

BUILDING REGULATIONS AND CODES

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101	Building code adopted.
Section 5-102	Additions and changes to building code.
Section 5-103	Penalty.
Section 5-104	Building official.
Section 5-105	Fire limits defined.
Section 5-106	Building permit required; fee.
Section 5-107	Conditions for building permits, subdivisions; flood plain requirements.
Section 5-108	Dwellings restricted to one per 6,000 square feet.

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.
Section 5-204	Plumbing: permits and inspections.
Section 5-205	Plumbing inspector; office created; duties.

CHAPTER 3

ELECTRICAL CODE

Section 5-301	"Electrical equipment" defined.
Section 5-302	National electrical code.
Section 5-303	Underwriters Laboratories, Inc.
Section 5-304	Town board of trustees may make special rulings.
Section 5-305	Pilot light required for iron in mercantile occupancies.
Section 5-306	Branch circuits.
Section 5-307	Basement installations.
Section 5-308	Permit required for electrical installations; issuance.
Section 5-309	Inspection fee.
Section 5-310	Electricians' certificate required, bond.

CHAPTER 4

LIQUEFIED PETROLEUM GAS

Section 5-401 Persons must comply with state law.
Section 5-402 Liquefied petroleum gas container restrictions.

CHAPTER 5

GAS PIPING CODE

Section 5-501 Pamphlet adopted.

CHAPTER 6

PENALTY

Section 5-601 Penalty
Section 5-602 Relief in courts.

CHAPTER 7

FAIR HOUSING

Section 5-701 Definitions.
Section 5-702 Unlawful practice.
Section 5-703 Discrimination in the sale or rental of housing.
Section 5-704 Discrimination in the financing of housing.
Section 5-705 Discrimination in the provision of brokerage services.
Section 5-706 Exemption.
Section 5-707 Administration.
Section 5-708 Education and conciliation.
Section 5-709 Enforcement.
Section 5-710 Investigations; subpoenas; giving of evidence.
Section 5-711 Enforcement by private persons.
Section 5-712 Interference, coercion, or intimidation.
Section 5-713 Prevention of intimidation in fair housing cases.

CHAPTER 8

MECHANICAL CODES

Section 5-801	Adoption of mechanical code.
Section 5-802	Registration, permits and fees.
Section 5-803	Mechanical: permits and inspections.
Section 5-804	Mechanical inspector; office created; duties.

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101	Building code adopted.
Section 5-102	Additions and changes to building code.
Section 5-103	Penalty.
Section 5-104	Building official.
Section 5-105	Fire limits defined.
Section 5-106	Building permit required; fee.
Section 5-107	Conditions for building permits, subdivisions; flood plain requirements.
Section 5-108	Dwellings restricted to one per 6,000 square feet.

SECTION 5-101 BUILDING CODE ADOPTED.

The BOCA Basic Building Code, the latest edition thereof, as published by the Building Officials and Code Administrators Internationals, Inc., is hereby 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 BOCA Basic 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.

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 Building Code are hereby revised:

1. Section 100.1, insert Town of Porter;
2. Section 114.3.1, insert: "The fee schedule shall be in accordance with Sections 5-108 of the town code, or as may be set or amended by ordinance or resolution";
3. Section 117.4, insert: "Offense, punishable by fine and imprisonment as provided in Section 1-108 of the town code of ordinances";
4. Section 118.2, insert: "fine as provided in Section 1-108 of the town code of ordinances";

5. Section 123.3, insert: "as set by the town board of trustees";
6. Section 501.2, insert: "the boundaries of the fire limits as provided in of the town code of ordinances";
7. Section 1807.2.1, and 1807.22, insert: "a number of feet to be determined by the town board of trustees by motion or resolution" in both locations; and
8. Section 1906.1, insert: "Amounts as set by the town board of trustees by motion or resolution".

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 there under or of a permit or certificate issued there under, 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.

SECTION 5-104 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 powers and duties may be exercised by his authorized representatives under his supervision and control. The term "building inspector", whenever used in the ordinances of the town, means the building official. The terms "electrical inspector", "plumbing inspector", and "gas inspector", wherever used in the ordinances of the town, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, and/or gas inspector is appointed by the town board of trustees.

SECTION 5-105 FIRE LIMITS DEFINED.

The fire limits are that part of the town bounded as provided by the board of trustees.

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 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 therefore to the town 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 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.

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

SECTION 5-107 CONDITIONS FOR BUILDING PERMITS, SUBDIVISIONS;
FLOOD PLAIN 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 mobile homes 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 of 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;
 - 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 into the flood water.

