

**PART 5**  
**BUILDING REGULATIONS AND CODES**

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## CHAPTER 1

**BUILDING CODE AND REGULATIONS**

## SECTION:

- 5-101: Building Code Adopted
- 5-102: Additions And Changes To Building Code
- 5-103: Penalty
- 5-104: Building Official
- 5-105: Fire Limits Defined
- 5-106: Building Permit Requirement; Fee

5-101:       **BUILDING CODE ADOPTED:** A certain document, three (3) copies of which are on file in the office of the town clerk of the town of Luther, being marked and designated as the international building code, 2006 edition, including all appendix chapters (see international building code section 101.2.1, 2006 edition), as published by the International Code Council, be and is hereby adopted as the building code of the town of Luther, in the state of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the town of Luther are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 5-102 of this chapter. (Ord. 2006-5, 12-12-2006)

5-102:       **ADDITIONS AND CHANGES TO BUILDING CODE:** The following sections are hereby revised:

Section 101.1. Insert:

Town of Luther

Section 1612.3. Insert:

Town of Luther

Section 1612.3. Insert:

Current

Section 3410.2. Insert:

Effective date of this ordinance  
(Ord. 2006-5, 12-12-2006)

5-103:       **PENALTY:** A person who violates a provision of the building code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in section 1-108 of this code, including costs. Each day upon which a violation continues shall be deemed a separate offense. (Prior code § 4-3)

5-104:       **BUILDING OFFICIAL:** The building official of this town shall be appointed by the board of trustees and shall have the powers and duties prescribed for the "building official" by the building code. The building official's powers and duties may be exercised by his authorized representatives under his supervision and control. The term "building inspector", whenever used in the ordinances of the town, means the building official. The terms "electrical inspector", "plumbing inspector", and "gas inspector", wherever used in the ordinances of the town, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, or gas inspector is appointed by the board of trustees. (Prior code § 4-3)

5-105:       **FIRE LIMITS DEFINED<sup>1</sup>:** The fire limits are as may be set by the town board by motion or resolution. (Prior code § 4-5)

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1. See chapter 10 of this part.

**5-106: BUILDING PERMIT REQUIREMENT; FEE:**

- A. No building or other structure shall be built, enlarged, altered such that additional square feet is added to the structure or moved without a building permit except as is otherwise provided in section 12-240 of this code. Included within the term "altered" are, but not limited to:
1. Whenever changes to a building or other structure alter the structure so that the total square feet of the structure is increased;
  2. Whenever a building or structure is to be moved from without the town to a location within the town or from one location in the town to another location within the town.
- B. The requirements for a building permit for accessory buildings and storage sheds and accessory structures are as follows:
1. Any accessory building or storage shed that has a permanent foundation shall require a building permit.
  2. Any accessory building or storage shed in which electricity or plumbing is installed shall require a building permit.
  3. Any accessory building or storage shed that does not exceed twelve by twenty feet (12 x 20') and is not on a permanent foundation and does not have electricity or plumbing shall not require a building permit.
  4. A building permit shall be required for the installation of an inground pool but should not be required for an aboveground pool.
- C. A person desiring a building permit shall submit an application therefor to the town clerk-treasurer during regular office hours. The applicant shall submit with the application such reasonable information as the planning commission may require to enable it to determine whether granting the permit would be in accordance with the requirements of the ordinances of the town.
- D. If the application is in accordance with the requirements of the ordinances and laws, the planning commission shall approve the application for the permit and direct the clerk-treasurer to deliver the permit upon the payment by the applicant of a building permit fee which shall be set by motion or resolution of the board of trustees. A current copy of the fee schedule shall be kept in the office of the town clerk-treasurer. (Ord. 2006-4, 7-11-2006)



5-201

5-202

## CHAPTER 2

### PLUMBING CODE

#### SECTION:

- 5-201: Adoption Of Plumbing Code
- 5-202: Additions, Insertions And Changes To Plumbing Code
- 5-203: Effective Date (Rep. by Ord. 2006-9, 12-12-2006)
- 5-204: Plumbing Permits Required, Fees
- 5-205: Plumbing Inspector; Office Created; Duties
- 5-206: Responsibility For Damages
- 5-207: State License And Registration Required
- 5-208: Bond Required

5-201:       **ADOPTION OF PLUMBING CODE:** A certain document, three (3) copies of which are on file in the office of the town clerk of town of Luther, being marked and designated as the international plumbing code, 2006 edition, including appendix chapters A through G, as published by the International Code Council, be and is hereby adopted as the plumbing code of the town of Luther, in the state of Oklahoma for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the town of Luther are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 5-202 of this chapter. (Ord. 2006-9, 12-12-2006)

5-202:       **ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE:** The following sections of the international plumbing code are hereby revised:

Section 101.1. Insert:

**Town of Luther**

5-202

5-205

Section 106.6.2. Insert:

**\$59 or \$25**

Section 106.6.3. Insert:

**0% in two locations**

Section 108.4. Insert:

**Misdemeanor offense, maximum \$500.00 dollars, zero days**

Section 108.5. Insert:

**\$10.00 dollars minimum and \$500.00 maximum**

Section 305.6.1. Insert:

**18 inches in two locations**

Section 904.1. Insert:

**24 Inches**  
(Ord. 2006-9, 12-12-2006)

5-203: **EFFECTIVE DATE:** (Rep. by Ord. 2006-9, 12-12-2006)

5-204: **PLUMBING PERMITS REQUIRED, FEES:** No plumbing work shall be undertaken within the town without a permit therefor from the town clerk. The fees to be paid for a plumbing permit shall be as provided by the town board by motion or resolution. The application for permit and inspection of work shall follow the provisions of the town's plumbing code. (Prior code § 4-12)

5-205: **PLUMBING INSPECTOR; OFFICE CREATED; DUTIES:** The office of inspector of plumbing is hereby created and shall be filled and the duties of the office performed by some person appointed by the town board. Such inspector shall make inspection and testing of all plumbing and sewer connections done within the town and shall have the right to deputize any person equally qualified to make the actual inspections and report. He may and shall carry out the performance of this chapter. The

testing of plumbing shall be done by filling all drains with water to the roof, and such other tests as the inspector shall deem necessary. (1984 Code)

5-206:       **RESPONSIBILITY FOR DAMAGES:** This chapter shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any plumbing equipment for damages to persons or to property caused by any defect therein, nor shall the town or any officer or employee of such town be held as assuming such liability by reason of the inspection or reinspection as herein provided or by reason of the approval or disapproval of any equipment authorized herein. (1984 Code)

5-207:       **STATE LICENSE AND REGISTRATION REQUIRED:** Any person who performs plumbing work within the town of Luther must be licensed by the state of Oklahoma to do plumbing work. Any person, firm or corporation, before engaging in the business of plumbing or being a plumbing contractor, journeyman plumber or apprentice, shall pay to the clerk a registration fee in such sum as set by the town board by motion or resolution. The town, upon payment of the fee and showing proof of a state license, shall issue certificates for such registration which shall expire annually as specified in the certificate. (Ord. 2008-03, 2-12-2008)

5-208:       **BOND REQUIRED:**

- A. All plumbing contractors shall, prior to the commencement of any plumbing work, furnish a bond in the principal sum of one thousand dollars (\$1,000.00), or as set by the town board, as a guarantee and condition that:
1. The installation of plumbing shall be in accordance with the requirements of this code;
  2. The contractor shall, without additional cost to the person for whom the work has been done, remedy any defective or faulty work caused by incompetent workers, inferior or nonstandard material; and
  3. Such bond as is furnished shall be liable for the correction of any additional cost arising from the above mentioned cause. (1984 Code)

5-301

5-302

CHAPTER 3  
**ELECTRICAL CODE**

*Per Mark Wheeler  
on 5-22-19, The Town  
of Luther copies the  
rules of OK County, who  
is currently under the  
2014 NEC Code.*

**SECTION:**

- 5-301: Electrical Equipment Defined
- 5-302: Electrical Code Adopted
- 5-303: Underwriters Laboratories, Inc
- 5-304: Board May Make Special Rulings
- 5-305: Pilot Light Required For Iron In Mercantile Occupancies
- 5-306: Branch Circuits
- 5-307: Basement Installations
- 5-308: Permit Required For Electrical Installations; Issuance
- 5-309: Wiring In Fire Zone
- 5-310: Extensions Of Certain Installations
- 5-311: Overhead Service Conductors
- 5-312: Rigid Conduit
- 5-313: Electrical Inspector To Inspect All Electrical Installations
- 5-314: Installation Not To Be Concealed Until Approved
- 5-315: Work "Roughed In"
- 5-316: Inspection Of New Work "Roughed In"
- 5-317: Inspector May Enter Buildings
- 5-318: Responsibility For Damages
- 5-319: Electric Utility Not To Connect Until Permit Issued
- 5-320: State License And Registration Required
- 5-321: Bond Required

