

## Chapter 5

### BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>

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#### GENERAL PROVISIONS

##### Sec. 5-1. Title.

The provisions of this chapter and the following articles shall constitute and be known as the Public Health, Safety and General Welfare Regulations/Codes of the City of Pauls Valley, may be known and be cited as such and hereinafter referred to as "this code."

##### Sec. 5.2. Purpose.

The purpose of this chapter is to provide for the administration and enforcement of regulations and codes concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and the installation of all electrical, fuel gas, mechanical, and plumbing systems, as may be adopted by federal, state, and city.

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<sup>1</sup> **Editor's note**—Ord. No. 934, § 1, adopted July 28, 2009 repealed the substantive provisions of former Arts. I-III, relative to general provisions, electricity and permits, and § 2 of said ordinance enacted new Arts. I-III to read as herein set out. Ord. No. 807, § 1, adopted Oct. 2, 1990 repealed the substantive provisions of former Arts. I-III, relative to general provisions, electricity and permits, and § 2 of said ordinance enacted new Arts. I-III to read as herein set out. The provisions of former Arts. I-III derived from Code 1977, §§ 4-1-4-3, 4-5-4-7, 4-11, 4-12, 4-14-4-17, 4-31-4-34, 4-36-4-40, 4-42, 4-51 and Ord. No. 734, §§ 1, 2, adopted Oct. 5, 1982, Ord. No. 752, §§ 1, 2, adopted Oct. 18, 1983, and Ord. No. 788, §§ 1-3, adopted Nov. 3, 1987.

**Charter reference**—Adoption of codes by reference, § 2-15.

**Cross references**—Administration, Ch. 2; animals, Ch. 4; fire prevention and protection, Ch. 7; health and sanitation, Ch. 8; planning and development, Ch. 15; streets, sidewalks and other public areas, Ch. 16; utilities, Ch. 18; dangerous building as nuisance, § 12-5.

**State law references**—Adoption of building codes, etc., 11 O.S. § 14-107; condemnation of dilapidated buildings, 11 O.S. § 22-112; fire hazards and building location restrictions, 11 O.S. § 22-113; plumbers and plumbing contractors, 59 O.S. §§ 1001 *et seq.*; electrical contractors, 19 O.S. §§ 863.31 *et seq.*

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### **Sec. 5-3. Code remedial.**

This chapter is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are to protect the public health, safety and general welfare insofar as they are affected by structural strength, stability, adequate means of egress facilities, sanitation equipment, adequate light and ventilation, and the safety to life and property from fire, flood and other hazards attributed to the built and natural physical environment, and in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

### **Sec. 5-4. Applicability.**

The provisions of this chapter shall apply to the construction, alteration, repair, of buildings and equipment to include electrical, gas, mechanical, plumbing system installations as outlined in model codes adopted herein, also to include the use and occupancy, location, maintenance, removal and demolition, of every building or structure or appurtenances connected or attached to such buildings or structures, and other physical facilities, as now exist or hereafter may come into existence within the jurisdiction of this code.

### **Sec. 5-5. Modifications.**

In the codes adopted in this chapter or in Chapter 7:

- (1) The word "town," "city," "municipality," or "local jurisdiction," shall mean the City of Pauls Valley, Oklahoma.
- (2) The word "city commission," or "governing body," shall mean the city council of the City of Pauls Valley, Oklahoma.
- (3) The word "corporation counsel," or "legal counsel," shall mean the city attorney of the City of Pauls Valley, Oklahoma.
- (4) The word "state," shall mean the State of Oklahoma.
- (5) The word "county," shall mean the County of Garvin.

### **Sec. 5-6. Fire limits.**

For the better protection of the city against fires and in conformity with the provisions of all International Codes, there shall be established within the corporate limits of the city, two (2) fire districts, which shall be known as the 1st and 2nd districts. The boundaries of such districts are hereby designated as any commercial or industrial district described on the city's official zoning map.

### **Sec. 5-7. Conflicts with Code of Ordinances, Zoning Ordinance.**

Whenever any provisions of any of those codes adopted by this chapter or Chapter 7 conflict with the Zoning Ordinance or this Code of Ordinances, the provisions of the Zoning Ordinance, if applicable, shall prevail; if the Zoning Ordinance is not applicable, the provisions of the Code of Ordinances shall prevail.

### **Sec. 5-8. Violations of Regulations or Order.**

No person shall violate any lawful regulation or order made by any of the officers provided for in this chapter.

# BUILDINGS AND BUILDING REGULATIONS

## ARTICLE I. BUILDINGS, STRUCTURES AND TECHNICAL INSTALLATIONS

### DIVISION I. CODES ADOPTED GENERALLY

#### Sec. 5-9. Codes Adopted.

(1) Except as otherwise provided in this Code, the International Building Code®, as currently drafted, and as the same may be amended from time to time, including all appendices except appendix A thereof, is hereby adopted as the Building Code of the City of Pauls Valley for the control of building and structures, and for provisions for the issuance of permits and collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

(2) Except as otherwise provided in this Code, the International Fire Code®, as currently drafted, and as the same may be amended from time to time, including all appendices thereto, except for appendix A thereto, is hereby adopted as the Fire Code of the City of Pauls Valley for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Pauls Valley, and for provisions for the issuance of permits and collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

(3) Except as otherwise provided in this Code, the International Fuel Gas Code®, as currently drafted, and as the same may be amended from time to time, including all appendices thereto, is hereby adopted as the Fuel Gas Code of the City of Pauls Valley, in the State of Oklahoma for the control of building and structures, and for provisions for the issuance of permits and collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

(4) Except as otherwise provided in this Code, the International Mechanical Code®, as currently drafted, and as the same may be amended from time to time, including all appendices thereto, except appendix B thereto, is hereby adopted as the Mechanical Code of the City of Pauls Valley for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City and for provisions for the issuance of permits and collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

(5) Except as otherwise provided in this Code, the International Plumbing Code®, as currently drafted, and as the same may be amended from time to time, including all appendices thereto, except for appendix A thereto, is hereby adopted as the Plumbing Code of the City of Pauls Valley for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City and for provisions for the issuance of permits and collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

(6) Except as otherwise provided in this Code, the National Electrical Code®, as currently drafted, and as the same may be amended from time to time, is hereby adopted as the Electrical Code of the City of Pauls Valley for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the City and for the issuance of permits and

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collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

(7) Except as otherwise provided in this Code, the International Residential Code®, as currently drafted, and as the same may be amended from time to time, including all appendices thereto, except for appendices F and I thereto, is hereby adopted as the Residential Code of the City of Pauls Valley for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one-and-two-family dwellings and townhouses not more than three stories in height in the City and for provisions for the issuance of permits and collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

(8) Except as otherwise provided in this Code, the International Property Maintenance Code®, as currently drafted, and as the same may be amended from time to time, is hereby adopted as the Property Maintenance Code of the City of Pauls Valley for the control of buildings and structures, and for provisions for the issuance of permits and collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

(9) Except as otherwise provided in this Code, the Existing Building Code®, as currently drafted, and as the same may be amended from time to time, is hereby adopted as the Existing Building Code of the City of Pauls Valley for regulating the design, construction, remodel, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of existing buildings in the City and for the issuance of permits and collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

(10) Except as otherwise provided in this Code, the International Private Sewage Disposal Code®, as currently drafted, and as the same may be amended from time to time, as the same may be amended from time to time, including all appendices thereto, is hereby adopted as the Private Sewage Disposal Code of the City of Pauls Valley for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of sewage systems in the City and for provisions for the issuance of permits and collection of fees therefor. All regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, except as otherwise provided herein. After adoption hereof, the City shall adopt by resolution fees for the issuance of permits and/or for other fees as may be required under the building code, which may be amended from time to time as the City may adopt by resolution.

### **Sec. 5-10. Copies of Codes to be Maintained at Code Enforcement Office.**

Two copies of all codes adopted in this Division 1 of this Article I of this Chapter 5 and as may be adopted in Chapter 7 of this code, will be maintained at the Code Enforcement Department office.

## **DIVISION 2. SPECIAL REQUIREMENTS**

### **(Amendments to Technical Codes)**

### **Sec. 5-11. Building code.**

The International Building Code®, as adopted in Section 5-9(1) of this Chapter 5, as may be amended from time to time, is amended specifically as follows:

(1) Occupancies such as Day Care Centers, Family Day Care Homes, Child Care Institutions, Juvenile Detention Facilities, Emergency Shelters, Boarding Houses, Bed & Breakfast Inns and similar such facilities shall be included in determinations made pursuant to Section 110.1, "Use and Occupancy," of the International Building Code.

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(2) Section 3107 of the International Building Code and Section 304.9 Property Maintenance Code, respectively, shall include the following requirement with respect to signage: Every building or part of a building used for a Day Care Center, Family Day Care Home, Child Care Institution, Juvenile Detention Facility, Emergency Shelter, Boarding house, Bed & Breakfast Inn, or similar such facility, shall be identified by placement of a sign of approved design as permitted in the Pauls Valley Zoning Ordinance for said district in which such facility is located. Such signage shall be supplied by the owner of such facility and affixed by the owner to the building in a conspicuous place on the front of the building. Such sign shall not be removed or defaced, and if lost, removed or defaced shall be replaced by the owner or operator of the building business.

(3) Section 103 of Appendix D to the International Building Code pertaining to Moving of Buildings, shall include the following:

Moving of a house or building within city limits special permit requirements are as follows:

A. *Approval.* Any person or moving contractor desiring to move any house or similar structure on, over or across the streets, avenues or alleys of the city shall first apply for a permit and have a permit approved and issued from the Code Enforcement Department office by the Chief Inspector.

B. *Authority of Chief Inspector.* The Chief Inspector shall have the right and authority, with coordination through the Chief of Police to:

- (a) Select a route to be used on moving said house or structure;
- (b) Supervise the moving of said house or structure within the corporate limits of the city; and
- (c) Determine the time of day or night said house or structure shall be moved within the city.

C. *Responsibility of permit holder for damages - City property.* The person moving said house or structure shall be wholly responsible for any damages done to the streets, street lights, signal lights, parking signs, traffic signs, street markers, alleys, sidewalks or curbs, and shall, in the event of any damages to the same, repair, replace or restore such damaged property with similar material and workmanship to that existing prior to the damage.

D. *Utilities and private property.* The permit holder moving said house or structure shall be wholly responsible for any damages done to any utilities or property owned by any other person caused by the moving of said house or structure, and the city is to be held harmless by said person moving said house or structure. (5) Liability for damages to city. In the event any person damages any street, street light, signal light, parking signs, traffic sign, street marker, alley, sidewalk or curb without repairing, replacing, or restoring the same, as set forth herein, within thirty (30) days after demand there for, such person shall be liable to the city for treble damages for any repair or replacements made by the city.

### **Sec. 5-11.1. Special Requirements for Building Facades and Material Used as Exterior Wall Coverings on Street Frontage of Designated Streets.**

(a) Definitions:

- (1) Metal Building: Any building with exterior walls covered partly or wholly with sheet metal or corrugated iron.
- (2) Sheet metal: metal in the form of a sheet.
- (3) Corrugated iron: galvanized sheet iron or sheet steel shaped into regular ridges and hollows.
- (4) Concrete (cinder) block: a hard strong building material made by mixing a cementing material and a mineral aggregate with sufficient water to cause the cement to set and bind the entire mass to form a block.
- (5) Block building: Any building with exterior walls constructed wholly or partially of concrete (cinder) block that are not of the decorative type block or plastered with stucco or sealed with approved weather proofing material and painted.

(b) Designated Streets.

- (1) Grant Street: (State Highway 19), West from East edge of City Corporate Limits to the West edge of City Corporate Limits.
- (2) Indian Meridian Road: South from U. S. Highway 77. right-of-way to South edge of City Corporate Limits.

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- (3) Chickasaw Street: South from Grant Ave. to South City Corporate Limits.
- (4) Ash Street: North from Grant Ave. to North City Corporate Limits.
- (5) Interstate Highway No. 35: that section of I-35 located in Corporate Limits.

(c) Designated Area. Any area within the Corporate Limits and either/both (a) within 660 feet of the right-of-way of I-35 and/or (b) within 300 feet of the right-of-way of any other designated street.

(d) External Wall Requirements for Metal Buildings constructed in designated areas. Any metal building in any designated area, and any metal building facing a parking lot in any designated area, shall have at least fifty percent (50%) of its exterior walls facing any street covered with brick, glass, rock, wood or other approved material other than metal. In the case of a building on a corner intersection facing on two or more streets, the building must meet the fifty percent (50%) requirement on the sides of the building facing streets. In computing the fifty percent (50%) area for each wall, fixed glass panel walls shall be excluded; however, all other portions of exterior walls (for example, doors, signs affixed to the building, and windows) shall be included.

(e) External Wall Requirements for Block Buildings constructed in designated areas. Any block building in any designated area, and any concrete (cinder) block building facing a parking lot in any designated area, shall have one hundred percent (100%) of exterior walls facing any street covered with brick, glass, rock, wood, weather proofed and painted or other approved material other than metal. In the case of a building on a corner intersection facing on two or more streets, the building shall meet the one hundred percent (100%) requirement on the sides of the building facing streets. In computing the one hundred percent (100%) for each wall, fixed glass panel walls shall be excluded; however, all other portions of exterior walls (for example, doors, signs affixed to the building, and windows) shall be included.

(f) Regulations Not Retroactive; Nonconforming Structures - The regulations prescribed in this section shall not be construed to require alteration of any structure lawfully existing immediately before the effective date of this section but not conforming to the regulations in effect immediately preceding the effective date of this Ordinance, or to otherwise interfere with the continuance of a nonconforming use that was lawful immediately preceding the effective date of the Ordinance. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

(g) Alterations to nonconforming structures. It is the intent of this Ordinance to permit nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other nonconforming structures. A nonconforming structure shall not be extended or enlarged after passage of this Ordinance unless such structure shall, after such extension or enlargement, comply fully with this Ordinance.

