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BUILDING CODE AND REGULATIONS

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CHAPTER I

BUILDING CODE AND REGULATIONS

Section 5-101	Building code adopted.
Section 5-102	Additions and changes to building code.
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SECTION 5-101 BUILDING CODE ADOPTED.

The BOCA Basic/National Building Code, the latest edition thereof, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the building code of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the BOCA Basic/National Building Code are hereby 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. (Prior Code, Sec. C1, as amended; Ord. No. 75-1224, 5/19/75, as amended)

State Law Reference: Building codes, adoption by cities, 11 O.S. Section 14-107; 74 O.S. Section 324.8.

SECTION 5-102 ADDITIONS AND CHANGES TO BUILDING CODE.

The following sections of the BOCA Basic/National Building Code are hereby revised:

1. Section 100.1, insert City of Dewey;
2. Section 114.3.1, insert: "The fee schedule shall be in accordance with the city code, or as may be set or amended by motion or resolution";
3. Section 117.4, insert: "Offense, punishable by fine and imprisonment as provided in Section 1-108 of the city code of ordinances";
4. Section 118.2, insert: "fine as provided in Section 1-108 of the city code of ordinances";
5. Section 123.3, insert: "as set by the city manager or city council;"
6. Section 501.2, insert: "the boundaries of the fire limits as provided in the city code of ordinances";
7. Section 1807.2.1, and 1807.22, insert: "a number of feet to be determined by the city manager by motion or resolution" in both locations; and
8. Section 1906.1, insert: "Amounts as set by the city council by motion or resolution".

(Prior Code, Sec. C2, as amended)

SECTION 5-103 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 1-108 of this code, including costs. Each day upon which a violation continues shall be deemed a separate offense. (Prior Code, Sec. C4, as amended)

SECTION 5-104 BUILDING OFFICIAL.

The building official of this city shall be appointed by the city manager and shall have the powers and duties prescribed for the "building official" by the city's building code. The powers and duties may also be exercised by his authorized representatives under his supervision and control. The term "building inspector", whenever used in the ordinances of the city, means the building official. The terms "electrical inspector", "plumbing inspector", and "gas inspector", wherever used in the ordinances of the city, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, or gas inspector is appointed by the city manager. (Prior Code, Secs. A19, C3, as amended)

SECTION 5-105 FIRE LIMITS DEFINED.

The fire limits are that part of the city bounded as follows:

All that portion of the city which is designated as general business district and local business district by the zoning ordinance of the city. At such time as either or both of these districts are changed, the fire limits, or fire zone, shall be changed ipso facto to cover such districts as changed. (Prior Code, Sec. C5)

SECTION 5-106 BUILDING PERMIT REQUIRED, FEE.

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

1. Whenever changes to a building or other structure alter the outside appearance;
2. Whenever changes will amount to more than two thousand five hundred Dollars (\$2,500.00) in cost; and
3. Whenever a building or structure is to be moved from without the city to a location within the city or from one location in the city to another location within the city.

B. A person desiring a building permit shall submit an application therefor to the city clerk. The applicant shall submit with the application such reasonable information as the clerk may require to enable him to determine whether granting the permit would be in accordance with the requirements of the ordinances of the city.

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 city council. A current copy of the fee schedule shall be kept in the office of the city clerk.

D. A building permit covers the initial plumbing and electrical installations to be made in connection with the building. (Prior Code, Sec. C7)

E. Duration; Residential: A building permit for a residential construction project shall be effective for nine (9) months after the date of issuance and shall lapse and terminate if the project is not completed nine (9) months from the date of issuance. A building permit may be extended for one additional three (3) month period at the discretion of the building inspector/code official upon application by the permit holder and submission of satisfactory evidence that work on the residential project is progressing to completion, and that the project will be completed within the three (3) month extension. The city manager may grant additional three (3) month building permit extensions upon a showing by the permit holder that an extension is necessary and good cause exists for such extension.

F. Duration; Commercial, Industrial or Institutional: A building permit issued for a commercial, industrial or institutional construction project shall be effective for eighteen (18) months after work is commenced on the project. Work must commence within six (6) months after issuance of the building permit or the permit shall lapse and terminate, and a new building permit must be applied for and obtained prior to commencing work on a project. A building permit may be extended for one additional six (6) month period at the discretion of the building inspector/code official upon application by the permit holder and submission of satisfactory evidence that work on the project is progressing to completion, and that the project will be completed within that extension period. The city manager may grant additional three (3) month building permit extensions upon a showing by the permit holder that an extension is necessary and good cause exists for such extension.

G. Fees: A building permit extension fee is hereby established in the amount of fifty dollars (\$50.00), which shall be due at the time of any building permit extension issued. No building permit extension shall be issued unless the required fee has been paid.

H. Lapses And Terminations: In the event that a building permit lapses and terminates and no application is made for a building permit extension by the permit holder within thirty (30) days of notification of such termination by the building inspector/code official, then the city may order that the construction utilities, including, but not limited to, electric service, water or sanitary sewer to the project furnished by the City of Dewey or the Dewey Public Works Authority be terminated and no utilities shall be furnished to the project until a building permit extension is obtained.

SECTION 5-107

MOBILE HOME REQUIREMENTS.

