

Title 15

BUILDINGS CODES AND CONSTRUCTION

Chapters:

15.04 General Provisions

15.08 Building Code

15.12 Electrical Code

15.16 Plumbing Code

15.18 Mechanical Code.

15.20 Liquefied Petroleum Gas and Gas Piping

15.24 Flood Hazard Prevention

Chapter 15.04

GENERAL PROVISIONS

Sections:

15.04.010 Building official.

15.04.020 Fire limits defined.

15.04.030 Building permit required--Fee.

15.04.040 Conditions for building permits, subdivisions--Floodplain requirement.

15.04.050 Penalty.

15.04.060 Relief in courts.

15.04.010 Building official.

The building official of this Town shall be appointed by the Town Board of Trustees and shall have the powers and duties prescribed for the "building official" by the Town's building code; provided that his or her powers and duties may be exercised by his or her authorized representatives under his or her 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, and/or gas inspector is appointed by the Town Board of Trustees.

15.04.020 Fire limits defined.

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

15.04.030 Building permit required--Fee.

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

1. Whenever changes to a building or other structure alter the outside appearance;

2. Whenever changes will amount to more than one thousand dollars (\$1,000.00) in cost; or

3. Whenever a building or structure is to be 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. A person desiring a building permit shall submit an application therefor to the Town clerk. The applicant shall submit with the application such reasonable information as the clerk may require to enable him or her to determine whether granting the permit would be in accordance with the requirements of the ordinances of the town.

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

1. For the erection, construction, or alteration which is reasonably estimated to be less than one hundred dollars (\$100.00), no building permit is necessary.

2. For the erection, construction, or alteration which is reasonably estimated to be at least one hundred dollars (\$100.00), but less than five hundred dollars (\$500.00), a fee of twenty-five dollars (\$25.00) shall be charged to the owner of the property.

3. For the erection, construction, or alteration which is reasonably estimated to be at least five hundred dollars (\$500.00), but less than five thousand dollars (\$5,000.00), a fee of thirty-five dollar (\$35.00) shall be charged to the owner of the property.

4. For the erection, construction, or alteration which is reasonably estimated to be at least five thousand dollars (\$5,000.00) a fee of seventy-five dollars (\$75.00) shall be charged to the owner of the property.

5. In addition to the building permit fees set forth above, there shall also be levied an additional five dollar (\$5.00) fee as mandated by 59 O.S. §1000.25 for each new building permit issued or renewed. The fees collected shall be deposited in a separate account created for that purpose and shall be remitted on a monthly basis to the State Treasury for deposit in the Oklahoma Uniform Building Code Commission Revolving Fund, in compliance with 59 O.S. §1000.25.

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

15.04.040 Conditions for building permits, subdivisions--Floodplain requirement.

A. A building permit shall be issued by the town clerk only after the building official has determined that the proposed building site is reasonably safe from flooding; or if a flood hazard exists, any proposed new construction or substantial improvement, including prefabricated and mobilehomes must:

1. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;

2. Use construction materials and utility equipment that are resistant to flood damage; and

3. Use construction methods and practices that will minimize flood damage.

B. No person, firm, corporation, partnership, association or any other legal entity shall construct or cause to be constructed any structure or substantial improvement to any structure, residential, industrial, commercial or otherwise, without first obtaining a permit to construct same from the town.

C. Proposed subdivisions and land use areas shall be reviewed to assure that:
1. All proposal for construction provide for methods to minimize flood damage;

2. All public utilities and facilities such as sewerage, gas, electrical service and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided for so as to reduce exposure to flood hazards.

D. All new or replacement water supply systems or sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems in the floodwater.

For floodplain requirements see Section 15.24.010 this code.

15.04.050 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 chapter, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this chapter or by any code adopted by this chapter, or who shall otherwise violate any provision of the chapter, in 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 as provided in Section 1.12.010 of this code.

15.04.060 Relief in courts.

No penalty imposed by and pursuant to this chapter 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.

Chapter 15.08

BUILDING CODE

Sections:

15.08.010 Building code adopted.

15.08.020 Penalty.

15.08.010 Building code adopted.

The 2009 edition of the International Building Code, as published by the International Code Council, and as amended and modified by the Oklahoma Uniform Building Code Commission, as of June 30, 2015, is adopted as the building code of the Town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Building Code

are referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this chapter.

15.08.020 Penalty.

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1.12.010 of this code, plus court costs and applicable fees. Each day upon which a violation continues shall be deemed a separate offense.