5-301: **ELECTRICAL EQUIPMENT DEFINED:** The term "electrical equipment" used in this chapter refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind, or description, to be installed within or on any building or structure. (Prior code § 4-14)

5-302: **ELECTRICAL CODE ADOPTED:** The national electrical code established by the National Fire Protection Association is hereby adopted by the town of Luther. All installations of electrical

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equipment shall be in conformity with the above code. (Ord. 2006-7, 12-12-2006)

5-303:       **UNDERWRITERS LABORATORIES, INC.:** All electrical equipment installed or used shall be in conformity with the provisions of this chapter, the statutes of the state and any orders, rules and regulations issued by the authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this chapter, by a statute of the state or any orders, rules, or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to persons or to property. (Prior code § 4-16)

5-304:       **BOARD MAY MAKE SPECIAL RULINGS:** The board of trustees of the town, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations. In all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions. (Prior code § 4-17)

5-305:       **PILOT LIGHT REQUIRED FOR IRON IN MERCANTILE OCCUPANCIES:** In all mercantile occupancies where electric irons are used, they must be installed with approved pilot light. If pilot light is in an enclosure such as an alteration room, an additional light must be installed in a visible position outside the enclosure. (Prior code § 4-21)

5-306:       **BRANCH CIRCUITS:** In residential and mercantile occupancies, lighting branch circuits shall be confined to one thousand (1,000) watts, and not more than eight (8) outlets per circuit will be allowed in the fire limits. Branch circuit conductors shall be smaller than no. 12. Type C lamp cord will not be permitted in the kitchen or restaurants or like places where grease accumulates, nor in part of a building where live poultry is confined. (Prior code § 4-23)

5-307:       **BASEMENT INSTALLATIONS:** A circuit of not less than no. 12 wire shall be installed in basements in any area subject to floods. Ground connections shall not be made in toilets, adjacent to salt

5-307

5-311

storage, acid vapors, or in any location where the grounding conductor and fitting is likely to become corroded. (Prior code § 4-24)

**5-308: PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE:**

- A. It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits of this town or make extensions to any existing electrical installations without first securing a permit from the town clerk.
- B. Applications for electrical permits shall be made to the town clerk; and the applicant shall provide such plans, specifications, and other data as may be reasonably required.
- C. The fee for an electrical permit shall be as prescribed by motion or resolution passed by the board of trustees. A copy of the fee schedule shall be kept in the town clerk's office. (Prior code § 4-25)

**5-309: WIRING IN FIRE ZONE:** All wiring hereafter installed in the fire limits must be placed in metallic raceways. Armored cable or flexible conduit is to be used only when in the judgment of the electrical inspector it is impractical to install other metallic raceways. Exception to the requirements of this section are specified in section 5-310 of this chapter. (Prior code § 4-18)

**5-310: EXTENSIONS OF CERTAIN INSTALLATIONS:** Wiring installations, consisting of concealed knob and tube, cleat, armored cable or flexible conduit that was installed previous to the adoption of this code, when in the judgment of the electrical inspector, is in a safe condition, may have extension of the same kind of work made to these installations. (Prior code § 4-19)

**5-311: OVERHEAD SERVICE CONDUCTORS:** Overhead service conductors shall be installed in approved metallic raceways, unless approved service entrance cable is used; and raceway shall be continuous to, and securely attached to service equipment. Installations of four (4) circuits or more shall have 3-wire service. No service conductor to be less than no. 6 B&S gauge. (Prior code § 4-20)

5-312

5-317

5-312:       **RIGID CONDUIT:** For mechanical security and continuity to ground, rigid conduit shall be provided with two (2) locknuts, one inside and one outside the equipment to which it is attached. Metallic service equipment rigid conduit, electrical metallic tubing, flexible conduit, metallic switch, outlet receptacle and junction boxes shall have a conductive coating or finish. Watertight couplings shall be employed for joining electrical metallic tubing. (Prior code § 4-22)

5-313:       **ELECTRICAL INSPECTOR TO INSPECT ALL ELECTRICAL INSTALLATIONS:** It is the duty of the electrical inspector to inspect all electrical equipment installed within the city. (Prior code § 4-26)

5-314:       **INSTALLATION NOT TO BE CONCEALED UNTIL APPROVED:** It is unlawful for any person, firm, partnership, corporation or individual to conceal or cause to be concealed, any electrical equipment, used for electric light, heat or power, until they know the installation has been approved by the electrical inspector; and a tag in the switch cabinet, or attached to the service equipment properly signed and dated, so stating, will be sufficient notice. (Prior code § 4-27)

5-315:       **WORK "ROUGHED IN":** New or old work "roughed in" shall include all electrical equipment to make the installation complete, be free from unintentional grounds, with joints properly made up, ready for attachment of fixtures, droplights and appliances. (Prior code § 4-28)

5-316:       **INSPECTION OF NEW WORK "ROUGHED IN":** After making inspection of new work "roughed in", the electrical inspector shall leave a tag or notice in the switch cabinet or attached to the service equipment, plainly indicating whether the work has been approved and is ready to conceal, or that the installation is not standard and must not be covered until approved by the electrical inspector. (Prior code § 4-29)

5-317:       **INSPECTOR MAY ENTER BUILDINGS:** The electrical inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises at any reasonable hour, for the purpose of making any electrical inspection, reinspection, or test of the electrical equipment contained therein or its installation. Any person

5-317

5-321

interfering with the electrical inspector shall be fined as provided for in this code. (Prior code § 4-30)

5-318:       **RESPONSIBILITY FOR DAMAGES:** This chapter shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or to property caused by any defect therein, nor shall the town or any officer or employee of such town be held as assuming such liability by reason of the inspection or reinspection as herein provided or by reason of the approval or disapproval of any equipment authorized herein. (Prior code § 4-31)

5-319:       **ELECTRIC UTILITY NOT TO CONNECT UNTIL PERMIT ISSUED:** It is unlawful for any electric light or power company, or any supplier of electricity or light, heat or power, to make any electrical connection to any building or premises or electric wiring or apparatus until a building permit or electrical permit or written permit authorizing connection has been issued by the town. All firms, corporations, or individuals, whether operating under a regular franchise granted by the town or not, shall upon written notice by the town, disconnect from any such circuit, including main service wires, branch feeder wires, or distribution, as designated by the notice, and shall not reconnect to the installation except upon written notice from the town. (Ord. 82-2, 9-21-1982)

5-320:       **STATE LICENSE AND REGISTRATION REQUIRED:** Any person who performs electrical work within the town of Luther must be licensed by the state of Oklahoma to do electrical work. Any person, firm or corporation, before engaging in the business of electrical work or being an electrical contractor, journeyman electrician or apprentice, shall pay to the clerk a registration fee in such sum as set by the town board by motion or resolution. The town, upon payment of the fee and showing proof of a state license, shall issue certificates for such registration which shall expire annually as specified in the certificate. (Ord. 2008-04, 2-12-2008)

5-321:       **BOND REQUIRED:**

- A. All electrical contractors shall, prior to the commencement of any electrical work, furnish a bond in the principal sum of one thousand



dollars (\$1,000.00), or as set by the town board, as a guarantee and condition that:

1. The installation of electrical work shall be in accordance with the requirements of this code;
2. The contractor shall, without additional cost to the person for whom the work has been done, remedy any defective or faulty work caused by incompetent workers, inferior or nonstandard material; and
3. Such bond as is furnished shall be liable for the correction of any additional cost arising from the above mentioned cause. (1984 Code)

## CHAPTER 4

**RESIDENTIAL CODE**

## SECTION:

- 5-401: Residential Code Adopted  
5-402: Additions And Changes

5-401: **RESIDENTIAL CODE ADOPTED:** A certain document, three (3) copies of which are on file in the office of the town clerk of the town of Luther, being marked and designated as the international residential code, 2006 edition, including all appendix chapters (see international residential code section R102.5, 2006 edition), as published by the International Code Council, be and is hereby adopted as the residential code of the town of Luther, in the state of Oklahoma for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the town of Luther are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 5-402 of this chapter. (Ord. 2006-8, 12-12-2006)

5-402: **ADDITIONS AND CHANGES:** The following sections are hereby revised:

Section R101.1. Insert:

**Town of Luther**

Table R301.2(1) Insert:

**American Forest And Paper Association Wood Frame  
Construction Manual For One- And Two-Family Dwellings**

5-402

5-402

Section P2603.6.1 Insert:

