 11-16-92)

Sec. 8-415. Pits.

- (a) Steel mud or circulating pits shall be used during drilling. During drilling, no earthen pits, either lined or unlined, shall be constructed nor used as a mud circulating pit, mud storage pit, working pit, or settling pit. Steel pits and contents shall be removed from the drilling site within 15 days after the completion of the drilling phase of the well. Earthen pits may only be used when authorized by the oil and gas inspector as catch basins or sumps to collect drill cuttings and run-off. The oil and gas inspector shall authorize the use of such pits only when the excavated soil is an impervious type of soil such as stiff clay. When the soil excavated is a pervious type such as soil containing a significant fraction of sand or gravel, steel pits may be buried and used to collect cuttings and run-off. The maximum size of an earthen pit to be used to collect cuttings or run-off shall be ten feet by ten feet by six feet deep. Earthen pits may be used only when authorized in writing by the oil and gas inspector. After the pit is constructed, but before any liquid is placed in the pit, the oil and gas inspector shall be contacted to inspect the type of soil in the sides and bottom of the pit. When the oil and gas inspector determines that the soil is an impervious type, he may approve the pit. No approval for the pit shall be given when the soil at the site is a pervious type.
- (b) Earthen pits may be constructed in an emergency to prevent or to minimize pollution. When emergency pits are constructed, the oil and gas inspector shall be notified immediately and his instructions shall be followed. Emergency pits shall be emptied and any contaminated soil shall be removed and disposed of before the emergency pit is back filled as soon as the emergency is over. Such pits shall be leveled within 15 days after completion of the drilling of the well.

(Code 1984, § 5-1320; Ord. No. 11-16-92)

Sec. 8-416. Retaining walls and diversion dikes.

- (a) An earthen retaining wall of adequate size for the terrain involved will be constructed on the low side of the well site in the event the well site is located on sloping or unlevel ground. The top of the retaining wall shall be at least two feet higher than the elevation of the ground at the well bore. The retaining wall shall be constructed prior to the commencement of the drilling of a new well.
- (b) When the well site is located on sloping or unlevel ground, an earthen diversion dike or ditch of adequate size for the terrain involved shall be constructed on the high side of the well site. The diversion dike or ditch shall be designed, constructed and maintained to divert runoff waters around the well site.
- (c) Depending upon conditions which exist at the site, the oil and gas inspector may waive the requirements of this section for well sites existing on the effective date of the ordinance from which this article is derived.

(Code 1984, § 5-1321; Ord. No. 11-16-92)

Sec. 8-417. Motive power.

Motive power for all well pumping equipment installed after the effective date of the ordinance from which this article is derived, shall be electricity, except that in rural areas, the oil and gas inspector may specify that internal combustion engines may be used. All internal combustion engines shall be equipped with state of the art mufflers to minimize noise.

(Code 1984, § 5-1322; Ord. No. 11-16-92)

Sec. 8-418. Derrick and rig.

It shall be unlawful and an offense for any person to use or operate in connection with the drilling, re-entry or reworking of any well within the city, any wooden derrick or any steam-powered rig, and all engines shall be equipped with adequate mufflers approved by the oil and gas inspector. Permitting any drilling rig or derrick to remain on the premises or drilling site for a period of longer than 60 days after completion or abandonment of a well is hereby prohibited. The oil and gas inspector may grant an extension of this time when extenuating circumstances exist.

(Code 1984, § 5-1323; Ord. No. 11-16-92)

Sec. 8-419. Drilling operations, equipment.

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

(Code 1984, § 5-1324; Ord. No. 11-16-92)

Sec. 8-420. Open hole formation testing.

- (a) All open hole formation testing shall be done during daylight hours, with adequate advance notification thereof made to the oil and gas inspector to enable him to be present if he so chooses.
- (b) All open hole formation testing shall be done into steel tanks, or flared properly in the case of gas. All flaring of gas shall require approval by the oil and gas inspector.
- (c) The well shall be circulated or reverse circulated prior to commencing to pull drill stem test tools from the hole.

(Code 1984, § 5-1325; Ord. No. 11-16-92)

Sec. 8-421. Moving of drilling rig.

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

(Code 1984, § 5-1326; Ord. No. 11-16-92)

Sec. 8-422. Streets and alleys.

