

TITLE 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04	BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY
15.08	BUILDING CODE
15.12	PLUMBING CODE
15.16	ELECTRICAL CODE
15.20	MECHANICAL CODE
15.24	HOUSING CODE
15.28	GAS PIPING
15.32	FIRE LIMITS
15.36	DILAPIDATED AND UNSECURED BUILDINGS
15.40	MOVING PERMITS
15.50	EARTH CHANGES AND EROSION CONTROL

(This page intentionally left blank)

Chapter 15.04

BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Sections:

- 15.04.010 Building permit required.**
- 15.04.020 Application.**
- 15.04.030 Fees.**
- 15.04.040 Administration and enforcement.**
- 15.04.050 Certificate of occupancy required.**
- 15.04.060 Temporary use permit.**
- 15.04.070 Penalties.**
- 15.04.080 Appeals**
- 15.04.090 Administrative Acceptance of Code Updates**

Section 15.04.010 Building permit required.

It is unlawful to construct, enlarge, alter, or demolish a structure or change the occupancy of a building or structure requiring greater strength, exitways and sanitary provisions, or to change to another use, or to install or alter any equipment for which provision is made or the installation of which is regulated by the city codes, without having first filed an application with the building official in writing and obtaining the required permit therefor, except as may be otherwise provided by the city's building code. (Prior code § 5-120)

Section 15.04.020 Application.

Every application for a required building permit or certificate of occupancy shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application with the information as required in the city's building code. (Prior code § 5-121)

Section 15.04.030 Fees.

A. Fees for building and trade permits, inspections, and certificates of occupancy shall be in such amounts as set by the City Council by motion or resolution.

B. Fees for building and trade permits, inspections and certificates of occupancy shall be waived for structures or facilities used exclusively by government agencies. (1083, amended, 11/08/2004)

Section 15.04.040 Administration and enforcement.

The provisions of this chapter shall be administered and enforced by the inspections division of the city. The inspections division is hereby empowered to cause any building, structure, or lot, parcel or tract of land to be inspected and examined and to order in writing the remedying of any condition found to exist therein, or thereon, in violation of any provision of this part. After such order has been delivered to the violator or posted on the premises where such violation exists, no work or use shall proceed on or in any building, other structure, or on any lot, parcel or tract of land covered by such order, except to correct any such violation or to comply with an order of the inspections division. (Prior code § 5-124; 1221, Amended by Recodification, 11/19/2012)

Section 15.04.050 Certificate of occupancy required.

A. A new building shall not be occupied and no change in the use of a building or part of a building or lot, parcel or tract of land shall be made until after the building official shall have issued a certificate of occupancy therefor.

B. The certificate of occupancy shall be issued by the inspections division only after satisfactory evidence of the applicant's compliance with the provisions of this part. (Prior code § 5-125; 1221, Amended by Recodification, 11/19/2012)

Section 15.04.060 Temporary use permit.

A. Upon request by the building permit holder, the building official may issue a temporary use permit for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed and the final inspections required obtained; provided that such portion or portions thereof will be occupied safely prior to the full completion of the building or structure without endangering life or public welfare. Such request from the permit holder shall be in writing and contain, as a minimum:

1. Address of the building or structure;
2. Number of the building permit;
3. Description of use area, planned use thereof, and any limitations or restrictions;
4. Time period for which the temporary use permit is being requested. Each temporary use permit shall be limited to a period not to exceed thirty (30) calendar days from the date of issue. Not more than two temporary use permits shall be granted for each building or structure;
5. Description of work to be completed and reason why work cannot be completed prior to occupancy;
6. A statement of the permit holder attesting to the validity of the information contained on the request and acknowledging that all final inspections shall be obtained prior to the expiration of this permit; and
7. A statement signed by the proposed occupant that he or she is aware that the required final inspections have not been completed on the building or structure and that he or she is aware of the limitations or restrictions imposed by this permit. Further,

that the occupant shall not alter, remove, repair or change anything covered by applicable codes as adopted by the city and acknowledges that the required final inspections shall be obtained prior to the expiration of this permit.

B. Upon receipt of request, the building official may direct a review of the temporary use permit by other city divisions with an interest in the occupancy of said building or structure to render a determination whether the building may be occupied without detriment to the health, safety or welfare of the occupant(s) or the general public. (1221, Amended by Recodification, 11/19/2012)

C. Upon granting of a temporary use permit, the building permit holder shall remit a temporary use permit fee as determined by resolution of the city council. prior to issuance of said permit.

D. Any requests and actions related to a temporary use permit are separate from the granting of a certificate of occupancy as required in Section 15.04.060 of this chapter. A certificate of occupancy must be issued prior to the expiration of a temporary use permit, or the building or structure vacated. (Prior code § 5-126; 900, amended 08/26/1996; 1221, Amended by Recodification, 11/19/2012)

Section 15.04.070 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. The owner or owners of any buildings or premises or part thereof, where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person, firm, or corporation employed in connection therewith, and who may have participated or aided in such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-127; 1221, Amended by Recodification, 11/19/2012)

Section 15.04.080 Appeals

A. Any person, firm or corporation affected by any notice, order, determination or interpretation of the building or code enforcement official in connection with a building or trade permit may request and shall be granted a hearing on the matter before the Board of Adjustment of the City of Sand Springs, Oklahoma, established pursuant to Section 2.56.010 et seq. of this code, provided that such person shall file in the office of the City Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds for such appeal. Such petition shall be filed within ten (10) days after the day the notice, order, determination or interpretation is issued or rendered. Upon receipt of such a petition, the matter shall be placed upon the agenda of the Board of Adjustment for a hearing at its next regularly scheduled meeting. The petitioner shall be given written notice thereof. At such hearing, the building or code enforcement official shall present any matter or evidence relating to the appeal pending, and thereafter the petitioner shall be given an opportunity to be heard and to show cause which such notice, order, determination or interpretation should be modified or withdrawn. The building or code enforcement official, petitioner, or any other interested party, may appear in person or by authorized representative. (1071, amended 03/22/2004; 1221, Amended by Recodification, 11/19/201)

B. An appeal to the Board of Adjustment as set forth herein shall stay all proceedings in furtherance of the notice, order, determination or interpretation appealed unless the building or code enforcement official certifies to the Board of Adjustment, after the petition of appeal shall have been filed, that by reason of facts stated by the building or code official in his or her certification that a stay would in his or her opinion cause imminent peril to life or property. In such case, the notice, order, determination or interpretation of the building or code enforcement official shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction for due and sufficient cause shown. (1071, Amended 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

C. After a hearing, the Board of Adjustment shall sustain, modify or withdraw the notice, order, determination or interpretation by a concurring vote of at least three (3) members. The proceedings at such hearings shall be open to the public, and the findings and decisions of the Board of Adjustment and reasons thereof shall be entered as a matter of public record in the office of the City Clerk. All findings and decisions issued by the Board of Adjustment shall be final and binding on the parties thereto, provided that any person, firm or corporation who is aggrieved by such findings and decisions may seek relief therefrom by filing suit in a court of competent jurisdiction within a time period as prescribed by State law. (1071, amended 03/22/2004)