(h) Building Permits. No building permit for the construction of a new structure shall be issued unless the proposed structure is designed to fully comply with this Ordinance. No building permit for the alteration of structure shall be issued unless the structure is designed to fully comply with this Ordinance upon completion of the proposed alteration. Notwithstanding the foregoing, the issuance of a building permit shall in no event authorize any building alteration that does not comply with this Ordinance.

Sec. 5-12-5-20 Reserved.

### DIVISION 3. ADMINISTRATION AND ENFORCEMENT

#### Sec. 5-21. Code Amendments Regarding Administration and Enforcement.

The Administration Chapters of all codes adopted in Division 1 of this Article I of this Chapter 5 are amended specifically as follows:

101.1 *Title.* These regulations shall be known as the Building Code, Fire Code, Fuel Gas Code, Mechanical Code, Residential Building Code, Plumbing Code, Property Maintenance Code and Private Sewage Disposal Code and Electrical Code, as applicable, of the City of Pauls Valley, Oklahoma, herein after referred to as "this code."

\* \* \*

101.2.2 *Intent.* The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards

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attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

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### SECTION 103

#### DEPARTMENT OF CODE ENFORCEMENT

103.1 *Creation of enforcement agency.* The Code Enforcement Department is hereby created and the city employee in charge thereof shall be known as the Code Enforcement Officer. The Code Enforcement Department and the Department of Building Safety, as referred to in the various codes, shall be synonymous, and is hereby authorized and directed to enforce the provisions of the codes adopted herein. The person in charge of the Code Enforcement Department shall be the Chief Inspector. The Chief Inspector and Building Official, as referred to in the various codes, shall be synonymous.

103.2 *Appointment.* The Chief Inspector shall be appointed by the City Manager and work under the supervision of the City Manager. The Chief Inspector may be required to be licensed as an inspector by the State of Oklahoma Construction Industries Board as required by state law.

103.3 *Deputies.* The City Manager may appoint deputy Inspectors, technical officers, plan examiners and other employees to administer the various codes as the City Manager shall determine necessary. Such employees shall have powers as delegated by the City Manager. Deputy Inspectors who perform electrical, fuel gas, mechanical and plumbing inspections may be required to be licensed as an inspector by the State of Oklahoma Construction Industries Board as required by state law.

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104.5 *Identification.* The Chief Inspector and any appointed Deputies shall carry on their person(s) their applicable state license(s) when conducting inspections for the City. All Inspectors shall be issued a Code Enforcement Officer commission and photo identification card and shall carry said identification when inspecting structures or premises in the performance of duties under these codes.

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105.1 *Required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 *Additional Instances Requiring Permits.* In addition to the permits required by Section 105.1, a permit shall also be required when any owner or authorized agent:

(A) desires to make changes to the earth on improved or unimproved real estate, including, but not limited to mining, dredging, filling, grading, paving, excavating, conducting drilling operations, or constructing new or repairing or replacing existing residential or commercial driveways or parking lots; or

(B) desires to place or move onto any real property under the jurisdiction of the City any manufactured or mobile home unless specifically authorized by the Zoning Ordinance of the City of Pauls Valley for placement in a Manufactured Home Subdivision or Manufactured Home Community (park).

105.1.2 *Annual permits records.* Omitted.

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106.1 *Submittal documents.* Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the State of Oklahoma. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

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106.1.1 *Information on construction documents.* Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

Exception: Drawings and Specifications shall not be required for minor repair applications for building, electrical, fuel gas, mechanical or plumbing permits.

106.2 *Site plan.* The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted. All applicants submitting applications for new construction or substantial changes to any existing structure shall also submit a Development Permit Application as required by Section 5-107 of this Chapter 5.

106.3 *Examination of documents.*

(a) *Standards to be reviewed.* The Chief Inspector or plan examiner shall review the application to ensure that:

- (1) the land involved is properly zoned for the proposed use;
- (2) applicable zoning-district provisions (including floodway and floodway fringe district provisions) have been met;
- (3) roadway access is available;
- (4) adequate provisions have been made for all utilities, water, sewer, sanitation, gas and electric;
- (5) rights-of-way and easements provided in the recorded plat, if any, are not encroached upon; and
- (6) all other floodplain regulations, if applicable, have been met and the required information provided.

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108.3 *Building permit valuations.* The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, fuel gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official. Fees for permits based on the determined final building permit valuation shall be assessed according to a permit fee schedule adopted by Resolution by the City.

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109.1 (a) *General.* Inspections shall be made as required by this section and as maybe required by the inspection list provided by the Chief Inspector. All work shall be subject to inspection at any time. No work is to be covered before it has been inspected, any covered work shall be subject to having cover removed for inspection if so ordered by the Chief Inspector.

(b) *Inspection Schedule.* Inspection hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday except for legal holidays. All inspections shall be requested during normal office hours. All inspections shall be performed within two (2) working days. There will be no inspections performed after normal hours, on weekends or holidays unless prior arrangements are made. There will be an additional charge for inspections performed outside regular inspection hours.

(c) *No waiver of responsibility.* This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or installing electric wires, appliances, apparatus, construction or equipment for the damage to property or person injured by any defect therein. Nor



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shall the city or any agent thereof be deemed to assume any such liability be reason of the inspection authorized herein or the certificate of inspection issued by the Inspector.

(d) *Special Rulings.* The Chief Inspector shall have the right to make a special ruling when any circumstances may warrant for the safeguarding of life and property.

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111.1 *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official. Any building or structure that have had utilities disconnected for a period of six (6) months shall be required to have an inspection of the electrical, gas and water systems before service can be turned on. This shall require an Inspection Clearance from the Chief Inspector turned into the utility company or city water department.

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111.3 *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing. As soon as practical thereafter. All buildings, structures or service systems which have had utility services disconnected pursuant hereto are hereby declared public nuisances and shall be abated by repair and/or rehabilitation or by demolition in accordance with the provisions of this Code.

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112.1 *General.* The Pauls Valley Planning and Zoning Commission has been designated as the body to hear appeals of decisions made by the Chief Inspector/building official or any employee of the City designated to make decisions with respect to this Code. The procedure to follow for such appeals is the same as appeals from decisions of the Zoning Administrator as provided for in Chapter 19 of this Code.

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113.4 *Violation penalties.* Any person who violates a provision of this code or fails 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 subject to a fine in an amount not exceeding the maximum fine and costs which may be assessed by municipalities with a courts not of record, as defined by and established by Oklahoma statutes, and as may be amended from time to time. Each day upon which any violation of this Code or any ordinance or maintenance of a nuisance shall continue shall constitute a separate offense and shall be punishable as such. Any contractor who violates this code or state law shall be reported to the State of Oklahoma Construction Industries Board.

\* \* \*

115.1 *Conditions.* Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare. Or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe. In addition to the foregoing:

(a) The Chief Inspector shall have the power and it shall be his duty to inspect, or re-inspect, all overhead, underground and interior wires, piping and apparatus conducting electrical current, explosive or combustible gas or gasses for any purposes as regulated by code of city. When any such conductors, containers or apparatus are found to be unsafe to life or property, he shall notify the person, firm or corporation owning, using or operating the same to place them in a safe condition. If the owner, user or operator of such defective wiring, piping or equipment shall refuse or fail to comply with the requirements of the Chief Inspector and correct all defects as directed within a specified time, it shall be the duty of the inspector to notify the service company, firm or individual furnishing the electric, gas, gasses of other hazardous material to same. Upon receipt of such notice, the service company, firm or individual furnishing supply to such defective piping, wiring or equipment shall take immediate action as required to remedy hazardous condition safe, by disconnecting the service or

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feeding wires for electric to close valves for gas or remove container to cease to supply current or gas, gasses to the defective installation until the defects have been corrected or repaired.

(b) When any portion or all of the wiring, piping or containers in or on any building or premises, is ordered changed for any reason, the Chief Inspector shall leave attached to the main switch, valve or equipment a tag or label showing the date of the order and a writing memorandum of the hazard and of the corrections to be made, and the signature of the authority making the order.

(c) The Chief Inspector or other emergency personnel may in the event of immediate danger to life or property disconnect or turn off source of supply to any building or equipment causing hazardous condition.

(d) It shall be unlawful for any utility company or supplier of electric, gas, gasses for fuel, light, heat or power to make any service connection to any building, structure, equipment or apparatus, until a statement that the hazardous or defective installation correction has been inspected and approved and written permit authorizing connection, has been issued by the Chief Inspector.

(e) All firms, corporations or individuals, whether operating under a regular franchise granted by the city or not, shall, upon written notice by the Chief Inspector, disconnect any service from their service, including main service, branch feeder service or distribution system, as designated by said notice, and shall not reconnect to said installation except upon written notice from the Chief Inspector.

\* \* \*

Secs. 5-22–5-35. Reserved.

### ARTICLE II. PERMITS AND INSPECTION PROCEDURES

#### DIVISION 1. PERMITS GENERALLY

##### Sec. 5-36. Permits generally.

(1) *Permit Required.* A permit shall be obtained first when any owner, authorized agent, or contractor who desires to make changes to any real estate, such is man-made changes to improved or unimproved real estate, including, but not limited to, buildings or to other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(2) *Manufacture/Mobile Homes.* Any manufactured home or mobile home to be moved into the City, shall not be placed on improved or unimproved real estate with out approval of the Planning and Zoning Commission and City Council; except that the placement of manufactured homes or mobile homes within an authorized or properly-zoned Manufactured Home Subdivision or Manufactured Home Community (park), or any work to be done to such manufactured homes or mobiles homes shall first make application to the Code Enforcement Department office for approval of such placement or work.

(3) *Paving.* The construction of new residential or commercial driveways or parking and or the replacement of existing paving shall require a permit as provided in Chapter 19, Sec. 19-46(7)(H) of the Code of Ordinances, City of Pauls Valley

105.2 *Work exempt from permit.* Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

##### Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks. (Refer to Sections 9-66 through 9-90 of the Code of Ordinances, City of Pauls Valley.)

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4. Retaining walls which are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18, 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route. (Refer to Sections 19-46(7) of the Code of Ordinances, City of Pauls Valley.)
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610mm) deep, do not exceed 5,000 gallons (19,000 L), and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to one- and two-family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1753mm) in height.

### Electrical:

1. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approve permanently installed receptacles.
2. Work relating to electrical equipment used for radio and television transmissions, except for electrical work on equipment and wiring for power supply, the installations of towers and antennas.
3. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

### Fuel Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

### Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pound (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

### Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

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2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 *Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.2.2 *Repairs.* Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, Replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 *Public service agencies.* A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

### Sec. 5-37 Work Authorized.

103.1.2. Work Authorized, shall be amended with addendum to read as follows:

(a) Permit Applicant-The owner, authorized agent, or contractor who obtains a permit to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure shall be known as the general contractor. Said contractor shall do no electrical, gas, mechanical or plumbing system installation work, the installation of which is regulated by the technical codes, and by state law and city code is required to be done by a state licensed technician registered with the city.

(b) Licensed Technician-A contractor who is licensed as either an electrical, mechanical or plumbing contractor with the state and registered with the city are authorized to obtain permits for any electrical, gas, mechanical or plumbing system installation. A journeyman or apprentice are not authorized by state law or city code to obtain permits. (See Section 5-58 *et seq.*, Registration of Technicians.)

(c) A licensed electrical, mechanical, or plumbing contractor shall be required to obtain a permit to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system installation in or on any building or structure. A separate permit as required shall be obtained for all installation work to be done. The said contractor shall be responsible for calling for all inspections of their installation work done before any work is covered.

### Sec. 5-38 Work Not Authorized.

(a) No building or structure custodian, maintenance/janitorial employee shall perform any electrical, gas, mechanical or plumbing work for his employer on any system for which a permit is required as called for in building and technical codes in any building or structure or property within the city and regulated by this code. Unless such employee is licensed by the state and registered with the city as a contractor in one or more of the occupations listed herein and only that for which he is licensed.

(b) No owner or authorized agent of any rental or lease real estate or property such as rental house, duplex house or apartment and or an apartment complex or a condominium shall perform any electrical, gas, mechanical or plumbing work on their property which shall be considered in this code for all intent and purposes as commercial property for which a fee is received for its use.

(c) No renter or Leaser tenant shall cause any construction work or electrical, gas, mechanical or plumbing system installation work on any building or structure without written consent of the owner and obtaining of proper permits.

(d) No owner, authorized agent, or contractor who has obtained a permit shall allow any un-permitted construction and or any unlicensed employee to install any electrical, fuel gas, mechanical or plumbing system without a license, and registration as required by state law and this code, with the following exception:

(l) Any owner occupant of a single-family dwelling may perform without a state license or city registration any electrical, mechanical or plumbing work on the dwelling occupied by the owner or owner's immediate family if the owner performs all the work himself.

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(2) Any owner of commercial property may act as general building contractor, but all electrical, gas, mechanical or plumbing work shall be done by a state licensed contractor registered with the city to do such work as regulated by this code.

(e) No person shall install, replace or repair fuel gas piping unless such person is licensed under the Mechanical Licensing Act (58 OKLA. STAT. § 1850.1 *et seq.*), as currently enacted or as hereinafter amended from time to time, or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

(f) No person shall install, replace or repair floor furnaces or wall heaters unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

### **Sec. 5-39 Minor repairs to buildings and structures.**

Ordinary minor repairs to buildings and structures may be made with the approval of the Chief Inspector without a permit, provided the costs for such repairs shall not exceed the minimum allowed valuation for which no fee is required, unless an inspection is required, and further provided that such repairs shall not violate any of the provisions of the building code or other codes. Regardless of cost, a permit shall be required for:

- (a) the removal of any stone, concrete or brick wall, or any portion thereof;
- (b) the removal or cutting of any beam or supports;
- (c) the removal, change or closing of any stairway or opening in the exterior wall;
- (d) the alteration or removal of any sewer, drainage or solid waste system or vent pipe; or (e) the installation of new or the addition, alteration or repair of existing electrical wiring.