SECTION 5-108 DWELLINGS RESTRICTED TO ONE PER 6,000 SQUARE FEET.

- A. No person or other entity may establish more than one single dwelling per six thousand (6,000) square feet within the town limits.
- B. A temporary exception to this section may be requested of the board of trustees by petitioning the board of trustees requesting that another dwelling be placed on the six thousand (6,000) square feet.
- C. A temporary exception to this section may be granted if sufficient proof of need be furnished to the board of trustees. A signed affidavit is required stating the need for this second dwelling and that no fee; e.g., rent, be imposed for the use of the second dwelling.
- D. Any person or entity who violates the provisions of this section shall be notified to abate such violation within ten (10) days. Failure to abate shall constitute a misdemeanor and upon conviction is punishable as provided in Section 1-108 of this code.
- E. In addition to proceeding under authority of this section, the town is entitled to pursue all other civil remedies to which it is entitled in order to enjoin a violation hereof against a person or entity so violating same. (Ord. No. 84-1, 3/2/84)

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.
Section 5-204	Plumbing: permits and inspections.
Section 5-205	Plumbing inspector; office created; duties.

SECTION 5-201 ADOPTION OF PLUMBING CODE.

A certain document, at least three (3) copies of which are on file in the office of the town clerk, being marked and designated as "The BOCA Basic 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 town 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 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.

State Law Reference: Town 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-100.0 (page 5, second line). Insert the Town of Porter;
2. Section P-1004.1 (page 6, second line). Insert effective date of the town's code of ordinances;
3. Section P-114.2 (page 12, third line). Insert " as provided in Section 5-204 of the town's code of ordinances";
4. Section P-117.4 (page 13, fifth, sixth and seventh lines). Insert "offense and punished as provided in Section 1-108 of the town's code of ordinances";
5. Section P-118.2 (page 14, fifth line). Insert "fine as provided in Section 1-108 of ordinances";

6. Section P-303.2 (page 32, third line). Insert "a distance in feet as determined by the town board of trustees"; and

7. Section P-308.3 (page 33, second and third lines). Insert "a depth in feet as determined by the town board of trustees."

SECTION 5-203 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 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. 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. Applicants for certificates of registration, after complying with the laws of the state and with the 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 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 town code. An applicant for plumbing contractor's registration shall also furnish bond in such sum and such conditions as set by the town board.

E. A qualified person may re-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.

F. 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.

G. The fee for registration shall be as set by the town board by motion or resolution.

H. 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.

State Law Reference: State plumbing licenses, requirements, 59 0.5. 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 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.

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

The office of inspector of plumbing is hereby created and shall be filled and the duties of the office performed by some person appointed by the town board 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 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.

State Law Reference: Cities and towns to create office of plumbing inspector, 59 0.5. Section 1016.

CHAPTER 3

ELECTRICAL CODE

Section 5-301	"Electrical equipment" defined.
Section 5-302	National electrical code.
Section 5-303	Underwriters Laboratories, Inc.
Section 5-304	Town board of trustees may make special rulings.
Section 5-305	Pilot light required for iron in mercantile occupancies.
Section 5-306	Branch circuits.
Section 5-307	Basement installations.
Section 5-308	Permit required for electrical installations; issuance.
Section 5-309	Inspection fee.
Section 5-310	Electricians' registration required, bond.

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.

State Law Reference: State electrical requirements, licensing by state, 59 O.S. Sections 1680 to 1696.

SECTION 5-302 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 the current issue of the National Electrical Code as approved by the American Insurance Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

SECTION 5-303 UNDERWRITERS LABORATORIES, INC.

All electrical equipment installed or used shall be in conformity with the provisions of this chapter, the statutes of the state and 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.

SECTION 5-304 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.

SECTION 5-305 PILOT LIGHT REQUIRED FOR IRON IN MERCANTILE OCCUPANCIES.

In all mercantile occupancies where electric irons are used, they must be installed with approved pilot light. If pilot light is in an enclosure such as an alteration room, an additional light must be installed in a visible position outside the enclosure.

SECTION 5-306 BRANCH CIRCUITS.

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

SECTION 5-307 BASEMENT INSTALLATIONS.

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

SECTION 5-308 PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS;
ISSUANCE.

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

B. Applications for electrical permits shall be made to the town clerk; and the applicant shall provide such plans, specifications, and other data as may be reasonably required.

C. The fee for an electrical permit shall be as prescribed by motion or resolution passed by the town board of trustees.

SECTION 5-309 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.

SECTION 5-310 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 apprentice electrician without a certificate of registration as such secured from the town. The initial fee for a 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 30. This certificate is not transferable to any other individual or company.