D. The authority and jurisdiction of the Board of Adjustment to hear and issue findings and decisions on such matters as set out herein for all notices, orders, determinations or interpretations of the building or code enforcement official in connection with building or trade permits shall supersede all other ordinances, codes or provisions in conflict with same. (1071, amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

15.04.090 Administrative Acceptance of Code Updates

Updates to all building, electrical and International Codes adopted by the City shall not become effective until such time as the updated code has been reviewed and approved by the City Manager or his designee. (1071, Adopted, 03/22/2004; 1184 Amended, 06/22/2009; 1221, Amended by Recodification, 11/19/2012)

Chapter 15.08

BUILDING CODE

Sections:

- 15.08.010 International Building Code Adopted**
- 15.08.020 International Existing Building Code Adopted**
- 15.08.030 Fee for inspection.**
- 15.08.040 Penalties.**

Section 15.08.010 International Building Code Adopted

The International Building Code, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, alteration, repair, demolition, equipment, use, occupancy and location of buildings and structures as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Building Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1055, Amended 09/22/2003; 1221, Amended by Recodification, 11/19/2012)

Section 15.08.020 International Existing Building Code Adopted

The International Existing Building Code, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, repair, alteration, change of use or occupancy, addition or relocation of existing buildings and structures as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Existing Building Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1055, Amended 09/22/2003; 1221, Amended by Recodification, 11/19/2012)

Section 15.08.030 Fee for inspection.

There shall be an inspection fee charged which shall be payable at the time of issuance of the building permit and a fee for each reinspection after the first inspection. There shall also be an additional charge for each residential unit located under the same roof. Motels and hotels shall be considered as a multifamily complex. All commercial and industrial construction shall require an inspection fee also payable at the time of issuance of the building permit. The fee for inspection of a structure to be demolished shall also be paid where applicable. All inspection fees shall be in such amounts as may be set by the council by motion or resolution. (Prior code § 5-203)

Section 15.08.040 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-204)

Chapter 15.12

PLUMBING CODE

Sections:

- 15.12.010 Fees.**
- 15.12.020 Registration, State License Required, Exemptions.**
- 15.12.030 Prohibiting use of another name.**
- 15.12.040 International Plumbing Code Adopted**
- 15.12.050 Penalties.**

Section 15.12.010 Fees

Permit and inspection fee charges for plumbing installations shall be made and collected in such amounts as set out by resolution of the City Council. (Prior Code §5-304; 1221, Amended by Recodification, 11/19/2012)

Section 15.12.020 Registration, State License Required, Exemptions.

A. All persons, firms, partnerships or corporations engaging in plumbing work in the corporate limits of the City as a plumbing contractor shall procure from the City Clerk, or designee(s) thereof, a Certificate of Registration. Upon payment of a fee as set by the City Council, the Certificate shall entitle the holder, or his or her journeymen or apprentices, to perform plumbing work within the corporate limits of the City. No Certificate shall become valid before July 1st of any year nor shall extend beyond June 30th of the following year. No Certificate shall be issued unless proof of a valid State of Oklahoma plumbing contractor license is provided. (1072, Amended, 03/22/2004)

B. All individuals engaging in plumbing work in the corporate limits of the City shall possess a valid State of Oklahoma license as a plumbing contractor, journeymen or apprentice. (1072, Amended, 03/22/2004)

C. Exempt from the provisions of these requirements are minor plumbing repairs and other activities as defined specifically in the State Plumbing License Law, 59 O.S. 1017. (1071, Amended, 03/22/2004; 1072, Amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

Section 15.12.030 Prohibiting use of another name.

No person, firm or corporation shall allow his, her or its name to be used by any other person, firm or corporation to obtain any permit or certificate of inspection required by this chapter, or to do any work under his, her or its licenses. (Prior code § 5-324; 1221, Amended by Recodification, 11/19/2012)

Section 15.12.040 International Plumbing Code Adopted

The International Plumbing Code, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of

plumbing systems as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Plumbing Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1055, amended 09/22/2003; 1221, amended 11/19/2012)

International Plumbing Code Adopted, is further amended by the City of Sand Springs within the 2015 International Plumbing Code as adopted and amended by the Oklahoma Uniform Building Codes Commission as follows, to-wit:

Section 715.1 Sewage backflow. Backwater valves shall be installed in all new, repaired or altered building drains. (Added 1299, 04/24/2017)

Section 15.12.050 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-330; 1221, Amended by Recodification, 11/19/2012)

Chapter 15.16

ELECTRICAL CODE

Sections:

- 15.16.010 Fees.**
- 15.16.020 National electrical code adopted.**
- 15.16.030 Registration, State License Required, Exemptions.**
- 15.16.040 Prohibiting use of another name.**
- 15.16.050 Penalties.**

Section 15.16.010 Fees

Permit and inspection fee charges for electrical installations shall be made and collected in such amounts as set out by resolution of the City Council. (Prior Code § 5-404; 1221, Amended by Recodification, 11/19/2012)

Section 15.16.020 National Electrical Code Adopted

The National Electrical Code, as published by the National Fire Protection Association, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems, fixtures and appliances as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Plumbing Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. Provisions of the National Electrical Code applicable to this chapter shall also include Annex H – Administration and Enforcement. (Prior Code § 5-416; 1221, Amended by Recodification, 11/19/2012)

Section 15.16.030 Registration, State License Required, Exemptions.

A. All persons, firms, partnerships or corporations engaging in the installation of electrical fixtures, wiring or apparatus in the corporate limits of the City as an electrical contractor shall procure from the City Clerk, or designee(s) thereof, a Certificate of Registration. Upon payment of a fee as set by the City Council, the Certificate shall entitle the holder, or his or her journeymen or apprentices, to perform electrical work within the corporate limits of the City. No Certificate shall become valid before July 1st of any year nor shall extend beyond June 30th of the following year. No Certificate shall be issued unless proof of a valid State of Oklahoma electrical contractor license is provided. (1072, Amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

B. All individuals engaging in the installation of electrical fixtures, wiring or apparatus in the corporate limits of the City shall possess a valid State of Oklahoma license as an electrical contractor, journeymen or apprentice. (1072, Amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

C. Exempt from the provisions of these requirements are minor electrical repairs, regular employees of firms or corporation while performing any electrical work on property owned or leased by the firm or corporation, and other activities as specifically defined in the State Electrical License Act, 59 O.S. 1692(A). (1072, Amended, 03/22/2004; 1072, Amended, 03/22/2004; 1221, Amended by Recodification, 11/19/2012)

Section 15.16.040 Prohibiting use of another name.

No person, firm or corporation shall allow his, her or its name to be used by any other person, firm or corporation to obtain any permit or certificate of inspection required by this chapter, or to do any work under his, her or its licenses. (1221, Amended by Recodification, 11/19/2012)

Section 15.16.050 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-423)

Chapter 15.20

MECHANICAL CODE

Sections:

- 15.20.010 International Mechanical Code Adopted**
- 15.20.020 Fees**
- 15.20.030 Registration, State License Required, Exemptions.**
- 15.20.035 Prohibiting use of another name.**
- 15.20.040 Penalties.**

Section 15.20.010 International Mechanical Code Adopted

The International Mechanical Code, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Mechanical Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1055, Amended 09/22/2003; 1221, Amended by Recodification, 11/19/2012)

Section 15.20.020 Fees

Inspection fee charges for mechanical systems installations shall be made and collected in such amounts as set out by the City Council by motion or resolution.