### **Sec. 5-40 Permit Information.**

(1) Section 106.1.1 is amended to read as follows: Drawings and Specifications shall not be require for minor repair applications for building, electrical, fuel gas, mechanical or plumbing permits applications shall contain all applicable information require of the applicant by the Chief Inspector, the City Council or the Code of Ordinances.

(2) Section 106.2 is amended to read as follows: All applicants submitting applications for new construction or substantial change to any existing structure shall also submit a Development Permit Application as required by Section 5-107, Division II, ARTICLE V of Flood Damage Prevention.

(3) Section 106.3 is amended to read as follows:

(a) *Standards to be reviewed.* The Chief Inspector or plan examiner shall review the application to ensure that:

1. The involved land is properly zoned for the proposed use; and
2. Applicable zoning district provisions (including floodway and floodway fringe district provisions) have been met; and
3. Roadway access is available; and
4. Adequate provisions have been made for all utilities, water, sewer, sanitation, gas and electric; and
5. All right-of-ways and easements provided in the recorded plat, if any, are not encroached upon; and
6. All other floodplain regulations, if applicable, have been met and the required information provided.

### **Sec. 5-41 Issuance of Permits.**

The Chief Inspector shall act upon all applications for all permits without unreasonable or unnecessary delay. If the Chief Inspector is satisfied that the work described in an application for a permit and the supporting documents filed therewith conform to the requirements of the technical codes and this code and other pertinent laws and city ordinances, he shall issue a permit to the applicant to allow such work as permitted.

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### Sec. 5-42 Refusal to Issue Permit.

The City shall suspend or revoke or may refuse to issue or renew any permits under this code for any of the following:

- (1) Making a material misstatement in the application for a license or registration or permit or the renewal thereof;
- (2) Obtaining any license or registration or permit by false or fraudulent representation;
- (3) Loaning or allowing the use of such license or registration or permit by any person or illegally using a license;
- (4) Demonstrating incompetence to act as a contractor, journeyman, or an apprentice in their trade;
- (5) Violating any provisions of any federal, state, county or city code, rule, regulation, ordinance, statute or order;
- (6) Willfully failing to perform normal business obligations without justifiable cause.

### Sec. 5-43 through 5-46 Reserved.

## DIVISION 2. FEES GENERALLY

### Sec. 5-47. Permit Fees Generally.

The fees to be charged for permits required by this code shall be established by resolution adopted by the City. The schedule of fees may be amended by resolution from time to time as required. The schedule of fees shall be available at the Code Enforcement office of the City. To the extent inconsistent with said schedule, the fees provided for in Section 103.7.4 "Schedule of Permit Fees" of the International Building Codes® are amended to said adopted schedule of fees.

### Sec. 5-48 Permit Fee Dispute.

(1) Where the proposed cost as set forth in the application and the computed valuation fee for any permit is a matter of dispute, the applicant may file with the Chief Inspector an appeal to the Pauls Valley Planning and Zoning Commission, which shall act as the Board of Adjustment. Such appeals shall be conducted in the same manner as other appeals to said Commission as established in the Pauls Valley Zoning Ordinance.

(2) Any person who commences any work on a building, structure, electrical, fuel gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an additional fee established by the building official that shall be in addition to the required permit fees.

### Sec. 5-49 Reserved.

## DIVISION 3. INSPECTIONS GENERALLY

### Sec. 5-50 Inspections Generally.

(1) Section 109.1 is amended to read as follows:

(a) *Inspections Generally.* Inspections shall be made as set forth in the text of this section and as called for on the inspection list provided by the Chief Inspector. All work shall be subject to inspection at any time. No work is to be covered before it has been inspected, any covered work shall be subject to having cover removed for inspection, if so ordered by the Chief Inspector.

(b) *Inspection Schedule.* Except in the case of emergency due to storm damage: (1) regular inspection hours are from 8:30 AM to 5:00 PM, Monday through Friday except for legal holidays; (2) all inspections shall be requested during normal office hours; (3) all inspections shall be performed within

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two (2) working days; (4) there will be no inspections performed after normal hours, on weekends or holidays unless prior arrangements are made. There will be an additional charge for such inspections.

(c) *No relief from responsibility.* This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or installing electric wires, appliances, apparatus, construction or equipment for the damage to property or person injured by any defect therein. Nor shall the city or any agent thereof be deemed to assume any such liability be reason of the inspection authorized herein or the certificate of inspection issued by the Inspector.

(d) *Special Rulings.* The Chief Inspector shall have the right to make a special ruling when any circumstances may warrant for the safeguarding of life and property.

(2) Section 111.1 is amended to read as follows: *Existing Building Inspections.* Any building or structure that have had utilities disconnected for a period of six (6) months shall be required to have an inspection of the electrical, gas and water systems before service can be turned on. This shall require an Inspection Clearance from the Chief Inspector turned into the utility company or city water department.

(3) Section 111.3 is amended to read as follows: All such buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of this Code and State Statutes 11 OKLA. STAT. § 22-112. Unsafe Utilities and systems shall be declared public nuisances.

### DIVISION 4. APPEALS, VIOLATIONS AND PENALTIES

#### Sec. 5-51 Right of Appeal.

All persons shall have the right to appeal decisions of the Chief Inspector or a Deputy Inspector through a body appointed by the City Council of the City of Pauls Valley as defined in Chapter 1, Section 112 of the International Codes or National Electrical Code.

#### Sec. 5-52. Violations and penalties.

Section 113.4 is amended to read as follows: Any person in violation of any such provision shall be punishable by a fine in any amount not exceeding that provided for in Section 1-7 of the Code of Ordinances, City of Pauls Valley. Each day upon which any violation of this Code or any ordinance or maintenance of a nuisance shall continue shall constitute a separate offense and shall be punishable as such. Any Electrical, Mechanical or Plumbing Contractor who violate this code or state law shall be reported to the State of Oklahoma Construction Industries Board for penalties understate law.

#### Sec. 5-53 Unsafe Structures and Equipment.

Section 115.1 is amended to read as follows:

(1) *Hazardous Condition.* The Chief Inspector shall have the power and it shall be his duty to inspect, or re-inspect, all overhead, underground and interior wires, piping and apparatus conducting electrical current, explosive or combustible gas or gasses for any purposes as regulated by code of city. When any such conductors, containers or apparatus are found to be unsafe to life or property, he shall notify the person, firm or corporation owning, using or operating the same to place them in a safe condition. If the owner, user or operator of such defective wiring, piping or equipment shall refuse or fail to comply with the requirements of the Chief Inspector and correct all defects as directed within a specified time, it shall be the duty of the inspector to notify the service company, firm or individual furnishing the electric, gas, gasses of other hazardous material to same. Upon receipt of such notice, the service company, firm or individual furnishing supply to such defective piping, wiring or equipment shall take immediate action as required to remedy hazardous condition safe, by disconnecting the service or feeding wires for electric to close valves for gas or remove container to cease to supply current or gas, gasses to the defective installation until the defects have been corrected or repaired; and

(2) *Changes.* When any portion or all of the wiring, piping or containers in or on any building or premises, is ordered changed for any reason, the Chief Inspector shall leave attached to the main switch, valve or

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equipment a tag or label showing the date of the order and a writing memorandum of the hazard and of the corrections to be made, and the signature of the authority making the order.

(3) *Emergency Condition.* The Chief Inspector or other emergency personnel may in the event of immediate danger to life or property disconnect or turn off source of supply to any building or equipment causing hazardous condition.

(4) *Permit Required to Proceed.* It shall be unlawful for any utility company or supplier of electric, gas, gasses for fuel, light, heat or power to make any service connection to any building, structure, equipment or apparatus, until such hazardous or defective installation correction has been inspected and approved and written permit authorizing connection has been issued by the Chief Inspector.

(5) *Service to be Disconnected Upon Notice.* All firms, corporations or individuals, whether operating under a regular franchise granted by the City or not, shall, upon written notice by the Chief Inspector, disconnect any service from their service, including main service, branch feeder service or distribution system, as designated by said notice, and shall not reconnect to said installation except upon written notice from the Chief Inspector.

Secs. 5-54-5-57. Reserved.

### ARTICLE III. REGISTRATION OF TECHNICIANS

#### Sec. 5-58. Registration of state licensed technicians.

(1) The laws of the State of Oklahoma and the Regulations of the Construction Industries Board shall govern the qualifications of all applicants seeking to register their state license(s) with the City. This Code shall not amend any of the requirements of any of the following:

- (a) Title 59 Oklahoma statutes, Sections 1680-1697 (Electrical License Act, Revised November 2003);
- (b) Title 59 Oklahoma statutes, Sections 1850.1-1860 (Mechanical License Act, Revised November, 2003);
- (c) Title 59 Oklahoma statutes, Sections 1001-1023.1 (Plumbing License Law of 1955, Revised November, 2003).

(2) The fees assessed for registration of licenses with the City for plumbing, electrical and mechanical contractors pursuant to this Code, may be assessed only on the licensed contractor and shall not be levied or collected on a licensed journeyman or apprentice.

#### Sec. 5-59 When Required.

(1) No person shall erect, move, add to, or structurally alter any building or other structure upon any lot or parcel of land within the City without first obtaining a building contractor's registration certificate from the City of Pauls Valley. Prior to issuance of any building permit required by this chapter or the adopted building codes for the City, the applicant for the permit shall have a valid building contractor's registration certificate.

(2) No person shall practice or engage in the business, trade or occupation as a contractor in electrical, mechanical or plumbing fields unless he is currently licensed by the Oklahoma State Construction Industries Board, and is registered as such with the Code Enforcement office of the City of Pauls Valley to engage in work within the corporate limits of the City of Pauls Valley, Oklahoma. No journeyman or apprentice shall practice or engage in the business, trade or occupation in electrical, mechanical or plumbing fields unless they are currently licensed by the Oklahoma State Construction Industries Board and in the employment of a licensed contractor that is registered with the city.

(3) A building contractor's registration certificate is not required by persons who have a valid certificate for other specialized trades required by this code and provided the work performed falls under the requirements of that certification.

(4) Resident owners of property are not required to obtain a building contractor's registration certificate when performing work on their own property provided all work is performed by the owner, except for required



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specialized trade contractors who hold a valid certificate from the City. This exemption does not relieve the owner from obtaining a building permit as required by this code.

(5) Any person who is required by this article to possess a building contractor's registration certificate shall make an application to the City on application forms provided for that purpose by the City Code Enforcement Dept.

(6) When the applicant has had a building contractor's certificate revoked in the past or has shown a history of in competency in matters pertaining to such license, or a lack of knowledge in matters to such license, or failed to perform normal business obligations, the application shall be denied and a hearing scheduled with the Building Development Appeals Board.

(7) The lending of any certificate or the obtaining of permits there under for any other person shall be deemed cause for revocation. A Buildings Contractor Certificate issued by the city is not transferable, and violation of this provision is a cause for revocation in addition to other penalties in this code.

### **Sec. 5-60 Registration Fees.**

(1) The registration fees for Contractors performing services within the corporate limits shall be established by resolution adopted by the City. The schedule of fees may be amended by resolution from time to time as required. The schedule of fees shall be available at the Code Enforcement office of the City.

(2) All registration fees are payable in advance on a yearly basis and shall be issued for the year starting August 1 through July 31, of each year.

(3) Annual renewal of registration certificates shall be accomplished by payment of renewal fees as provided herein and documentation of meeting requirements provided herein.

(4) The renewal application, appropriate documentation and fees must be received by the City on or before September 10 of each year hereafter, otherwise the applicant must proceed in the manner required for a new or initial applicant.

### **Sec. 5-61 Revocation of Registration Certificate; Factors Regarding Suspension, Revocation or Refusal to Issue Registrations or Permits.**

(1) The code official may revoke, or may refuse to issue or renew any registration certificates or permits issued by the City under this code for any of the following:

(a) Making a material misstatement in the application for a license or registration, or permit or the renewal thereof;

(b) Obtain any license or registration or permit by false or fraudulent representation;

(c) Loaning or allowing the use of such license or registration or permit by any person or illegally using a license;

(d) Demonstrating incompetence to act as a contractor journeyman, or an apprentice in their trade;

(e) Violating any provisions of the Federal, State, County or City Code, rule, regulation or order prescribed by the same to the provisions of said code, rule, regulation or order thereof;

(f) Willfully failing to perform normal business obligations without justifiable cause;

(g) Any individual who allows their state license to lapse by failure to renew by the applicable deadline, shall not be able to renew their city registration until state licenses are renewed and will be subject to the first year registration fee;

(h) Any individual who has their state license revoked by the state shall be cause to revoke city registration. Any electrical, mechanical, or plumbing contractor who through employment and use of unlicensed individuals as journeyman and/or the employment and use of individuals as apprentices without registration with the State Construction Industry Board, Occupational Licensing Service or with the City,

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will be considered justification for the City to revoke or suspend said contractor's license upon illegal use of license.

(2) Any person whose license or registration has been revoked by the state or city boards may apply for a new license or registration one (1) year from the date of such revocation, provided state license has been reinstated or renewed by the city.

(3) Decisions made by the code official pursuant hereto may be appealed to the appeals board. Such appeals shall be commenced within thirty (30) days of the decision by the code official. Such appeals shall be considered by the appeals board *de novo*.

### **Sec. 5-62 Contractor's Bonding; Worker's Compensation Insurance Requirements.**

(1) All required bonding for contractors whose occupation is either electrical, mechanical, or plumbing is with the Oklahoma State, Construction Industries Board.