B. Every person receiving a certificate as an electrical contractor 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 non-standard 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 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 registration 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, the town board may revoke the certificate of an electrical contractor an apprentice electrician, or a journeyman electrician.

CHAPTER 4

LIQUEFIED PETROLEUM GAS

- Section 5-401 Persons must comply with state law.
Section 5-402 Liquefied petroleum gas container restrictions.

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 town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the town and shall be punished accordingly.

SECTION 5-402 LIQUEFIED PETROLEUM GAS CONTAINER RESTRICTIONS

- A. No container shall be located or placed within the city limits in excess of 1000 gal. w.c. for residential use.

- B. Any container greater than 1000 gal. w.c. must have Town board approval, meet all requirements set forth in Section 5-401 and be used in commercial or industrial business.

- C. All residential containers shall be located to the rear of property to enhance and promote safety.

- D. Underground containers shall be 1000 gal w.c. or less and can be located on property anywhere while meeting requirements set forth in Section 5-401.

- E. All containers shall be painted a reflective color such as aluminum or white and be kept in good condition at all times.

- F. All installations must have a permit issued by the Planning and Zoning Committee.

(This section added by Ordinance 2007-1 on 3/1/07)

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 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 6

PENALTY

Section 5-601 Penalty
Section 5-602 Relief in courts.

SECTION 5-601 PENALTY.

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

SECTION 5-602 RELIEF IN COURTS.

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

CHAPTER 7

FAIR HOUSING

Section 5-701	Definitions.
Section 5-702	Unlawful practice.
Section 5-703	Discrimination in the sale or rental of housing.
Section 5-704	Discrimination in the financing of housing.
Section 5-705	Discrimination in the provision of brokerage services.
Section 5-706	Exemption.
Section 5-707	Administration.
Section 5-708	Education and conciliation.
Section 5-709	Enforcement.
Section 5-710	Investigations; subpoenas; giving of evidence.
Section 5-711	Enforcement by private persons.
Section 5-712	Interference, coercion, or intimidation.
Section 5-713	Prevention of intimidation in fair housing cases.

SECTION 5-701 DEFINITIONS.

For purposes of this chapter:

1. "Discriminatory housing practice" means an act that is unlawful under Sections 5-703, 5-704, and 5-705;
2. "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;
3. "Family" includes a single individual;
4. "Person" means 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; and
5. "To rent" means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(Added 1991)

SECTION 5-702 UNLAWFUL PRACTICE.

Subject to the provisions of paragraph 2 and Section 5-706, the prohibitions against discrimination in the sale or rental of housing set forth in Section 5-702 shall apply to:

1. All dwellings except as exempted by paragraph 2;
2. Nothing in Section 5-703 shall apply to:

a. Any single-family house sold or rented by an owner; provided that such private individual owner does not own more than three (3) such single-family houses at any one time; 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 (24) 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 (3) 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 chapter only if such house is sold or rented:

(1) Without the use in any manner of the sales or rental facilities or the sale or the 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 or of any person in the business of selling or renting dwellings, or of any employee agent of any such broker, agent, salesman, or person; and

(2) Without the publication, posting or mailing, after notice of any advertisement or written notice of any advertisement or written notice in violation of Section 5-703, 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

b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence;

3. For the purposes of paragraph 2 of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

- a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;
- b. He has, within the preceding twelve (12) 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 (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or
- c. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (Added 1991)

SECTION 5-703 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

Except as specifically exempted within this code, it shall be unlawful and an offense:

1. 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, familial status, or handicap;

2. 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, familial status, or handicap;

3. 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, national origin, familial status, or handicap or an intention to make any such preference, limitation, or discrimination;

4. To represent to any person because of race, sex, color, religion, national origin, familial status, or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, available;

5. 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, national origin, familial status, or handicap. (Added 1991)

SECTION 5-704 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, savings 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 therefore 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, familial status, or handicap:

1. 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

2. 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 5-702. (Added 1991)

SECTION 5-705 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, familial status, or handicap. (Added 1991)

SECTION 5-706 EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, nor any non-profit 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, familial status, or handicap. Nor shall anything in this chapter 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. (Added 1991)

SECTION 5-707 ADMINISTRATION.

A. The authority and responsibility for administering this chapter shall be in the chief executive officer of the town.

B. The chief executive officer may delegate any of these functions, duties, and powers to employees of the town 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 chapter. The chief executive officer 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 town, 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 chapter and shall cooperate with the chief executive officer to further such purposes. (Added 1991)

SECTION 5-708 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Added 1991)

SECTION 5-709 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 chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of arty period of reference under building Regulations and Codes Subsection C, the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether be intends to resolve it. If the chief executive officer 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 chapter without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be (upon conviction) fined not more than One Hundred Dollars (\$100.00) or imprisoned nor more than thirty (30) days.