**18 inches in two locations**  
(Ord. 2006-8, 12-12-2006)

## Building Regulations and Codes

### CHAPTER 5

#### OIL AND GAS DRILLING

Section 5-501	Intent and purpose.
Section 5-502	Definitions.
Section 5-503	Permits.
Section 5-504	Application and filing fee.
Section 5-505	Issuance or refusal of permit.
Section 5-506	Permittee's insurance and bond.
Section 5-507	Enhanced recovery and saltwater or deleterious substances disposal wells.
Section 5-508	Annual fee to operate.
Section 5-509	Disposal of salt water.
Section 5-510	Compliance with applicable laws.
Section 5-511	Surface casing.
Section 5-512	Abandoned and plugging.
Section 5-513	Well location.
Section 5-514	Fences.
Section 5-515	Noise and other nuisances.
Section 5-516	Facilities.
Section 5-517	Storage tanks and separators.
Section 5-518	Fire prevention.
Section 5-519	Pits.
Section 5-520	Retaining walls.
Section 5-521	Motive power.
Section 5-522	Derrick and rig.
Section 5-523	Drilling operation, equipment.
Section 5-524	Moving of drilling rig.
Section 5-525	Streets and alleys.
Section 5-526	Flaring of gas.
Section 5-527	Fracture and acidizing.
Section 5-528	Swabbing and bailing.
Section 5-529	Rupture in surface casing.
Section 5-530	Depositing oil products.
Section 5-531	Safety precautions.
Section 5-532	Water for muds.
Section 5-533	Oil and gas inspector.
Section 5-534	Service companies.
Section 5-535	Accumulation of vapor.
Section 5-536	Inspection of pressure lines.
Section 5-537	Ingress and egress.
Section 5-538	Order to cease operations.
Section 5-539	Appeals.
Section 5-540	Town board of trustees review of permit recommendations; property owners within 300 feet.
Section 5-541	Conduits on streets and alleys.
Section 5-542	Annual fee for conduits.
Section 5-543	Applicability to existing conditions.
Section 5-544	Informal complaints.
Section 5-545	Seismic explorations, permit, fee.
Section 5-546	Open hole formation testing.
Section 5-547	Penalties.

SECTION 5-501      INTENT AND PURPOSE.

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

SECTION 5-502      DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

1. "Board of trustees" shall mean the governing body of the town;
2. "Mayor" shall mean the chief elected official of the town;
3. "State" shall mean the State of Oklahoma, its branches, departments, agencies, boards or the officers thereof;
4. "Person" shall mean and include any person, firm, partnership, association, corporation, trust, cooperative, or other type of organization;
5. "Permittee" shall mean the person to whom is issued a permit or permits under the terms of this chapter;
6. "Well" shall mean, unless specifically qualified, any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquified petroleum matter or deleterious substances, or for the injection or disposal of any of the foregoing;
7. "Natural production" shall mean the raising to the surface of the earth, by natural flow, petroleum or natural gas;
8. "Artificial production" shall mean the raising to the surface of the earth, by means other than natural flow, petroleum or natural gas;
9. "Deleterious substance" shall mean any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of oil, gas or condensate;
10. "Pollution" shall mean the contamination or other alteration of the physical, chemical, or biological properties of any natural waters of the town, or such discharge of any liquid, gaseous or solid substance into any water of the town as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses; or to livestock, animals or aquatic life;
11. "Water", "waters of the town" or "town water" shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the town or any portion thereof;
12. "Pressure maintenance" shall mean an operation by which gas, water or other fluids are injected into a supply of oil to maintain pressure or retard pressure

decline therein for the purpose of facilitation recovery therefrom, and which has been approved by the Corporation Commission after notice and hearing;

13. "Enhanced recovery" shall mean an operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery therefrom;

14. "Corporation Commission" shall mean the Oklahoma Corporation Commission;

15. All technical or oil and gas industry works or phrases used herein and not specifically defined herein shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry;

16. "Oil and gas inspector" shall mean that person, firm or corporation designated by the town to enforce the provisions of this chapter, or by his authorized representatives;

17. "Abandoned well" shall mean:

- a. Each well in which no production casing has been run, and for which drilling or testing operations have ceased for thirty (30) consecutive days, or;
- b. Any other well for which there is no current town permit;

18. "Salt water" as used in this chapter shall mean any water containing more than five hundred (500) mg/l chlorides; and

19. "Treatable water" shall mean surface and subsurface water in its natural state which may or may not require treatment to be useful for human consumption, and contains less than ten thousand (10,000) ppm total dissolved solids and/or five thousand (5,000) ppm chlorides.

#### SECTION 5-503 PERMITS.

It is unlawful and an offense for any person acting for himself or acting as agent, servant, employee, subcontractor, or independent contractor of any other person, to well within this town, or to work upon or assist in any way in the production or operation of any such well, without a permit having first been issued by the authority of the oil and gas inspector in accordance with this chapter.

#### SECTION 5-504 APPLICATION AND FILING FEE.

A. Every application for a permit to drill an original well or to re-enter an abandoned well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the oil and gas inspector and be accompanied by a filing fee as set by the town board by motion or resolution. No application shall request a permit to drill more than one well. The application shall contain full information required by the oil and gas inspector, including the following:

1. Name and address of applicant and date of application;
2. Where applying for a proposed original well:

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- a. A block map of the ten (10) acres surrounding the drill site, including thereon the location of the proposed well, and distance therefrom to all existing dwelling-houses, buildings, or other structures, designed for the occupancy of human beings or animals, and the owners thereof as shown by the current tax rolls in the county treasurer's office, within three hundred (300) feet of any such well, and the location of all existing oil, gas or fresh water wells within the ten (10) acre tract; and
  - b. The names of the mineral, surface and lease owners;
3. A drilling prognosis, to specify in detail the amount, weight, and size of conductor pipe and surface pipe and the procedures to be used for cementing such. Plugging procedures to be used in the event production is not established shall also be specified;
  4. A statement of the provisions for water for the drilling rig;
  5. A written plan for disposal of deleterious substances produced during the drilling operations and any deleterious substances produced as a result of production from the well. This plan shall include the method of transportation and the name of transporter or transport contractor for the deleterious substances and the name and location of the permitted disposal site, including a copy of the permit for the disposal site and a contract with the owner of the permitted site for the disposal of the deleterious substances, or in the alternative, provide proof of ownership of the permitted disposal site. The permittee shall provide monthly reports to the town of the amount of saltwater and other deleterious substances produced, along with receipts for disposal of same;
  6. The name and address of the person within the State of Oklahoma upon whom service of process upon applicant may be made within this state; and in the case of any non-resident person who has no such service agent within this state, there shall be attached to the application the designation of such a service agent resident in Oklahoma County, Oklahoma, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations of the applicant hereunder; and
  7. A verification of the above information by the applicant hereunder.
- B. A copy of the approved drilling permit from the Corporation Commission and a copy of the staking plat shall be filed with the town prior to issuance of the municipal permit.
  - C. Where the application is one for the re-entry of an abandoned well, the application shall contain all the information required by Subsection A of Section 4 above, with the exception that the oil and gas inspector may vary the requirements thereof to suit the application before him. Provided, that such an application for a permit to re-enter an abandoned well shall provide the following information in every case:
    1. A statement of:
      - a. The present condition of the well;

b. The depth to which it is proposed such well shall be deepened; and

c. The proposed casing program to be in connection with the proposed deepening; and

2. Evidence of adequate current tests showing that the casing strings currently passed the same tests that are required in the case of the drilling of an original well. (1984 Code)

**5-505: ISSUANCE OR REFUSAL OF PERMIT:**

- A. The town clerk's office within thirty (30) business days after the filing of an application for a permit under this chapter shall determine whether or not the application complies in all respects with the provisions of this chapter and applicable federal and state law, and, if it does, shall recommend to the mayor and board of trustees that the permit be issued. Each permit issued under the terms of this chapter shall: (Ord. 2008-01, 2-12-2008)
1. By reference have incorporated therein all the provisions of this chapter with the same force and effect as if this chapter were copied verbatim therein;
  2. By reference have incorporated therein all the provisions of applicable state law and the rules, regulations and standards adopted in accordance therewith relating to the protection of human beings, animals, and natural resources;
  3. Specify that the term of the permit shall be for a period of one year from the date of issuance thereof, and for like periods thereafter upon the successful inspection of the permittee's well and operations, as is provided for elsewhere herein; (1984 Code)
  4. Specify such conditions imposed by the town clerk as are by this chapter authorized; and (Ord. 2008-01, 2-12-2008)
  5. Specify that no actual operations shall be commenced until the permittee shall file and have approved the required bonds and certificate of insurance in the appropriate amounts as provided for elsewhere herein. (1984 Code)
- B. If the permit be issued, it shall, in two (2) originals, be signed by the town clerk and the permittee, and when so signed shall constitute



the permittee's license to drill and operate in the town and the contractual obligation of the permittee to comply with the terms of such permit, such bonds as are required, and applicable state law, rules, regulations, standards and directives. One executed original copy of the permit shall be retained by the town clerk; the other shall be retained by the permittee and shall be kept available for inspection by any town or state law enforcement official who shall demand to see same.