(2) Every person registering their state contractors license with the City, authorized to do business in the state is conditioned upon the following: that the principal will install all work in accordance with the state laws and the laws, ordinances and other regulations of the city relating to installations, in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or nonstandard material; and that the city will be fully indemnified and held harmless from any and all costs, expenses or damages resulting from the performance of any work of the contractor.

(3) No city registration shall be issued to any such person until all bonding has been filed and approved by the state, and any such registration issued shall be valid only while the bond is in effect.

(4) Each building contractor who is defined in the Workers' Compensation Act, Title 58, Oklahoma Statutes 1992 Supp., Section 1 *et seq.* (the "Act") as an employer of employees as defined in the Act and not exempt, which builder contractor is registered under this article shall be required to document to the City of Pauls Valley and to keep in force during the life of his registration, a workers' compensation insurance policy to protect the building contractor's employees against occupational hazards and diseases as regulated and defined in the Act.

(5) A Certificate of insurance for workers' compensation with the City named as a certificate holder from an insurance company duly licensed to do business in the State of Oklahoma or proof of exemption or own risk status shall be submitted with the application for registration to the City. Persons who are self-employed and do not fall under the jurisdiction of the Workers' Compensation Act are not required to submit a certificate of insurance. However, in lieu of the certificate of insurance requirement, the applicant must execute an affidavit certifying he is wholly self-employed and does not fall under the jurisdiction of the Workers' Compensation Act with proof of exemption. The City Attorney will establish acceptable criteria for proof of exemption.

(6) The building contractor shall be required to notify the City within ten (10) working days upon termination of an insurance policy. This will cause the City to invalidate the certificate.

### **Sec. 5-63 Violation and Penalties.**

Any person violating any provisions of this code shall, upon conviction, be punishable as provided in Section 1-7 of this Code. Each separate day or any portion thereof during which any violation of this article occurs or continues shall be deemed to constitute a separate offense.

**Secs. 5-64, 5-65 Reserved.**

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## ARTICLE IV. EQUAL ACCESS TO HOUSING<sup>2</sup>

### Sec. 5-66. Purposes.

The general purposes of this article are to secure for all people equal access to housing in all neighborhoods and to preserve the public safety, health and welfare.

(Ord. No. 717, § 1, 10-21-80)

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<sup>2</sup>Cross reference--Affirmative action, § 2-58.

State law reference--Local ordinances prohibiting discrimination, 25 O.S. § 1702.

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## BUILDINGS AND BUILDING REGULATIONS

### **Sec. 5-67. Penalty.**

It shall be unlawful and constitute an offense for any person to violate any of the provisions of this article, and any person found guilty of violating any provisions shall be deemed guilty of an offense, and is subject, upon conviction, to a fine of not more than twenty dollars (\$20.00), including costs, and each day that an act or omission is continued, shall constitute a violation of this article, and be construed as a separate offense.

(Ord. No. 717, § 9, 10-21-80)

### **Sec. 5-68. Exemptions.**

Nothing herein shall apply to:

- (1) Any religious nonprofit organization, association or society, operated, supervised or controlled by or in conjunction with a religious organization, association or society, limiting the sale or rental of dwelling units owned and operated for other than a commercial purpose;
- (2) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single-family houses at any one time; and provided further, that only one such sale may be made within any twenty-four (24) month period;
- (3) Any dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, when the owner actually occupies one of such living quarters as his residence.

(Ord. No. 717, § 3, 10-21-80)

### **Sec. 5-69. Fair housing board—Created.**

There is hereby created a fair housing board of the city, hereinafter referred to as the "board," composed of five (5) members, to be appointed by the council for overlapping terms of three (3) years.

(Ord. No. 717, § 4, 10-21-80)

*Cross reference*--Administration, Ch. 2.

### **Sec. 5-70. Same—Duties.**

It shall be the duty of the fair housing board to:

- (1) Initiate, receive, and investigate complaints, charging unlawful housing practices;
- (2) Seek conciliation of such complaints, hold hearings, make findings of fact, and publish its findings of fact;
- (3) Adopt such rules and regulations as may be necessary within the limits of this article, and carry out the purposes and provisions of this article.

(Ord. No. 717, § 5, 10-21-80)

### **Sec. 5-71. Complaint procedure.**

(a) *Filing.* Any person aggrieved by discriminatory practice prohibited by this article may file with the fair housing board, a complaint in writing, under oath. Said 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 this article and shall further set forth the particulars of said violation, and may include such other information as may be required by the board. Complaints filed under this section must be filed within thirty (30) days after the alleged violation, and failure to file within said time, shall be considered a waiver of the application of this article. The board may issue a complaint on its own initiative, at any time it is within the knowledge of the board that a person has violated any of the provisions of this article.

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(b) *Investigation; conciliation.* The board shall investigate each complaint filed with the board, and shall attempt an adjustment of said complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the board shall dismiss said complaint and notify the complainant and respondent, in writing, of said dismissal. If it appears that the complaint might have merit, the complainants shall be advised of their rights under existing state and federal laws.

(c) *Notice of hearing.* If conference or conciliation does not result in compliance with this article, the board shall cause to be issued and served in the name of the city a written notice, together with a copy of said complaint, requiring the person named in said complaint, hereinafter referred to as the respondent, to answer charges of said complaint at a hearing before the board at a time and place to be specified in the notice.

(d) *Hearing.* At the hearing, provided for in paragraph (c) above, the complaint shall be heard by the board. At the hearing, the complainant or person aggrieved may appear in person and/or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The board, when conducting any hearing pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the board, the party requesting the transcription to be responsible for the costs thereof.

(e) *Conclusion of board:*

(1) *Finding of discriminatory practice.* If the board finds at said hearing, that the respondent has engaged in any discriminatory practice or practices prohibited by this article, it shall state its findings of fact, and shall so certify the matter to the city attorney for appropriate action. No prosecution shall be brought under this article except upon such certification.

(2) *Finding of no discriminatory practice.* If the board, upon hearing, finds that the respondent has not engaged in any discriminatory practice, it shall state its findings of fact, and shall issue and file an order dismissing the complaint.

The board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure, and shall maintain the files provided for herein.

(Ord. No. 717, § 6, 10-21-80)

### **Sec. 5-72. Service of notices.**

Any and all notices required under the provisions of this article to be served upon any person may be served personally on such person or by mailing a copy thereof by certified or registered mail, with return receipt request, to the most current business or residence address of such person.

(Ord. No. 717, § 7, 10-21-80)

### **Sec. 5-73. Discriminatory acts prohibited.**

It shall be unlawful for any person, real estate broker, real estate salesman or agent:

(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, sex, religion or national origin.

(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, sex, religion or national origin.

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- (3) To solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the ground of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, sex, religion or national origin, either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement; or to distribute, or cause to be distributed, material, or to make statements, designed to induce a residential property owner to sell or lease his property due to such change in neighborhood.

(Ord. No. 717, § 2, 10-21-80)

**Secs. 5-74–5-90. Reserved.**

### ARTICLE V. FLOOD DAMAGE PREVENTION<sup>3</sup>

#### DIVISION I. GENERALLY

**Sec. 5-91. Statutory authorization.**

The Legislature of the State of Oklahoma has in 82 Okla. Stat. §§ 1601-1618, as amended, delegated the responsibility to local governmental units to adopt ordinances designed to minimize flood losses. Therefore, the City of Pauls Valley, Oklahoma has adopted this following to be effective on and after February 28, 2012.

(Ord. No. 848, Art. 1, § A, 3-19-96; Ord. 939, 6-16-2010, Article 1, § A; Ord. No. 948, § 2, 2-28-2012)

**Sec. 5-92. Findings of fact.**

1. The flood hazard areas of the City of Pauls Valley 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.

2. 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 hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage.

(Ord. No. 848, Art. I, § B, 3-19-96; Ord. 939, 6-16-2010, Article 1, § B; Ord. No. 948, § 2, 2-28-2012)

**Sec. 5-93. Statement of purpose.**

It is the purpose of this ordinance 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;

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<sup>3</sup> **Editor's note**—Ord. No. 948, § 1, adopted February 28, 2012, repealed the substantive provisions of former Art. V, relative to flood hazard prevention, and § 2 of said ordinance enacted a new Art. V to read as herein set out.

**Editor's note**—Ord. No. 782, adopted April 7, 1987, did not specifically amend the Code and at the discretion of the editor the provisions of Arts. I–V of said Ord. No. 782 have been codified as superseding the provisions of former Art. V, Div. 1, §§ 5-91–5-100, Div. 2, §§ 5-111–5-114, relative to flood hazard prevention. The provisions of former Art. V derived from Ord. No. 710, Arts. 1–5, adopted April 15, 1980.

**Cross references**—Buildings and building regulations, Ch. 5; health and sanitation, Ch. 8; planning and development, Ch. 15; water, § 18-21.

**State law references**—Floodplain management, 82 O.S. §§ 1601 *et seq.*; application of act, 82 O.S. § 1618

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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 flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

(Ord. No. 848, Art. I, § C, 3-19-96; Ord. No. 939, 6-16-2010, Art. I, § C; Ord. No. 948, § 2, 2-28-2012)

### **Sec. 5-94. Methods of reducing flood losses.**

In order to accomplish its purposes, this ordinance 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 flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 848, Art. I, § D, 3-19-96, Ord. No. 939, 6-16-2010, § D; Ord. No. 948, § 2, 2-28-2012)

## DIVISION 2. DEFINITIONS

### **Sec. 5-95. Definitions.**

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

"Accessory structure" means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include but are not limited to garages and storage sheds.

"Area of special flood hazard" is the land in the floodplain within the City of Pauls Valley subject to a one percent or greater chance of flooding in any given year.

"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 in feet above mean sea level of the base flood or 1% chance flood.

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

"BFE" means base flood elevation.

"CFR" means Code of Federal Regulations.

"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 manmade change in 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.

"Development Permit" means a permit issued by the City of Pauls Valley Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this ordinance.



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"Elevated building" means a non-basement building built, in the case of a building in Zones AE, A, and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones AE, A, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"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 August 4, 1972.

"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).

"FEMA" means the Federal Emergency Management Agency.

"FIRM" means Flood Insurance Rate Map.

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

- a. The overflow of inland or tidal waters, or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" means an official map of the City of Pauls Valley on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Pauls Valley.

"Flood Insurance Study" is the official report provided by FEMA for City of Pauls Valley which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

"Floodplain Administrator" means a person accredited by the OWRB and designated by the City Council of the City of Pauls Valley to administer and implement laws, ordinances and regulations relating to the management of floodplains.

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

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

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within City of Pauls Valley 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.

"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. A floodway is located within areas of special flood hazard established in Article III, Section B. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

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"Functionally dependent use" means a use that 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 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 or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR.

"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 North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the City of Pauls Valley's Flood Insurance Rate Map are referenced.

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

"OWRB" – means the Oklahoma Water Resources Board.

"Recreational vehicle" means a vehicle which is:

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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.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97348)), 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 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 includes structures that 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 conditions, or
2. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

"Variance" is a grant of relief by the City of Pauls Valley City Council to a person from the terms of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of Title 44 CFR.)

"Violation" means the failure of a structure or other development to be fully compliant with this City of Pauls Valley flood damage prevention ordinance.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 848, Art. II, 3-19-96, Ord. 939, 6-16-2010, Art. II; Ord. No. 948, § 2, 2-28-2012)

### DIVISION 3. GENERAL PROVISIONS

#### Sec. 5-96. Lands to which this article applies.

This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Pauls Valley, Oklahoma.

(Ord. No. 848, Art. III, § A, 3-19-96; Ord. No. 939, 6-16-2010, Art. III, § A; Ord. No. 948, § 2, 2-28-2012)

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### **Sec. 5-97. Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Garvin County, Oklahoma and Incorporated Areas" dated April 3 2012, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of these regulations. However, until this date the current effective flood maps for the areas of special flood hazard identified by FEMA on its "The Flood Insurance Study for City of Pauls Valley Oklahoma Garvin County" dated May 6, 1996, shall be used for this purpose until April 3, 2012.

(Ord. No. 848, Art. III, § B, 3-19-96; Ord. No. 939, 6-16-2010, Art. III, § B; Ord. No. 943, 6-22-2010, §1; Ord. No. 948, § 2, 2-28-2012)

### **Sec. 5-98. Establishment of development permit.**

A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

(Ord. No. 848, Art. III, § C, 3-19-96; Ord. No. 939, 6-16-2010, Art. III, § C; Ord. No. 948, § 2, 2-28-2012)

### **Sec. 5-99. Compliance.**

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

(Ord. No. 848, Art. III, § D, 3-19-96; Ord. No. 939, 6-16-2010, Art. III, § D; Ord. No. 948, § 2, 2-28-2012)

### **Sec. 5-100. Abrogation and greater restrictions.**

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

(Ord. No. 848, Art. III, § E, 3-19-96; Ord. No. 939, 6-16-2010, Art. III, § E; Ord. No. 948, § 2, 2-28-2012)

### **Sec. 5-101. Interpretation.**

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

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

(Ord. No. 848 Art. III, § F, 3-19-96; Ord. No. 939, 6-16-2010, Art. III, § F; Ord. No. 948, § 2, 2-28-2012)

### **Sec. 5-102. Warning and disclaimer of liability.**

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

(Ord. No. 848, Art. III, § G, 3-19-96; Ord. No. 939, 6-16-2010, Art. III, § G; Ord. No. 948, § 2, 2-28-2012)

### **Secs. 5-103, 5-104. Reserved.**

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### DIVISION 4. ADMINISTRATION

#### **Sec. 5-105. Designation of the floodplain administrator.**

The City Council of the City of Pauls Valley designates the building inspector as Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management.