No well shall be drilled, and no permit shall be issued for any well to be drilled at any location which is within any of the streets or alleys of the city; and no street or alley shall be blocked or encumbered or closed in any drilling or production operation except with the written approval of the oil and gas inspector, and then only temporarily. The city engineer shall specify axle tonnage limits for each roadway in the city limits. All vehicles exceeding this tonnage limit will be required to select an alternate route when and if possible. Any resulting street damage will require repair by the permittee or executing of the surety bond to repair the street as soon as the well site is complete or abandoned.

(Code 1984, § 5-1327; Ord. No. 11-16-92)

Sec. 8-423. Flaring of gas.

All produced gas shall either be sold or flared with the flaring procedures being approved by the oil and gas inspector and the fire marshal. Flaring shall not be approved unless the state has issued an order permitting such flaring.

(Code 1984, § 5-1328; Ord. No. 11-16-92)

Sec. 8-424. Fracture and acidizing.

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

(Code 1984, § 5-1329; Ord. No. 11-16-92)

Sec. 8-425. Swabbing and bailing.

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

During swabbing or bailing operations, the well shall be equipped with the appropriate valves, fittings, blowout preventers, and a lubricator complete with a functional pack-off to permit complete pressure control of the well.

(Code 1984, § 5-1330; Ord. No. 11-16-92)

Sec. 8-426. Rupture in surface casing.

In the event a rupture, break or opening occurs in the surface or production casing, the permittee or the operator or drilling contractor shall take immediate action to repair it. The repair procedure shall be submitted to the oil and gas inspector for his approval prior to commencing the repair work. The oil and gas inspector may specify tests to be run to confirm the success of the repair work and extent of contamination. The oil and gas inspector shall be notified so that he may witness the repairs and testing.

(Code 1984, § 5-1331; Ord. No. 11-16-92)

Sec. 8-427. Depositing oil products.

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

(Code 1984, § 5-1332; Ord. No. 11-16-92)

Sec. 8-428. Safety precautions.

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

(Code 1984, § 5-1333; Ord. No. 11-16-92)

Sec. 8-429. Forms filed with the corporation commission.

When requested by the oil and gas inspector, copies of all applications, notices, forms, records, logs and the like filed by permittee with the corporation commission shall be filed with the city. The oil and gas inspector shall keep confidential all submitted material which the state requires to be kept confidential.

(Code 1984, § 5-1334; Ord. No. 11-16-92)

Sec. 8-430. Water for muds.

- (a) Water to be used in drilling or work-over operations may be brought in by tank trucks, or obtained from the existing city water supply. Surface water from unpolluted ponds or streams may also be used. When a fresh water supply well is drilled, a copy of a permit for the well from the state water resources board shall be submitted to the oil and gas inspector as part of the permit application. The applicant shall also state the disposition of the fresh water supply well upon the completion of the drilling of the oil well. A fresh water well shall not be drilled closer than 300 feet to the oil well. A fresh water well may not be drilled deeper than

200 feet above the base of the fresh water aquifer. The oil and gas inspector shall determine the base of the fresh water aquifer.

- (b) When any fresh water well is drilled as a source of drill water, the applicant shall state the disposition of the fresh water well. When ownership of the water well is to be transferred to the land owner, a written statement from the land owner accepting responsibility of the well shall be submitted to the city. When any such water well is plugged, it shall be plugged in accordance with the rules of the state water resources board. Only drilling contractors licensed by the state water resources board shall drill fresh water wells to be used as a source of drill water.

(Code 1984, § 5-1335; Ord. No. 11-16-92)

Sec. 8-431. Oil and gas inspector.

- (a) The city mayor shall employ or retain a qualified person, firm or corporation as an oil and gas inspector, whose duty it shall be to enforce the provisions of this article.
- (b) The oil and gas inspector shall have the authority to issue such orders or directives as are required to carry out the intent and purpose of this article and its particular provisions. Failure to abide by any such order or directive shall be a violation of this article.
- (c) The oil and gas inspector shall have the authority to go upon and inspect any premises covered by the terms of this article to ascertain whether this article and the applicable laws, rules, regulations, standards or directives of the state are being complied with. Failure to permit access to the oil and gas inspector shall be deemed a violation of this article.
- (d) The oil and gas inspector shall have the authority to request and receive from any permittee, contractor, or subcontractor, any records, logs, reports and the like relating to the status or condition of any well or project or the appurtenances thereof within the city. Such material shall remain confidential where such confidentiality is usually granted by the state. Material considered confidential by the state shall be submitted to the oil and gas inspector in a sealed envelope and shall be opened only in the presence of the operator. Failure to provide any such requested material shall be deemed a violation of this article.