Section 15.20.030 Registration, State License Required, Exemptions.

A. All persons, firms, partnerships or corporations engaging in mechanical systems work in the corporate limits of the City as a mechanical contractor shall procure from the City Clerk, or designee(s) thereof, a Certificate of Registration. Upon payment of a fee as set by the City Council, the Certificate shall entitle the holder, or his or her journeymen or apprentices, to perform mechanical systems work within the corporate limits of the City. No Certificate shall become valid before July 1st of any year nor shall extend beyond June 30th of the following year. No Certificate shall be issued unless proof of a valid State of Oklahoma mechanical contractor license is provided (1072, Amended, 03/22/2004)

B. All individuals engaging in mechanical systems work in the corporate limits of the City shall possess a valid State of Oklahoma license as a mechanical contractor, journeyman or apprentice. (1072, Amended, 03/22/2004)

C. Exempt from the provisions of these requirements are minor repairs and adjustments, and other activities as defined specifically in the State Mechanical Licensing Act, 59 O.S. 1850.10(B). (1072, Amended, 03/22/2004)

Section 15.20.035 Prohibiting use of another name.

No person, firm or corporation shall allow his, her or its name to be used by any other person, firm or corporation to obtain any permit or certificate of inspection required by this chapter, or to do any work under his, her or its licenses. (1221, Amended by Recodification, 11/19/2012)

Section 15.20.040 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-804)

Chapter 15.24

HOUSING CODE

Sections:

- 15.24.010 International Residential Code For One- and Two-Family Dwellings Adopted**
- 15.24.020 Designation of unfit dwellings and legal procedure for condemnation.**
- 15.24.030 Vacation and demolition.**
- 15.24.040 Emergency vacation and demolition.**
- 15.24.050 Standards where conflict.**
- 15.24.060 Penalties.**

Section 15.24.010 International Residential Code For One- and Two-Family Dwellings Adopted

The International Residential Code for One- and Two-Family Dwellings, as published by the International Codes Council, and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, alteration, repair, demolition, equipment, use, occupancy and location of one- and two-family dwellings as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Residential Code for One- and Two-Family Dwellings, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (1221, Amended by Recodification, 11/19/2012)

International Residential Code for One- and Two- Family Dwellings Adopted, is further amended by the City of Sand Springs within the 2015 International Residential code for One- and Two- Family Dwellings as adopted and amended by the Oklahoma Uniform Building Codes Commission as follows, to-wit:

Section P3008.1 Sewage backflow. Backwater valves shall be installed in all new, repaired, or altered building drains. (Added 1299, 04/24/2017)

Section 15.24.020 Designation of unfit dwellings and legal procedure for condemnation.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

A. Any dwelling or dwelling unit which, by its failure to comply with the requirements as set out in this chapter, is found to be in any of the following conditions, shall be condemned as unfit for human habitation:

1. One which is so damaged, destroyed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;

2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public; or

3. One which because of its general condition or location is unsanitary, or otherwise dangerous, to the health or safety of the occupants of the public;

B. Whenever the health officer, building official, fire marshal or code enforcement official of the city determines that a building is unfit for human habitation as defined above, he or she shall:

1. Affix to such dwelling or portion thereof, upon the door or entrance thereto, a placard on which shall be printed a declaration that such dwelling or portion thereof is unfit for human habitation and order such dwelling or portion thereof vacated; and

2. Notify the owner, occupant, lessee, and other person having an interest in the building as shown by the records in the office of the County Clerk of the county, of any building found by him or her to be unfit for human habitation that: (1) The owner must vacate and repair or demolish the building in accordance with the terms of the notice and this chapter; (b) The occupant or lessee must vacate the building or, with the consent of the owner, may have it repaired in accordance with the notice and order and remain in possession.

C. Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation must be vacated and shall not again be used for human habitation, until written approval is secured from, and such placard is removed by the health officer, building official, fire marshal or code enforcement official. The health officer, building official, fire marshal or code enforcement official shall remove such placard whenever the defect, defects, or deficiencies upon which the condemnation and placarding action were based have been eliminated;

D. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection C of this section; and

E. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter under the procedure set forth in Section 15.04.090 of this title. (Prior code § 5-506; 1221, Amended by Recodification, 11/19/2012)

Section 15.24.030 Vacation and demolition.

Unless otherwise prescribed in this section, the owner or lessee shall have 10 days from the date of the notice to request an appeal hearing before the Board of Adjustment under Section 15.04.090 of this title.

If an owner, occupant or lessee fails to comply with an order of the health officer, building official, fire marshal or code enforcement official as provided for in 15.24.060(B), or the order or decision of the Board of Adjustment after an appeal hearing, the health officer, building official, fire marshal or code enforcement official shall cause such dwelling or part thereof to be vacated and may cause the same to be repaired at the property owner's or lessee's, or agents thereof, expense; or demolished as provided in Chapter 5.36 of this code. (Prior code § 5-507; 1221, Amended by Recodification, 11/19/2012)

Section 15.24.040 Emergency vacation, repair and demolition.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dwelling unfit for human habitation, as defined herein, is immediately vacated and repaired or demolished, the health officer, building official, fire marshal or code enforcement official, shall cause the immediate vacation and repair or demolition of such dwelling unfit for human habitation. The costs of such emergency repair or demolition of such dwelling unfit for human habitation shall be at the property owner's or lessee's, or agents thereof, expense and shall be recoverable by any remedies allowed by law. (Prior code § 5-508; 1221, Amended by Recodification, 11/19/2012)

Section 15.24.050 Standards where conflict.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or ordinances of the city existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (Prior code § 5-509; 1221, Amended by Recodification, 11/19/2012)

Section 15.24.060 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-510; 1221, Amended by Recodification, 11/19/2012)

(This page intentionally left blank)

Chapter 15.28

GAS PIPING

Sections:

15.28.010 International Fuel Gas Code Adopted

15.28.020 Fees

15.28.030 Penalties.

Section 15.28.010 International Fuel Gas Code Adopted

The International Fuel Gas Code, as published by the International Codes Council and as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC), is adopted by the city for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas piping systems, fixtures and appliances as therein provided. Each and all of the regulations, provisions, conditions and terms of the International Fuel Gas Code, as well as any appendices referenced, as adopted and amended by the OUBCC are hereby referred to, adopted, incorporated and made a part hereof, as if fully set out in this code. At least one copy of the code is to be kept on file in the office of the City Clerk or his designee. (Prior Code 15-701; 1221, Amended by Recodification, 11/19/2012)

Section 15.28.020 Fees

Inspection fee charges for fuel gas piping, fixture and appliance installations shall be made and collected in such amounts as set out by the City Council by motion or resolution.

Section 15.28.030 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-705)

(This page intentionally left blank)

Chapter 15.32

FIRE LIMITS

Sections:

- 15.32.010** Fire limits defined, created.
- 15.32.020** Buildings within fire limits.
- 15.32.030** Buildings and structures not to be moved into fire limits.
- 15.32.040** Permissible wooden structures.
- 15.32.050** Repair of frame buildings.
- 15.32.060** Fire lanes.
- 15.32.070** Penalties.

