# CHAPTER 5

# BUILDING AND CONSTRUCTION

Article 1. Codes and Code Administration.
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Article 3. Miscellaneous Provisions.
Article 4. Penalty.

## Article 1. Codes and Code Administration.

### Section 5-1. Codes Adopted.

The particular Codes listed below (with revisions as may be hereinafter set forth) are hereby adopted and incorporated in this Code of Ordinances, as fully as if set out at length herein, for the purposes of establishing rules and regulations for the following activities carried on within the corporate limits of the Town of Burns Flat, Oklahoma:

1. (Building Code) The construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures:

   Basic Building Code (recommended by Building Officials and Code Administrators International–BOCA), Current Edition;

2. (Plumbing Code) The installation or alteration of plumbing and drainage systems for buildings and structures:

   Basic/National Plumbing Code (recommended by Building Officials and Code Administrators International-BOCA), Current Edition;

3. (Electrical Code) The installation or alteration of electrical equipment for buildings or structures:

   National Electrical Code (National Fire Protection Association), Current Edition;

4. (Housing Code) the provisions of basic, minimum housing standards for the preservation of the health, safety and welfare of occupants:

   Basic Housing and Property Maintenance Code (Building Officials and Code Administrators International–BOCA), Current Edition;

5. (Fire Prevention Code) the provision of basic safeguards to life and property from the hazards of fire and explosion:

   Basic Fire Prevention Code (National Fire Protection Association), Current Edition;

6. (Safety Code)The use and occupancy of buildings or structures

   Life Safety Code (National Fire Protection Association), Current Edition;

7. (Mechanical Code) The installation of mechanical systems, including alterations, repairs, replacement, equipment, appliance, fixtures, fittings and/or appurtenances thereto:

   Standard Mechanical Code (recommended by the Southern Building Code Congress), Current Edition.

   *Reference: 11 O.S. § 14-107.A.*

### Section 5-2. Modifications of Adopted Codes.

1. Wherever the words "City," "Town" or "Municipality" are used in those Codes adopted, it shall mean the Town of Burns Flat, Oklahoma.

2. Wherever the words "Inspector," "Building Inspector" or "Administrative Official" are used in those Codes adopted, it shall mean the municipal official currently assuming the duties and responsibilities of Municipal Building Inspector for the Town of Burns Flat, Oklahoma.

3. All official titles used in those Codes adopted shall be interpreted as defined in this Code of Ordinances.

4. Maximum penalties for violation of provisions of those Codes are provided in Section 1-20 of this Code.

5. Notwithstanding any provisions of those Codes adopted by this Chapter, wood shingles may be used for roofing.

6. All limits referred to in any of those Codes adopted by this Chapter are hereby established as the corporate limits of the Town of Burns Flat, Oklahoma.

Section 5-3. Adopted Codes on File.

One (1) copy of those Codes adopted by the Town of Burns Flat, Oklahoma, shall be retained in the Office of the Town Clerk-Treasurer.

*Reference: 11 O.S. § 14-107.A.*

Section 5-4. Codes in Effect.

From the date on which this Chapter shall take effect, the provisions of said Codes, as herein modified, shall be controlling within the corporate limits of the Town of Burns Flat, Oklahoma.

Section 5-5. Conflicts with Code of Ordinances.

Whenever, any provision of the Codes adopted by this Chapter conflicts with the Code of Ordinances of the Town of Burns Flat, Oklahoma, the latter provisions shall govern.

Section 5-6. Appointment and Duties of Building Inspector.

The Town Board of Trustees may appoint or designate a municipal official, employee, or other person to be responsible for enforcing the Codes adopted by these Ordinances. Said person may bear such titles as "Building Inspector," "Gas Inspector," "Plumbing Inspector," "Electrical Inspector," etc., as may be deemed appropriate to indicate their respective areas of concern. The Building Inspector shall:

1. Enforce all the provisions of this Code and shall act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment and the location, use, occupancy and maintenance of all buildings and structures, except as may otherwise be specifically provided for by statutory requirements or as provided herein.

2. Receive applications and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

3. Issue all necessary notices or orders to remove illegal or unsafe conditions, issue municipal citations relating to property, to require the necessary safeguards during construction, to require adequate exit facilities in existing buildings and structures, and to insure compliance with all the Code requirements for the health, safety and general welfare of the public.

4. Make all the required inspections, or the building official may accept reports of inspection by approved agencies or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The building official may engage such expert opinion as may be deemed necessary to report upon unusual technical issues that may arise subject to the approval of the appointing authority.

5. Carry proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this Code.

6. Have power as may be necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire resistive requirements specifically provided in this Code or violating accepted engineering practice involving public safety.

7. Keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulations.

Section 5-7. Building Permits.

1. No person shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, swimming pool, mobile or modular home, other construction of the clearing or excavation of the site without first obtaining a separate Building Permit for each such building or structure from the Office of the Town Clerk-Treasurer.