B. A complaint under Subsection A of this section shall be filed within one hundred eighty (180) 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 chief executive officer, 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 (30) days after a complaint is filed, with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the secretary of the Department of Housing and Urban Development. The chief executive officer will assist in this filing.

D. If the chief executive officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter, commence a civil action in any appropriate district court, against the respondent names in the complaint, to enforce the rights granted or protected by this chapter, 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 chief executive officer shall immediately terminate all efforts to obtain voluntary compliance.
(Added 1991)

A In conducting an investigation the chief executive officer 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 that the chief executive officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The chief executive officer may issue 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, 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 chief executive officer may administer oaths.

B. Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer 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 chief executive officer 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 (5) days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if it 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 chief executive officer 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 chief executive officer shall be punished as provided in Section 1-108 of this code. Any person who, with intent thereby to mislead the chief executive officer:

1. 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 chief executive officer pursuant to the subpoena or other order;

2. 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

3. Shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be punished as provided in Section 1-108 of this code.

G. The town attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus curiae pursuant to this chapter. (Added 1991)

SECTION 5-711 ENFORCEMENT BY PRIVATE PERSONS.

A. The rights granted by Sections 5-702 through 5-705 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty (180) 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 7-509 from time to time before bringing it to trial if the court believes that the conciliation efforts of the, chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis of 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 chapter, and involving a bona fide purchaser, encumbrance, or tenant without actual notice of the existent of the filing of a complaint or civil action under the provisions of this chapter 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 One Thousand Dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorneys fees in the case of a prevailing plaintiff. Provided, that the plaintiff in the opinion of the court is not financially able to assume the attorney's fees. (Added 1991)

SECTION 5-712 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful and an offense to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Sections 5-702 through 5-705. This section may be enforced by appropriate civil action. (Added 1991)

SECTION 5-713 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:

1. Any person because of race, color, religion, national origin, familial status, or handicap 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;

2. 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:

a. Participating, without discrimination on account of race, sex, color, religion, national origin, familial status, or handicap, in any of the activities, services, organizations or facilities described in paragraph 1; or

b. Affording another person or class of persons an opportunity or protection so as to participate; or

3. 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, familial status, or handicap, in any of the activities, services, organizations or facilities described in paragraph 1 of Section 5-713, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate, shall be punished as provided in Section 1-108 of this code.

(Added 1991)

CHAPTER 8

MECHANICAL CODES

Section 5-801	Adoption of mechanical code.
Section 5-802	Registration, permits and fees.
Section 5-803	Mechanical: permits and inspections.
Section 5-804	Mechanical inspector; office created; duties

SECTION 5-801 ADOPTION OF MECHANICAL CODE.

A certain document, being marketed and designated as "The BOCA Basic Mechanical 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 mechanical 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 BOCA Basic Mechanical 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.

SECTION 5-802 REGISTRATION, PERMITS AND FEES.

A. It is unlawful for any person to engage in the business, trade, or occupation of a mechanical contractor or mechanical journeyman in this Town unless he is registered with the Town and has a current and valid certificate of registration issued by the Town.

B. Only persons who have current and valid licenses as mechanical contractors or as mechanical journeymen issued by the State of Oklahoma as provided by the state mechanical license law may register with the Town.

C. Applicants for certificates of registration, after complying with the laws of the state and with the 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, but may be renewed from year to year. The registration fee shall be set by the Town board. Mechanical 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 Town code. An applicant for mechanical contractor's registration shall also furnish bond in such sum and such conditions as set by the Town board.

D. A qualified person may re-register as a mechanical contractor or a mechanical journeyman, in the same manner as in the original instance, and upon the same conditions.

E. All mechanical 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.

F. The fee for registration shall be as set by the Town board by motion or resolution.

G. The Town board, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the town registration.

SECTION 5-803 MECHANICAL: PERMITS AND INSPECTIONS.

A. No mechanical work shall be undertaken without a permit from the town.

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.

SECTION 5-804 MECHANICAL INSPECTOR; OFFICE CREATED; DUTIES.

The office of inspector of mechanical equipment is hereby 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 mechanical equipment installed within the town and shall have the right to deputize any person equally qualified to carry out the performance of this chapter. The testing of mechanical equipment shall be done by tests as the inspector shall deem necessary.