A. Every mobile home remaining in one place within the city for seventy-two (72) or more consecutive hours is required to have tie-down equipment and skirting materials furnished and installed according to the following specifications:

1. Required number and type of ties:

- a. Mobile homes 40 feet to 50 feet in length, 3 frame ties per side;
- b. Mobile homes 50 feet to 70 feet in length, 4 frame ties per side;
- c. Mobile homes exceeding 70 feet in length, 5 frame ties per side;
- d. Over-the-home ties as close to each end as possible, with straps, at stud and rafter locations; and
- e. Posts for cabanas and awnings must be securely anchored to a concrete patio or other equivalent footing;

2. Anchoring specifications:

- a. Auger or "deadman" type anchors, 6 inches in diameter; arrowhead type anchors, 8 inches in diameter;
- b. Auger or arrowhead anchors should be sunk to depth of four {4} feet; "deadman" type anchors shall be sunk to depth of five {5} feet; and
- c. Anchor rod, 5/8-inch diameter with ends welded closed to form an eye; must be hooked into concrete where used in "deadman" anchors;

3. Tie and connector specifications:

- a. Ties shall be galvanized steel straps 1-1/4 inches by .035 or woven wire, galvanized or stainless steel cable 3/8-inch diameter or 1/4-inch aircraft cable; and
- b. Connectors shall be turnbuckles 5/8-inch diameter of drop forged steel with ends welded or forged closed to form an eye; other tensioning devices of similar length to be acceptable shall be first approved by the city building inspector; and

4. Piers and footings:

- a. Piers shall be spaced at ten-foot intervals on both frame rails with end piers no further than five feet from end of mobile home;

- b. Footing shall be of concrete and be 16-inches by 16-inches by 4-inches if on pads or 16-inches by 16-inches by 6-inches if on ground;
- c. Piers of standard 8-inches by 8-inches by 16-inches celled concrete block with solid 4 inch cap; and
- d. Other similar piers may be approved by the city inspector.

"Mobile home" is defined as any vehicle or similar portable structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. It shall be immaterial whether wheels have been attached thereto or removed therefrom. "Remaining in one place" shall mean situated in one geographical location, or within three hundred (300) yards radius thereof. The definition of "mobile home" includes a "modular home" which means a factory fabricated dwelling over thirty-two (32) feet in length and at least twenty-four (24) feet wide designed and constructed without carriage or hitch collar as stationary house construction for placement upon permanent foundation, to be permanently connected to utilities, for year-round occupancy. A modular home can consist of two (2) or more components that can be separated when transported, but designed to be joined into one integral unit. Modular homes shall meet the minimum standards for house construction as provided in the city's building code, the FHA Minimum Property Standards, and have a roof with at least a three-twelfths (3/12) pitch.

- C. Mobile homes shall be so constructed, set or skirted, using standard mobile home skirting materials; as to prevent winds from passing beneath such structures.

D. Any mobile home or other portable structure within the city not conforming to these minimum requirements is hereby declared to be a public nuisance, being a potential danger, both to the occupants and the neighbors thereof. The same shall be dealt with by the city in the same manner as other public nuisance, and abated accordingly. (Ord. No. 75-1227, 11/3/75)

Cross Reference: Mobile home in flood plains, see Sections 12-501 et seq. of this code; zoning regulations, see Sections 12-201 et seq. of this code.

DILAPIDATED BUILDINGS

Sections:

Definitions.	5.108
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Prohibited.	5.110
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5.108 Definitions. "Dilapidated Building" means:

- a. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public;
- b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public;
- c. a structure which is determined by the municipal governing body or administrative officer of the municipal governing body to be an un-secure building, more than three times within any twelve-month period;
- d. a structure which has been boarded and secured for more than eighteen (18) consecutive months;
- e. a structure declared by the municipal governing body to constitute a public nuisance. (See also Section 8-407 for reference on public nuisance, and definitions)

"Owner" means: the owner of record as shown by the most current tax rolls of the County Treasurer.

"Housing Inspector" means: a member of the code enforcement staff or the City health officer, whose duty it shall be to inspect vacant structures for compliance with the provisions of this chapter, and/or his authorized representative.

5.109 Intent.

It is declared that the legislative intent of the city commission to conform to the provisions of 11 O.S. 1991 Section 21 and to repeal any and all provisions of the city code which are in conflict with the chapter.

5.110 Prohibited.

No persons, firm or corporation shall allow a structure, or building to become so dilapidated and deteriorated so that said structure becomes detrimental to the health, benefit and welfare to the public and the city, or creates a fire hazard to the danger of the property. Where possible, determinations as to whether or not a structure is dilapidated or deteriorated shall be made in accordance with the standards adopted by the city housing code.

5.111 Abatement Notice-Required.

When it comes to the attention of the housing inspector, or his authorized agent, that any structure or building is deteriorated and dilapidated as defined by the provisions of this chapter, and is in violation of any of the provisions of this chapter, then a notice, *in writing*, shall be served on the property owner where the violation exists, notifying him or her of the violation of this chapter, and requesting the abatement of the violation therein specified.

5.112 Abatement Notice-Service.

The city shall give *Notice* of removal to the owner at least ten (10) days before the time of compliance. It shall constitute sufficient notice before the city, when a copy of said notice is posted in a conspicuous place upon the private property on which the violation is located and, by serving written notice to the owner thereof by certified mail with return receipt requested at the address shown by the current year's tax rolls in the County Treasurer's Office, and by mailing notice to any mortgage holder as shown by the records in the office of the County Clerk to the last known address of said mortgagee.

5.113 Abatement Notice-Contents.

The notice shall contain request for abatement and removal within a specified time period, which period shall be no less than ten (10) days from the date of said Notice, and the notice shall further advise that upon failure to comply with the Notice to Abate or Remove, the Council will hold a hearing on a specified date and that after such hearing the City or its designee(s) shall undertake such removal with the cost of removal or abatement to be levied against the owner of the property.

5.114 Hearing.

A hearing shall be held by the city commission on the date set forth in the Notice to determine whether the property is dilapidated and deteriorated and has become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of the property, and upon the finding of the condition of property requires such a conclusion that the property would be benefited by the removal of such condition, the city

commission may cause the dilapidated and/or deteriorated building(s) or Structure(s) to be torn down and removed and such shall fix reasonable dates for the commencement and completion of said work, and for such purpose the agents for the city commission are granted the *right of entry* on such property for the performance of the necessary duties as a governmental function of the city.