2. The Town Board of Trustees shall establish policies and procedures for the application and issuance of building permits. Said policies and procedures shall be provided to applicants of building permits at the time application for permit is made.

3. Building permits may be issued by the Town Administrator or his designee unless approval is required by the Planning Commission or Town Board of Trustees as set forth in these ordinances.

4. Fees for building permits shall be as established by the Town Board of Trustees.

Section 5-8 through 5-14. (Reserved for future use.)

## Article 2. Flood Damage Prevention.

Section 5-15 through Section 5-35. (Reserved for future use.)

## Article 3. Miscellaneous Provisions.

Section 5-36. House Moving Permit.

1. Before any person shall move any house, building or heavy structure (excluding mobile homes) on or over any street within or through the Town of Burns Flat, Oklahoma, it shall first be necessary to obtain a permit to do so from the Office of the Town Clerk-Treasurer. Said permit shall first be approved by the Mayor, Acting Mayor, or Town Administrator as provided herein this Section.

2. The fee for a permit to move such house or structure shall be set by Resolution of the Town Board, but shall not be less than fifty dollars ($50.00). In the event it is necessary to move utility lines, poles, signs or other structures to facilitate the move, the cost therefor will be paid by the applicant in addition to the normal fee.

3. No permit shall be issued to any person to move a house or structure unless the person has posted a bond in the sum of one thousand dollars ($1,000.00), conditioned that the mover will indemnify the owners of any property (public or private, including pavement, curbs, etc.) for any damage thereto resulting from the moving of any house or structure by him or by his agents or employees, and holding the Town of Burns Flat, Oklahoma, harmless from liability for any such damages.

4. It shall be the duty of the Mayor, Acting Mayor or Town Administrator to approve and determine the route that may be used and the potential for damages, if any, to any property. He may prescribe such rules and regulations as are necessary to promote an effective move and to protect persons and property. The mover shall erect all necessary danger signals during the move.

5. Any person moving any house or any other structure on or over any street or alley shall be liable personally and upon his bond for any damages to trees, public property, persons or any matter whatsoever resulting from such moving. This provision shall not be construed to authorize any person to cut or trim any trees, or commit any injury to any public or private property which cannot be immediately restored to its former condition and no permit shall authorize any moving under conditions which will

promote such damage.

Section 5-37. Pavement Cutting Permits.

It shall be unlawful for any person to cut any pavement on any street or alley within the Town of Burns Flat, Oklahoma, without first obtaining a permit from the Office of the Town Clerk-Treasurer. Said permit shall be approved by the Mayor, Acting Mayor, or Town Administrator as herein provided.

Section 5-38. Ditching Permits.

1. It shall be unlawful for any person to initiate any ditching operation involving any public easement, right-of-way, place, area or building within the Town of Burns Flat, Oklahoma, without first obtaining a permit from the Office of the Town Clerk-Treasurer. Said permit shall first be approved by the Mayor, Acting Mayor, or Town Administrator.

2. Ditching permits shall be issued only if the applicant meets the following conditions:

   a. The applicant shall provide a map of the proposed project to the Mayor or Town Administrator prior to initiating work. Said map shall show, or have placed upon it by the Mayor, all municipal utility line locations in the project area, and all areas of public easement, rights-of-way, places, areas or buildings potentially affected by the proposed project.

   b. The applicant shall provide written proof that he has coordinated his project with all other applicable utility companies (telephone, electric, gas and CATV) and is aware of the locations of all such lines.

   c. The applicant shall provide a bond or cash deposit suitable to the Town Board as to dollar amount and form but in no case less than one thousand dollars ($1,000.00), to insure that any damages will be repaired. Upon completion of the project, the Town Board will review any damage claims and make appropriate arrangements.

   d. The applicant shall agree in writing to maintain proper safeguards, particularly at night.

3. Violation of any of these provisions shall be grounds for revocation of the applicant's permit at any time.

4. The fee for such permit shall be as determined by resolution of the Town Board of Trustees.

Section 5-39. Permits for Pipes and Cables Across Streets.

1. Oil and gas companies, and other persons, firms and corporations not operating pursuant to a franchise granted by the municipality or not operating pursuant to a license or permit granted by the State Corporation Commission, shall secure a permit from the Office of the Town Clerk-Treasurer before placing, installing, laying, constructing, operating or maintaining any pipe, cable, wire, conduit or line across, over, under, along, through or upon any street, alley, public way or public place within the corporate limits of the Town of Burns Flat, Oklahoma. Said permit shall first be approved by the Mayor, Acting Mayor or Town Administrator as herein provided.

2. The application for the permit shall specify:

   a. The location of the pipe, cable, wire conduit or line; and
   b. The privileges and proposed terms which the applicant desires to secure from the Town and to exercise.

3. The Mayor, Acting Mayor or Town Administrator will grant the permit on written terms which are mutually agreeable. The Town Board may revoke said permit after adequate opportunity for a public hearing for any of the following reasons:

   a. Failure to abide by the terms on which the permit was granted;
   b. Violation of State Law or municipal ordinances; or
   c. Protection of the public peace, health, safety or welfare.