Chapter 15.12

ELECTRICAL CODE

Sections:

- 15.12.010 "Electrical equipment" defined.**
- 15.12.020 National Electrical Code.**
- 15.12.030 Underwriters Laboratories, Inc.**
- 15.12.040 Town board of trustees may make special rulings.**
- 15.12.050 Pilot light required for iron in mercantile occupancies.**
- 15.12.060 Branch circuits.**
- 15.12.070 Basement installations.**
- 15.12.080 Permit required for electrical installations--Issuance.**
- 15.12.090 Inspection fee.**
- 15.12.100 Electricians registration required--Bond.**

15.12.010 "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.

15.12.020 National Electrical Code.

All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the state of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in 2011 edition of the National Electrical Code as amended and modified by the Oklahoma Uniform Building Code Commission as of June 30, 2015, shall be *prima facie* evidence of conformity with approved standards for safety to persons or to property.

15.12.030 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.

15.12.040 Town board of trustees 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.

15.12.050 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.

15.12.060 Branch circuits.

In residential and mercantile occupancies, lighting branch circuits shall be confined to one thousand (1,000) watts, and not more than eight 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.

15.12.070 Basement installations.

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

15.12.080 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 town board of trustees.

15.12.090 Inspection fee.

The town board of trustees by motion or resolution may prescribe an inspection fee to be paid to the town when electrical installations are inspected by the electrical inspector.

15.12.100 Electricians registration required--Bond.

A. It is unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician or appliance electrician without a certificate of registration as such secured from the electrical inspector. The initial fee for an electrical contractor's registration certificate, and any renewal, to be paid to the town clerk, shall be as set by the town board. A registration certificate must be renewed within ninety (90) days following expiration of the certificate. After the expiration, an application for a new certificate must be requested and the initial fee paid again. Except in case of renewal, the applicant must have passed an examination given by the electrical inspector and demonstrated the qualifications of the applicant for the certificate applied for. All such certificates shall expire June 30th. This certificate is not transferable to any other individual or company.

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

C. The bond must be approved by the building inspector. No certificate shall be issued to any such person until the bond shall have been filed and approved. Any such certificate issued shall be valid only while the bond is in effect.

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

E. After adequate opportunity for a hearing and for just cause, the town board may revoke the certificate of an electrical contractor an appliance electrician, or a journeyman electrician.

Chapter 15.16

PLUMBING CODE

Sections:

15.16.010 Adoption of Plumbing Code.

15.16.020 Plumbers--Registration, permits and fees.

15.16.030 Plumbing--Permits and inspections.

15.16.040 Plumbing inspector--Office created--Duties.

15.16.010 Adoption of Plumbing Code.

The 2009 edition of the International Plumbing Code, as published by the International Code Council, as amended and modified by the Oklahoma Uniform Building Code Commission as of June 30, 2015, is adopted as the plumbing code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Plumbing Code are referred to, adopted and made a part hereof, as if fully set out in this code, with additions, insertions and changes, if any, prescribed in this chapter.

15.16.020 Plumbers--Registration, permits and fees.

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

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

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

D. Upon application to the plumbing inspector, the plumbing inspector shall register such applicants and issue to them certificates of registration; provided that an applicant for registration as a plumbing contractor shall also furnish a bond as prescribed below. Such town certificates shall not be valid after the termination or expiration of the state licenses or certificates. Registration certificates of plumbing contractors and journeyman plumbers issued as provided herein shall expire on June 30th each year. The town certificates of plumber's apprentices shall expire when their state certificates expire which is five years after date of issue.

E. An applicant for a plumbing contractor's certificate of registration, after complying with the laws of the state with the established town code, and after payment of the fee hereinafter specified, shall be registered by the town clerk. The registration shall expire at the end of the fiscal year, and the annual renewal fee, but may be renewed from year to year. The initial registration fee shall be as set by the town board. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the same bond is required as set forth by the town code.

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

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

H. The fee for registration shall be as set by the town board by motion or resolution. The town board, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the town registration of any plumbing contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the town relating to the installation of plumbing or for any other cause specified in the state plumbing license law. (Prior code § 5-203)

15.16.030 Plumbing--Permits and inspections.

A. No plumbing work shall be undertaken without a permit from the plumbing inspector.

B. The application for such work must follow the adopted town code.

C. The schedule of permit fees may be set forth by resolution or motion of the town board. Such payment will be made upon application.