5.115 Performance of Work.

The work ordered to be performed under this section may be done by the employees of the city under supervision of the city manager, or it may be let by contract, if said work is not performed by the property owner within dates as fixed by the city commission. When said work is performed by contract, said contract shall be let to the lowest and best qualified bidder.

5.116 Costs Determination.

The city commission shall determine the actual cost of such dismantling and removal of dilapidated structure(s) and such other expenses as may be necessary in connection therewith, including the cost of Notice and mailing and the city clerk shall forward by certified mail with return receipt requested to the property owner at the address shown by the current year's tax rolls in the county treasurer's office, and by mailing notice to any mortgage holder as shown by the records in the office of the county clerk to the last known address of said mortgagee, a statement of such actual cost and demand payment thereof. If dismantling and removal of dilapidated and or deteriorated buildings is done by the city, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for removal of said building(s) and/or structure(s).

5.117 Costs-Failure to Pay.

If payment is not made within six (6) months from the date of such mailing, the city clerk shall forward a certified statement of the amount of such costs to the county treasurer of the county in which the property is located by the county treasurer as other taxes authorized by law. Such cost and interest thereon shall be a lien against the property from the date the costs are certified to the county treasurer, co-equal with the lien of advalorem taxes and all other taxes and special assessments prior and superior to all other title and liens against such property, and such liens shall continue until such cost shall be fully paid.

5.118 Procedure for Removal.

The procedure for the Notice commencing the above and foregoing Dilapidated Structures City Code shall be as follows, and further, shall be in accordance with the Oklahoma Statutes for the enforcement of same under and in compliance with **11 O.S. Section 22-112:**

a. Notice to Property Owner

1) The property owner, which shall include the owner of record as set forth above, shall be given Notice in the form of a brief statement of said violation(s), if more than one, then Notice shall state each violation individually on same Notice

2) Notice shall contain where on said property the violations exist(s)

3) A request for the abatement of dilapidated building(s) and/or Structure(s) within the time prescribed as set forth above; more specifically within ten (10) days from the date of the request

4) Statement of Rights of the owner of the property, which shall include

a) the time period to appear before the city and show cause why said abatement should not occur;

b) that if no action is taken by the property owner to rectify the violation within said period of time prescribed a hearing will be held, specifying the date, location and time for the owner to appear, and that if no action be taken by said owner or if the presence without excusable absence be approved in writing by the city manager or his agent, then a default finding will be made and that the costs of said removal and the cleaning up of said property will be incurred and levied against said property owner.

5) The Notice shall be served on the property owner:

a) by personal delivery upon the owner

b) and Posted on the Property, visible and attainable by the owner

c) or, Notice by Mail to the registered owner, on file at the County treasurer's, and by certified mail return receipt requested
d) the last known address as shown on the mortgage, on file with the County treasurer's office (if applicable) by certified mail, return receipt requested

e) then, after a due diligence search as set out in 5(a)(b)(c)(d) above, after posting is made on said property, service by

publication under 11 O.S. Section 1-102, together with affidavit by agent making such diligent search that they have attempted to the best of their ability to ascertain the whereabouts of the owner, but that such efforts have been unsuccessful. Publication shall not be made within ten (10) days of the date of said hearing or any actions to be taken.

6) After hearing on same and if it be the decision based on the evidence and testimony presented, if any be offered to Council, said Council or Committee shall then make a FINDING it is Order:

- a) That said dilapidated building(s) or structure(s) is a detriment as set forth hereinabove in 5.114.
- b) that said building(s) or structure(s) shall be taken down, and at who's expense, indicating notice was given and opportunity had for owner to present evidence and testimony as to why they should not be obligated to abate said violation, and set a date specific for the removal of such, and that a filing of liens with all costs included shall be sent forth to the County Treasurer's Office as lien against said property
- c) a statement that the owner of the property has thirty (30) days to contest the finding of said Council or Committee on the violation

7) A copy of the Expense Notice to owner, as registered along with a Formal Demand Letter for the costs associated with the removal. Said Expense and Demand Letter shall be mailed to the registered owner, by certified mail, Return Receipt Requested

8) Owner shall have six (6) months to pay the city for the costs of said removal. With the Statement to Owner that if costs not paid, then Expenses to the County Treasurer's office, as set forth above.

9) AND that the Owner shall be notified that they have Ten (10) days to appeal the decision of the Council's Findings.

(Amended November 5, 2012, #2012-1517)



SECTION 5-119

CONTRACTORS LICENSE

SECTIONS 5-119B

WORKER'S COMPENSATION FOR CONTRACTORS

SECTION 5-119 CONTRACTORS LICENSE REQUIREMENTS

A. All contractors whose activities are regulated by any of the city's building, electrical, plumbing, and mechanical codes in this Part 5 are hereby required to obtain a license or registration certificate from the building department before engaging in regulated activities. The initial and renewal fees for a contractor's certificate, to be paid to the city clerk, shall be as set by the council. A certificate must be renewed within ninety (90) day following expiration of the registration. After the expiration, an application for a new licenses must be requested and the initial fee paid again. All such certificates shall expire annually. This certificate is not transferable to any other individual or company.

B. After adequate opportunity for a hearing, the council may revoke the registration of a contractor for any of the following causes;

1. Serious or repeated violations of the laws, ordinances or other regulations relating to building codes;
2. Grossly unethical conduct in connection with the building trade or business;
3. Poor workmanship or service; or
4. Installing inferior or substandard materials, fixtures or equipment

A request that the registration be revoked may be presented to the council by the city inspector or by any aggrieved person.

C. It is unlawful for any person to engage in the business, trade or vocation of mechanical contractor without a certificate of registration as such secured from the building department. The initial and renewal fees for a mechanical contractors certificate, to be paid to the city clerk, shall be as set by the council. A certificate must be renewed within ninety (90) day following expiration of the registration. After the expiration, an application for a new licenses must be requested and the initial fee paid again. Except in case of renewal, an applicant for a mechanical contractor's certificate must show proof of possession of a current state licenses and demonstrate the qualifications of the applicant for the certificate applied for. All such certificates shall expire annually. This certificate is not transferable to any other individual or, company.