(Code 1984, § 5-1336; Ord. No. 11-16-92)

Sec. 8-432. Service companies.

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

(Code 1984, § 5-1337; Ord. No. 11-16-92)

Sec. 8-433. Accumulation of vapor.

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

(Code 1984, § 5-1338; Ord. No. 11-16-92)

Sec. 8-434. Pipe lines.

- (a) No permittee shall make any excavations or construct any pipelines for the conveyance of fuel, water or minerals, on, under or through the city without first having obtained a revocable permit therefor upon application to the oil and gas administration office.
- (b) The oil and gas inspector shall prescribe the forms to be used for such application and the information to accompany it and prescribe the appropriate publication notice requirements. Such information shall include the plans, specifications and maps submitted to the state.
- (c) Each application for a permit under this section shall be accompanied by a non-refundable filing fee in the amount of \$300.00.

(Code 1984, § 5-1339; Ord. No. 11-16-92)

Sec. 8-435. Ingress and egress.

Lease roads shall be maintained in such a manner as to safely and comfortably allow for ingress and egress of city or state personnel traveling in a common passenger motor vehicle. Upon completion of a new well, the lease road shall be covered with a layer of gravel.

(Code 1984, § 5-1340; Ord. No. 11-16-92)

Sec. 8-436. Order to cease operations.

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

(Code 1984, § 5-1341; Ord. No. 11-16-92)

Sec. 8-437. Appeals.

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

(Code 1984, § 5-1342; Ord. No. 11-16-92)

Sec. 8-438. City council review of permit recommendations.

Upon the consideration of any application for a permit required by the terms of this article, the oil and gas inspector shall recommend approval or disapproval thereof to the mayor and city council, who shall review the matter at a regularly scheduled meeting, and thereupon uphold or reverse the recommendation with or without the addition of any conditions thereto.

(Code 1984, § 5-1343; Ord. No. 11-16-92)

Sec. 8-439. Conduits on streets and alleys.

- (a) No permittee shall make any excavations or construct any lines for the conveyance of fuel, water or minerals, on, under or through the streets and alleys of the city without first having obtained a permit therefor upon application to the oil and gas inspector.
- (b) The oil and gas inspector shall prescribe the forms to be used for such application and the information to accompany it and prescribe the appropriate publication notice requirements.
- (c) The oil and gas inspector shall, within 30 city business days of receipt of the properly executed application, either grant or deny the request.
- (d) The granting of any such permit shall not be construed to be the granting of a franchise, nor do the provisions hereof mandate city approval of any request for a permit.

(Code 1984, § 5-1344; Ord. No. 11-16-92; Ord. No. 1-4-93D)

Sec. 8-440. Annual fee for conduits.

The oil and gas inspector shall inspect such conduits to ensure the public safety. No permit issued under this article shall be renewed if the conduit or any part thereof covered by such permit is in an unsafe condition.

(Code 1984, § 5-1345; Ord. No. 11-16-92; Ord. No. 1-4-93D)

Sec. 8-441. Applicability to existing conditions.

This article shall apply to any person drilling an original well, re-entering an abandoned well or temporarily abandoned well, conducting natural or artificial production projects or operations, or maintaining a disposal well within the city on the effective date of the ordinance from which this article is derived and every such person shall have no longer than 90 days to come into compliance with this article, provided that:

- (1) No initial permit fees shall be charged such person as would otherwise apply; and
- (2) No penalties shall be sought against any activity violative of this article where such activity pre-existed the adoption of the ordinance from which this article is derived and was otherwise in compliance with the applicable state law, rules, regulations, standards or directives, provided the operation is brought into compliance within 90 days of the effective date of the ordinance from which this article is derived.

(Code 1984, § 5-1346; Ord. No. 11-16-92)

Sec. 8-442. Penalties.