- C. If the permit be refused, or if the applicant notifies the town clerk in writing that he does not elect to accept the permit as tendered and wishes to withdraw his application, or if the bonds of the applicant be not approved, then upon the happening of any of the events the cash fee filed with the application shall be refunded to the applicant, except that there shall be retained therefrom by the town the sum of two hundred dollars (\$200.00) as a processing fee. (Ord. 2008-01, 2-12-2008)

5-506: **PERMITTEE'S INSURANCE AND BOND:**

- A. In the event a permit shall be issued by the town clerk, no actual operations shall be commenced until the permittee shall file with the town bonds and a certificate of insurance as follows: (Ord. 2008-02, 2-12-2008)
1. A bond in the principal sum of at least ten thousand dollars (\$10,000.00). The bond shall be executed by a reliable insurance company authorized to do business in the state, as surety, and with the applicant as principal, running to the town for the benefit of the town and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this chapter in the operation of the well for either natural or artificial production, injection or disposal. The bond shall become effective on or before the date the same is filed with the town and remain in force and effect for at least twelve (12) months and subsequent to the expiration of the permit term, and in addition the bond will be conditioned that the permittee will promptly pay fines, penalties and other assessments imposed upon the permittee by reason of his breach of any of the terms, provisions and conditions of this chapter, and that the permittee will promptly restore the streets, sidewalks and other public property of the town which may be disturbed or damaged in permittee's operations, to their former condition; and that the permittee will promptly clear all premises of all litter, trash, waste, and other substances, and will, after abandonment, grade, level and restore

the property to the same surface condition, as practicable as is possible, as existed prior to commencing operations; and further that the permittee shall indemnify and hold harmless the town from any and all liability attributable to granting the permit;

2. In addition to the bond required in subsection A1 of this section, the permittee shall obtain a bond in the principal sum of at least ten thousand dollars (\$10,000.00). The bond shall be executed by a reliable insurer licensed to do business in the state, as surety, and with applicant as principal, all persons concerned, conditioned that the permittee will comply with every applicable federal and state law, rule, regulation, standard or directive relating to the maintenance of the safe and beneficial physical, chemical and biological properties of any natural waters of the town; that the permittee shall obtain the necessary permits from the town and state with regard to any operations which have the potential of rendering such waters harmful or detrimental or injurious to the public health, safety and welfare; that the permittee shall bear all the costs necessary and incidental to the correction of any pollution to the waters caused by the permittee or permittee's agents, servants, employees, subcontractors or independent contractors; that the permittee shall pay all fines, penalties, assessments or judgment resulting directly or incidentally from the permittee's activities and which result in pollution of town waters; that the permittee shall indemnify and hold harmless the town from any and all liability resulting from the pollution of town waters;

3. In addition to the bonds required in subsections A1 and A2 of this section, the permittee shall carry a policy or policies of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee and the town, issued by an insurer authorized to do business with the state, the policy or policies in the aggregate shall provide for the following minimum coverage:

a. Bodily injuries, one hundred thousand dollars (\$100,000.00) per person; three hundred thousand dollars (\$300,000.00) per accident; and

b. Property damage, two hundred thousand dollars (\$200,000.00). (Ord. 87-1, 9-2-1986)

- B. Permittee shall file with the town certificates of the insurance as above stated, and shall obtain the written approval thereof of the town clerk who shall act thereon promptly after such filing.

- C. The insurance policy or policies shall not be canceled without written notice to the town clerk at least ten (10) days prior to the effective date of such cancellation. In the event the policy or policies are canceled, the permit granted shall immediately thereupon terminate without any action on the part of the town clerk, and permittee's rights to operation under the permit shall cease until permittee files additional insurance as provided herein. (Ord. 2008-02, 2-12-2008)
- D. If, after completion of a producing well, the permittee has complied with all of the provisions of this chapter, such as removing derricks, clearing premises, and the like, he may apply to the oil and gas inspector to have the insurance policy or policies reduced as follows:
  - 1. Bodily injuries, fifty thousand dollars (\$50,000.00) per person; one hundred thousand dollars (\$100,000.00) per accident; and
  - 2. Property damage, fifty thousand dollars (\$50,000.00).
- E. The town board may accept other forms of security in lieu of the bond and insurance policies and certificates that are provided for in this section. The sufficiency of any alternate form of security may be determined solely by the town board, on such forms and in such amounts as it may determine. (Ord. 87-1, 9-2-1986)

**5-507:            ENHANCED RECOVERY AND SALT WATER OR DELETERIOUS SUBSTANCES DISPOSAL WELLS:**

- A. No person shall reenter any well or drill an original well to be used for enhanced recovery or disposal of salt water or other deleterious substances without first obtaining the necessary permit therefor. Such permit shall consist of two (2) separate parts:
  - 1. Permit to drill or reenter and construct; and
  - 2. Permit to operate.
- B. An application for the permit to drill or reenter a well for enhanced recovery or substance disposal shall be in the original well, and shall contain complete information required by the oil and gas inspector, including the following:
  - 1. A block map of the well site, showing all equipment to be used thereat, location of pipelines, access road, and distances from the

well to any and all fences, public roadways, and buildings within a radius of three hundred feet (300');

2. A block map of the project, showing the location of:

a. All water supply wells within a one-fourth ( $\frac{1}{4}$ ) mile radius of each injection or disposal well;

b. All public water supply wells, disposal wells, injection wells, producing wells and plugged and abandoned wells within the project area and those sections immediately adjacent;

c. All conduits; and

d. Tank battery, pumping station and appurtenant equipment;

3. All wells within the project area and those sections immediately adjacent shall be indicated by status (e.g., plugged and abandoned, injection, salt water, oil, etc.), and show the following additional information:

a. Footage location (surface casing);

b. Derrick floor and ground level elevation;

c. Drilled total depth;

d. Packer body total depth;

e. Size, depth and quality of surface and production casing, including zones from which casing has been removed;

f. Location of all plugs, packers, cement plugs, tubing anchors, etc., with the well bore;

g. Depth and nature of all cement squeeze jobs;

h. Formation name and depth of all open perforations in a producing open hold;

i. Volume and type of cement used on surface and production strings; and

j. Top of cement;

4. One copy of all electric, mechanical, sample and driller's logs, if available;
  5. Fee and operation name for each well;
  6. One copy of all cement bond logs and production logs;
  7. One copy of all work performed on the well;
  8. Copies of all information supplied to the corporation commission, and the commission's approval of the project.
- C. Upon the completion of the application required hereunder, the oil and gas inspector shall have thirty (30) business days to review same and make a recommendation of approval or disapproval to the mayor and board of trustees.
- D. Prior to placing any enhanced recovery or substance disposal well into service, a permit to operate such well shall be obtained from the oil and gas inspector. Every application for a permit to operate such well shall contain the following information:
1. Depth to static water level (hydrostatic head). Such data shall be obtained by means of a method approved by the oil and gas inspector. Such data shall be obtained not less than forty eight (48) hours after openings have been made through the casing into the injection disposal zone or zones.

2. Based on the static water level identified in the previous paragraph, maximum operating pressures and rates of injection shall be established and maintained so as to prevent the hydraulic pressure level at a radius of ten (10) feet from the injection or disposal wells from rising above the base elevation of treatable water. Such maximum operating pressures and injection rates shall be noted on the permit. No injection or disposal well will be permitted to operate if the well's zone of influence will exceed the above referenced limits.

E. A fee in the sum as set by the town board by motion or resolution shall be submitted along with every application for a permit to operate an injection or substance disposal well.

F. Copies of Corporation Commission Form No. 1015, indicating successful pressure testing of each injection well at a pressure greater than the maximum proposed for the project, or if no such Form No. 1015 has been filed and approved, then sufficient evidence of the successful pressure testing of each injection well shall be filed with the oil and gas inspector.

G. Every such injection or disposal well shall be constructed so as to seal the injection zone from the upper portion of the casing. The annulus between the injection tubing and the casing shall be filled with a noncorrosive fluid, then sealed and a one-fourth (1/4) inch female fitting with cut off valve shall be attached so that the pressure in the annulus may be measured by the oil and gas inspector by attaching a gauge having a one-fourth (1/4) inch male fitting. A pressure shall be maintained in the annulus sufficient to monitor the fluids in the annulus. Any significant deviation from the established pressure shall be cause to shut down the well, and may result in cancellation of the operating permit, until such time as the established pressure can once again be maintained.

H. Injection lines shall be buried in a trench of a depth no less than four (4) feet, and shall be pressure tested (static) annually at a minimum of one hundred fifty percent (150%) of the pressure normally encountered at the injection pump discharge for a period of hours to be fixed by the oil and gas inspector. The oil and gas inspector shall be notified five (5) days in advance of such test and may supervise same. Test results shall be filed with the town upon completion.