After adequate opportunity for a hearing, the council may revoke the registration of a contractor for any of the following causes:

1. Serious or repeated violations of the laws, ordinances or other regulations relating to mechanical codes;
2. Grossly unethical conduct in connection with the mechanical trade or business;
3. Poor workmanship or service; or
4. Installing inferior or substandard materials, fixtures or equipment

Section 5-119B Worker's Compensation

- A. All contractors whose activities are regulated by any of the city's building, electrical, plumbing, and mechanical codes in this Part 5 are hereby required to obtain a license or registration certificate from the building department before engaging in regulated activities. The initial and renewal fees for a contractor's certificate, to be paid to the city clerk, shall be as set by the council. A certificate must be renewed within ninety (90) days following expiration of the registration. After the expiration, an application for a new license must be requested and the initial fee paid again. All such certificates shall expire annually. This certificate is not transferable to any other individual or company.
- B. Workers Compensation Insurance Requirements.
1. Each contractor who is defined in the Workers' Compensation Act, Title 85, Oklahoma Statutes, Section 1 et seq. (the "Act") as an employer of employees as defined in the Act and not exempt, which contractor is registered under this article shall be required to document to the City of Dewey and to keep in force during the life of its registration, a workers' compensation insurance policy to protect the contractor's employees against occupational hazards and diseases as regulated and defined in the Act.
 2. A Certificate of Insurance for workers' compensation from an insurance company duly licensed to do business in the State of Oklahoma or proof of exemption or own risk status shall be submitted with the application for registration to the city. Persons who are self-employed and do not fall under the jurisdiction of the Workers' Compensation Act are not required to submit a certificate of insurance. However, in lieu of the certificate of insurance requirement, the applicant must execute an affidavit certifying he is wholly self-employed and does not fall under the jurisdiction of the Workers' Compensation Act with proof of exemption. The city attorney will establish acceptable criteria for proof of exemption.
 3. The contractor shall be required to notify the city within ten (10) working days upon termination of an insurance policy. This will cause the city to invalidate the certificate.
- C. Insurance. Each contractor shall procure and maintain a general liability policy of insurance with limits per occurrence of not less than \$100,000.00. A Certificate of insurance shall be provided at the time application is made for a contractor's certificate. Contractor shall notify the city within ten (10) days of termination of the policy. Failure to maintain general liability insurance in the specified limits shall cause the contractor's certificate to be deemed revoked.
- D. Workers Compensation Insurance Requirements; **Plumbers**
1. Each **plumbing contractor** who is defined in the Workers' Compensation Act, Title 85, Oklahoma Statutes, Section 1 et seq. (the "Act") as an employer of employees as defined in the Act and not exempt, which plumbing contractor is registered under this article shall be required to document to the City of Dewey and to keep in force during the life of its registration, a workers' compensation insurance policy to protect the plumbing contractor's employees against occupational hazards and diseases as regulated and defined in the Act.

2. A Certificate of Insurance for workers' compensation from an insurance company duly licensed to do business in the State of Oklahoma or proof of exemption or own risk status shall be submitted with the application for registration to the city. Persons who are self-employed and do not fall under the jurisdiction of the Workers' Compensation Act are not required to submit a certificate of insurance. However, in lieu of the certificate of insurance requirement, the applicant must execute an affidavit certifying he is wholly self-employed and does not fall under the jurisdiction of the Workers' Compensation Act with proof of exemption. The city attorney will establish acceptable criteria for proof of exemption.
3. The plumbing contractor shall be required to notify the city within ten (10) working days upon termination of an insurance policy. This will cause the city to invalidate the certificate, Insurance.
4. Each plumbing contractor shall procure and maintain a general liability policy of insurance with limits per occurrence of not less than \$100,000.00 certificate of insurance shall be provided at the time application is made for a plumbing contractor's certificate. Plumbing contractor shall notify the city within ten (10) day of termination of the policy. Failure to maintain general liability insurance in the specified limits shall cause the plumbing contractor's certificate to be deemed revoked.

E. **Workers Compensation Insurance Requirements; Electrical Contractors.**

1. It is unlawful for any person to engage in the business, trade or vocation of electrical contractor or journeyman electrician without a certificate or registration as such secured from the building department. The initial and renewal fees for an electrical contractor's certificate, to be paid to the city clerk, shall be as set by the council. A certificate must be renewed within ninety (90) days following expiration of the registration. After the expiration, an application for a new license must be requested and initial fee paid again. Except in case of renewal, an applicant for a certificate for an electrical contractor or a journeyman electrician must show proof of possession of a current state license and demonstrate the qualifications of the applicant for the certificate applied for. All such certificates shall expire annually. This certificate is not transferable to any other individual or company.
2. Each electrical contractor who is defined in the Workers' Compensation Act, Title 85, Oklahoma Statutes, Section 1 et seq. (the "Act") as an employer of employees as defined in the Act and not exempt, which electrical contractor is registered under this article shall be required to document to the City of Dewey and to keep in force during the life of its registration, a workers' compensation insurance policy to protect the electrical contractor's employees against occupational hazards and diseases as regulated and defined in the Act.

3. A Certificate of Insurance for workers' compensation from an insurance company duly licensed to do business in the State of Oklahoma or proof of exemption or own risk status shall be submitted with the application for registration to the city. Persons who are self-employed and do not fall under the jurisdiction of the Workers' Compensation Act are not required to submit a certificate of insurance. However, in lieu of the certificate of insurance requirement, the applicant must execute an affidavit certifying he is wholly self-employed and does not fall under the jurisdiction of the Workers' Compensation Act with proof of exemption. The city attorney will establish acceptable criteria for proof of exemption. The electrical contractor shall be required to notify the city within ten (10) working days upon termination of an insurance policy. This will cause the city to invalidate the certificate.