It is unlawful and an offense for any person to violate or neglect to comply with any provisions hereof irrespective of whether or not the verbiage of each section hereof contains the specific language that such violation or neglect is unlawful and is an offense. Any person who shall violate any of the provisions of this article,

or any of the provisions of a drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this article, or who shall neglect to comply with the terms hereof, shall be punished as provided in section 1-8, and the violation of each separate provision of this article, and of the permit, insurance and of the bond, shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense. In addition to the foregoing penalties, it is further provided that the city council at any regular or special sessions or meeting thereof, may, provided ten days' notice has been given to the permittee that revocation is to be considered at such meeting, revoke or suspend any permit issued under this article and under which drilling or producing operations are being conducted in the event the permittee thereof has violated any provision of this article. In the event the permit be revoked, the permittee may make application to the oil and gas inspector for re-issuance of such permit, and the action of the city thereon shall be final. Any continuing offense shall be considered a public nuisance, the remedies for which under law shall be in addition to those hereinbefore enumerated.

(Code 1984, § 5-1347; Ord. No. 11-16-92)

Sec. 8-443. Temporarily abandoned wells.

When the state corporation commission has granted temporary abandonment status for a well, and the well has been actively produced after January 1, 1984, the permittee may apply to the oil and gas inspector for temporary abandonment status. Temporary abandonment status shall be granted for a maximum of two years except when an extension is granted by the city council. The temporary abandonment status shall be granted provided the requirements placed upon the well by the oil and gas inspector are met. These requirements shall include, but not be limited to, the following:

- (1) For enhanced recovery or disposal wells, a cast iron bridge plug shall be placed above but within 100 feet of the perforated interval and a minimum of 20 feet of cement shall be placed on the cast iron bridge plug. The casing shall be pressure tested to a pressure approved by the oil and gas inspector. Pressure testing shall be repeated annually. The production casing and each annulus of the well shall be equipped with fittings to permit the pressure on each string of casing to be measured using a gauge having a one-fourth-inch fitting;
- (2) Producing wells shall have fittings and valves installed to permit the pressure on tubing and each string of casing to be measured using a gauge having a one-fourth-inch fitting:
 - a. A fluid level test shall be performed on each well in this classification at intervals not to exceed six months, and the pressure shall be checked on the tubing and each casing string at least every six months. These tests shall be witnessed by the oil and gas inspector;
 - b. If the fluid level in the production casing when no tubing is installed in the well is found to be less than 2,000 feet from ground level then the same requirements specified in subsection (1) of this section shall be applied;
 - c. If the fluid level in both the tubing and the tubing-casing annulus when tubing and packer are installed in the well is found to be less than 2,000 feet from the surface, then the requirements shall be the same as in subsection (1) of this section; and
 - d. If pressure in excess of 50 PSI is found on the production casing or when other evidence of a leak exists, the requirements shall be as in subsection (1) of this section;
- (3) If pressure in excess of 50 PSI is found on the surface casing of any well or when other evidence of a leak exists, additional tests shall be performed to determine if a casing leak or channel flow outside the casing exists. When the oil and gas inspector determines that a leak exists, appropriate repair work or remedial cementing shall be performed by the permittee or applicant to correct the problem. All repair

procedures shall be approved by the oil and gas inspector. The oil and gas inspector shall be notified so that he may witness the repair work and test to confirm the success of such repair work;

- (4) The requirements for annual fees, insurance and bonds for temporarily abandoned wells shall be the same as for active wells; and
- (5) All testing required by this article shall be performed at the permittee's expense.

(Code 1984, § 5-1348; Ord. No. 11-16-92)

Sec. 8-444. Transfer of ownership.

- (a) When a permittee desires to transfer ownership of a well to another operator, he shall notify the oil and gas inspector in writing. Transfer of the permit will be granted only when the subject well is in full compliance with the requirements of this article. A fee shall be paid by the applicant for a transfer of permit. The city shall inspect each well sought to be transferred as soon as may be practicable after filing of any application for transfer of ownership.
- (b) No permittee shall be released from the obligations imposed by this article until such time as the transfer is approved by the city, conditioned upon acceptance of all necessary bonds and insurance, to ensure coverage of existing conditions.

(Code 1984, § 5-1349; Ord. No. 11-16-92; Ord. No. 1-4-93E)

Editor's note(s)—Ordinance No. 1-4-93E set transfer fee in subsection (a) at \$50.00.

Sec. 8-445. Blowout prevention equipment.