4. The applicant shall pay such fees for such permit and for its periodic renewal, as the Town Board of Trustees may establish by resolution.

5. The Mayor or Acting Mayor may refuse to renew a permit.

6. The Town Board of Trustees may require an applicant to provide a bond for the protection of the Town and/or the public in such sum and with such terms as said Town Board deems desirable. When the Town Board of Trustees requires such a bond, a permit shall have no force or effect unless the required bond is also in effect.

Section 5-40. Liquefied Petroleum Gas State Permits.

It shall be unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install or repair any system, container, apparatus or appliance to be used for the transportation, storage, dispensing or utilization of liquefied petroleum gas, or to transport, handle or store such gas, unless such person has complied and complies with, all provisions of the State Law and local Ordinances relating thereto, and has any permit which may be required by State Law. No storage or liquefied petroleum gas, except by retail customers in reasonable amounts for their own use, shall be permitted within the corporate limits of the Town of Burns Flat, Oklahoma.

Section 5-41. (Reserved for Future Use.)

Section 5-42. Movement of Frame Buildings.

No frame building shall be moved from without to within the corporate limits of the Town of Burns Flat, Oklahoma, which by reason of its age, state of repair, condition of wiring or which, for any other reason, is unfit for human habitation or which might endanger the public peace, safety, health or welfare.

Section 5-43. Plumbing Registration Required; Fees; Revocation.

1. Any person engaged or about to engage in the business of plumbing in the Town of Burns Flat, Oklahoma, shall register with and obtain a permit from the Town Clerk-Treasurer, before they can engage in said business. Registration shall include proof of state license. A registration fee of twenty-five ($25.00) shall be paid to the Town Clerk-Treasurer.

2. No person shall do any gas fitting, extensions, connection of fixtures or repairs to any gas fitting, except a registered plumber, as provided in this Code of Ordinances.

3. Violations of relevant Sections of this Code may result in the revocation of registration and, if warranted, prosecution in Section 4-70, this Code.

*Reference: 59 O.S. § 1020.*

Section 5-44. Plumbing Permit.

1. In addition to the registration fee required under Section 5-43 above, the applicant shall obtain a permit from the Town Clerk-Treasurer. The cost of such permit shall be five dollars ($5.00) and shall be required prior to each plumbing contract in the amount of one thousand dollars ($1,000.00) or more, performed by applicant within the Town of Burns Flat. The application for permit shall contain a description of the work to be done.

2. Nothing in this provision shall relieve a plumber from obtaining ditching and pavement cutting permits as required in this Code.

*Reference: 59 O.S. § 1016.*

Section 5-45. Registration of Electricians; Fees: Revocation.

1. All persons, firms, partnerships, corporations or individuals, engaged locally or hereafter engaging, in the business of installing electrical fixtures, wiring or apparatus in or on any building within the corporate limits of the Town of Burns Flat, Oklahoma, shall register with the Town Clerk-Treasurer before they may engage in said business. Registration shall include proof that a state license has been obtained. A registration fee of twenty-five ($25.00) shall be paid to the Town Clerk-Treasurer.

2. Registration is current for a period of one (1) year, or any part thereof, and shall be renewed on the 10th of June of each year.

3. Violations of the Electrical License Act and relevant Sections of this Code may result in the revocation of registration and, if warranted, prosecution under Section 5-70, this Code.

*Reference: 59 O.S. § 1696.*

Section 5-46. Electrical Permits.

1. In addition to the registration fee required under Section 5-45 above, the applicant shall obtain a permit from the Town Clerk-Treasurer. The cost of such permit shall be five dollars ($5.00) and shall be required prior to each electrical contract in the amount of one thousand dollars ($1,000.00) or more, performed by the applicant within the Town of Burns Flat. The application for permit shall contain a description of the work to be done.

2. Nothing in this provision shall relieve an electrical contractor from obtaining ditching and pavement cutting permits and posting bonds as required in this Code.

*Reference: 59 O.S. § 1693.*

Section 5-47. Officers and Employees Not Liable.

1. Any officer or employee of the Town of Burns Flat, Oklahoma, charged with the enforcement of this Chapter and acting in good faith and without malice, for the Town of Burns Flat, Oklahoma, in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act or omission required or permitted in the discharge of such duties.

2. Any suit brought against any officer or employee because of such act or omission performed by him in the enforcement of any provisions of such Codes may be defended by the Town attorney until the final termination of the proceedings.

Section 5-48 through 5-69. (Reserved for future use.)

## Article 4. Penalty.

Section 5-70. Penalty.

Any person, firm or corporation who shall fail to do anything required by this Chapter or by any code adopted by this Chapter, who shall otherwise violate any provision of this Chapter or of any Code adopted by this Chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code. Each day in which a violation continues shall be deemed a separate offense. In addition to such fine or imprisonment, licenses issued under this Chapter may be revoked.