4. Insurance. Each **electrical contractor** shall procure and maintain a general liability policy of insurance with limits per occurrence of not less than \$100,000.00. A Certificate of insurance shall be provided at the time application is made for an electrical contractor's certificate. Contractor shall notify the city within ten (10) days of termination of the policy. Failure to maintain general liability insurance in the specified limits shall cause the contractor's certificate to be deemed revoked.

F. It is unlawful for any person to engage in the business, trade or vocation of **mechanical contractor** without a certificate of registration as such secured from the building department. The initial and renewal fees for a mechanical contractors certificate, to be paid to the city clerk, shall be as set by the council. A certificate must be renewed within ninety (90) days following expiration of the registration. After the expiration, an application for a new license must be requested and the initial fee paid again. Except in case of renewal, an applicant for a mechanical contractor's certificate must show proof of possession of a current state license and demonstrate the qualifications of the applicant for the certificate applied for. All such certificates shall expire annually. This certificate is not transferable to any other individual or company.

G. **Workers Compensation Insurance Requirements; Mechanical Contractors.**

1. Each mechanical contractor who is defined in the Workers' Compensation Act, Title 85, Oklahoma Statutes, Section 1 et seq. (the "Act") as an employer of employees as defined in the Act and not exempt, which mechanical contractor is registered under this article shall be required to document to the City of Dewey and to keep in force during the life of its registration, a workers' compensation insurance policy to protect the mechanical contractor's employees against occupational hazards and diseases as regulated and defined in the Act.
2. A Certificate of Insurance for workers' compensation from an insurance company duly licensed to do business in the State of Oklahoma or proof of exemption or own risk status shall be submitted with the application for registration to the city. Persons who are self-employed and do not fall under the jurisdiction of the Workers' Compensation Act are not required to submit a certificate of insurance. However, in lieu of the certificate of insurance requirement, the applicant must execute an affidavit certifying he is wholly self-employed and does not fall under the jurisdiction of the Workers' Compensation Act with proof of exemption. The city attorney will establish acceptable criteria for proof of exemption.

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

4. Insurance. Each mechanical contractor shall procure and maintain a general liability policy of insurance with limits per occurrence of not less than \$100,000.00. A Certificate of insurance shall be provided at the time application is made for a mechanical contractor's certificate. Mechanical contractor shall notify the city within ten (10) days of termination of the policy. Failure to maintain general liability insurance in the specified limits shall cause the contractor's certificate to be deemed revoked.

CHAPTER 2

PLUMBING CODE

Section 5-201	Adoption of plumbing code.
Section 5-202	Additions, insertions and changes to plumbing code.
Section 5-203	Plumbers; registration, permits and fees, bond.
Section 5-204	Plumbing; permits and inspections.
Section 5-205	Plumbing inspector, office created, duties.
Section 5-206	Exceptions.

SECTION 5-201 ADOPTION OF PLUMBING CODE.

A certain document, at least one copy of which is on file in the office of the city clerk, being marked and designated as "The BOCA Basic/National Plumbing Code", the latest edition thereof, and any revisions or amendments thereto, as published by The Building Officials and Code Administrators International, Inc., is hereby adopted as the plumbing code of the city for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the BOCA Basic/National Plumbing Code are hereby 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. (Prior Code, Sec. C9, as amended)

State Law Reference: City powers to supervise plumbing, 59 O.S. Sections 1001 et seq.

SECTION 5-202 ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE.

The following sections are hereby revised as follows:

1. Section P-100.1 (page 5, second line). Insert the City of Dewey;
2. Section P-114.2 (page 12, third line). Insert "as provided in the city's code of ordinances";
3. Section P-117.4 (page 13, fifth, sixth and seventh lines). Insert "offense and punished as provided in Section 1-108 of the city's code of ordinances";
4. Section P-118.2 (page 14, fifth line). Insert "fine as provided in Section 1-108 of the city's code of ordinances";
5. Section P-303.2 (page 32, third line). Insert "a distance in feet as determined by the city manager"; and
6. Section P-308.3 (page 33, second and third lines). Insert "a depth in feet as determined by the city manager."

(Prior Code, Sec. C9, as amended)

SECTION 5-203 PLUMBERS; REGISTRATION, PERMITS AND FEES, BOND.

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 city, 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 city unless he is registered with the city and has a current and valid certificate of registration issued by the city.

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. However, an applicant for registration as a plumbing contractor shall also furnish a bond as required by the city. Such city 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 each year. The city certificates of plumber's apprentices shall expire when their state certificates expire.

E. An applicant for a plumbing contractor's certificate of registration, after complying with the laws of the state and with the established city code, and after payment of the fee hereinafter specified, and showing proof of bonds shall be registered by the city clerk. The registration may be renewed from year to year. The initial registration fee and the annual renewal fee shall be as set by the city council.

F. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the bond is required as set forth by the city council.

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 city council by motion or resolution.

I. In addition to the registration fee and before the registration certificate for a plumbing contractor is issued, each plumbing contractor shall file with the city clerk a surety bond in the sum of One Thousand Dollars (\$1,000.00) to be approved by the city manager. The conditions of the bonds are that the principal in such bond will save the city harmless for all damage to all persons or property resulting from, or in any way growing out of, any opening or excavation made by him, his agent, servant, or employee, in an alley, street, or public highway, sidewalk, or curb. The bond shall also be conditioned that the principal shall pay any and all losses occasioned by him, his agent, servant, or employee and that he will comply with all ordinances of the city and the city's plumbing code. The bond shall be approved by the city.

J. The city council, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the city registration of any plumbing

contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the city relating to the installation of plumbing or for any other cause specified in the state plumbing license law. (Prior Code, Secs. C10, C11, in part)

State Law Reference: State plumbing licenses, requirements, 59 O.S. Sections 1001 et seq.