Blowout prevention equipment (BOPE) shall be installed and used on all wells during drilling, running, casing, down-hole work-over operations, logging, open-hole formation testing and the pulling of casing during plugging operations:

- (1) During drilling, a minimum of three hydraulically operated blowout preventers which meet the American Petroleum Institute (API) Recommended Practices RP # 53 recommendations for Class 3M shall be installed on the well. One blowout preventer shall be a spherical annular type, one shall be a ram type equipped with pipe rams to fit the drill pipe in use, and the third shall be a ram type equipped with blind rams. A hydraulic operating unit which meets the recommendations of the API RP # 53 shall be installed to operate the blowout preventers:
 - a. A choke line, kill line, and choke manifold which meet the blowout prevention equipment recommendations of API RP # 53 for Class 3M shall be connected to the BOPE during drilling operations;
 - b. The BOPE shall be installed prior to drilling below the surface casing. BOP equipment shall be function tested and pressure tested in accordance with the recommendations of the oil and gas inspector after installation and prior to drilling below the surface casing; or
 - c. The oil and gas inspector may specify more stringent requirements for BOPE when, in his opinion, conditions warrant the additional requirements;
- (2) During work-over operations and tubing changes, the minimum BOPE acceptable shall be two ram type BOP. One BOP shall be a ram type equipped with rams to fit the tubing, and the other BOP shall be a ram type equipped with blind rams;

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- (3) When casing is being pulled from a well, the well shall be equipped with rams to fit the tubing, and the other BOP equipment which shall be required; or
- (4) For operations other than the ones contained hereinunder, the oil and gas inspector shall determine the type of BOP equipment which shall be required.

(Code 1984, § 5-1350; Ord. No. 11-16-92)

Sec. 8-446. Flood elevations and pollution prevention.

- (a) When well locations fall in an area that is within the 100-year flood elevation as defined by the Federal Insurance Rate Map (FIRM) or as determined by the city engineer, the ground level of the drilling and production pad shall be constructed to an elevation at least one foot above the 100-year flood elevation as defined by FIRM. When the proposed site is not covered by the FIRM, the city engineer shall determine the elevation of the 100-year flood elevation.
- (b) No wells, tanks, vessels, or structures may be located in the floodway as defined by FIRM. The floodway shall be defined by the city engineer when the FIRM does not cover the proposed site. No facilities may be constructed which will cause adverse flooding affecting existing structures or roadways. Any dike or levee permitted to be in the 100-year flood elevation shall have an elevation at least two feet above the elevation of the 100-year floodplain.
- (c) Storage tanks or other types of tanks used in connection with any oil, gas, or injection well shall have earthen embankments constructed as required in section 8-416.
- (d) A slope of not less than one percent away from the tank shall be provided for a minimum of 50 feet or to the dike base, whichever is less.
- (e) The floor and walls of the diked area shall be constructed of impervious earth. The floor of the diked area shall be covered with a compacted layer of stiff clay having a minimum thickness of 12 inches except when the native soil present is stiff clay. The floor of the diked area shall be constructed prior to the installation of tanks or vessels. The requirement for the floor of the diked area shall not apply to installations constructed prior to September 16, 1986. The walls of the diked area shall be constructed of adequately compacted impervious earth such as stiff clay and shall be covered with rock or other material to prevent erosion. The top of the dike shall have a flat section not less than two feet wide, and the slope of the dike shall be consistent with the angle of repose of the material used to construct the dike, as determined by the oil and gas inspector. The requirements of this subsection shall not apply to wells or facilities in use on the effective date of the ordinance from which this article is derived.
- (f) No drain plugs, openings or siphons shall be placed in the walls of dikes, which will permit the escape of any liquids through the dike. All pipelines or cables running to the installation shall be routed above the dike or under the dike with a minimum of two feet of earthen cover.
- (g) Storage tank areas shall be kept free of all liquids, combustible materials, brush, weeds and debris and shall be inspected by the oil and gas inspector every six months.
- (h) Site-proof fencing shall be placed around the diked area, but fences shall not be placed on top of the dike when the dike is constructed of earth.

(Code 1984, § 5-1351; Ord. No. 11-16-92)

Sec. 8-447. Zoning.

All provisions of this article shall be construed as supplementary to the zoning ordinances of the city, and any activity requiring zoning approval shall be first so approved prior to being deemed eligible for any permit provided for hereinunder.