Section 15.32.010 Fire limits defined, created.

There is hereby established in the city, fire limits or a fire zone comprising the area following:

Beginning at a point on the West right-of-way line of Adams Road where the city limits of the City of Sand Springs intersects at the most Southerly point to the West right-of-way line of Adams Road; thence in a North and Northwesterly direction along the city limits of the city to a point on the Northerly right-of-way line of Sand Springs Park Road; thence in a Southeasterly direction to a point on the Northerly right-of-way line of Park Road to a point where the prolongation of the center line of Fourth Street running to a point being the center line of the alley between McKinley Street and Main Street; thence South on and along the center line of the alley between McKinley Street and Main Street to a point where the center line intersects with the center line of Broadway Street; thence West along the center line of Broadway Street to a point where the center line of Broadway Street intersects with the center line of Garfield Street; thence Southerly on and along the center line of Garfield Street to the center line of Second Street; thence Westerly along the center line of Second Street to a point where the East line of the alley between Grant and Wilson Streets intersects with the center line of Second Street; thence Southerly on and along the East line of the alley to a point where the East line of the alley intersects with the northerly right-of-way line of the Keystone Expressway; thence Easterly on and along the Northerly right-of-way line of the Keystone Expressway to a point where the Northerly right-of-way line of the Keystone Expressway intersects with the city limits of the city, the point being approximately one hundred eighty (180) feet West and twenty (20) feet North of the intersection of Adams Road and the Keystone Expressway; thence North, East, North and Northeasterly along the city limits of the city to the point of beginning; and commencing at a point where the East right-of-way line of Everett Street intersects with the Northerly right-of-way line of West 41st Street; thence Easterly along the Northerly right-of-way line of West 41st Street to a point three hundred fifty (350) feet East of the intersection of the Northerly right-of-way line of West 41st Street and the center line of Old Highway 97; thence in a Northerly direction three hundred (300) feet East and parallel to the center line of

State Highway 97 to the Southerly right-of-way line of East 38th Street; thence in a Westerly direction along the Southerly right-of-way line of East 38th Street to the center line of Old Highway 97; thence continuing in a Westerly direction along the Southerly right-of-way line of West 38th Street to a point being three hundred (300) feet West of the point where the Southerly right-of-way line of West 38th Street Bassett Avenue intersects with the Westerly right-of-way line of Old Highway 97; thence Southerly on a line parallel with and three hundred (300) feet West of the center line of Old Highway 97 to a point on a prolongation of the center line of West 40th Place, the point being three hundred (300) feet North of the center line of West 41st Street; thence West along the prolongation of this center line of West 40th Place to a point where the prolongation of the center line of West 40th Place intersects with the East right-of-way line of Everett Street; thence South on and along the East right-of-way line of Everett Street to the point of beginning. (Prior code § 5-130)

Section 15.32.020 Buildings within fire limits.

No building shall be erected after July 1, 1984, within the fire limits of the city, as set out in this part or as hereafter provided, except for business purposes. After July 1, 1984, every such building in the fire limits, erected, enlarged, repaired, or improved shall be enclosed on all sides with walls constructed wholly of stone, well-burned brick, terra cotta, concrete or other equivalent incombustible materials, and all roofs, dormer windows or other windows and cornices and outside parts shall be covered with incombustible material. (Prior code § 5-131)

Section 15.32.030 Buildings and structures not to be moved into fire limits.

No building, structure or other place of habitation shall be moved into the fire limits where same does not comply with the requirements of the preceding section. No house trailer or other like vehicles shall be moved into the fire limits to be there located as a place of habitation or for business purposes. (Prior code § 5-132)

Section 15.32.040 Permissible wooden structures.

Wooden structures for temporary purposes only and necessary to the erection of a building or permanent improvements within fire zone shall be permitted for such time only as the character of the principal improvement may require. All such permissible wooden structures shall be first authorized by a permit issued by the building official and approved by the chief of the fire department and the city manager. (Prior code § 5-133)

Section 15.32.050 Repair of frame buildings.

Any frame building now within the fire limits, which may be hereafter damaged by fire, storm or other casualty, shall not be repaired or rebuilt of combustible materials. (Prior code § 5-134)

Section 15.32.060 Fire lanes.

The fire lanes in the city shall be any street, alley or way which must be unobstructed for the passage of and operation of firefighting equipment. Firefighting equipment shall have a clean, clear and unobstructed right-of-way over all other

vehicles operated upon the streets, alleys or other ways in the city. The police department shall cause all fire lanes to be clean, clear and unobstructed for the operation of or passage of firefighting equipment in order that firefighting equipment may have unobstructed ingress and egress to the location of fires. (Prior code § 5-135)

Section 15.32.070 Penalties.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-136)

(This page intentionally left blank)

Chapter 15.36

DILAPIDATED AND UNSECURED BUILDINGS

Sections:

- 15.36.010 Dilapidated and unsecured buildings unlawful.
- 15.36.020 Definitions.
- 15.36.030 Dilapidated buildings--Notice, hearing and removal.
- 15.36.040 Determination and assessment of costs.
- 15.36.050 Lien on the property, civil remedy.
- 15.36.060 Exemption from liability--Restrictions.
- 15.36.070 Unsecured building--Notice and hearing.
- 15.36.080 Notice of lien--Boarding and securing.
- 15.36.090 Determination and assessment of costs.
- 15.36.100 Lien on the property, civil remedy.
- 15.36.110 Summary boarding and securing.
- 15.36.120 Right to appeal.
- 15.36.130 Designation of another administrative officer.
- 15.36.140 Agricultural uses exempted.

Section 15.36.010 Dilapidated and unsecured buildings unlawful.

It is unlawful for any owner of any lot, tract or parcel of land situated within the corporate limits of the city to allow a dilapidated or unsecured building to exist upon said premises. (Prior code § 8-801; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.020 Definitions.

As used in this chapter, the following terms shall have the meaning respectively ascribed to them in this section:

"Boarding and Securing" or "Boarded and Secured" means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure.

"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 said structure is a hazard to the health, or 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 city council or the city manager to have been an unsecured building as defined in this chapter, more than three times within any 12-month period;
- d. a structure which has been boarded and secured, as defined in this chapter, for more than 18 consecutive months;
- e. a structure declared by the city council to constitute a public nuisance.

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

"Unsecured Building" means any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

"Unfit for human occupancy" means a structure that due to lack of necessary repairs is considered uninhabitable and a hazard to the health, safety and welfare of the general public. (Prior code § 8-802; 899, § 3 (part), eff. 0812/1996; 1221, Amended by Recodification, 11/19/2012)

Section 15.36.030 Dilapidated buildings--Notice, hearing and removal.

The City Manager may cause dilapidated buildings within the corporate limits to be torn down and removed in accordance with the provisions of this section:

A. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the City Manager holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of said notice shall be mailed by certificate of mailing to the property owner at the address shown by the most current tax rolls in the office of the County Treasurer. Written notice shall also be mailed by certificate of mailing to any mortgage holder as shown by the records in the office of the County Clerk to the last-known address of the mortgagee. However, if neither the property owner nor the mortgage holder can be located, notice shall be given by publication in a newspaper of general circulation as defined by state law. Such notice may be published once not less than ten (10) days prior to any hearing or action by the city.