I. Domestic and public water supply wells located within a radius of one-quarter (1/4) mile of any enhanced recovery or disposal well shall be tested prior to beginning injection or disposal and thereafter semi-annually for the presence of deleterious substances, such as chlorides, sulphates and dissolved solids. Such testing is the responsibility of the permittee and at permittee's expense, to be conducted by a person approved by the oil and gas inspector. The oil and gas inspector shall be notified five (5) days in advance of such testing and may be present therefore. Test results shall be filed with the town upon completion.

#### SECTION 5-508

#### ANNUAL FEE TO OPERATE.

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

SECTION 5-509DISPOSAL OF SALT WATER.

A. Every permittee under this chapter shall be responsible for the safe disposal of salt water or other deleterious substances which he may bring to the surface of the earth and shall provide a plan for such disposal as required in Section 4 A. (6). Such disposal shall not result in pollution of the waters of the town and shall not result in any other environmental hazard, and shall incorporate the best available technique and equipment.

B. In the event of any leakage or spillage of any pollutant or deleterious substance, whatever the cause thereof, the permittee shall cause the oil and gas inspector to be notified thereof promptly. If, in the judgment of the oil and gas inspector, such leakage or spillage represents a potential environmental hazard, he may issue whatever corrective orders he deems appropriate, and additionally may require the appropriate testing of the surface and subsurface for pollutant incursion, the cost of such test or tests to be borne by the permittee.

C. No person shall dispose of saltwater or other deleterious substance in an lined or unlined earthen pit within the town limits.

D. No person shall inject any saltwater or other deleterious substance into the annulus between the inside of the surface casing string and the next inside casing string, except when the bottom of the properly cemented surface casing extends two hundred (200) feet or more through or into a continuous impermeable clay barrier below the base of treatable water.

SECTION 5-510COMPLIANCE WITH APPLICABLE LAWS.

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

SECTION 5-511SURFACE CASING.

A. Surface casing shall be set a minimum of fifty (50) feet below the deepest encounter of a treatable water found in eight (8) sections adjacent to the section in which the well is located. Logs which identify the base of treatable water, shall be run in the surface hole before the surface pipe is set. A copy of such logs shall be filed with the oil and gas inspector, and surface casing may be set without the above required logging, provided the applicant can demonstrate to the satisfaction of the oil and gas inspector that the bottom of the surface casing will extend through or into at least fifty (50) feet of continuous impermeable clay barrier below the base of treatable water, is properly cemented and cement bond logs run with the quality of the cement bond approved by the oil and gas inspector.

B. Surface pipe shall be cemented by attempting to circulate good cement to surface by normal displacement practices. If cement cannot be circulated to surface due to washed out hole or lost circulation, the existing cement shall not be over-displaced and a plug shall be left in the bottom of the casing string to be drilled out once the surface is set. The remaining uncemented annular space will then be

cemented until good cement is circulated to surface. No further drilling shall be accomplished until the cement has set for at least twenty-four (24) hours, or in the alternative, until samples of the cement have passed independent laboratory tests satisfactory to the oil and gas inspector.

C. Where an existing well is to be used as an injection or disposal site, the existing casing and cement shall be of such integrity and depth as to adequately and safely isolate fresh water producing zones from the seepage or bleeding of injection fluids or disposants. Where additional protective operations are undertaken to comply with this paragraph, the oil and gas inspector shall be notified thereof sufficiently in advance in order for him to be present for such operations.

#### SECTION 5-512      ABANDONED AND PLUGGING.

A. Whenever any well is abandoned it shall be the obligation of the permittee and the operator of the well to set a two hundred (200) foot cement plug in the bottom of the surface casing, with the bottom of the plug one hundred (100) feet below the surface casing section; and to set a fifty (50) foot cement plug in the top of the surface casing. No surface or conductor string of casing may be pulled or removed from a well. During initial abandonment operations it will be the obligation of the permittee and operator to flood the well with mud-laded fluid weighing not less than ten (10) pounds per gallon, and to circulate this mud until stabilized and the well shall be kept filled to the top with mud-laden fluid of the weight herein specified, at all times; mud-laded fluid of the above specifications will be left in the well bore below and between cement plugs. Any additional provisions or precautionary measures prescribed by the state or the Corporation Commission of the state in connection with the abandonment and plugging of a well shall be complied with by the permittee.

B. In the event of abandoning operations, it is the duty of every person, firm, corporation or leaser owning any oil or gas well within the corporate limits and of the officers, agents and employees of such owners, to begin to remove all derricks, machinery, concrete foundations and any and all other objects that interfere with the leveling of the land, and to grade, level and restore the property to the same surface condition as nearly as possible as when the oil or gas well thereon was first commenced. The clean-up to begin within thirty (30) days from the day of such abandonment and to continue in a workmanlike manner which shall not exceed sixty (60) days.

#### SECTION 5-513      WELL LOCATION.

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

#### SECTION 5-514      FENCES.

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



SECTION 5-515      NOISE AND OTHER NUISANCES.

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

SECTION 5-516      FACILITIES.

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

SECTION 5-517      STORAGE TANKS AND SEPARATORS.

A. Crude oil storage tanks shall not be constructed, operated or used except to the extent of two (2) steel tanks for oil storage, not exceeding five hundred (500) barrels capacity each and so constructed and maintained as to be vapor tight. Provided, that additional tankage may be approved by the oil and gas inspector.

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

SECTION 5-518      FIRE PREVENTION.

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

SECTION 5-519      PITS.

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

B. An earthen pit used for the handling, storage or disposal of any deleterious substance produced, obtained, or used in connection with the drilling or

operation of wells, shall be constructed of, or sealed with, an impervious material, and shall be used and operated at all times so as to prevent any escape of any deleterious substance.

C. No earthen pit shall be constructed, enlarged, reconstructed or used until the oil and gas inspector has issued a written permit for its use and assigned it a permit number. When approved, one copy will be returned to the operator as a permit which shall bear the permit number assigned. The operator shall post a waterproof sign bearing the name of the operator and the permit number within twenty-five (25) feet of the pit.

D. Every earthen pit not having a permit and permit number shall be emptied and leveled.

E. Paragraphs B and C above, shall not apply to:

1. An emergency pit constructed solely to prevent escape of substances. Provided, an emergency pit shall not be constructed in previous soil unless lined, and shall never be used for the storage of any substance;

2. A circulating, frac, or reserve mud pit used in drilling, deepening, testing, reworking or plugging a well while such operations are in progress. Each reserve pit shall be leveled within six (6) months after drilling operations cease. Each circulating pit shall be emptied and leveled within sixty (60) days after the drilling operations cease. Each fracture pit shall be emptied and leveled within sixty (60) days after completion of fracture operations. Provided, however, upon application and for good cause shown, the oil and gas inspector may set a reasonable extension of the times set out above; and

3. A burn pit used shall be solely to burn waste oil or other flammable material; provided, a burn pit shall never be used for the storage of any substance.

F. Notice of construction of an emergency pit or burn pit shall be filed in triplicate, with the office of the town clerk. The oil and gas inspector shall be notified in writing of each use of an emergency pit.

G. No earthen pit shall be constructed or maintained so as to receive water from a watershed and the fluid level of each earthen pit shall be maintained at all times at least twelve (12) vertical inches below the maximum safe fluid level of the pit.

H. The office of the town clerk shall be notified in writing whenever an earthen pit is abandoned.

#### SECTION 5-520

#### RETAINING WALLS.

A. An earthen retaining wall of adequate size for the terrain involved will be constructed on the low side of the well site in the event the well site is located on sloping or unlevel ground. The top of the retaining wall shall be at least level with the top of the base of the Christmas tree or other wellhead connections on any completed well, or at least level with the ground at the point where surface casing is set in the well when drilling.

B. An earthen diversion wall of adequate size for the terrain involved shall be constructed on the high side of the well site in the event the well site is located on sloping or unlevel ground. The diversion wall will be of sufficient height and strength so as to divert runoff waters around the well site.

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Sec. 5-520

Sec. 5-526

C. Any tanks, batteries, separators, heater treaters, etc., shall be enclosed with earthen or other acceptable retaining walls with a storage capacity of at least one and one-half (1½) times the liquid capacity of the tanks within the storage.

### SECTION 5-521      MOTIVE POWER.

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

### SECTION 5-522      DERRICK AND RIG.

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

### SECTION 5-523      DRILLING OPERATION, EQUIPMENT.

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

### SECTION 5-524      MOVING OF DRILLING RIG.

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

### SECTION 5-525      STREETS AND ALLEYS.

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

### SECTION 5-526      FLARING OF GAS.

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

SECTION 5-527      FRACTURE AND ACIDIZING.