(Code 1984, § 5-1352; Ord. No. 11-16-92)

Sec. 8-448. Informal complaints.

If, upon information or inspection, it is found that a permittee is violating any portion of this article or causing damage or pollution to any surface or underground treatable water the oil and gas inspector shall file a written administrative complaint with the city mayor, a copy of which shall be delivered or mailed to the permittee or his agent. If upon subsequent inspection, it is determined that the permittee has taken the corrective actions specified, the complaint may be dismissed; otherwise, formal application will be made to the city council for an order revoking the permit, and for any other appropriate remedy; pending the outcome of the final determination of the city council on the formal application, the oil and gas inspector shall, after an on-site inspection, have the authority to shut down those operations where conditions appear obvious that surface or underground pollution is occurring. It is the intent of this section to supplement the penalty provisions of this article and shall be construed so as not to conflict therewith.

(Code 1984, § 5-1353; Ord. No. 11-16-92)

Sec. 8-449. Saltwater (or other deleterious substance) disposal well.

No well shall be utilized for the purpose of disposing or storing salt water or any other deleterious substance.

(Code 1984, § 5-1354; Ord. No. 11-16-92)

Secs. 8-450—8-466. Reserved.

ARTICLE XIII. RESIDENTIAL CODE

Sec. 8-467. Adoption of International Residential Code.

That a certain document, three copies of which are on file in the office of the city clerk, being marked and designated as the International Residential Code, most recent edition, including appendix chapters A, B, C, D, E, F, G, H, I, J and K as published by the International Code Council, be and is hereby adopted as the residential code of the city, in the state for regulating and governing the construction, alteration, movement, enlargement, replacement, repairs, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said residential code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 8-468.

(Code 1984, § 5-1401; Ord. No. 30-010504, § 1)

Sec. 8-468. International Residential Code revisions.

The following sections of the International Residential Code are hereby revised as follows:

- (1) Section R101.1—Insert City of Bristow in place of the phrase [name of jurisdiction].
- (2) All of the provisions of section R103 are deleted and replaced with the following: The city inspector, sometimes referred to as the city building inspector, is hereby designated as the building official for the purposes of this code.
- (3) Section R113.4 shall provide as follows: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall construct, alter, move, enlarge, repair, equip, locate, remove, or demolish one- and two-family dwellings and multiple single-family dwellings in violation of the approved construction documents or directive of the code official, of or a permit or certificate issued under the provisions of this code, shall upon conviction, be punished as provided in section 1-8. Each day that a violation occurs after due notice has been served shall be deemed a separate offense.

(Code 1984, § 5-1402; Ord. No. 30-010504, § 2)

Sec. 8-469. Conflicting ordinances repealed.

That any ordinance or any part of any ordinance of the city in conflict herewith is hereby repealed.

(Code 1984, § 5-1403; Ord. No. 30-010504, § 3)

Secs. 8-470—8-491. Reserved.

ARTICLE XIV. INTERNATIONAL EXISTING BUILDING CODE

Sec. 8-492. Adoption of International Existing Building Code.

That a certain document, three copies of which are on file in the office of the city clerk, being marked and designated as the International Existing Building Code, most recent edition, including the appendix as published by the International Code Council, be and is hereby adopted as the existing building code of the city; regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, as herein provided, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said existing building code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 8-493.

(Code 1984, § 5-1501; Ord. No. 32-010504, § 1)

Sec. 8-493. International Existing Building Code revisions.

The following sections of the International Existing Building Code are hereby revised as follows:

- (1) Section 101.1—Insert City of Bristow in place of the phrase [Name of Jurisdiction].
- (2) Section 1201.2—Insert February 5, 2004 in place of the phrase [Date in one location].
- (3) All of the provisions of section 103 are deleted and replaced with the following: The city inspector, sometimes referred to as the city building inspector, is hereby designated as the code official for the purposes of this code.
- (4) Section 113.4 shall provide as follows: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall repair, alteration, change of occupancy,

addition, and relocation of existing buildings, including historic buildings in violation of the approved construction documents or directive of the code official, of or a permit or certificate issued under the provisions of this code, shall upon conviction, be punished as provided in section 1-8. Each day that a violation occurs after due notice has been served shall be deemed a separate offense.

(Code 1984, § 5-1502; Ord. No. 32-010504, § 2)

Sec. 8-494. Conflicting ordinances repealed.