B. A hearing shall be held by the City Manager to determine if the property is dilapidated and has become detrimental to the health, safety or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property.

C. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the City Manager may cause the dilapidated building to be torn down and removed. The City Manager shall fix reasonable dates for the commencement and completion of the work. The City Clerk shall immediately file a notice of dilapidation and lien with the County Clerk of the county in which the property is situated describing the property, the findings of the City Manager at the hearing, and stating that the city claims a lien on said property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice.

D. The agents of the city are granted the right of entry on the property for the performance of the necessary removal duties as a governmental function of the city if the work is not performed by the property owner within dates fixed by the City Manager, or City Council under circumstances hereinafter provided. (Prior code § 8-803; 899, § 3 (part), eff. 0812/1996)

Section 15.36.040 Determination and assessment of costs.

The City Manager shall determine the actual cost of the dismantling and removal of a dilapidated building and any other expenses that may be necessary in conjunction with the dismantling and removal of the building, including the cost of notice and mailing. The City Clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the building and a demand for payment of such costs, by mail to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder. At the time of the mailing of the statement of costs to any property owner or mortgage holder, the city shall retain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the city dismantles or removes any dilapidated building, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for the dismantling and removal of the dilapidated building. If dismantling and removal of the dilapidated building is done on a private contract basis, the contract shall be awarded to the lowest and best bidder. (Prior code § 8-804; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.050 Lien on the property, civil remedy.

A. When payment is made to the city for costs incurred, the City Clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six months from the date of the mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the cost to the County Treasurer of the county in which the property is situated. Said costs shall be levied on the property and collected by the County Treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of dilapidation and lien is filed with the County Clerk. In addition, the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid.

B. At any time prior to collection as provided for herein, the city may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the City Clerk shall forward to the County Treasurer of the county wherein the property is situated a notice of such payment and shall direct discharge of the lien. (Prior code § 8-805; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.060 Exemption from liability--Restrictions.

The officers, employees or agents of the city shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise proscribed by law. (Prior code § 8-806; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.070 Unsecured building--Notice and hearing.

The City Manager may cause an unsecured building to be boarded and secured in accordance with the following procedures:

A. Before the City Manager orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by certificate of mailing to any property owner or mortgage holder. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by publication in a newspaper of general circulation as proscribed by state law. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the city pursuant to the provisions of this section.

B. The owner of the property may give his or her written consent to the city authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving said written consent, the owner waives his or her right to a hearing by the City Manager and any appeal to the City Council

C. If the property owner does not give his or her written consent to such actions, a hearing may be held by the City Manager to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. In making such determination, the City Manager shall apply the following standard:

1. That boarding and securing of an unsecured building would make such building less available for transient occupation;
2. Decrease a fire hazard created by such building; or
3. Decrease the hazard that such building would constitute an attractive nuisance to children. (Prior code § 8-807; Ord. 899, § 3 (part), eff. 08/12/1996; 1221, Amended by Recodification, 11/19/2012)

Section 15.36.080 Notice of lien--Boarding and securing.

Upon making a determination that an unsecured building exists as defined in this section, the City Manager may order the boarding and securing of the building as follows:

A. Upon issuance of the City Manager's order, the City Clerk shall immediately file a notice of unsecured building and lien with the County Clerk of the county wherein a property is situated describing the property, stating the findings of the hearing at which such building was determined to be unsecured, and stating that the city claims a lien on said property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing said notice.

B. Pursuant to the order of the City Manager, agents of the city are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the city. (Prior code § 8-808; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.090 Determination and assessment of costs.

A. After an unsecured building has been boarded and secured, the City Manager shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and mailing. The City Clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mail to any property owners and mortgage holders. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the address of the mailer.

B. If the city boards and secures an unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder. (Prior code § 8-809; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.100 Lien on the property, civil remedy.

A. When payment is made to the city for costs incurred, the City Clerk shall file a release of lien but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the City Clerk shall forward a certified statement of the amount of the costs to the County Treasurer of the county in which the property is situated. Said costs shall be levied on the property and collected by the County Treasurer of the county wherein the property is situated as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the County Clerk. In addition to the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid.

B. At any time prior to collection as provided for in this section, the city may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon reviewing payment, the City Clerk shall forward to the County Treasurer a notice of such payment and shall direct discharge of the lien. (Prior code § 8-810; 899, § 3 (part) eff. 08/12/1996)

Section 15.36.110 Summary boarding and securing.

A. If the City Manager or City Council causes a structure within the corporate limits to be boarded and secured, any subsequent need for boarding and securing within a six month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or the mortgage holder in accordance with state law.

B. At the time of such summary boarding and securing, the city shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the City Clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for previously in this section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be collected as provided for previously in this section. (Prior code § 8-811; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.120 Right to appeal.

A. The property owner or mortgage holder shall have a right to appeal to the City Council any order of the City Manager as it relates to applicable provisions within this chapter. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten (10) days after the City Manager's order is rendered.

B. Said notice of appeal shall serve to stay all orders related thereto until a hearing is held before the City Council.

C. Notice of a hearing before the City Council shall be mailed to the property owner and the mortgage holder no less than ten (10) days prior to the scheduled hearing date.

D. Should the City Council, upon hearing the appeal, determine that a building is dilapidated and order it abated by demolition and removal, any action to challenge the order of the City Council shall be filed within 30 business days from the date of the order. (Prior code § 8-812; 899, § 3 (part), eff. 08/12/1996; 1221, Amended by Recodification, 11/19/2012)

Section 15.36.130 Designation of another administrative officer.

The City Manager may designate another administrative officer of the city to discharge the duties herein before delegated to the City Manager. (Prior code § 8-813; 899, § 3 (part), eff. 08/12/1996)

Section 15.36.140 Agricultural uses exempted.

The provisions of this chapter shall not apply to any property zoned and used for agricultural purposes. (Prior code § 8-814; 899, § 3 (part), eff. 08/12/1996)

Chapter 15.40

MOVING PERMITS

Sections:

15.40.010 Mover's permit.

Section 15.40.010 Mover's permit.

A. No structure or object greater than fourteen (14) feet in overall width or fourteen and one-half (14.5) feet in overall height, including equipment utilized in moving same, or greater than ninety (90) feet in overall length as a single unit, shall be moved upon a public street of the City of Sand Springs, Oklahoma, until a specific route has been recorded in writing and approved on a mover's permit as issued by the city. No structure or object requiring a mover's permit shall be moved upon a public street of the city, nor shall preparatory measures related thereto be performed upon a public street of the city, during the hours of seven (7:00) a.m. to nine (9:00) a.m., and four (4) p.m. to six (6) p.m., Monday through Friday; and at any time on Saturdays, Sundays or holidays recognized by the city unless granted specific written permission by the City Manager or his/her designee, as a part of the mover's permit. (Amended by Ord 1258, adopted 09/22/14)

B. The completed mover's permit application shall contain an accurate record of the overall width, height and length and gross weight of the structure or object to be moved, as well as equipment utilized in moving same, and shall also set forth an approved route and approximate time of movement. Prior to commencing movement upon a public street within the city the applicant shall notify the Sand Springs Police Department Communications Center of the intention to commence moving. No movement granted by a mover's permit shall commence until clearance is granted to do so by the City Manager, or his/her designees. (Amended by Ord 1258, adopted 09/22/14)