(Ord. No. 848, Art. IV, § A, 3-19-96; Ord. No. 939, 6-16-2010, Art. IV, § A; Ord. No. 948, § 2, 2-28-2012)

#### **Sec. 5-106. Duties and responsibilities of the Floodplain Administrator.**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1618, as amended.
2. Review Permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for Development Permits required by this ordinance.
4. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval are required.
5. Make the necessary interpretation 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).
6. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data contemplated by Sec. 5-97 of this Code has not been provided by FEMA, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from any Federal, State or other source, in order to administer the provisions of Division V.
9. When a 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 Zone AE as delineated on the Garvin County FIRM and or the City of Pauls Valley 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 City of Pauls Valley.
10. After a disaster or other type of damage occurrence to structures in the City of Pauls Valley, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.
11. Maintain a record of all actions involving an appeal from a decision of the City Council.
12. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(Ord. No. 848, Art. IV, § B, 3-19-96; Ord. No. 939, 6-6-2010, Art. IV, § B; Ord. No. 948, § 2, 2-28-2012)

#### **Sec. 5-107. Permit procedures.**

1. An Application for a 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:

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- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and
  - b. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - c. The danger that materials may be swept onto other lands to the injury of others;
  - d. The compatibility of the proposed use with existing and anticipated development;
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - f. 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;
  - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - h. The necessity to the facility of a waterfront location, where applicable;
  - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
  - j. The relationship of the proposed use to the comprehensive plan for that area.
3. The Floodplain Administrator or City Council, as applicable, may approve certain development in Zones A or AE delineated on the Garvin County FIRM and or Town of Pauls Valley FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the Development Permit in that case first complies with 44 CFR Section 65.12.

(Ord. No. 848, Art. IV, § C, 3-19-96; Ord. No. 939, 6-16-2010, Art. IV, § C; Ord. No. 948, §2, 2-28-2012)

### Sec. 5-108. Variance procedures.

1. General Provisions.
  - a. The City Council of the City of Pauls Valley may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this ordinance, if the applicant for the variance presents adequate proof that (i) compliance with this ordinance will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of this Section Sec. 5-108. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.
  - b. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.
  - c. In no case shall variances be effective for a period longer than twenty (20) years.
  - d. Any person seeking a variance shall file a petition with the City Council, accompanied by a filing fee of Twenty-five Dollars (\$25.00).
  - e. 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 Section Sec. 5-107.2 and provisions of Section Sec. 5-107 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

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- f. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Chairman of the City Council which states that (i) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property.
  - g. At such time as the City Council deems the petition ready for notification to the public, the City Council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Garvin County at least thirty (30) days prior to the hearing.
  - h. The City Council shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section Sec. 5-107. The City Council shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.
2. Variances shall only be issued upon:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
    - 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, regulations or ordinances; and
    - d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  3. Upon consideration of the factors stated in this Section and the intent of this ordinance, the City Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Sec. 5-93 of this Code.
  4. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the Floodplain Board shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.
  5. Special provisions.
    - a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
    - b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
    - c. 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.
    - d. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
      - (1) The criteria of Sec. 5-108 1.e; Sec. 5-108 2.b; and Sec. 5-108 2.c of this Code 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.
- (Ord. No. 848, Art. IV, § D, 3-19-96; Ord. 939, 6-16-2010, Art. IV, § D; Ord. No. 948, § 2, 2-28-2012)

**Secs. 5-109, 5-110. Reserved.**

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### DIVISION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

#### Sec. 5-111. 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 and/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 flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord No. 848, Art. V, § A, 3-19-96; Ord. No. 939, 6-16-2010, Art. V, § A; Ord. No. 948, § 2, 2-28-2012)

#### Sec. 5-112. Specific standards.

In all areas of special flood hazards where base flood elevations have been provided or are otherwise determined as set forth in Sec. 5-97, Sec. 5-106.8, or Sec. 5-107.1 of this Code, 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 to at or 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 is satisfied.
2. Nonresidential Construction: new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated to at or 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 is satisfied.

(Ord. No. 953, Sec. 1, 9-23-2014)

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 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; and
  - 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.



## BUILDINGS AND BUILDING REGULATIONS

4. Manufactured Homes:
  - a. Require that all manufactured homes to be placed within Zone A on the Garvin County FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least thirty-six (36) inches above grade or at least at or above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or 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.
  - b. Require that manufactured homes that are placed or substantially improved within Zone AE on the Garvin County FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) 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 for the manufactured home is elevated at least two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed installer shall install the home in accordance with 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 be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zone AE on the Garvin County FIRM and or Town of Pauls Valley FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that the bottom of the I-beam of the manufactured home is at least two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed installer shall install the home in accordance with state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.
5. Recreational Vehicles: Require that recreational vehicles placed on sites within Zones A and AE on the Garvin County FIRM and or Town of Pauls Valley FIRM either:
  - a. be on the site for fewer than 180 consecutive days,
  - b. be fully licensed and ready for highway use, or
  - c. meet the permit requirements of Sec. 5-107, and the elevation and anchoring requirements for "manufactured homes" in paragraph (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 Structures: Accessory structures to be placed on sites within Zones A and AE on the Garvin County FIRM and or Town of Pauls Valley FIRM shall comply with the following:
  - a. The structure shall be unfinished on the interior;
  - b. The structure shall be used only for parking and limited storage;
  - c. 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;
  - d. Service facilities such as electrical and heating equipment must be elevated to or above the BFE;
  - e. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  - f. The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
  - g. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
  - h. Floodway requirements must be met in the construction of the structure;

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- i. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
- j. The structure shall be located so as not to cause damage to adjacent and nearby structures..

(Ord. No. 848, Art. V, § B, 3-19-96; Ord. No. 939, 6-16-2010, Art. V, §B; Ord. 948, §2, 2-28-2012; Ord. No. 948, § 2, 2-28-2012)

### **Sec. 5-113. Standards for subdivision proposals.**

1. The applicant for a Development Permit for any subdivision located in Zones A and AE which is 51 or more lots or greater than 5 acres shall generate the base flood elevation data for that subdivision.

2. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

3. All subdivisions including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 848, Art. V, § C, 3-19-96; Ord. No. 939, 6-16-2010, Art. V, § C; Ord. No. 948, § 2, 2-28-2012)

### **Sec. 5-114. Floodways.**

The following provisions shall apply to floodways:

1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted 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 City of Pauls Valley during the occurrence of the base flood discharge.
2. If Sec. 5-114(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Division V.
3. The City of Pauls Valley may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the Development Permit complies with all of 44 CFR Section 65.12.

### **Sec. 5-115. Severability.**

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

(Ord. 939, 6-16-2010, Art. V, § D; Ord. 948, § 2, 2-28-2012)

### **Sec. 5-116. Penalties for Noncompliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this ordinance is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this ordinance 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 ordinance 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 Council of the City of Pauls Valley or its City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

Ord. 939, 6-16-2010, Art. VI; Ord. 948, § 2, 2-28-2012)

### **Secs. 5-116–5-120. Reserved.**

# BUILDINGS AND BUILDING REGULATIONS

## ARTICLE VI. PLACEMENT OF MANUFACTURED HOUSING<sup>4</sup>

### DIVISION 1. GENERALLY

#### Sec. 5-121. Intent.

(a) *Type I and Type II purpose.* It is the intent of this article to encourage the provision of alternative modest income housing in general residential areas by permitting the use of Type I and Type II manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements and procedures set forth herein to assure acceptable similarity in exterior appearance between such Type I and Type II manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

(b) *Type III purpose.* It is the further intent of this article to encourage the provision of alternative modest income housing in certain residential areas by permitting the use of Type III manufactured housing, as defined herein, in certain specified districts, when they are shown to meet the requirements and procedures set forth herein.

(c) *Mobile home purpose.* It is the intent of this article to recognize mobile homes constructed prior to June 15, 1976, as distinct and different from units designated as manufactured homes Types I, II, and III, and to prescribe appropriate procedures and requirements for their placement in the community.

(d) *Standard for the permanent installation of manufactured housing purpose.* It is the intent of this article to provide minimum standards to safeguard life or limb, health, property and public welfare in the City of Pauls Valley by regulating and controlling the design, construction and quality of materials for permanent foundation system, and building service equipment connections which are necessary to provide for the permanent installation of manufactured homes.

(Ord. No. 759, § 1, 12-4-84)

#### Sec. 5-122. Definitions.

The following words and phrases when used in this article shall have the meanings respectively ascribed as follows:

*Add-a-room unit* means a unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured or mobile home.

*Anchoring system* means an approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home.

*ANSI/NFPA 501 A Standard for Installation of (Manufactured) Mobile Homes* means those model mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

*Approved* shall mean acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

*Building code* means the officially adopted Southern Standard Building Code.

*Building official* means the officer or other designated authority charged with the administration and enforcement of this standard, or his duly authorized representative.

*Building service equipment* means the plumbing, mechanical or electrical equipment, including piping, wiring fixtures and other accessories, which provide sanitation, lighting, heating, ventilation or cooling essential for the habitable occupancy of the building or structure for its designated use and occupancy.

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<sup>4</sup>Editor's note—Ordinance No. 759, §§ 1–9, adopted Dec. 4, 1984, did not specifically amend this Code; hence codification herein as Art. VI, Divs. 1–4, was at the discretion of the editor.

*Cap* means an insert of concrete, metal or decay resisting wood placed between the top of the pier and the bottom of a floor beam for leveling purposes, and may include leveling spacers.

*Conditional use permit* means a device for permitting a use within a district other than a principally permitted use.

*Diagonal tie* means a tie intended to primarily resist lateral or shear forces and which may secondarily resist uplift and overturning forces. Diagonal ties shall be placed along the main frame.

*Dwelling* means one or more habitable rooms which are designated to be primarily occupied by one family with facilities for living, sleeping, cooking, eating and sanitation.

*Expando unit* means an expandable manufactured housing unit.

*Footing* means that portion of the foundation of a structure which spreads and transmits loads directly to the soil or to bearing piles at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

*Foundation code* means the "Standard for the Permanent Installation of Manufactured Homes."

*Foundation siding/skirting* means a type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood, or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

*Main frame* means the primary structural component on which the body of the manufactured home is mounted.

*Manufactured home* means a dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code. The three types of manufactured homes (Type I, Type II, and Type III) are defined as meeting all of the appropriate requirements of section 5-131 of this article.

*Manufactured home foundation* means a site-built or assembled system of stabilizing devices which:

- (1) Is capable of transferring design dead loads and live loads established by the building code, and other required design loads, such as special site conditions, wind and water site conditions, that are imposed by or upon the structure, into the underlying soil and/or bedrock without failure and without exceeding the safe bearing capacity of the supporting soil; and
- (2) In frost susceptible areas, has its lower surface placed at or below the frost line or which is otherwise adequately insulated/protected to prevent frost movement; and
- (3) Is constructed of materials acceptable to the authority having jurisdiction; and
- (4) Meets the requirements and standards of MPS 4900.1, 1982 Edition, and MPS 4930.1, 1973 Edition, as published by the U.S. Department of Housing and Urban Development, as amended.

*Manufactured or mobile home community (park)* means a parcel of land on which two (2) or more manufactured or mobile homes are occupied as residents.

*Manufactured home subdivision* means a parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

*Manufactured housing construction and safety standards code* means Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a design approval primary inspection agency, and agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), which became effective for mobile/manufactured home construction on June 15, 1976.

## BUILDINGS AND BUILDING REGULATIONS

*Mobile home* means a single-family dwelling, of a minimum four hundred (400) square feet; designed for year-round occupancy; can be transported on its own wheels or on a flatbed or other trailers; and arriving at the site ready for occupancy, except for minor and incidental unpacking and assembly operations; located on blocks or foundation; and connected to utilities and similar operations. This structure to be built prior to June 15, 1976, the effective date of the federal Mobile Home Construction and Safety Act.

*Occupied space* means the total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios, and porches.

*Permanent perimeter enclosure* means a permanent perimeter system completely enclosing the space between the floor joists of the home and the ground.

*Permanent foundation* means any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

*Pier* means the portion of the support system between the footing and the manufactured home structure exclusive of caps and leveling spacers, but not including foundation walls.

*Recreational vehicles* means a portable vehicular structure not built to the federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping, or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to, travel and camping trailers, truck campers, and motor homes.

*Section* means a unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

*Stabilizing system* means any of the components of the anchoring and support systems such as piers, footings, foundation walls, ties, anchoring equipment, anchoring devices, and any other equipment which supports the manufactured home secures it in its sited position.

*Support system* means a pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or mobile home.

(Ord. No. 759, § 2, 12-4-84)

### **Sec. 5-123. Applicability of placement.**

(a) *Permitted placement.* The establishment, location, and use of manufactured homes as permanent residences approved individually, by specific materials, or by design, shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and limitations applying generally to such residential use in the district, and provided such homes shall meet the following requirements and limitations:

- (1) The dwelling shall meet the appropriate exterior appearance standards, as hereinafter set forth in §§ 5-131 and 5-132;
- (2) The dwelling shall be sited in a district where such use is permitted in the schedule of uses, as hereinafter set forth in § 5-133;
- (3) The dwelling shall receive all required permits and conform with the comprehensive plan and other ordinances of Pauls Valley.

(b) *Nonconforming homes.* A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal nonconforming use prior to the adoption of Ordinance Number 759 [adopted Dec. 4, 1984], shall continue to be a legal nonconforming use. If the nonconforming use is discontinued, the land thereafter must be used in conformity with all provisions of the zoning ordinance.

(c) *Structural additions or alterations.* Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the zoning administrator, or other authorized administrative official of Pauls Valley. All structural additions shall comply with the Southern Standard Building Code.