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

SECTION 5-528      SWABBING AND BAILING.

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

SECTION 5-529      RUPTURE IN SURFACE CASING.

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

SECTION 5-530      DEPOSITING OIL PRODUCTS.

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

SECTION 5-531      SAFETY PRECAUTIONS.

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

SECTION 5-532      WATER FOR MUDS.

No fresh water supply wells shall be drilled to provide water for making drilling muds.

SECTION 5-533      OIL AND GAS INSPECTOR.

A. The mayor shall designate a qualified person, person, firm or corporation as an oil and gas inspector, whose duty it shall be to enforce the provisions of this chapter.

B. The oil and gas inspector shall have the authority to issue such orders or directives as are required to carry out the intent and purpose of this chapter and its particular provisions. Failure to abide by any such order or directive shall be a violation of this chapter.

C. The oil and gas inspector shall have the authority to go upon and inspect any premises covered by the terms of this chapter to ascertain whether this chapter and the applicable laws, rules, regulations, standards or directives of the state are being complied with. Failure to permit access to the oil and gas inspector shall be deemed a violation of this chapter.

D. The oil and gas inspector shall have the authority to request and receive any records, specified in this chapter relating to the status or condition of any well or project or the appurtenances there within the town. Failure to provide any such requested material shall be deemed a violation of this chapter.

SECTION 5-534      SERVICE COMPANIES.

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

SECTION 5-535      ACCUMULATION OF VAPOR.

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

SECTION 5-536      INSPECTION OF PRESSURE LINES.

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

SECTION 5-537      INGRESS AND EGRESS.

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

SECTION 5-538      ORDER TO CEASE OPERATIONS.

A. If the oil and gas inspector finds that, in his judgment, a hazard to life or natural resources exists, he shall order immediate rectification of the cause. If the permittee takes no immediate measure to reduce the hazard, or if the situation be so perilous as to constitute an imminent threat to safety, then in either of these events he may order the prompt cessation of activity, and if necessary, the clearance of the premises.

B. The oil and gas inspector shall apply to the mayor for a hearing upon such order, which hearing shall be held not longer than twenty-four (24) hours after the issuance of the order by the oil and gas inspector. The mayor shall determine if proper cause existed, and, if not, shall order the permittee's activity to resume without delay. If the mayor determines that proper cause did not exist for the order to cease activity

to issue, then he shall make whatever ruling is proper to assure rectification of the cause of the peril. Such ruling and compliance with it by the permittee shall not be construed to absolve the permittee of any liability for any violation of this chapter or for any damage or injury caused thereby.

SECTION 5-539APPEALS.

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

SECTION 5-540TOWN BOARD OF TRUSTEES REVIEW OF PERMIT  
RECOMMENDATIONS; PROPERTY OWNERS WITHIN 300 FEET.

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

SECTION 5-541CONDUITS ON STREETS AND ALLEYS.

A. No permittee shall make any excavations or construct any lines for the conveyance of fuel, water or minerals, on, under or through the streets and alleys of the town without first having obtained a permit therefor upon application to the town board.

B. The town board shall prescribe the forms to be used for such application and the information to accompany it.

C. Each application for a permit under this section shall be accompanied by a non-refundable filing fee as set by the town board.

D. The town board shall, within twenty (20) days of receipt of the properly executed application, either grant or deny the request.

E. The granting of any such permit shall not be construed to be the granting of a franchise.

SECTION 5-542ANNUAL FEE FOR CONDUITS.

A. The permittee under Section 5-541 of this code shall pay to the town an annual renewal and inspection fee being the total of One Dollar (\$1.00) per rod of conduit multiplied by the number of rods in the conduit for which the permit was issued.

B. The town board shall appoint a representative who shall inspect such conduits to assure the public safety. No permit issued under Section 5-541 of this code shall be renewed if the conduit or any part thereof covered by such permit is in an unsafe condition.

SECTION 5-543      APPLICABILITY TO EXISTING CONDITIONS.

A. This chapter shall apply to any person drilling an original well, re-entering an abandoned well, conducting natural or artificial production projects or operations, or maintaining a disposal well within the town on December 1, 1984, and every such person shall have no longer than ninety (90) days to come into compliance with this chapter. Provided that:

1. No initial permit fees shall be charged such person as would otherwise apply; and

2. No penalties shall be sought against any activity violative of this chapter where such activity pre-existed the adoption of this chapter and was otherwise in compliance with the applicable state law, rules, regulations, standards or directives.

SECTION 5-544      INFORMAL COMPLAINTS.

If, upon information or inspection, it is found that a permittee is violating any portion of this chapter or causing damage or pollution to any surface or underground treatable water the oil and gas inspector shall file a written administrative complaint with the mayor, a copy of which shall be delivered or mailed to the permittee or his agent. If upon subsequent inspection, it is determined that the permittee has taken the corrective actions specified, the complaint may be dismissed; otherwise, formal application will be made to the town board of trustees for an order revoking the permit, and for any other appropriate remedy; pending the outcome of the final determination of the town board of trustees on the formal application, the oil and gas inspector shall, after an onsite inspection, have the authority to shut down those operations where conditions appear obvious that surface or underground pollution is occurring.

SECTION 5-545      SEISMIC EXPLORATION, PERMIT, FEE.

It is unlawful for any person, firm or corporation to conduct seismic exploration or related activities in the town limits without first having filed an application for permit therefor with the oil and gas inspector and paying a fee, estimated based on each mile of cable proposed to be laid, in such sum as set by the town board by motion or resolution. The application shall be accompanied by a chart or map outlining proposed activities and time frame.

SECTION 5-546      OPEN HOLE FORMATION TESTING.

All open hole formation testing shall be done during daylight hours, with advance notification thereof made to the oil and gas inspector adequate to enable him to be present if he so chooses.

SECTION 5-547      PENALTIES.

It is unlawful and an offense for any person to violate or neglect to comply with any provisions hereof irrespective of whether or not the verbiage of each section hereof contains the specific language that such violation or neglect is unlawful and is an offense. Any person who shall violate any of the provisions of this chapter, or any of the provisions of a drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this chapter, or who shall neglect to comply with the terms hereof, shall be as provided in Section 1-108 of this code, and the violation of each separate provision of this chapter, and of the permit, and of the

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



5-601

5-602

## CHAPTER 6

### FUEL GAS CODE

#### SECTION:

- 5-601: Adoption Of Fuel Gas Code  
5-602: Additions And Changes

5-601: **ADOPTION OF FUEL GAS CODE:** A certain document, three (3) copies of which are on file in the office of the town clerk of the town of Luther, being marked and designated as the international fuel gas code, 2006 edition, including appendix chapters A through D (see international fuel gas code section 101.3, 2006 edition), as published by the International Code Council, be and is hereby adopted as the fuel gas code of the town of Luther, in the state of Oklahoma for regulating and governing fuel gas systems and gas fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code on file in the office of the town of Luther are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 5-602 of this chapter. (Ord. 2006-10, 12-12-2006)

5-602: **ADDITIONS AND CHANGES:** The following sections are hereby revised:

Section 101.1. Insert:

Town of Luther

Section 106.5.2. Insert:

**\$50**

Section 106.5.3. Insert:

**Zero percent in two locations**

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Section 108.4. Insert:

**Misdemeanor offense, maximum \$500.00, number of days zero  
days in jail**

Section 108.5. Insert:

**not less than \$10.00 and not more than \$500.00.  
(Ord. 2006-10, 12-12-2006)**

CHAPTER 7  
**GAS PIPING CODE**

(Rep. by Ord. 2006-10, 12-12-2006)

## CHAPTER 8

## MANUFACTURED AND MOBILE HOMES

## ARTICLE A

## STANDARDS AND PLACEMENT OF HOMES

Section 5-801	Definitions.
Section 5-802	Placement, non-conforming homes, building permits.
Section 5-803	Exterior appearance standards, classification of homes.
Section 5-804	Schedule of uses.
Section 5-805	Installation of standards.

## ARTICLE B

## MANUFACTURED OR MOBILE HOME COMMUNITY (PARK).

Section 5-820	License and fees required.
Section 5-821	Plans and bonds required.
Section 5-822	Site requirements (unplatted land).
Section 5-823	Site requirements (platted land).
Section 5-824	Owner, attendant.
Section 5-825	Ordinances and codes applicable.

## ARTICLE C

## ENFORCEMENT AND PENALTY

Section 5-830	Enforcement.
Section 5-831	Interpretation.
Section 5-832	Penalty.