That any ordinance or any part of any ordinance of the city in conflict herewith is hereby repealed.

(Code 1984, § 5-1503; Ord. No. 32-010504, § 3)

Secs. 8-495—8-511. Reserved.

ARTICLE XV. LIFE SAFETY CODE

Sec. 8-512. Adoption of Life Safety Code.

That a certain document, three copies of which are on file in the office of the city clerk, being marked and designated as the most recent edition, be and is hereby adopted as the Life Safety Code of the city; providing for rules and regulations to improve safety of the public by promoting the control of fire hazards; regulating the installation, use, and maintenance of equipment; regulating the use of structures, premises, and open areas; providing for the abatement of fire hazards; setting forth standards for compliance to achieve their objectives; providing for penalties; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said existing building code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article.

(Code 1984, § 5-1601; Ord. No. 35-012004, § 1)

Sec. 8-513. City inspector.

The city inspector, sometimes referred to as the city building inspector, is hereby designated as the code official for the purposes of this code.

(Code 1984, § 5-1602; Ord. No. 35-012004, § 2)

Sec. 8-514. Violation; penalty.

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings in violation of the approved construction documents or directive of the code official, of or a permit or certificate issued under the provisions of this code, shall upon conviction, be punished as provided in section 1-8. Each day that a violation occurs after due notice has been served shall be deemed a separate offense.

(Code 1984, § 5-1603; Ord. No. 35-012004, § 3)

Sec. 8-515. Conflicting ordinances repealed.

That any ordinance or any part of any ordinance of the city in conflict herewith is hereby repealed.

(Code 1984, § 5-1604; Ord. No. 35-012004, § 4)

Secs. 8-516—8-538. Reserved.

ARTICLE XVI. UNIFORM FIRE CODE

Sec. 8-539. Adoption of Uniform Fire Code.

That a certain document, three copies of which are on file in the office of the city clerk, being marked and designated as the NFPA 1 Uniform Fire Code, be and is hereby adopted as the uniform fire code of the city; prescribing regulations governing conditions hazardous to life and property from fire or explosion, providing for penalties; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said uniform fire code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article.

(Code 1984, § 5-1701; Ord. No. 36-012004, § 1)

Sec. 8-540. City inspector.

The city inspector, sometimes referred to as the city building inspector, is hereby designated as the AHJ official for the purposes of this code.

(Code 1984, § 5-1702; Ord. No. 36-012004, § 2)

Sec. 8-541. Violation; penalty.

Any person who shall violate any provision of this code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the appeal board or a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, shall upon conviction, be guilty of a misdemeanor, be punished as provided in section 1-8. Each day that a violation occurs after due notice has been served shall be deemed a separate offense.

(Code 1984, § 5-1703; Ord. No. 36-012004, § 3)

Sec. 8-542. Conflicting ordinances repealed.

That any ordinance or any part of any ordinance of the city in conflict herewith is hereby repealed.

(Code 1984, § 5-1704; Ord. No. 36-012004, § 4)

Secs. 8-543—8-562. Reserved.

ARTICLE XVII. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 8-563. Adoption of International Property Maintenance Code.

(a) That a certain document, three copies of which are on file in the office of the city clerk, being marked and designated as the International Property Maintenance Code, most recent edition, as published by the

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International Code Council, be and is hereby adopted as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as provided in this article; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of such property maintenance code on file in the office of the city clerk are hereby referred to, adopted, and made a part of this article, as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, prescribed in subsection (b) of this section.

- (b) The following sections of the International Property Maintenance Code, most recent edition, are hereby revised:
- (1) 101.1—Insert City of Bristow.
 - (2) 103.1—Delete.
 - (3) 103.2—Delete and replace with: For purposes of this code, the building inspector shall also mean the code official, code enforcer, and/or the city inspector.
 - (4) 103.3—Delete.
 - (5) 106.4—Delete and replace with: Any person, firm, partnership, corporation, or limited liability company who shall violate a provision of this article shall, upon conviction, be punished as provided in section 1-8. Each day that a violation continues after due notice has been served shall be deemed a separate occurrence.
 - (6) 304.14—Insert March 15 and November 1.
 - (7) 602.3—Insert September 1 and May 15.
 - (8) 602.4—Insert September 15 and May 1.

(Code 1984, § 5-1801; Ord. No. 73-010306, § 1)