(Ord. No. 759, § 3, 12-4-84)

**Secs. 5-124–5-130. Reserved.**

## DIVISION 2. EXTERIOR APPEARANCE STANDARDS

### Sec. 5-131. Manufactured home classifications.

Manufactured homes shall be classified as to acceptable compatibility or similarity in appearance with site-constructed residences, as follows:

- (1) A Type I manufactured home shall:
  - a. Have a minimum of nine hundred fifty (950) square feet of occupied space in a typically double-section or larger multi-section unit;
  - b. Be placed onto a permanent foundation;
  - c. Utilize permanent perimeter enclosure in accordance with approved installation standards, as specified in division 3, §§ 5-141–5-169;
  - d. Be anchored to the ground, in accordance with the installation standards, as specified in division 3, §§ 5-141 through 5-169, and to the manufacturer's specifications;
  - e. Have wheels, axles, and hitch mechanisms removed;
  - f. Have utilities connected, in accordance with the building code and manufacturer's specifications;
  - g. Have siding material of a type customarily used on site-constructed residences;
  - h. Have roofing material of a type customarily used on site-constructed residences;
    - i. Have open covered, and/or enclosed parking structure which is compatible with other housing in immediate area, and all parking surfaces shall be hard-surfaced.
- (2) A Type II manufactured home shall:
  - a. Have a minimum of seven hundred fifty (750) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
  - b. Be placed onto a permanent foundation;
  - c. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in division 3, §§ 5-141 through 5-169;
  - d. Be anchored to the ground, in accordance with manufacturer's specifications and the installation standards, as specified in division 3, §§ 5-141 through 5-169;
  - e. Have wheels, axles, and hitch mechanisms removed;
  - f. Have utilities connected in accordance with manufacturer's specifications or the Southern Building Code, whichever is more restrictive;
  - g. Have siding material of a type customarily used on site-construction residences.
  - h. Have roofing material of a type customarily used on site-constructed residences.
- (3) A Type III manufactured home shall:
  - a. Have more than four hundred (400) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
  - b. Be placed onto a support system, in accordance with approved installation standards, as specified in division 3, §§ 5-141 through 5-169;

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- c. Be enclosed with foundation siding/skirting, in accordance with approved installation standards, as specified in division 3, §§ 5-141 through 5-169;
- d. Be anchored to the ground, in accordance with manufacturer's specifications and the installation standards, as specified in division 3, §§ 5-141 through 5-169;
- e. Have utilities connected, in accordance with manufacturer's specifications or the Southern Standard Building Code, whichever is more restrictive.

(Ord. No. 759, § 4, 12-4-84)

**Sec. 5-132. Mobile homes.**

For the purpose of determining the appropriateness for placement, mobile homes shall:

- (1) Have more than four hundred (400) square feet of occupied space;
- (2) Be placed onto a support system, in accordance with approved installation standards, as specified in division 3, sections 5-141 through 5-169;
- (3) Be enclosed with foundations siding/skirting, in accordance with approved installation standards, as specified in division 3, §§ 5-141 through 5-169;
- (4) Be anchored to the ground, in accordance with manufacturer's specifications and the installation standards, as specified in division 3, §§ 5-141 through 5-169; and
- (5) Have utilities connected, in accordance with manufacturer's specifications or the Southern Standard Building Code, whichever is more restrictive.

(Ord. No. 759, § 4, 12-4-84)

**Sec. 5-133. Schedule of uses.**

Manufactured or mobile homes are permitted as follows:

X = A Permitted Use

P = With Conditional Use Permit only

= Prohibited Use

	<i>TYPE I</i>	<i>TYPE II</i>	<i>TYPE III</i>	<i>MOBILE HOME</i>
<i>Zoning Districts</i>				
A-1 Nonurban	X	X	P	P
A-2 Suburban	X	X	P	P
R-1 Single Family Residential	X	P		
R-2 Combined Residential	X	P		
R-3 Multi-Family Residential	X	P		
MCH Manufactured Home Community (Park)	X	X	X	X
MHS Manufactured Home Subdivision	X	X		
C-1 Office				
C-2 Convenience Commercial				
C-3 Restricted Commercial				
C-4 Planned Shopping Center				
C-5 Automotive and Commercial				

C-6 General Commercial

1-1 Light Industrial

1-2 Heavy Industrial

P.U.D. Planned Unit Development

(Ord. No. 759, § 5, 12-4-84)

**Secs. 5-134–5-140. Reserved.**

### **DIVISION 3. INSTALLATION STANDARDS**

**Sec. 5-141. General requirement.**

Manufactured homes required to be installed onto a permanent foundation shall be designed and constructed to sustain all vertical and horizontal loads as specified in this standard. The permanent foundations shall also be required to transfer any other imposed forces from the manufactured home to undisturbed ground below the established frost line, without failure and exceeding the safe bearing capacity of the supporting soil.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-142. Dead and live loads.**

The foundation system shall be designed and constructed to sustain all dead and live loads imposed thereon. The dead load used in the design shall be actual weight of the manufactured home unit to be installed. The live load, including wind and uplift and snow loads used in the design, shall be those set forth in the building code for single-family dwellings. Uplift due to overturning forces shall be adequately resisted by the anchoring system.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-143. Combined loads.**

For the purpose of determining stresses, all vertical design loads, including roof live loads, shall be considered as acting simultaneously. In computing the effect of wind force in combination with vertical loads, roof live loads need not be included; except that where snow loading is required in the design of the roof, at least fifty (50) percent of such snow load shall be considered acting in combination with the wind load.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-144. Stress increases.**

All allowable stress and soil-bearing values may be increased one-third ( $\frac{1}{3}$ ) when considering wind forces. No increase will be allowed for vertical loads acting alone.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-145. Rationality of construction.**

Any system or method of construction that is used shall conform to a rational analysis in accordance with well established engineering principles.

(Ord. No. 759, § 6, 12-4-84)



## BUILDINGS AND BUILDING REGULATIONS

### **Sec. 5-146. Construction of footings and foundations.**

(a) When requested by the building officials, soil bearing capacities at each building site shall be determined. The building official may require that the determination be made by a professional engineer or architect.

(b) Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood, in conformance with the building code. The footings shall rest on undisturbed soil or engineered fill at a depth at or below any established frost line, and be capable of transferring all design loads imposed by or upon the structure into soil or bedrock without failure, or exceeding the safe bearing capacity of the supporting soil.

(Ord. No. 759, § 6, 12-4-84)

### **Sec. 5-147. Manufactured home foundation system.**

The manufactured home permanent foundation system constitutes a permanent, load bearing support system for the manufactured home. The manufacturer or owner shall be permitted to design for and specify the installation of any foundation system which meets the design requirements of this standard. The foundation system shall be installed as specified in this standard, or as specified in the building code for single-family dwellings, or be designed by a professional engineer or architect.

(Ord. No. 759, § 6, 12-4-84)

### **Sec. 5-148. Manufactured homes provided with manufacturer's instructions for permanent installations.**

If the manufacturer provides instructions for permanent installation, which are designed by a professional engineer or architect, than the instructions must meet all applicable requirements of the building code and this standard. The building official may waive compliance with this standard if a conflict exists between this standard and the manufacturer's instructions. These instructions shall remain with the home.

(Ord. No. 759, § 6, 12-4-84)

### **Sec. 5-149. Manufactured homes without manufacturer's installation instructions.**

Homes not provided with manufacturer's installation instructions shall be installed onto a foundation system meeting the requirements of this standard or be designated by a professional engineer or architect. Unless designed by a professional engineer or architect, spacing of piers shall be as specified in Table 404, included herein as section 5-169, with piers installed directly under the main frame of the manufactured home, and with no more than two feet of the main frame cantilevered beyond the end piers.

(Ord. No. 759, § 6, 12-4-84)

### **Sec. 5-150. Minimum clearance under homes.**

A minimum clearance of eighteen (18) inches shall be maintained beneath the lowest member of the floor support framing system. Clearance from the bottom of wood floor joists or perimeter joists shall be as specified in the building code.

(Ord. No. 759, § 6, 12-4-84)

### **Sec. 5-151. Access to and ventilation on under-floor areas.**

(a) Under-floor spaces shall be ventilated with openings as specified in the building code. If combustion air for one or more heat-producing appliances is taken from within the under-floor spaces, ventilation shall be adequate to assure for proper appliance operation.

(b) Access openings shall not be less than eighteen (18) inches in any dimension and not less than three (3) square feet in area and shall be located so that any water supply and sewer drain connections located under the manufactured home are accessible for inspection. Access panels or doors shall not be fastened in a manner requiring the use of a special tool for removal or opening of the panels or doors.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-152. Load-bearing capacity of footings.**

The load-bearing capacity of individual load-bearing piers and their footings shall be not less than the combined live and dead loads as specified in this standard. Footings shall be adequate in size to withstand the contributing live and dead loads of the manufactured home and any other imposed loads. (See Table 404, included herein as § 5-169, for suggested typical footing sizes.) Footings or pier foundations (unless otherwise approved by a registered professional engineer or architect), shall be placed level on firm undisturbed soil or on engineered fill, which is free of grass and organic materials, compacted to a minimum load-bearing capacity as specified in Table 404, included herein as section 5-169. Where unusual conditions exist, the spacing of piers and the load-bearing capacity of the soil shall be determined specifically for such condition. Concentrated roof loads may require special consideration. Continuous footings shall conform to the requirements of the building code.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-153. Pier construction.**

Piers shall be designed and constructed to distribute loads evenly. Multiple section homes may have concentrated roof loads which will require special consideration. Load-bearing piers shall be constructed utilizing one of the following methods:

- (1) A prefabricated load-bearing device that is listed and labeled for the intended use;
- (2) A pier designed by a registered professional engineer or architect;
- (3) A pier constructed with concrete blocks conforming to ASTM C-90, laid with mortar joints or approved structural masonry adhesive. Blocks shall not be less than a nominal eight (8) inches in width and sixteen (16) inches in length. Mortar mix shall be Type S or one part portland cement, one-half (½) part hydrated lime and four (4) parts sand by volume. Lime shall not be used with plastic or waterproof cement;
- (4) A pier constructed with nonmortared concrete blocks and a separate anchoring system, conforming to the following criteria:
  - a. Concrete blocks are to be a nominal eight (8) inches by eight (8) inches by sixteen (16) inches conforming to ASTM C-90 with open cells vertical, stacked true and plumbed with a maximum horizontal block offset of one-half (½) inch from the top to the bottom of the pier. The maximum height of the pier shall be thirty-six (36) inches unless designed by a professional engineer or architect.
  - b. Concrete block shall be stable and firm on the footing with all bearing surfaces clean and smooth.
  - c. The maximum vertical load shall not exceed sixty-four hundred (6,400) pounds per pier.
  - d. Nonmortared piers shall not carry any vertical uplift, moment or horizontal load.
  - f. Tie-downs and anchors shall be designed to resist all uplift loads not offset by two-thirds (⅔) of the manufactured home dead load and all horizontal loads.
  - g. The width of the main frame Lbeam flange shall not be less than two (2) inches.
  - h. Concrete caps shall be the same size as the supporting concrete block, and a minimum of four (4) inches thick conforming to ASTM C-145, and may be used with leveling spacers of steel or decay resistant wood which shall be level.

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- i. Pier footings shall be solid concrete bearing on firm undisturbed soil or engineered fill and conforming to section 5-152 of this division.
- j. The top surface of the footing shall be smooth, clean and level, providing a minimum of fifty (50) percent direct bearing of concrete block on the top surface of footing; if the top surface of the footing is not level or smooth, a layer of mortar shall be applied to provide the proper bearing surface for the concrete block pier. Caps and leveling spacers may be used for leveling of the manufactured home. Spacing of piers shall be as specified in the manufacturer's installation instructions, if available, or Table 404, included herein as section 5-169, may be used for the spacing of piers. Where unusual conditions or loads exist, the spacing of piers and the load-bearing capacity of the soil shall be determined specifically for such conditions or loads.

(Ord. No. 759, § 6, 12-4-84)

### **Sec. 5-154. Height of piers.**

Piers shall be constructed utilizing one of the following methods:

- (1) Piers thirty-six (36) inches or less in height can be constructed of concrete block, placed with open cells in vertical position. Single stacked block piers shall be installed with the long dimension at right angles to the main frame member it supports. Piers shall be topped with a cap.
- (2) Subject to the limitations of this article, piers between thirty-six (36) inches and eighty (80) inches in height, and all corner piers over twenty-four (24) inches high, shall be at least sixteen (16) inches in width with blocks interlocked and fully capped with a minimum four-inch solid concrete block or equivalent.
- (3) Subject to other limitations of this standard, piers over eighty (80) inches in height can be constructed in accordance with the provisions of subsection (2) of this section, provided the piers shall be filled solid with concrete and reinforced with two (2) continuous one-half inch diameter steel reinforcing bars inserted vertically through the open cells of each sixteen-inch block.

(Ord. No. 759, § 6, 12-4-84)

### **Sec. 5-155. Ground anchors.**

(a) Every ground anchor shall have specification data showing the soil classifications for which it qualifies. Anchor selection shall be based on a determination of the soil classification at the depth at which the anchor will be installed.

(b) Ground anchors, including means for attaching ties, shall be located to comply with anchoring system instructions provided by the manufactured home manufacturer or, if there are no instructions, in accordance with the requirements of this standard.

(c) Ground anchors shall be designed and installed to transfer the anchoring loads to the ground. The load-carrying portion of the ground anchors shall be installed to the full depth called for by the manufacturer's installation directions and shall extend below the established frost line into undisturbed soil.

(d) Manufactured ground anchors shall be listed and installed in accordance with the terms of their listings and the anchor manufacturer's instructions, and shall include means of attachment of ties meeting the requirements of §§ 5-161 and 5-162. Ground anchor manufacturer's instructions shall include the amount of preload required, the methods of adjustment after installation, and the load capacity in various types of soil. These instructions shall include tensioning adjustments which may be needed to prevent damage to the manufactured home, particularly damage that can be caused by frost heave. Each ground anchor shall be marked with the manufacturer's identification and listed model identification number which shall be visible after installation. Instructions shall accompany each listed ground anchor specifying the types of soil for which the anchor is suitable under the requirements of this section.