C. All applications for a mover's permit shall include a current and valid certificate of liability insurance, in effect, adequate to cover any damage to persons, public property, private property, and utilities that may be damaged as a result of the structure or object being moved, with minimum limits of liability being three million dollars (\$3,000,000.00) per occurrence, to be placed on file with the city. (Amended by Ord 1258, adopted 09/22/14)

D. Upon approval of the mover's permit application, and before a movement commences. A mover's permit shall be issued to the applicant upon receipt of a mover's permit fee according to the fee schedule as established by City Council. The issued mover's permit shall be displayed in a conspicuous location on the vehicle or other conveyance performing the movement while upon a public street of the city. (Amended by Ord 1258, adopted 09/22/14)

E. Any permit issued may require at the sole discretion of the City Manager or his/her designee, that the movement be escorted by sufficient law enforcement personnel having jurisdiction over the public streets of the city to be transited at the expense of the permit applicant. The permit applicant shall also comply with all

instructions issued by the City Manager or his/her designees pertaining to measures necessary for protection of public infrastructure installations owned or otherwise controlled by the city. Such measures shall be at the expense of the permit applicant. (Amended by Ord 1258, adopted 09/22/14.)

F. It shall be unlawful and an offense for any person, firm or corporation to supply false information upon the mover's permit application, or to move a structure or object requiring a mover's permit upon a public street in the city without a mover's permit, or to move a structure or object in a manner not specifically set out in the mover's permit. (Prior code § 9-208; 940, § 1, eff. 03/08/1999; 1221, Amended by Recodification, 11/19/2012; Amended by Ord1258, adopted 09/22/14.)

G. The City Manager or his/her designees, shall have authority to restrict or suspend the scheduling, rescheduling or movement of any oversized structure or object upon the public streets of the city if it is determined that such scheduling, rescheduling, timing or manner of movement shall be detrimental or potentially detrimental to the health, safety and welfare of the public, or detrimental or potentially detrimental to public or private infrastructure or utility installations. (Added by Ord 1258, adopted 09/22/14)

H. Exempt from the provisions of this chapter are oversized buildings, objects or equipment that are moved solely upon designated state highways within the city limits. (Added by Ord 1258, adopted 09/22/14.)

Chapter 15.50

EARTH CHANGES AND EROSION CONTROL

Sections:

- 15.50.010 Definitions
- 15.50.020 Purpose
- 15.50.030 Scope
- 15.50.040 Grading Standards
- 15.50.050 Permits and Plans Required
- 15.50.060 Conditions for Approval of Subdivision Plat
- 15.50.070 Grading Plan Contents
- 15.50.080 Application for Earth Change Permit
- 15.50.090 Earth Change Policies and Standards
- 15.50.100 Exemptions
- 15.50.110 General Administrative Procedures
- 15.50.120 Enforcement and Penalties

Section 15.50.010 Definitions

Unless otherwise defined by the terms of this section, the definitions of words used in the Ordinance shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

CITY - The City of Sand Springs, Oklahoma.

CITY GRADING STANDARDS - The engineering design criteria adopted by the City of Sand Springs, and other standards and specifications for earth changes established by the City Engineer.

CITY ENGINEER - The City Engineer of the City of Sand Springs or his authorized representative.

DETENTION - The temporary storage of storm water.

DETENTION FACILITY - A facility that provides temporary storage and controlled release of storm water.

DEVELOPMENT - Any man-made changes to improved or unimproved land, including, but not limited to, constructing buildings or other structures, mining, dredging, filling, grading, constructing retaining walls, paving, excavating, and drilling.

DRAINAGE FACILITIES - Elements necessary to convey storm water from its initial contact with earth's surface to the Arkansas River. Said drainage facilities shall include both public and private storm sewers (closed conduits), improved channels constructed in conformity with adopted City Grading Standards, drainageways left in their natural condition, areas covered by restricted drainageway easements for the purpose of providing overland flow and all appurtenances to the foregoing, including inlets, outlets, walls, erosion protection, manholes, junction boxes, headwalls, energy dissipaters, and culverts.

EARTH CHANGE - Excavating; grading; regrading; filling; constructing retaining walls, berms, dikes, and erosion control measures on land within the City of Sand Springs.

EROSION CONTROL MEASURES - Facilities constructed or installed to prevent soil erosion caused by excessive storm water runoff velocities.

FLOOD - A temporary rise in the level of water that results in inundation of areas not ordinarily covered by water.

FLOODPLAIN AREA - The area subject to flooding as designated on a floodplain map or other area affected by flooding.

GRADING PLAN - A series of drawings, text and engineering calculations accurately depicting planned topographic changes to a particular site or tract of land.

LOT - A tract of land identified on a plat.

NATURAL - A descriptive term referring to the cover and topography of land as it existed prior to any manmade changes. In areas where manmade modifications have already been constructed, the state of the area and topography of land at the date of the adoption of this Ordinance.

REGULATORY FLOOD - The flood having a one percent chance of being equaled or exceeded in any given year based upon the full potential urbanization of the contributing watershed.

RETAINING WALL - A structural wall built to hold back a mass of earth, as at the edge of a terrace.

SEDIMENTATION FACILITIES - Debris basins, sedimentation traps, silt fences, berms, interceptor ditches, land terraces, hay bales or vegetative ground covers intended to prevent the conveyance of sediments by storm water runoff.

SITE - The location of planned, on-going, or completed construction or development.

WATERCOURSE - Any depression serving to give direction to the flow of storm water. (1001, Amended, 09/10/2001)

Section 15.50.020 Purpose

This ordinance is enacted for the purpose of protecting the general health, safety, and welfare of the residents of the City of Sand Springs from the hazards and dangers of flooding, as well as inadequate or improper drainage and failure of retaining walls by:

2.1 Securing review and approval of the method for handling and disposing of storm water runoff in the jurisdictional area of the City of Sand Springs, and securing review, analysis and approval, by the appropriate authority, of the design, construction and maintenance of drainage facilities, erosion control measures and retaining walls.

2.2 Imposing design standards and conditions upon the excavating; grading; regrading; filling; constructing retaining walls, berms, dikes, and erosion control measures on land within the City of Sand Springs.