SECTION 5-204 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 city code.

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

D. Inspection of such work must conform to the guidelines set forth in the city code. (Prior Code, Secs. C12, C13)

SECTION 5-205 PLUMBING INSPECTOR, OFFICE CREATED, DUTIES.

The office of inspector of plumbing or plumbing official is hereby created to be appointed by the city manager. The inspector shall make inspection and testing of all plumbing and sewer connections done within the city. (Prior Code, Chapter 4, as amended)

State Law Reference: Cities and towns to create office of plumbing inspector, 59 O.S. Section 1016.

Cross Reference: See Section 5-104, building official may be plumbing official.

SECTION 5-206 EXCEPTIONS.

Any owner who is also an occupant of the property where plumbing work is to be done may do the plumbing work without being licensed or registered under this chapter. A permit must still be obtained, however, and required permit fees paid.

CHAPTER 3

ELECTRICAL CODE

Section 5-301	Electrical equipment defined.
Section 5-302	National Electrical Code adopted.
Section 5-303	Underwriters' Laboratories, Inc. standards.
Section 5-304	Electrical inspector; office created.
Section 5-305	Inspector may make special rulings.
Section 5-306	Wiring standards.
Section 5-307	Extensions of certain installations.
Section 5-308	Overhead service conductors.
Section 5-309	Pilot light required for iron in mercantile occupancies.
Section 5-310	Rigid conduits, etc.
Section 5-311	Branch circuits.
Section 5-312	Refrigeration; basement installations.
Section 5-313	Permit required for electrical installation; exceptions; fee.
Section 5-314	Electrical inspector to inspect all electrical installations, fees.
Section 5-315	Installation not to be concealed until approved.
Section 5-316	Work "roughed in".
Section 5-317	Inspection of new work "roughed in".
Section 5-318	Premises not to be connected until installation is approved.
Section 5-319	Annual inspection in fire zone; corrections.
Section 5-320	Inspector may enter buildings.
Section 5-321	Responsibility for damages.
Section 5-322	Electricians; registration required.
Section 5-323	Bond for electrical contractors.
Section 5-324	Registration or bond not required when.
Section 5-325	Revocation of registration.

SECTION 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, Sec. C15)

SECTION 5-302 **NATIONAL ELECTRICAL CODE ADOPTED.**

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 or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the current issue of the National Electrical Code as approved by the American Standards Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property. (Prior Code, Sec. C16)

State Law Reference: State electrical requirements, cities may regulate and require registration, 59 O.S. Sections 1680 to 1696.

SECTION 5-303 UNDERWRITERS' LABORATORIES, INC. STANDARDS.

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 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, Sec. C17)

SECTION 5-304 ELECTRICAL INSPECTOR; OFFICE CREATED.

There shall be an electrical inspector who may be the building official appointed in this code unless another person is appointed by the city manager.

SECTION 5-305 INSPECTOR MAY MAKE SPECIAL RULINGS.

The electrical inspector shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations, but in all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions. (Prior Code, Sec. C18)

SECTION 5-306 WIRING STANDARDS.

All electric wiring installed in buildings within the city shall be contained in rigid steel conduits or in a thin-wall conduit system, unless installed in equivalent wireways or under-floor raceway systems according to the National Electric Code, and approved by the electrical inspector. Connectors and fittings of the indentor or crimp type used in a thin-wall conduit system shall not be used where exposed to weather. The use of metal molding systems or the use of armored cable in buildings already erected shall be permitted only upon the approval of the electric inspector, obtained prior to installation, when the inspector shall be satisfied that there is a real need for such use and such use will not create undue hazard. All underground conduits shall be galvanized and the wires therein shall be leadcovered, or moisture resistant as prescribed herein or in the National Electric Code. The use of black enameled steel conduit is permissible for dry locations. Electric wiring in single-or multi-family dwellings not exceeding two (2) stories in height, and located outside the fire zone in the city and conforming to standards of the National Electric Code and approved by the electrical inspector, are excepted. For purpose of this exception, a story is defined as any horizontal section of a building having more than one-half (1/2) of its height above exterior finished grade. (Ord. No. 79-1265, 8/13/79)

SECTION 5-307 EXTENSIONS OF CERTAIN INSTALLATIONS.

Wiring installations, consisting of concealed knob and tube, cleat, armored cable or flexible conduit that were installed previous to the adoption of this code, when, in the judgment of the electrical inspector, they are in a safe condition, may have extension of the same kind of work made to these installations. (Prior Code, Sec. C20)

SECTION 5-308 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 three (3) wire service. No service conductor to be less than No. 6 B. & S. gauge. (Prior Code, Sec. C21)

SECTION 5-309 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, Sec. C22)

SECTION 5-310 RIGID CONDUITS.

For mechanical security and continuity to ground, rigid conduit shall be provided with two (2) lock nuts, 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. Water tight couplings shall be employed for joining electrical metallic tubing. (Prior Code, Sec. C23)

SECTION 5-311 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 not be smaller than No. 12. Type C lamp cord will not be permitted in the kitchen of restaurants or like places where grease accumulates, nor in part of a building where live poultry is confined. (Prior Code, Sec. C24)

SECTION 5-312 REFRIGERATION; 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. (Prior Code, Sec. C25)

SECTION 5-313 PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; EXCEPTIONS; FEE.

A. It is unlawful for any person to install any electrical wiring, fixtures, equipment or apparatus in or on any building or structure in the corporate limits of this city or make extensions to any existing electrical installations without first securing a permit from the electrical inspector.

B. Applications for electrical permits shall be made to the building department and the applicant shall provide such plans, specifications and other data as may be necessary to determine whether the permit shall be issued.

C. The fee for permits shall be as set by the council by motion or resolution. (Prior Code, Sec. C30)

SECTION 5-314 ELECTRICAL INSPECTOR TO INSPECT ALL ELECTRICAL INSTALLATIONS, FEES.