(e) Each approved ground anchor, when installed, shall be capable of resisting an allowable working load at least equal to three thousand one hundred fifty (3,150) pounds in the direction of the tie, plus a fifty (50) percent overload (4,725 pounds) without failure. Failure shall be considered to have occurred when the anchor moves more than two (2) inches at four thousand seven hundred twenty-five (4,725) pounds in the direction of the tie installation. Those ground anchors which are designed to be installed so that loads on the anchor are other than direct withdrawal, shall be designed and installed to resist an applied design load of three thousand one hundred fifty (3,150) pounds at forty to fifty (40 to 50) degrees from vertical without displacing the tie end of the anchor more than four (4) inches horizontally. Anchors designed for connection of multiple ties shall be capable of resisting the combined working load and overload consistent with the intent expressed herein.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-156. Anchoring equipment.**

Anchoring equipment, when installed as a permanent installation, shall be capable of resisting all loads as specified within this standard. When the stabilizing system is designed by a qualified registered professional engineer or architect, alternative designs may be used providing the anchoring equipment to be used is capable of withstanding a fifty (50) percent overload. All anchoring equipment shall be listed or labeled as being capable of meeting the requirements of this standard. Anchors, as specified in the building code, may be attached to the main frame of the manufactured home by an approved three-sixteenths (3/16) inch thick slotted steel plate anchoring device. Other anchoring devices or methods meeting the requirements of this standard shall be permitted when approved by the building official.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-157. Resistance to weather deterioration.**

All anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.625 ounces per square foot on each side of the surface coated, as determined by ASTM A90-69. Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-158. Permanency of connections.**

Anchoring systems shall be so installed as to be permanent. Anchoring equipment shall be designed to prevent self-disconnection with no hook ends used.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-159. Tensioning device design.**

Tensioning devices, such as turnbuckles or yoke-type fasteners, shall be ended with clevis or forged or welded eyes.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-160. Footings used to transfer anchoring loads to ground.**

If footings are used to transfer the anchoring loads to the ground, steel rods cast in concrete shall be capable of resisting design loads. Deadman concrete anchors may be used in place of listed anchors if they meet the requirements of this standard.

(Ord. No. 759, § 6, 12-4-84)

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### Sec. 5-161. Ties, materials and installation.

Steel strapping, cable, chain or other approved materials shall be used for ties. All ties shall be fastened to ground anchors and drawn tight with turnbuckles or other adjustable tensioning devices or devices supplied with the ground anchor. The materials shall be capable of resisting an allowable working load of three thousand one hundred fifty (3,150) pounds with no more than two (2) percent elongation and shall withstand a fifty (50) percent overload (4,750 pounds). Ties shall comply with the weathering requirements of § 5-157. Ties shall connect the ground anchor and the main structural frame. Ties shall not connect to steel outrigger beams which fasten to and intersect the main structural frame unless specifically stated in the manufacturer's installation instructions. Connection of cable ties to main frame members shall be five-eighths (5/8) inch drop forged closed eye bolts affixed to the frame member in an approved manner. Cable ends shall be secured with at least three (3) U-bolt type cable clamps with the "U" portion of the clamp installed on the short (dead) end of the cable to assure strength equal to that required by this section.

(Ord. No. 759, § 6, 12-4-84)

### Sec. 5-162. Number of ties.

(a) *Tie requirements generally.* Wood floor support systems shall be fixed to perimeter foundation walls in accordance with provisions of the building code. The minimum number of ties required per side shall be sufficient to resist the wind load stated in the building code. Ties shall be as evenly spaced as practicable along the length of the manufactured home with the distance from each end of the home and the tie nearest that end not exceeding eight (8) feet. When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single anchor, provided that the anchor used is capable of carrying both loadings. Multi-section manufactured homes require diagonal ties only. Diagonal ties shall be installed on the exterior main frame and slope to the exterior at an angle of forty (40) to fifty (50) degrees from the vertical. Noncontinuous vertical ties shall be placed at the main frame. If sufficient to meet the wind loads as provided in the building code, the minimum number of ties per side of the manufactured home shall be shown in the table following in paragraph (b) of this section.

(b) *Table for the number of ties required per side of a manufactured home.*

<i>Length of Manufactured Home in Feet</i>	<i>Number of Vertical Ties</i>	<i>Number of Diagonal Ties</i>
Up to 40	2	3
40 to 46	2	3
46 to 49	2	3
49 to 54	2	3
54 to 58	2	4
58 to 64	2	4
64 to 70	2	4
70 to 73	2	4
73 to 84	2	5

### Sec. 5-163. Perimeter enclosure materials.

Skirting shall be of materials suitable for exterior exposure and contact with the ground. If skirting is not used, then materials used as a permanent perimeter enclosure shall be as for regular foundation construction as required by the building code.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-164. Skirting installation.**

If used, skirting shall be installed in accordance with the manufacturer's installation instructions. It shall be adequately secured to assure stability, to minimize vibrations and susceptibility to wind damage, and to compensate for possible frost heave. The entire underfloor area of the home shall be completely enclosed by a perimeter enclosure, except for the required openings.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-165. Permanent perimeter enclosure insulation.**

Retaining walls, if used as permanent perimeter enclosures, shall resist the lateral displacement of soil or other materials and shall conform to the building code, as specified for foundation walls. Unless a retaining wall is equivalent to a load-bearing foundation, it should not be attached to the manufactured home. Retaining walls and foundation walls should be constructed of treated foundation grade wood, concrete, masonry, or other approved materials or combinations of these materials, as for foundations as specified in the building code. When retaining walls or foundation walls are used as a load-bearing foundation, the manufactured home shall be anchored to the wall. The entire underfloor area of the home shall be completely enclosed, except for required openings. Siding material shall extend below the top of the exterior of the retaining or foundation wall.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-166. Utility connections—Generally.**

Utility connections shall be made to assure that utility systems permit satisfactory functioning and provide for health and safety under all conditions of normal use. Manufactured home utility services shall only be connected to the supply source by means of approved materials.

(Ord. No. 759, § 6, 12-4-84)

**Sec. 5-167. Same—Federal manufactured home.**

A manufactured home which bears a certification label certifying that it is constructed in compliance with the Federal Manufactured Home Construction and Safety Standards shall be connected to the utilities as required by the Federal Manufactured Home Construction and Safety Standards, section 5-168, and the following:

- (1) The gas piping supply system shall be designed for a pressure not exceeding fourteen (14) inch water column ( $\frac{1}{2}$ " psi).
- (2) When a manufactured home is to be installed in an area where the water pressure exceeds eighty (80) psi, a pressure reducing valve should be installed.
- (3) The installation of a self-contained air-conditioner comfort cooling appliance shall meet the following requirements:
  - a. The installation on a duct common with an installed heating appliance shall require the installation of an automatic damper or other means to prevent the cooled air from passing through the heating appliance unless the heating appliance is certified or listed for such application and the supply system is intended for such an application; and
  - b. The installation shall prevent the flow of heated air into the external cooling appliance and its connecting ducts to the manufactured home supply and return air system during the operation of the heating appliance installed in the manufactured home, and the installation shall prevent simultaneous operation of the heating and cooling appliances.

## BUILDINGS AND BUILDING REGULATIONS

- (4) The power supply to the manufactured home shall be a permanently installed circuit. Where a permanent feeder is used, the supply shall be by means of:
- a. One mast weatherhead installation installed in accordance with the electrical code and containing four (4) continuous insulated, color-coded, feeder conductors, one of which shall be equipment grounding conductor; or
  - b. An approved raceway from the disconnecting means in the manufactured home with provisions for the attachment of a suitable junction box or fitting to the raceway on the underside of the manufactured home. The manufacturer shall provide in his written installation instructions, the proper feeder conductor sizes for the raceway and the size of the junction box to be used.

When there is a conflict in the above requirements, the Federal Manufactured Home Construction and Safety Standards shall apply.

(Ord. No. 759, § 6, 124-84)

### **Sec. 5-168. Same–Nonfederal manufactured home connections.**

All manufactured homes bearing a certification label certifying that they are built in compliance with the building code shall be connected to the utilities as follows:

- (1) Water supply shall be as required by the plumbing code.
- (2) Drainage waste system shall be as required by the plumbing code.
- (3) Electrical connections shall be as required by the electrical code
- (4) Gas supply connections shall be as required by the National Fuel Gas Code NFPA 54.
- (5) Mechanical equipment and accessories shall be listed and labeled for the use intended and shall be connected as required by the mechanical code.

Ord. No. 759, § 6, 12-4-84)

**Sec. 5-169. Table 404—Typical suggested nondesigned footing areas for allowable soil bearing capacity single story only.**

	20 Roof Live Load 75 (psf)				30 Roof Live Load 85 (psf)				40 Roof Live Load 95 (psf)						
	12	14	12	14	14	24(c) (12 + 12)	12	14	14	24(c) (12 + 12)	12	14	12	12	24c (12 + 12)
Width of Units up to and including (ft.)	12	14	12	14	14	24(c) (12 + 12)	12	14	14	24(c) (12 + 12)	12	14	12	12	24c (12 + 12)
Tributary Pier Spacing (ft.)	6	6	8	8	6	8	6	8	8	10	6	6	8	8	10
Pier Load (pounds)	2700	3150	3600	4200	4500	4500	3060	3570	4080	4760	5100	3420	3990	4560	5700
<i>Allowable</i>															
<i>Soil</i>															
<i>Bearing Capacity</i>															
100 PSF	388.8	453.5	518.4	604.8	648.0	648.0	440.6	514.1	587.5	658.4	734.4	492.5	574.6	656.6	766.1
1500 PSF	259.2	302.3	345.6	403.2	432.0	432.0	293.7	342.7	391.7	456.9	489.6	328.3	383.0	437.8	510.7
2000 PSF	194.4	226.8	259.2	302.4	324.0	324.0	220.3	257.0	293.8	342.7	367.2	246.2	287.3	328.3	383.0
3000 PSF	144.0	151.2	172.8	201.6	216.0	216.0	146.9	171.4	195.8	228.5	244.8	164.2	191.5	218.9	255.4
4000 PSF	144.0	144.0	144.0	151.2	162.0	162.0	144.0	144.0	146.9	171.4	183.6	144.0	144.0	164.1	191.5

(a) If sheathed roof with shingles is used, an additional five (5) psf should be added to the roof design dead load.

(b) If unit is supplied with overhanging eaves, see manufacturer's installation instructions.

(c) Multiple section homes may have concentrated roof support which will require special consideration.

(d) The footing thickness shall be equal to the maximum horizontal distance from the face of the pier to the edge of the footing, with a minimum thickness in all cases of either (8) inches. Where unusual conditions or loads occur, the thickness of the footing shall be determined specifically for such conditions or loads.

Source: Proposed ANSI A-225 Standard on Manufacture Home Installations.

(Ord. No. 759, 12-4-84).



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Secs. 5-170–5-180. Reserved.

### DIVISION 4. ADMINISTRATION

#### Sec. 5-181. Zoning clearance permits.

(a) Requirements. Prior to the location, relocation or establishment of any manufactured home outside of a mobile home community (park), the homeowner or authorized representative shall secure a zoning clearance permit, which states that the building and its location conform with the zoning ordinance. Each application for a zoning clearance permit shall be accompanied by:

- (1) Those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, and exterior finishes;
- (2) Health department approval for any sewage disposal or water supply, where applicable;
- (3) P.U.D. or subdivision permit approval, where applicable;
- (4) A copy of the approved instructions, which will be used for installation purposes, where applicable; and
- (5) Such other information, as may be required by the city's zoning administrator for proper enforcement of this article.

(b) Issuance of permit. After receipt of the information required for a zoning clearance permit, the city's zoning administrator shall review the standards set out in this article. If the applicant has met all required standards, then within five (5) working days, the zoning clearance permit shall be issued.

(c) Additional action necessary. If after receipt of the information required for the zoning clearance permit, the city's zoning administrator finds that the applicant has not fully met the standards set out in the article, and the changes or additional actions needed are deemed by the administrator to be relatively minor or simple, within five (5) working days, a conditional approval can be issued, with the stated conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, the effect being an amendment to the application to conform to the requirements, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied, with reasons stated in writing.

(d) Denial of permit. If any of the major elements are clearly out of line with the standards, within five (5) working days issuance of the zoning clearance permit will be denied, with a written statement specifying the reasons for the denial.

(Ord. No. 759, § 7, 12-4-84)

#### Sec. 5-182. Certificate of occupancy.

(a) Occupancy requirement. Prior to the occupancy of any manufactured or mobile home, the homeowner or authorized representative shall secure from the city's zoning administrator a certificate of occupancy, stating that the building and its use comply with all provisions of the article applicable to the building or the use in the district in which it is to be located.

(b) Issuance of certificate. After submission of an application for a certificate of occupancy, the city's zoning administrator shall inspect the property and make such referrals to other local officials for technical determinations, as may be deemed appropriate, for conformance with conditions of the zoning clearance permit and the standards set in this article. If the applicant has conformed with all the required conditions and standards, a certificate of occupancy shall be issued within three (3) working days.

(c) Temporary certificate. If after submission of the application for certificate of occupancy and the examination by the city's zoning administrator, it is found that the applicant has not fully met the required conditions and standards, a temporary certificate of occupancy, along with a written statement of necessary modifications, may be issued for a period not to exceed two (2) months, pending completion of the modifications.

(d) Denial of certificate. If any of the major conditions or standards have not been complied with, the certificate of occupancy is denied, with a written statement specifying the reasons for the denial.

(Ord. No. 759, § 7, 12-4-84)

**Sec. 5-183. Failure to obtain required permits and certificate.**

Failure to obtain either zoning clearance permit or a certificate of occupancy shall be in violation of this article and punishable under the provisions of § 5-185 of this article.