(1001, Added, 09/10/2001)

Section 15.50.030 Scope

The provisions of this Ordinance shall apply to and be binding upon every person, firm or corporation, and every city, county, state, or federal governmental entity seeking to develop, redevelop, grade, regrade, excavate, or construct embankments, fill, retaining wall, berms, dikes or erosion control measures upon land within the City of Sand Springs. (1001, Added, 09/10/2001)

Section 15.50.040 Grading Standards

The City of Sand Springs City Engineer shall prepare standards and specifications, where applicable, for drainage facilities, storm water detention facilities and retaining walls which shall comprise the city grading standards. Said city grading standards, in addition to adopted engineering design criteria, shall be followed by every person, firm, corporation, or governmental entity in the grading, filling and construction, installation, and maintenance of drainage facilities, storm water detention facilities, retaining walls and erosion control measures. (1001, Added, 09/10/2001)

Section 15.50.050 Permits and Plans Required

5.1 Earth Change Permit. Unless specifically exempted, an Earth Change Permit, as defined and regulated by this ordinance, shall be obtained from the City Engineer prior to the commencement of any excavating; grading; regrading; filling; constructing retaining walls, berms, dikes, and erosion control measures on land within the City of Sand Springs; a separate permit shall be required for each site or lot. Prior to granting any earth change permit, the City Engineer shall attach such conditions thereto as he may deem reasonable and necessary to prevent damage to public or private property resulting from the blockage, obstruction, alteration, or impairment of any storm sewer drain or surface water course and to prevent the work thereby authorized from being conducted in a manner hazardous to life or property, or otherwise likely to create a public nuisance. Such conditions may include but are not limited to: submission of grading plans showing natural and finished grade contours; installation of public and private retaining walls, drains, detention facilities or other drainage facilities; specific erosion control measures; furnishing any necessary public easements; and specifications of methods for performing the work thereby authorized. When a structure is to be constructed on a site or lot for which an earth change permit has been obtained, the structure shall not be used or occupied until the facilities or measures required by the earth change permit have been completed and approved by the City Engineer.

5.2 Grading Plan. Prior to the City Engineer's approval of any earth change permit, the City Engineer shall determine whether a grading plan should be required and may require such plan in such instances where the same is necessary to meet the purposes of this ordinance.

5.3 OPDES Permit Submittal. The State of Oklahoma requires that an Oklahoma Pollution Discharge Elimination System (OPDES) permit be issued for development activities that will disturb an area of land greater than one-half acre (0.5 AC). If the proposed development requires an OPDES permit, copies of the Storm Water Pollution Prevention Plan (SWP3), Notice of Intent (NOI), Permit Number and Notice of Termination (NOT) must be filed with the City. (1001, Added, 09/10/2001)

Section 15.50.060 Conditions for Approval of Subdivision Plat

6.1 Subdivision Plat. An application for an earth change permit, as defined and regulated by the provisions of this ordinance, shall be approved by the City Engineer prior to his approval of the plat or replat of the subdivision of land for which the

earth change permit is sought. Prior to his approval of any subdivision plat, and subsequent to the acceptance of public facilities for the subdivision, the City Engineer may require:

6.1.1 Actual construction of all required facilities, approval of said facilities by the City Engineer and acceptance thereof by the City Council of the City of Sand Springs; or

6.1.2 Sufficient surety bond, cash escrow, or letter of credit approved by the City Engineer and City Attorney guaranteeing the construction of all required facilities in accordance with an approved plan; or

6.1.3 An alternative form of assurance proposed by the developer to guarantee construction of all required facilities in accordance with an approved plan, said alternative form of assurance having been accepted by the City Council of the City of Sand Springs.(1001, Added, 09/10/2001)

Section 15.50.070 Grading Plan Contents

7.1 General Requirements. All grading plans shall be formulated and implemented under the direct supervision of a registered professional engineer licensed by the State of Oklahoma. Plans submitted for final approval shall bear the signature and seal of the submitting engineer and the following statement shall immediately precede the submitting engineer's signature:

"I hereby certify that I am familiar with the grading standards of the City of Sand Springs, that these plans have been prepared under my direct engineering supervision, and that the above and foregoing grading plans comply with all governing ordinances and said grading standards to the best of my knowledge, information and belief."

Following, and in addition to, the certificate of the submitting engineer, the grading plans shall bear the signature of the owner which shall be subscribed below the following statement:

"I hereby certify that the approved grading plans will be implemented under the direct engineering supervision of a registered professional engineer."

7.2 Plan Elements. A grading plan shall consist of narrative statements, engineering drawings, contour maps, and all supporting engineering calculations, as applicable to the land area covered by the plan which are required to demonstrate full compliance with the requirements of this Ordinance and Sand Springs' adopted City Grading Standards. A grading plan shall include all pertinent information required by the City Engineer and may include, but it is not limited to, any or all of the following elements with respect to the subject property;

7.2.1 An engineering report dealing with the applicable provisions of this Chapter and adopted City Grading Standards, clearly setting forth the scope of the engineering problem and the proposed solutions.

7.2.2 The location of all existing drainage facilities.

7.2.3 An engineering hydrologic analysis of storm water runoff under existing conditions and under proposed development conditions.

7.2.4 A detailed evaluation of the projected effects on property adjoining the site and on existing drainage facilities and systems both on and off the site attributable to the development of the subject property.

7.2.5 The on-site regulatory flood elevations and the boundaries of any floodplain area. In every instance the plan shall include a determination of the area required to carry the regulatory flood.

7.2.6 The proposed method of handling all runoff from the development and a demonstrated capability to handle the pass-through of upstream drainage under fully urbanized conditions.

7.2.7 Proposed grade changes such as fills, cuts, levees, retaining walls, channel modifications, and detention facilities.

7.2.8 The location and size of all existing and proposed drainage easement areas and facilities.

7.2.9 The location, size and character of all temporary and permanent erosion and sedimentation control facilities with specifications detailing all on-site erosion control measures which will be established and maintained until permanent vegetation is established and erosion no longer occurs.

7.2.10 In disturbed areas where new construction slopes in erodible soils would otherwise be steeper than 3 horizontals to 1 vertical, retaining walls shall be constructed. Retaining walls shall not be constructed over any easements. The design of any retaining wall over four feet in height, the failure of which could adversely affect adjoining property or public right-of-way, shall be approved by the City Engineer. (1001, Added, 09/10/2001)

Section 15.50.080 Application for Earth Change Permit

8.1 General Requirements. Unless accepted by the provision of Section 10 of this Ordinance, any person, firm or corporation desiring to effect an earth change shall file a written application for an Earth Change Permit. Applications shall be accompanied by the payment of a permit fee, the amount of which shall be established by the City Council. The grading plan approved by the City Engineer, and design standards established or imposed by the City Engineer, shall become conditions upon the issuance of the earth change permit; no changes in an approved grading plan shall be made without prior written approval of the City Engineer.

8.2 Contents of Permit Application. Each earth change permit application shall contain the following information:

8.2.1 The name and address of the legal owner of the property for which the permit is requested.

8.2.2 A vicinity map, boundary line survey and legal description of the property for which a permit is requested.

8.2.3 Site drawings indicating each area to be excavated, filled, graded, or leveled; the approximate depth of each cut or fill; the present and future (as completed) points of surface water entry onto and discharge from the subject property; and all temporary or permanent structures or measures, including retaining walls, or other facilities to be constructed or established for the purpose of controlling and regulating surface water and erosion on such property.

8.2.4 The applicant's plans for controlling soil erosion and precluding or preventing the deposit of sediment from the site, lot or tract upon any other public or private property or watercourse during all phases of project duration.

8.2.5 The applicant's plans for receipt of surface water onto the property and discharge therefrom during periods of construction, and a statement specifying the anticipated time period for the completion of all drainage improvements.