It is the duty of the electrical inspector to inspect all electrical equipment installed within the city. The fees for inspection shall be as set by the council by motion or resolution. (Prior Code, Secs. C31, C36)

SECTION 5-315 INSTALLATION NOT TO BE CONCEALED UNTIL APPROVED.

It is unlawful for any person, firm, partnership, corporation or individual to conceal or cause to be concealed, any electrical equipment, used for electric light, heat or power, until it is known by the person that the installation has been approved by the electrical inspector; and a tag in the switch cabinet, or attached to the service equipment properly signed and dated, so stating, will be sufficient notice. (Prior Code, Sec. C32)

SECTION 5-316 WORK "ROUGHED IN".

New or old work "roughed in" shall include all electrical equipment to make the installation complete, be free from unintentional grounds, with joints properly made up, ready for attachment of fixtures, drop lights and appliances. (Prior Code, Sec. C34)

SECTION 5-317 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, Sec. C34)

SECTION 5-318 PREMISES NOT TO BE CONNECTED UNTIL INSTALLATION IS APPROVED.

It is unlawful for any public service corporation, individual, light, heat or power company to connect, or cause to be connected any service or building, for the supply of electric current for light, heat or power, until they have been notified by the electrical inspector that electric work has been inspected and approved and is ready for electric service. (Prior Code, Sec. C35)

SECTION 5-319 ANNUAL INSPECTION IN FIRE ZONE; CORRECTIONS.

The electrical inspector may make an annual inspection of all electrical equipment in commercial and public buildings in the fire zone of the city. When any electrical installations are found to be in an unsafe or hazardous condition, the electrical inspector may notify the person, firm or corporation where such electrical conditions exist to correct same and place in a safe condition. Any person, firm or corporation failing or refusing to make correction of hazardous or unsafe electrical installations, after having been notified by the electrical inspector, within a designated time to be determined by the electrical inspector, shall be fined according to the provisions of this chapter. Each day after the expiration of the time designated to make corrections shall constitute a separate offense. When hazardous or unsafe electrical conditions exist and any person, firm or corporation fails to make corrections after having been notified, the electrical inspector shall have the authority to discontinue the electric service. (Prior Code, Sec. C37)

SECTION 5-320 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; and any person interfering with the electrical inspector shall be fined as provided for in this chapter. (Prior Code, Sec. C38)

SECTION 5-321 RESPONSIBILITY FOR DAMAGES.

The provisions of 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 city or any officer or employee of the city, be held as assuming such liability by reason of the inspection or reinspection as herein provided or by reason of the approval or disapproval of any equipment authorized herein. (Prior Code, Sec. C39)

SECTION 5-322 ELECTRICIANS; REGISTRATION REQUIRED.

It is unlawful for any person to engage in the business, trade or vocation of electrical contractor or journeyman electrician without a certificate of registration as such secured from the building department. The initial and renewal fees for an electrical contractor's certificate, to be paid to the city clerk, shall be as set by the council. A certificate must be renewed within ninety (90) days following expiration of the registration. After the expiration, an application for a new license must be requested and the initial fee paid again. Except in case of renewal, an applicant for a certificate for an electrical contractor or a journeyman electrician must show proof of possession of a current state license and demonstrate the qualifications of the applicant for the certificate applied for. All such certificates shall expire annually. This certificate is not transferable to any other individual or company. (Prior Code, Sec. C26)

SECTION 5-323 BOND FOR ELECTRICAL CONTRACTORS.

A. Every person receiving a certificate as an electrical contractor shall file with the city clerk a bond in the sum of One Thousand Dollars (\$1,000.00), executed with a surety company authorized to do business in the state, and conditioned that:

1. The principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with the law and the ordinances and other regulations of the city relating to electrical installations and in a workmanlike manner;

2. 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

3. The city will be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as an electrical contractor, journeyman or apprentice electrician, as the case may be.

B. The bond must be approved by the building department. 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. (Prior Code, Sec. C27)

SECTION 5-324 REGISTRATION OR BOND NOT REQUIRED WHEN.

For the installing of bell, telephone, or signal systems not using over sixteen (16) volts, no registration or bond will be required but the installation of same must comply with all other requirements of the ordinances of the city. (Prior Code, Sec. C28)

SECTION 5-325 REVOCATION OF REGISTRATION.

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

1. Serious or repeated violations of the laws, ordinances or other regulations relating to electrical installations;
2. Grossly unethical conduct in connection with the electrical trade or business;
3. Poor workmanship or service; or
4. Installing inferior or substandard materials, fixtures or equipment.

A request that the registration be revoked may be presented to the council by the electrical inspector or by any aggrieved person. (Prior Code, Sec. C29)

CHAPTER 4

LIQUEFIED PETROLEUM GAS

Section 5-401 Persons must comply with state law.

SECTION 5-401 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 city. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the city and shall be punished accordingly. (Prior Code, Sec. C14)

CHAPTER 5

GAS PIPING CODE

Section 5-501 Pamphlet adopted.

SECTION 5-501 PAMPHLET ADOPTED.

Pamphlet No. 54 published by the National Fire Protection Association, entitled National Fuel Gas Code, the latest edition thereof, hereby adopted and incorporated in this code by reference. The pamphlet shall be in full force and effect in the city and shall govern the installation of gas piping and gas appliances in the city. Any violation of the provisions of the pamphlet shall be deemed a violation of the ordinances of the city. (Prior Code, Sec. C8, as amended)

CHAPTER 6

HOUSING CODE

Section 5-601 Adoption of housing code.

SECTION 5-601 ADOPTION OF HOUSING CODE.