D. Inspection of such work must conform to the guidelines set forth in the town code.

15.16.040 Plumbing inspector--Office created--Duties. The office of inspector of plumbing is created and shall be filled and the duties of the office performed by some person appointed by the town board of trustees. 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 or she 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.

Chapter 15.18

MECHANICAL CODE

Sections:

15.18.010 Adoption of Mechanical Code.

15.18.010 Adoption of Mechanical Code.

The 2009 edition of the International Mechanical Code, as published by the International Code Council, and as amended and modified by the Oklahoma Uniform Building Code Commission, as of June 30, 2015, is adopted as the mechanical code of the Town for the installation of mechanical systems as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Mechanical Code are referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this chapter.

Chapter 15.20

LIQUEFIED PETROLEUM GAS AND GAS PIPING

Sections:

15.20.010 Persons must comply with state law.

15.20.020 Pamphlet adopted.

15.20.010 Persons must comply with state law.

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

15.20.020 Pamphlet adopted.

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

Chapter 15.24

FLOOD HAZARD PREVENTION

Sections:

15.24.010 Statutory Authorization, Findings of Fact, Purpose and Methods.

15.24.020 Definitions.

15.24.030 General Provisions.

15.24.040 Administration.

15.24.050 Provisions for Flood Hazard Reduction.

15.24.060 Town of Haskell Floodplain Management Fee Schedule.

15.24.070 Penalties for Noncompliance.

15.24.010 Statutory Authorization, Findings of Fact, Purpose and Methods.

A. Statutory Authorization.

The Legislature of the State of Oklahoma has in 11 O.S. §§41-47, as amended, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

B. Findings of Fact.

(1) The flood hazard areas of the Town of Haskell are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage.

C. Statement of Purpose.

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;

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

D. Methods of Reducing Flood Losses.

1. In order to accomplish its purposes, this Chapter uses the following methods:
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
5. Control filling, grading, dredging and other development which may increase flood damage;
6. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

15.24.020 Definitions.

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

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

“Area of Special Flood Hazard - is the land in the floodplain within the Town of Haskell subject to a one percent or greater chance of flooding in any given year.

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

"Base Flood Elevation" - means the elevation above mean sea level of the base flood or 1% chance flood.

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

"BFE" - means base flood elevation.

"CFR" - means Code of Federal Regulations.

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

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

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

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

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

"Existing manufactured home park or subdivision" - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 4, 1972.

"Expansion to an existing manufactured home park or subdivision"- means the preparation of additional sites by the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA" means the Federal Emergency Management Agency.

"FIRM" means Flood Insurance Rate Map.

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

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

"Flood insurance Rate Map" - means an official map of the Town of Haskell on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Haskell.

"Flood insurance study" - is the official report provided by FEMA for the Town of Haskell which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

"Floodplain Administrator" - means a person accredited by the OWRB and designated by the Town of Haskell to administer and implement laws, ordinances and regulations relating to the management of floodplains.

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

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

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

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

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Article III, Section B. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

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

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

"Historic structure" - means any structure that is:

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

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

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

"Lowest floor" - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building

access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR. "Manufactured home" - means a structure transportable in one or more sections; which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. "Mean sea level" - means, for purposes of the National Flood insurance Program, the North American Vertical Datum (NAVE) of 1988 or other datum, to which base flood elevations shown on the Name' Flood Insurance Rate Map are referenced.

"New construction" - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of all initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the Trustees of the Town of Haskell and includes any subsequent improvements to such structures.

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

"OWRB" - means the Oklahoma Water Resources Board.

"Recreational vehicle" - means a vehicle which is:

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

"Start of construction" - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

"Violation" - means the failure of a Structure or other development to be fully compliant with this flood damage prevention ordinance.

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

15.24.030 General Provisions.

A. Lands to Which this Chapter Applies.

This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Haskell, Oklahoma.

B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Muskogee County, Oklahoma and Incorporated Areas" dated February 4, 2011, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted on February 4, 2011, by reference and declared to be a part of this chapter. However, until this date the current effective flood maps for the Town of Haskell shall be used for this purpose until February 4, 2011.

C. Establishment of a Development Permit.

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

D. Compliance.

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

E. Abrogation and Greater Restrictions.

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

F. Interpretation.

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

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

G. Warning and Disclaimer of Liability.

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

15.24.040 Administration.

A. Designation of Floodplain Administrator.

The Town of Haskell designates the Town Administrator as Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management. The Town of Haskell may later designate other employees or offices to act as Floodplain Administrator.