If the City Engineer is unable to reasonably determine from the application that it meets the requirements, policies and standards governing the issuance of the required permit, the City Engineer shall request in writing that the applicant furnish such additional information as may be essential to such determination. (1001, Added, 09/10/2001)

Section 15.50.090 Earth Change Policies and Standards

9.1 Policies Established. The issuance of Earth Change Permits shall be governed by the following policies of the City of Sand Springs:

9.1.1 No earth change shall be permitted which creates a hazard upon any property within the City of Sand Springs through the obstruction, impairment, sedimentation, blockage or alteration of any drainage facilities or any existing surface watercourse.

9.1.2 No earth change shall be permitted which will channelize, obstruct, or impede any watercourse in a manner which is inconsistent with accepted engineering practices and/or the adopted drainage standards of the City of Sand Springs.

9.1.3 All earth changes shall be designed, constructed and completed in a manner which minimizes the exposure of bare earth to precipitation or runoff.

9.1.4 Construction activity shall be conducted only if appropriate sedimentation facilities are installed and maintained throughout the construction period in accordance with the adopted City Grading Standards.

9.1.5 The redesign or modification of any drainage structure required and presently existing as an element of a previously approved grading plan shall not be required as an incident or condition for the subsequent issuance of an Earth Change Permit unless the proposed earth change materially alters the character of the previously approved grading plan.

9.2 Standards Established. The policies governing earth changes shall be implemented by the adopted City Grading Standards which shall specifically regulate the following and shall establish acceptable methods and practices for controlling soil sedimentation and erosion, including retaining walls:

9.2.1 Design, installation and utilization of all detention and drainage facilities and structures.

9.2.2 Design, installation, maintenance, and removal of sedimentation and erosion control measures, facilities and structures.

(1001, Amended, 09/10/2001)

Section 15.50.100 Exemptions

10.1 Earth Change Exemptions. An earth change permit shall not be required for the following activities:

10.1.1 Bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground in the City of Sand Springs and which meet the requirements of the Zoning Code of the City of Sand Springs, provided that reasonable efforts are made to prevent deposit of sediment on adjacent property.

10.1.2 Customary and incidental routine grounds maintenance, landscaping, and home gardening which does not require a zoning special exception, or variance, or a building permit, and which does not affect storm water drainage entering or leaving any public right-of-way.

10.1.3 Except to the extent as is required by Section 7.2.10 hereof, any excavating and/or grading, and/or leveling, and/or landfilling requiring less than six-feet of cut or fill at any one point.

10.1.4 Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health or property, and which are made under circumstances whereby it would be impossible or impracticable to obtain an Earth Change Permit.

10.1.5 Temporary excavation for the purpose of installing, maintaining, or repairing any public street, public utility facility, or any service lines related thereto. (1001, Added, 09/10/2001)

Section 15.50.110 General Administrative Procedures

11A Fees. Fee charges related to an Earth Change Permit as issued by the city shall be made and collected in such amounts as established by motion or resolution of the City Council.

11.1 Processing by City Engineer. The City Engineer shall either approve or disapprove the submitted grading plan or earth change permit application. Approval of a submitted grading plan shall only constitute acceptance by the City Engineer of the certification of the submitting engineer, and such acceptance shall not operate to remove any requirement of Sand Springs' adopted drainage standards which are not specifically considered in the approved plan. A grading plan which meets the requirements of the Ordinance and which conforms to all requirements of the adopted City Grading Standards shall be approved and earth change permit application which is consistent with the policies and which meets the standards established by the Ordinance shall be approved. If a submitted grading plan or permit application is disapproved, the certifying engineer or applicant, as applicable, shall be advised in writing of the disapproval. If the required findings cannot be based upon the information contained in the submitted plan or permit application, the general nature of such additional information as is required by the City Engineer to make such determination will be identified. In the event that the information deficiency is of a technical nature, the City Engineer may also request an engineering conference with the submitting engineer.

11.2 Administrative Appeals. All rulings, requirements, decisions, or interpretations of the City Engineer shall be final and binding upon all parties thereto unless appealed to the City Council. Any person aggrieved thereby shall perfect an appeal by filing a written notice of appeal in the office of the City Clerk of the City of Sand Springs within ten (10) days from the date of the action appealed. The notice of

appeal shall specify the grounds for the appeal and contain a brief summary of all facts which the aggrieved party deems material to his appeal. A hearing on the appeal shall be heard by the City Council no later than thirty (30) days from the date of filing the required notice of appeal.

11.3 Stay of Proceedings. An appeal to the City Council shall stay the enforcement of any ruling, decision, or requirement of the City Engineer, unless the City Engineer certifies to the City Council that by reason of the facts stated in the certificate of the engineer, a stay would in his opinion cause an immediate public hazard or impair life or property; in such case, enforcement shall not be stayed other than by a restraining order issued by a court of competent jurisdiction upon due and sufficient cause shown.

11.4 Variance by City Council. The City Council may grant in a particular instance such a variance or modification of the terms of this Ordinance or City Grading Standards adopted pursuant thereto as will not cause detriment to the public good, safety, or welfare, or be contrary to the spirit, purpose and intent of this Ordinance where, by reason of unique and exceptional physical circumstance or condition of a particular property, the literal enforcement of the adopted City Grading Standards or the requirements of this Ordinance will result in an unreasonable hardship.
(1079, Amended, 05/24/2004)

Section 15.50.120 Enforcement and Penalties

12.1 Notification of Noncompliance. If at any time an earth change is performed which is not in accordance with this ordinance or an Earth Change Permit, including conditions and approved modifications thereof, a written notice to comply shall be given by the City Engineer stating the nature and location of the alleged noncompliance and specifying what remedial steps are necessary to bring the project into compliance. The responsible parties shall have such time as may be allowed in writing by the City Engineer to correct all noted deficiencies. The time allowed shall be reasonable and shall be determined by the nature of the deficiency and whether or not it creates a nuisance or hazard.

12.2 Revocation or Suspension of Earth Change Permit. An Earth Change Permit may be revoked or suspended upon the occurrence of any one of the following:

- a. Violation of any condition of the permit, or
- b. Violation of any provision of this Ordinance or any other applicable law, ordinance, rule or regulation pertaining to the Earth Change Permit.

Upon the revocation of an Earth Change Permit or where an Earth Change Permit is suspended, the City Engineer shall issue a stop work order on all construction activity on the permit holder's property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses, franchises or contracts issued or approved by the City of Sand Springs. Such order may order a work stoppage on all construction activity on buildings or structures and all appurtenances thereto, including electrical, plumbing, mechanical and street work, storm sewers, sanitary sewers, gal lines, and all utilities including gas, electric, telephone, and cable holder, either personally or by certified mail, addressed to the permit holder at the address given on the permit application filed with the City.

12.3 Fine Imposed. Any person, firm, corporation, or other legal entity violating the requirements of this Ordinance or conditions made pursuant thereto, shall be guilty of an offense, and upon conviction thereof, shall be fined as provided in the Code of Ordinances of the City of Sand Springs, Section 1.20.010 as a Class A violation, and each day's violation shall constitute a separate offense.

12.4 Fine not Exclusive Penalty. In addition to fine or imprisonment, the City may institute appropriate actions or proceedings at law or in equity for the enforcement of the provisions of this Ordinance or adopted City Grading Standards or to correct violations thereof, and, if applicable and appropriate, the City may institute appropriate actions or proceedings at law or in equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work. (1001, Added, 09/10/2001)

(This page intentionally left blank)