## ARTICLE A

## STANDARDS AND PLACEMENT OF HOMES

SECTION 5-801      DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed:

1. "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 housing section;

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

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

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4. "Approved" means acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or test by nationally recognized organizations;

5. "Building code" means the officially adopted building code in effect with the municipality;

6. "Expando unit" means an expandable manufactured housing unit;

7. "Foundation code" means the "Standard for the Permanent Installation of Manufactured homes" latest edition thereof, issued by the Manufactured Housing Association of Oklahoma, which is hereby adopted and incorporated herein by reference. At least one copy shall be kept on file in the town clerk's office;

8. "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 under-carriage of the manufactured or mobile home;

9. "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 (3) types of manufactured homes (Type I, Type II, and Type III) are defined as meeting all of the appropriate requirements of Section 5-803 of this chapter;

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

11. "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, an 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;

12. "Manufactured or mobile home community (park)" means a parcel of land consisting of more than one acre of land or one-half (½) block of platted land or more, whichever is smaller, upon which are situated more than three (3) sites or lots for manufactured or mobile homes, and which rents or leases spaces therein;

13. "Mobile home" means a transportable structure larger than three hundred twenty (320) square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976;

14. "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;

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Sec. 5-802

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

16. "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;

17. "Recreation vehicle" means a portable vehicular structure not built to the federal Manufactured Housing Construction and Safety Standards Code (for the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping or action 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;

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

19. "Site or lot" means a well defined plot of land designated as the location for a single manufactured or mobile home, not less than five thousand (5,000) square feet;

20. "Special exception permit" means a device for permitting a use within a district other than a principally permitted use; and

21. "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.

SECTION 5-802      PLACEMENT, NON-CONFORMING HOMES, BUILDING PERMITS.

A. The establishment, location, and use of manufactured homes as permanent residences approved individually, by specific materials, or by design, shall be in any zone permitting installation of manufactured housing and shall be subject to meeting the following requirements and limitations:

1. The dwelling shall meet the appropriate exterior appearance standards, as hereinafter set forth in Section 5-803 of this chapter;

2. The dwelling shall be sited in a district where such use is permitted in the schedule of uses, as hereinafter set forth in Section 5-804 of this chapter; and

3. The dwelling shall receive all required permits and conform with all other ordinances of the town.

B. A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this chapter, shall continue to be a legal non-conforming use. If the non-conforming use is discontinued, the land thereafter must be used in conformity with all provisions of the zoning ordinance.

C. Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site will require a building permit. All structural additions shall comply with the town's building codes.

SECTION 5-803EXTERIOR APPEARANCE STANDARDS, CLASSIFICATION OF HOMES.

A. Manufactured homes shall be classified as to acceptable compatibility or similarity in appearance with site-constructed residences.

B. A Type I manufactured home shall:

1. Have more than nine hundred fifty (950) square feet of occupied space in a typically double-section or larger multi-section unit;
2. Be placed on a permanent foundation;
3. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 5-805 of this chapter;
4. Be anchored to the ground, in accordance with the town's foundation code and to the manufacturer's specifications;
5. Have wheels, axles, and hitch mechanisms removed;
6. Have utilities connected, in accordance with the building code or manufacturer's specifications, whichever is more restrictive;
7. Have siding material of a type customarily used on site-constructed residences (must meet all applicable subdivision or plat covenants);
8. Have roofing material of a type customarily used on site-constructed residences (must meet all applicable subdivision or plat covenants); and
9. Have open, covered or enclosed parking structure which is compatible with other housing in immediate area, and all parking surfaces shall be hard surfaced (must meet all applicable subdivision or plat covenants).

C. A Type II manufactured home shall:

1. Have more than seven hundred twenty (720) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
2. Be placed onto a permanent foundation;
3. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 5-805 of this chapter;
4. Be anchored to the ground, in accordance with manufacturer's specifications and the foundation code;
5. Have wheels, axles, and hitch mechanisms removed;
6. Have utilities connected in accordance with manufacturer's specifications or the building code, whichever is more restrictive;

7. Have siding material of a type customarily used on site-constructed residences (must meet all applicable subdivision or plat covenants);

8. Have roofing material of a type customarily used on site-constructed residences (must meet all applicable subdivision or plat covenants); and

9. Have open, covered, or enclosed parking structure which is compatible with other housing in immediate area, and all parking surfaces shall be hard-surfaced (must meet all applicable subdivision or plat covenants).

D. A Type III manufactured home shall:

1. 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);

2. Be placed onto a support system, in accordance with approved installation standards, as specified in Section 5-805 of this chapter;

3. Be enclosed with foundation siding/skirting, in accordance with approved installation standards, as specified in Section 5-805 of this chapter;

4. Be anchored to the ground, in accordance with manufacturer's specifications and the building code; and

5. Have utilities connected, in accordance with manufacturer's specifications of the building code.

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

1. Have more than three hundred twenty (320) square feet of occupied space;

2. Be placed onto support system, in accordance with approved installation standards, as specified in Section 5-805 of this chapter;

3. Be enclosed with foundation, siding/skirting, in accordance with approved installation standards, as specified in Section 5-805 of this chapter;

4. Be anchored to the ground, in accordance with manufacturer's specifications and the foundation code; and

5. Have utilities connected, in accordance with manufacturer's specifications and the building code.

#### SECTION 5-804 SCHEDULE OF USES.

Manufactured or mobile homes are permitted uses, as follows:

X = Permitted Use

P = With Conditional User Permit Only

O = Prohibited Use



<u>ZONING DISTRICT</u>	<u>TYPE I MF</u>	<u>TYPE II MF</u>	<u>TYPE III MF</u>	<u>MOBILE HOME</u>
R - District (Residential)	X	X	O	O
R-2 - District (Mobile Home Residential)	X	X	O	O
B - District (Business & Commercial)	P	P	P	P
I - District (Industrial & Manufacturing)	P	P	P	P
A - District (Agricultural)	X	X	P	P

SECTION 5-805      INSTALLATION STANDARDS.

A. Permanent Perimeter Enclosure. Those manufactured homes designated in the zoning ordinance as requiring perimeter enclosure must be set onto an excavated area, with permanent perimeter enclosure, foundations, footings and crawl space or basement walls constructed in accordance with the terms of the Foundation Code. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

B. Foundation Siding/skirting (for temporary structures). All manufactured or mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with the manufacturer's recommendations or approved equal standards. The siding shall be ventilated by openings, which shall have a net area of not less than one and one-half (1½) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one-half (½) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

C. Support System shall be as follows:

1. Type I and Type II Manufactured Homes:

All HUD-Code Type I and Type II Manufactured Home load-bearing foundations shall be installed in conformance with the regulations in the Foundation Code and with the manufacturer's installation specifications;

2. Type III Manufactured Homes and Mobile Homes:

All HUD-Code Type I and Type II Manufactured Homes and all mobile homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer's installation specifications or with the foundation code.

## ARTICLE B

## MANUFACTURED OR MOBILE HOME COMMUNITY (PARK)

SECTION 5-820      LICENSE AND FEES REQUIRED.

It is unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property controlled or owned by him, a manufactured or mobile home community as defined in this chapter without having first secured a license therefor and having paid the proper fee for inspection of the construction of such park. The annual license fee to operate and maintain a mobile home park in the corporate limits of the town shall be as set by the town board. Inspection fees shall be as set by the town board. If new sites are added to an existing park, only the initial inspection fee shall be enforced.

SECTION 5-821      PLANS AND BONDS REQUIRED.

Any person desiring to construct or operate a mobile home community in the town shall file with the town clerk his application for a license together with one complete set of plans and specifications for all improvements to be placed upon the property. The plans for the area shall show the entire area to be used together with improvements on adjoining property, if any, roads and driveways within the park, location or sites or lots, and abutting streets and alleys, location of water lines, sewer lines, gas lines, electrical lines and any other utilities and plans for electrical street lighting, and any other necessary information that the board of trustees may require. No construction may begin upon the park area until license is issued. Prior to the issuance of any such license, the applicant shall file within the town clerk a corporate surety bond conditioned to guarantee improvement of such are according to the plans and specifications, within a time specified by the board of trustees.

SECTION 5-822      SITE REQUIREMENTS (UNPLATTED LAND).

A. No occupied manufactured or mobile home within a manufactured or mobile home community shall be located within the town limits nearer to the roads or streets than a minimum of fifteen (15) feet from the applicable set back line.

B. Every manufactured or mobile home community shall be located on an area having good drainage of surface waters.

C. Fire hydrants shall be installed every five hundred (500) feet or less along the street therein and connected to a holding tank with a minimum capacity of fifteen thousand (15,000) gallons.

D. All sites or lots shall be clearly designated and the park so arranged that all sites abut on a driveway or street giving access to all units from a public street. All driveways and roads within the park shall be constructed and paved so as to meet county standards and have adequate drainage and shall be well lighted at night and unobstructed. Each lot must be posted with a lot number corresponding with a map which shall be maintained in the park office.