There is hereby adopted by reference the BOCA One and Two Family Dwelling Code, the latest edition thereof, issued by the Building and Code Administrators International, Inc., as minimum housing code for the city. The Housing Code shall be fully applicable and enforceable in governing housing in the city, save and except such portions as are hereinafter deleted, modified or amended, as fully as if set out at length herein. If any provision of the ordinances of the city are in conflict with this provisions of the Housing Code, except as provided in this chapter, the provisions of the dwelling code shall prevail.

Cross Reference: Permits, fees, see Chapter 1 of this part.

Section 5-602 Fair Housing Policy

It is the policy of the City of Dewey to provide, within constitutional limitations, for fair housing throughout the City.

Definitions

- (a) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (b) "Family" includes a single individual.
- (c) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
- (d) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
- (e) "Discriminatory housing practice" means an act that is unlawful under Sections 4, 5, and 6.

Unlawful Practice

Subject to the provisions of subsection (b) and Section 7, the prohibitions against discrimination in the sale or rental of housing set forth in Section 3 shall apply to:

- (a) All dwellings except as exempted by subsection (b).
- (b) Nothing in Section 4 shall apply to:
 - (1) Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any

employee or agent of any such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of Section 4(c) of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

- (2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:
 - (1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - (2) he has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - (3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Discrimination in the Sale or Rental of Housing

As made applicable by Section 3 and except as exempted by Sections 3(b) and 7, it shall be unlawful:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, national origin, handicap, or familial status.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, national origin, handicap, or familial status.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, or national origin, handicap, or familial status or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, sex, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of

a person or persons of a particular race, sex, color, religion, or national origin, handicap, or familial status.

Discrimination in the Financing or Housing

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, sex, color, religion, national origin, handicap, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in Section 3(b).

Discrimination in the Provision of Brokerage Services

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, sex, color, religion, national origin, handicap, or familial status.

Exemption

Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, handicap or familial status. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Administration

- (a) The authority and responsibility for administering the Act shall be with the City Manager of the City of Dewey.

- (b) The City Manager may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The City Manager shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the City, to boards of officers or to himself, as shall be appropriate and in accordance with law.
- (c) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the City Manager to further such purposes.

Education and Conciliation

Immediately after the enactment of this ordinance, the City Manager shall commence such educational and conciliatory activities as will further the purposes of this ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

Enforcement

- (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the City Manager. Complaints shall be in writing and shall contain such information and be in such form as the City Manager requires. Upon receipt of such a complaint, the City Manager shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the City Manager shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the City Manager decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the City Manager who shall make public any information in

to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The City Manager may administer oaths.

- (b) Upon written application to the City Manager, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the City Manager to the same extent and subject to the same limitations as subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- (c) Witnesses summoned by subpoena of the City Manager shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- (d) Within five days after services of a subpoena upon any person, such person may petition the City Manager to revoke or modify the subpoena. The City Manager shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- (e) In case of contumacy or refusal to obey a subpoena, the City Manager or other person at whose request it was issued may petition for its enforcement in the Municipal or State court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.
- (f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the City Manager shall be fined not more than \$100.00. Any person who, with intent thereby to mislead the City Manager, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the City Manager pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$100.00.

violation of this provision shall be (upon conviction) fined not more than \$100.00.

- (b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the City Manager, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- (c) If within thirty days after a complaint is filed with the City Manager, the City Manager has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The City Manager will assist in this filing.
- (d) If the City Manager has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
- (e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
- (f) Whenever an action filed by an individual shall come to trial, the City Manager shall immediately terminate all efforts to obtain voluntary compliance.

Investigations; Subpoenas; Giving of Evidence

- (a) In conducting an investigation the City Manager shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided however, that the City Manager first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The City Manager may issue a subpoena to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent,

- (g) The City Attorney shall conduct all litigation in which the City Manager participates as a party or as amicus pursuant to this ordinance.

Enforcement by Private Persons

- (a) The rights granted by Sections 3, 4, 5, and 6 may be enforced by civil actions in state or local courts or general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided however, that the court shall continue such civil case brought pursuant to this section or Section 10(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the City Manager are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the City Manager and which practice forms the basis for the action in court: And provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this ordinance, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this ordinance shall not be affected.
- (b) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000.00 punitive damages, together with court costs and reasonable attorneys fees in the case of a prevailing plaintiff. Provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or an account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 3, 4, 5, or 6. This section may be enforced by appropriate civil action.

Separability of Provisions

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Prevention of Intimidation in Fair Housing Cases

Whoever, whether or not acting under color of law, by force or

threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (a) any person because of his race, color, religion, national origin, handicap or familial status and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - (1) participating, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in subsection 15(a); or
 - (2) affording another person or class of persons opportunity or protection so to participate; or
- (c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in subsection 15(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate:

shall be fined not more than \$100.00; and if bodily injury results shall be fined not more than \$100.00; and if death results, the matter shall be submitted to the District Attorney for appropriate action.

CHAPTER 7

MECHANICAL CODE

Section 5-701 Adoption of mechanical code.

SECTION 5-701 ADOPTION OF MECHANICAL CODE.

There is hereby adopted by reference the BOCA Basic/National Mechanical Code, the latest edition thereof, issued by the Building and Code Administrators International, Inc., as the mechanical code for the city. The Mechanical Code shall be fully applicable and enforceable in governing mechanical work in the city, save and except such portions as are hereinafter deleted, modified or amended, as fully as if set out at length herein. If any provision of the ordinances of the city are in conflict with the provisions of the Mechanical Code, except as provided in this chapter, the provisions of the Mechanical Code shall prevail.

Cross Reference: Permits, fees, see Chapter 1 of this part.

CHAPTER 8

PENALTY

Section 5-801

Penalty.

Section 5-802

Relief in courts.

SECTION 5-801PENALTY.

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. C40)

SECTION 5-802RELIEF IN COURTS.

No penalty imposed by and pursuant to this part shall interfere with the right of the city also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person, firm or corporation. (Prior Code, Sec. C41)