B. Duties & Responsibilities of the Floodplain Administrator.

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

Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1618, as amended.

2. Reviewing permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for Development Permits required by this ordinance.
4. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval are required.
5. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
6. In riverine situations notify adjacent communities and the OWRB prior to any alteration or relocation of a watercourse and submit evidence of such notification to the FEMA.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. Shall require the developer/applicant to determine and provide the base flood elevation on two PEMA Elevation Certificates, one pre and one post, as well as other data as required in order to administer the provisions of Article V.

9. When a floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE as delineated on the Muskogee County FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town of Haskell.

10. After a disaster or other type of damage, occurrence to structures in the Town of Haskell, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.

11. Maintain a record of all actions involving an appeal from a decision of the Board of Trustees of the Town of Haskell.

12. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.

C. Permit Procedures.

1. An Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and

b. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- j. The relationship of the proposed use to the comprehensive plan for that area.

3. The Floodplain Administrator or Trustees, as applicable, may approve certain development in Zones A or AE delineated on the Muskogee County FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the Development Permit in that case first complies with 44 CFR.

D. Variances.

1. General provisions:

a. The Trustees of the Town of Haskell may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this Chapter, if the applicant for the variance presents adequate proof that (i) compliance with this Chapter will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of this Section D. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.

b. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.

c. In no case shall variances be effective for a period longer than twenty (20) years.

d. Any person seeking a variance shall file a petition with the Board of Trustees of the Town of Haskell, accompanied by a filing fee of Twenty-five Dollars (\$25.00).

e. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) and provisions of Section D of this Article IV have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

f. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Mayor of the Town of Haskell which states that (1) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property.

g. At such time as the Board of Trustees of the Town of Haskell deems the petition ready for notification to the public, the Board of Trustees of the Town of Haskell shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Muskogee County at least thirty (30) days prior to the hearing.

h. The Board of Trustees of the Town of Haskell shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section O. This appeals group shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.

i. Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances; and

(4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

j. Upon consideration of the factors stated in this Section O and the intent of this ordinance, the Board of Trustees of the Town of Haskell may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Article I, Section C of this ordinance.

k. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the Trustees of the Town of Haskell shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.

2. Special provisions:

a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

d. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(1) The criteria of Section 0(1)(e); Section 0(1)(i); Section 0(2)(b); and Section 0(2)(c) of this Article IV are met, and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

15.24.050 Provisions for Flood Hazard Reduction.

A. General Standards.

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

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with

materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards.

In all areas of special flood hazards the following provisions are required:

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at a minimum of one (1) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.

2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at a minimum of one (1) foot above the base flood elevation.

3. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers, valves, or other coverings

or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes -. Require that all manufactured homes to be placed anywhere within the Town of Haskell within Zones A and AE on the Town of Haskell FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at or above the BFE. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable state and local anchoring requirements for resisting wind threes. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A and AE on the Muskogee County FIRM either:

(a) Be on the site for fewer than 180 consecutive days,

(b) Be fully licensed and ready for highway use, or

(c) Meet the permit requirements of Article IV, Section C, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Accessory Structure - Accessory structures to be placed on sites within Zones A and AE on the Muskogee County FIRM shall comply with the following:

(a) The structure shall be unfinished on the interior;

(b) The structure shall be used only for parking and limited storage;

(c) The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;

(d) Service facilities such as electrical and heating equipment must be elevated to or above the BFE;

(e) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(f) The structure shall be designed: to have low flood damage potential and constructed with flood resistance materials;

(g) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;

(h) Floodway requirements must be met in the construction of the structure;

(i) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and

(j) The structure shall be located so as not to cause damage to adjacent and nearby structures.

C. Standards for Subdivisions.

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

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

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

D. Floodways.

The following provisions shall apply to floodways:

1. Encroachments, including but not limited to, fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Town of Haskell during the occurrence of the base flood discharge.

2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

3. The Town of Haskell may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the Development Permit complies with all of 44 CFR Section 65.12.

E. Severability.

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

15.24.060 Town of Haskell Floodplain Management Fee Schedule.

The Town of Haskell establishes the following fee schedule not to exceed \$500.00 for any one service:

- a. Notice of Intent Fee - \$25.00 maximum
- b. Floodplain Development Permit Application Review - \$100.00
- C, Floodplain Development Permit Fee - \$ 25.00
- d. Inspection Fee-per inspection - \$25.00.

15.24.070 Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this Chapter is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$200.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Board of Trustees of the Town of Haskell or its Town Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.