(Ord. No. 759, § 7, 12-4-84)

**Sec. 5-184. Temporary use permit.**

(a) Circumstances for permit issuance. Subject to conditions, fees, and standards otherwise required by this article, a temporary use permit may be issued:

- (1) To an applicant in the process of building a conventional dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling, such a permit shall not be issued until after a building permit for the dwelling has been issued;
- (2) To an applicant to use a manufactured or mobile home as a caretaker's quarters or construction office at a job site; and
- (3) To an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.

(b) Length of permit. A temporary use permit may be issued by the planning and zoning commission for a period not to exceed one (1) year. The temporary permit may be renewed for additional one (1) year periods upon showing of good cause, and with permission to do so. However, at the discretion of the planning and zoning commission, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

(c) Permit expiration. At the time the temporary permit expires, the manufactured or mobile home and all appurtenances shall be removed from the property within ninety (90) days.

(d) Utility requirements. Manufactured or mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections.

(e) Permit fee. A temporary use permit shall be issued by the city's zoning administrator. The fee shall be twenty-five dollars (\$25.00), and is in addition to all other required permits for utilities and sewage disposal systems.

(Ord. No. 759, § 8, 12-4-84)

## BUILDINGS AND BUILDING REGULATIONS

### **Sec. 5-185. Penalty for violation.**

(a) Failure to comply. Each day of noncompliance with the provisions of this article constitutes a separate and distinct violation. A fine of up to the maximum amount allowed for such violation or offense pursuant to TIT. 11 OKLAHOMA STATUTES, §14-111, as the same is currently enacted, or as the same may be hereafter amended may be imposed for a violation of this article. Each day upon which such violation shall continue shall constitute a separate offense and a separate fine may be imposed therefor.

(b) Subject to removal. A home, sited upon property in violation of this article shall be subject to removal from such property. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.

(c) Removal method. The city's zoning administrator may institute a suit in an appropriate court for injunctive relief to cause such violation of this article to be prevented, abated or removed.

(Ord. No. 759, § 9, 12-4-84; Ord. No. 880, § 5, 6-27-00; Ord. No. 925, § 2, 3-11-08)

## ARTICLE VII. SIGNS, BUILDING CODES AND PERMITS

### DIVISION 1. BUILDING CODES AND PERMITS

#### **Sec. 5-201 Signs and Building Codes.**

All signs shall be subject to all applicable provisions (including but not limited to permit requirements) of building codes and other codes adopted by the City of Pauls Valley. However, where the provisions of this Code (exclusive of codes adopted therein) conflict with any adopted code, the provisions of this Code (exclusive of codes adopted therein) shall prevail.

(Ord. No. 903, § 1, 3-23-04)

#### **Sec. 5-202 Permits.**

Except as expressly provided elsewhere in this code (exclusive of codes adopted therein), it shall be unlawful to display, erect, relocate or alter any sign without first filing with the Code Compliance Officer an application in writing, and obtaining a sign permit. When a sign permit has been issued by the Code Compliance Officer, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Code Compliance Officer. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Code Compliance Officer.

(Ord. No. 903, § 2, 3-23-04)

#### **Sec. 5-203 Application for permit.**

The application for a sign permit shall be made by the owner or a sign contractor. Such applications shall be made in writing on forms furnished by the Code Compliance Officer and shall be signed by the applicant.

(Ord. No. 903, § 3, 3-23-04)

#### **Sec. 5-204 Revocation of Permits.**

If the Code Compliance Officer finds that work under any permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this chapter or any other pertinent ordinance, or if he finds that there has been any misrepresentation in connection with the application for the permit, he shall notify the owner or sign contractor of such findings and that the violation must be corrected without delay. If such correction is not made, the Code Compliance Officer shall revoke the permit and serve written notice thereof upon the owner or sign contractor. No person shall proceed with any part of such work after such notice is received. The owner or sign contractor shall have the right to appeal the decision of the Code Compliance Officer in the manner provided for in article IX herein.

Supp. 9 (7-31-08)

(Ord No. 903, § 4, 3-23-04)

**Sec. 5-205      Revocation of permits for non-use.**

(a)      If substantial actual work either on- or off-site is not commenced under any permit issued within sixty (60) days from the date of such permit, and/or if substantial building operations under any permit issued under this article are suspended for a period of sixty (60) consecutive days, the permit shall automatically become null and void.

(b)      Delays which are not a result of willful acts or neglect of the contractor, owner or person obtaining the permit may be excluded from the terms of paragraph (a) above, and the Code Compliance Officer may grant an extension of time in which to start or resume operations. All requests for extension and approval thereof shall be in writing.

(Ord. No. 903, § 5, 3-23-04)

**Sec. 5-206      Forfeiture of fees.**

When any permit has been revoked, permit fees shall not be refunded.

(Ord. No. 903, § 6, 3-23-04)

**Sec. 5-207      Plans, specifications and other data required.**

The application for a sign permit shall be accompanied by the following plans and other information:

(1)      The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.

(2)      The location by street address of the site of the proposed sign structure.

(3)      Complete information as required on application forms provided by the Code Enforcement Officer or other designated city official, including a site plan and elevation drawings and precise location of the proposed sign, caption of the proposed sign, and such other data as is pertinent to the application.

(4)      Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and material to be used.

(5)      Application for an electrical permit, and required information for such application, for all electric signs if the person building the sign is to make the electrical connection.

(6)      A statement of valuation.

(Ord. No. 903, § 7, 3-23-04)

**Sec. 5-208      Permit fees.**

A permit fee shall be paid to the City for each sign permit issued under this code [chapter]. The permit fee shall be Twenty-five dollars (\$25.00).

The above fees do not include electrical permit fees, which shall be in addition to the above. If any person installs or commences work on a sign for which a permit is required before obtaining the necessary permit, the permit fee shall automatically be doubled.

(Ord. No. 903, § 8, 3-23-04)

**Sec. 5-209      Identification and marking.**

Each permanent sign hereafter erected or remodeled shall bear thereon a clearly legible identification plate not exceeding fifteen (15) square inches in area stating the name of the person, firm or corporation responsible for its construction and erection, with installation date and permit number thereon. Electrical signs shall be marked with input amperes at full load input. However, this requirement shall not apply to a sign which is affixed to a building and which contains only the names, addresses, telephone numbers and occupations of the persons and businesses which conduct business inside the building.

(Ord. No. 903, § 9, 3-23-04)

## BUILDINGS AND BUILDING REGULATIONS

### **Sec. 5-210 Inspections.**

All signs shall be subject to Inspections by the Code Compliance Officer. Footing inspections shall be required on the day of excavation for all ground signs. The Code Compliance Officer shall, within forty-eight (48) hours after being notified that the sign is ready for inspection, also require inspection of electrical signs before erection. The permit holder or his agent shall notify the Code Compliance Officer when signs are complete and ready for final inspection.

(Ord. No. 903, § 10, 3-23-04)

### **Sec. 5-211 Festival or public event banners.**

Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a "limited license" granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners shall not be placed so as to interfere with legitimate traffic and safety concerns.

(Ord. No. 903, § 11, 3-23-04)

## **DIVISION 2. PROHIBITED AND RESTRICTED SIGNS.**

### **Sec. 5-212. Portable Signs Prohibited; Temporary Signs Restricted.**

(a) Definitions: For purposes of this section:

*Portable sign* means a transportable sign with or without wheels and/or tires designed for temporary or permanent use. Typically, such signs are less than six feet in height, are mounted on a wheeled undercarriage or temporary base, and contain a display area designed to allow rapid revision of the letters, numbers and other characters in the advertising message. No modifications or other efforts to make a portable sign non-transportable (such as fastening to a building or permanent base or foundation, or directly wiring the sign into an electrical circuit) shall remove the sign from the definition of portable sign or the restrictions placed on portable signs. However, a sign which is originally designed to be mounted, and is mounted, on one or more posts or other structural members which are set in sufficient concrete to permanently anchor the sign shall not constitute a portable sign, even if such sign has a display area designed to allow a rapid revision of characters in an advertising message.

*Real estate sign* shall mean a nonilluminated sign which (1) advertises only the sale or lease of premises on which the sign is placed, and (2) does not exceed 12 square feet of display surface area and five feet in height.

*Temporary sign* shall mean any sign or advertising device constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, which is intended to be displayed, or is fit to be displayed, for a limited period of time only. Signs may constructed of metal or wood shall constitute temporary signs if the metal or wood is not sufficient to withstand the elements for an extended period of time. Regardless of the materials of which a sign is constructed, any sign whose posts or other structural members are not set in sufficient concrete to permanently anchor the sign (or are not permanently affixed to a structure) shall constitute a temporary sign. Notwithstanding the foregoing, a sign or awning made of vinyl, canvas, cloth or similar material shall not be considered a temporary sign if all of the following criteria are met: (a) the vinyl, canvas, cloth or similar materials is securely affixed to or around a rigid wooden or metal frame at intervals not exceeding six inches, (b) the frame is set in sufficient concrete to permanently anchor the frame or is securely affixed to a building, and (c) the material is stretched to avoid significant sagging or flapping of the material.

(b) Certain signs declared nuisances. Portable signs and temporary signs, except as expressly allowed herein, are hereby declared to constitute a public nuisance by reason of the following:

- (1) The mobility of such signs undermines enforcement efforts to prevent the signs from being placed in the street right-of-way or in parking areas, where they impede the safe and orderly flow of vehicular traffic and pose a hazard for pedestrians.
- (2) The appearance of such signs creates a blight on the community, reducing the value and desirability of surrounding property, inhibiting economic development by creating a negative visual image of the City, and generally damaging the aesthetic quality of life for the citizens of the City.

(c) Portable and Temporary signs prohibited. No person, firm, partnership, association, corporation or any other organization shall erect or place on any property within the City any portable sign or temporary sign, except that, unless prohibited elsewhere in this Code or by any other applicable law:

- (1) Temporary signs may be placed without a sign permit anywhere within a building.
- (2) Temporary signs may be placed without a sign permit inside a window, even if the sign so placed can be seen only by persons outside the building.
- (3) Real estate signs may be placed without a sign permit on a property for sale or lease, provided that no more than one sign is placed on any street frontage of the property, and provided that the sign is removed within 10 days from the sale or lease of the property.
- (4) Political advertising signs may be placed without a sign permit, provided there is full compliance with Section 13-21 of this Code and all other laws.
- (5) A garage sale sign may be placed without a sign permit on the premises where a garage sale is being conducted, provided there is full compliance with Section 12-13 of this Code and all other laws.
- (6) A sign, banner, or pennant for short-term display may, after obtaining a sign permit, be placed for a period not to exceed sixty (60) days to announce a special event. Said sign may be constructed of cloth, canvas, or similar material, but need not have a structural frame, provided that the corners of the sign are sufficiently secured to a building. In no event shall more than two permits be issued in the same calendar year for the placement of such signs on a particular property.

(d) Existing portable signs declared nonconforming; Removal of nonconforming portable signs. Any portable sign in compliance with all laws, ordinance or other regulations immediately preceding the effective date of this Ordinance shall be deemed a permitted nonconforming use for a period of six months from said date. However, after six months from said date, all portable signs shall be illegal and shall be immediately removed.

(e) Persons responsible for removal. It shall be the responsibility of the owner of the property on which the portable sign is located and any sign contractor last owning, maintaining or operating any nonconforming portable sign to cause such portable sign to be removed at or before the time established subsection (d) of this Section.

(f) Separate offenses. Each sign that does not fully comply with this Code shall constitute a separate offense. Each day upon which a violation of the section shall continue shall constitute a separate offense.

(Ord. No. 903, § 12, 3-23-04)

**Editor's note** - Ord. No. 903 was effective 3-23-04. Therefore, portable signs existing on that date become illegal on 9-24-04.

### **Sec. 5-213. Other prohibited signs.**

The following signs shall not be permitted, erected or maintained in the City:

- (1) Signs with visible moving, revolving, flashing, blinking, rotating parts or visible mechanical movement of any description, except for time-temperature-date signs.
- (2) Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
- (3) Animated signs.
- (4) Flares.
- (5) Strings of light bulbs, greater than four (4) watts per bulb, used in connection with commercial premises for commercial purposes, other than traditional holiday decorations.
- (6) Signs which incorporate projected images or emit any sound which is intended to attract attention.
- (7) Any sign (together with its supporting structure) now or hereafter existing which, ninety (90) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located.

## BUILDINGS AND BUILDING REGULATIONS

(8) Any sign which is installed or erected in or projects into or over any public right-of-way, except in the case of a sign which a permit has been issued in conformance with the requirements of this code and all other applicable laws.

(9) Signs attached or otherwise applied to trees or utility poles.

(10) Any sign or sign structure which:

- a. Is structurally unsafe;
- b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
- c. Is not kept in good repair;
- d. Is abandoned; or
- e. Is capable of causing electrical shocks to persons likely to come in contact with it.

(11) Any sign or sign structure which:

- a. In any way obstructs the view of, may be confused with, or purports to be an official traffic sign, signal or device or any other official sign;
- b. Uses words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle;
- c. Creates in any other way an unsafe distraction for motor vehicle operators; or
- d. Obstructs the view of motor vehicle operators and/or pedestrians entering a public roadway.

(12) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

(Ord. No. 903, § 13, 3-23-04)

### **Sec. 5-214. Posting of Official Notices.**

Nothing in this Code shall be construed to prohibit the posting of official notices as allowed or required by applicable law, or to require a permit for such posting.

(Ord. No. 903, § 14, 3-23-04)

### **Sec. 5-215. Traffic, direction and Similar Signs.**

Nothing in this Code shall be construed to restrict the City's right to place traffic signs, directional signs and similar signs, or to require a permit for such placement.

(Ord. No. 903, § 15, 3-23-04)