E. All sites shall have at least two (2) paved off street parking spaces.

F. Connections for sanitary sewer facilities, water, gas and electricity shall be provided in a common location at each home site. Electrical connections must be in accordance with the town's electrical code.

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Sec. 5-822

Sec. 5-824

G. Every home site shall be provided with garbage disposal facilities by the owner of the community (park).

H. Every occupied home or building of any nature shall be blocked up, skirted, and tied down. (See Sections 5-803 - 5-805)

I. Size of homes allowed in the community (park) will be determined by the park owners and subject to approval of the board of trustees. A sample copy of the lease agreement and restrictions will be presented with the application of a license.

SECTION 5-823 SITE REQUIREMENTS (PLATTED LAND).

A. No occupied manufactured or mobile home within a manufactured or mobile home community shall be located within the town limits nearer to the roads or streets than fifteen (15) feet from the applicable set back line.

B. Every manufactured or mobile home community shall be located on an area having good drainage of surface waters.

C. Fire hydrants shall be installed every five hundred (500) feet or less along the street therein and connected to the town's water system.

D. All sites or lots shall be clearly designated and the park so arranged that all sites abut on a driveway or street giving access to all units from a public street. All driveways and roads within the park shall be constructed and paved so as to meet county standards and have adequate drainage and shall be well lighted at night and unobstructed. Each lot must be posted with a lot number corresponding with a map which shall be maintained in the park office.

E. All sites shall have at least two (2) paved off street parking spaces.

F. Connections for sanitary sewer, water, gas and electricity shall be provided in a common location at each home site. Water and sewer connections shall be made in accordance with current town codes. Electrical connections must be in accordance with the town's electrical code.

G. Every occupied home or building of any nature shall be blocked up, skirted, and tied down in accordance with current town codes. (See Sections 5-803 - 5-805)

H. Size of homes allowed in the community (park) will be determined by the park owners and subject to approval of the board of trustees. a sample copy of the lease agreement and restrictions will be presented with the application of a license.

SECTION 5-824 OWNER, ATTENDANT.

A. In every manufactured or mobile home community (park) there shall be a building in which shall be located the office of the person in charge of the park who can be reached at all times. A copy of the town license issued by the town with a copy of this article pertaining thereto, and a plan of the area involved, shall be posted for public view. The park register shall be kept at all times in the office and subject to inspection by town authorities at all times.

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Sec. 5-824

Sec. 5-830

B. It is hereby made the duty of the owner or attendant or person in charge, and licenses, to any manufactured or mobile home park to:

1. Keep a register at all times of all guests showing;
  - a. Name of the person owning the home;
  - b. A license number of home and the owner's car license number together with the name of the state where such license was issued;
  - c. Date of entrance into the park; and
  - d. Number of people residing in the home and their names;
2. Maintain the park in a clean, orderly and sanitary condition at all times;
3. Assure that the provisions of this article are complied with by the occupants of the park and report promptly to town authorities violations of this or other ordinances; and
4. Report to the town authorities all cases of persons or animals suspected of being infected with any communicable disease.

SECTION 5-825      ORDINANCES AND CODES APPLICABLE.

A. All plumbing, electrical, building, and other work on any park licensed under this chapter shall be performed in accordance with the ordinances of the town regulating the same unless the ordinances are specifically made inapplicable under the terms thereof or under the terms of this chapter.

B. Sewer and water connection inspection fees for dwellings in a manufactured or mobile home community shall be those applicable to single family dwellings and each site within the park shall be deemed a family living unit. The monthly sewer and water service charge for each site in home parks shall be that applicable to single family dwellings.

C. All ordinances enacted by the town pertaining to traffic and vehicles, the control of pets or animals, shall be fully as effective within the park as though streets and driveways were dedicated to public use, and the consent and agreement of the owner of the park, streets, and highways thereto shall be a condition precedent to the issuance of the license.

D. All ordinances enacted by the town pertaining to zoning shall be applicable to this chapter.

ARTICLE C

ENFORCEMENT AND PENALTY

SECTION 5-830      ENFORCEMENT.

A. It is unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this

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Sec. 5-830

Sec. 5-832

chapter or any amendment thereto. Any person, firm or corporation violating this chapter or any regulations, provision or amendment thereto shall be deemed guilty of a misdemeanor and on conviction thereto shall be punished as provided in Section 1-108 of this code. Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

B. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of law or of this chapter or any amendment thereto, the town board, the prosecuting attorney of the town, the town planning inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, proceeding or proceedings to prevent, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. (Ord. No. 79-5, 12/20/79)

SECTION 5-831      INTERPRETATION.

A. In interpretation and application, the provisions of this chapter shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

B. Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning ordinances, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

C. Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this chapter shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this ordinance. (Ord. No. 79-5, 12/20/79)

SECTION 5-832      PENALTY.

Any violation of this chapter is punishable as provided in Section 1-108 of this code.

CHAPTER 9

PENALTY

Section 5-901	Penalty
Section 5-902	Relief in courts.
Section 5-903	Violation by corporate officers and agents.

SECTION 5-901      PENALTY.

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of the chapters in this part or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 4-41)

SECTION 5-902      RELIEF IN COURTS.

No penalty imposed by and pursuant to this part shall interfere with the right of the town also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person, firm or corporation. (Prior Code, Sec. 4-42)

SECTION 5-903      VIOLATION BY CORPORATE OFFICERS AND AGENTS.

Violation of any of the terms or provisions of this part by any corporation or association shall subject the officers and agents actively in charge of the business of such corporation, or association, to the penalty herein provided. (Prior Code, Sec. 4-43)

5-1001

5-1002

## CHAPTER 10

### FIRE CODE

#### SECTION:

- 5-1001: Fire Code Adopted
- 5-1002: Additions And Changes
- 5-1003: Geographic Limits

5-1001: **FIRE CODE ADOPTED:** A certain document, three (3) copies of which are on file in the office of the town clerk of the town of Luther, being marked and designated as the international fire code, 2006 edition, including appendix chapters A through G (see international fire code section 101.2.1, 2006 edition), as published by the International Code Council, be and is hereby adopted as the fire code of the town of Luther, in the state of Oklahoma 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 as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the town of Luther are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 5-1002 of this chapter. (Ord. 2006-6, 12-12-2006)

5-1002: **ADDITIONS AND CHANGES:** The following sections are hereby revised:

Section 101.1 Insert:

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Section 109.3. Insert **Misdemeanor offense, maximum \$500.00 dollars, zero days**

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5-1002

5-1003

Section 111.4. Insert:

**\$10.00 dollars minimum and \$500.00 maximum**  
(Ord. 2006-6, 12-12-2006)

5-1003: **GEOGRAPHIC LIMITS:** The geographic limits referred to in certain sections of the 2006 international fire code are hereby established as follows:

Section 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited):

No geographic limits specified in town of Luther

Section 3404.2.9.5.1 (geographic limits in which the storage of class I and class II liquids in above-ground tanks outside of buildings is prohibited):

No geographic limits specified in town of Luther

Section 3406.2.4.4 (geographic limits in which the storage of class I and class II liquids in above-ground tanks is prohibited):

**[Jurisdiction To Specify]**

Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas):

No geographic limits specified in town of Luther  
(Ord. 2006-6, 12-12-2006)



5-1101

5-1102

## CHAPTER 11

### PROPERTY MAINTENANCE CODE

#### SECTION:

- 5-1101: Property Maintenance Code Adopted  
5-1102: Changes And Additions

5-1101: **PROPERTY MAINTENANCE CODE ADOPTED:** Certain documents, two (2) copies of which are on file in the office of the town clerk of the town of Luther, being marked and designated as International Code Council property maintenance code, 2006 edition, including appendix chapters A through L (see International Code Council property maintenance code section 101.1, 2006 edition) as published by the International Code Council, be and is hereby adopted as the property maintenance code of the town of Luther in the state of Oklahoma for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted and made a part thereof as if fully set out in this section, with additions, insertions, deletions and changes, if any, prescribed in section 5-1102 of this chapter. (Ord. 2008-06-09, 6-10-2008)

5-1102: **CHANGES AND ADDITIONS:** The following sections are hereby revised:

#### Section 101.1:

These regulations shall be known as the property maintenance code of the town of Luther, hereinafter referred to as "this code."

#### Section 103.5:

The fees for work shall be as provided by resolution of the board of trustees.

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## Section 304.14:

During the period from April thru October, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screen of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

## Section 602.3:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October thru May to maintain a temperature of not less than 68 degree F (20 degree C) in all habitable rooms, bathrooms, and toilet rooms.

## Section 602.4:

Indoor occupiable work spaces shall be supplied with heat during the period from October thru May to maintain a temperature of not less than 65 degree F (18 degree C) during the period the spaces are occupied.

(Ord. 2008-06-09, 6-10-2008)