

TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: FLOOD DAMAGE PREVENTION

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§ 150.01 GENERAL PROVISIONS.

(A) *Lands to which this chapter applies.* This chapter shall apply to all areas of special flood hazard within the jurisdiction of the town.

(B) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, “The Flood Insurance Study For Rogers County, Oklahoma And Incorporated Areas” dated April 3, 2012, with the accompanying flood insurance rate map (FIRM) are hereby adopted by reference and declared to be a part of this chapter.

(C) *Establishment of development permit.* A development permit shall be required to ensure conformance with the provisions of this chapter.

(D) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

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

(F) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

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

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

(Prior Code, § 12-503) (Ord. 2012-04, passed 9-11-2012)

§ 150.02 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND METHODS.

(A) *Statutory authorization.* The legislature of the state has, in 82 O.S. §§ 1601 through 1618, as amended, delegated the responsibility to local governmental units to adopt measures designed to minimize flood losses. Therefore, the town ordains the following, to become effective immediately.

(B) *Findings of fact.*

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

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

(C) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is in a flood area.

(D) *Methods of reducing flood losses.* In order to accomplish its purposes, this chapter uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging, and other development which may increase flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Prior Code, § 12-501) (Ord. 2012-04, passed 9-11-2012)

§ 150.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE. A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of ***ACCESSORY STRUCTURES*** include, but are not limited to, garages and storage sheds.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within the town subject to a 1% or greater chance of flooding in any given year.

BFE. Base flood elevation.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The elevation in feet above mean sea level of the base flood or 1% chance flood.

BASEMENT. Any area of the building having its floor sub-grade (below ground level) on all sides.

C.F.R. Code of Federal Regulations.

CRITICAL FEATURE. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

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

DEVELOPMENT PERMIT. A permit issued by the town floodplain administrator which authorizes development in a special flood hazard area in accordance with this chapter.

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

EXISTING CONSTRUCTION. For the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES**.

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. The federal emergency management agency.

FIRM. Flood insurance rate map.

FLOOD INSURANCE RATE MAP. An official map of the town on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the town.

FLOOD INSURANCE STUDY. The official report provided by FEMA for town which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area, and mean velocity.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM. The physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within town subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a **SYSTEM** typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN ADMINISTRATOR. A person accredited by the OWRB and designated by the Board of Trustees of the town to administer and implement laws, ordinances, and regulations relating to the management of floodplains.

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

FLOODPLAIN MANAGEMENT REGULATIONS. Zoning codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) and other applications of police

power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN or FLOOD PRONE AREA. Any land area susceptible to being inundated by water from any source. (See definition of **FLOOD** or **FLOODING**.)

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A **FLOODWAY** is located within areas of special flood hazard established in § 150.01(B). A **FLOODWAY** is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

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

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

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

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

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's **LOWEST FLOOR**; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of 44 C.F.R. § 60.3.

MANUFACTURED HOME. A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL. For purposes of the national flood insurance program, the North American vertical datum (NAVO) of 1988 or other datum, to which base flood elevations shown on the town's flood insurance rate map are referenced.

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

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Town Board of Trustees.

OWRB. The Oklahoma Water Resources Board.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. Law No. 97-348), being 16 U.S.C. §§ 3501 et seq., includes substantial improvement and means the date the building permit was issued; provided, the actual **START OF CONSTRUCTION**, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before “start of construction” of the improvement. This includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or

(2) Any alteration of a “historic structure” provided that the alteration would not preclude the structure’s continued designation as a “historic structure.”

VARIANCE. A grant of relief by the Town Board of Trustees to a person from the terms of this chapter when specific enforcement would result in unnecessary hardship. A **VARIANCE**, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements, see 44 C.F.R. § 60.6.)

VIOLATION. The failure of a structure or other development to be fully compliant with this chapter.

WATER SURFACE ELEVATION. The height, in relation to the North American vertical datum (NAVO) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Prior Code, § 12-502) (Ord. 2012-04, passed 9-11-2012)

§ 150.04 ADMINISTRATION.

(A) *Designation of the floodplain administrator.* The Board of Trustees of the town designates the Town Clerk/Treasurer as floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of national flood insurance program regulations in 44 C.F.R. pertaining to floodplain management.

(B) *Duties and responsibilities of the floodplain administrator.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

(1) Become accredited by the OWRB in accordance with 82 O.S. §§ 1601 through 1618, as amended;

(2) Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding;

(3) Review, approve, or deny all applications for development permits required by this chapter;

(4) Review proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval are required;

(5) Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions);

(6) Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA;

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

(8) Shall require the developer/applicant to determine and provide the base flood elevation on a FEMA elevation certificate as well as other data as required in order to administer the provisions of § 150.05;

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

(10) After a disaster or other type of damage occurrence to structures in the town, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement;

(11) Maintain a record of all actions involving an appeal from a decision of the Board of Trustees; and

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

(C) *Permit procedures.*

(1) An application for a development permit shall be presented to the floodplain administrator on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

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

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

(2) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

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

(3) The floodplain administrator or Board of Trustees, as applicable, may approve certain development in zones A or AE delineated on the county FIRM which increases the water surface elevation of the base flood by more than one foot; provided, that the applicant for the development permit in that case first complies with 44 C.F.R. § 65.12.

(D) *Variances.*

(1) *General provisions.*

(a) The Town Board of Trustees may grant variances for uses which do not satisfy the requirements of the State Floodplain Management Act, being 82 O.S. §§ 1601 through 1630, or this chapter, if the applicant for the variance presents adequate proof that: compliance with this chapter will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the

people; and satisfies the pertinent provisions of this division (D). However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.

(b) Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the State Floodplain Management Act, being 82 O.S. §§ 1601 through 1630, or by other laws of the state.

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

(d) Any person seeking a variance shall file a petition with the Board of Trustees, accompanied by a filing fee of \$25.

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

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

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

(h) 1. The Board of Trustees shall conduct the hearing and make determinations in accordance with the applicable provisions of this division (D).

2. The Board of Trustees shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.

(i) Variances shall only be issued upon:

1. A showing of good and sufficient cause;

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

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

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

(j) Upon consideration of the factors stated in this division (D) and the intent of this chapter, the Board of Trustees may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in § 150.01(C).

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

(2) Special provisions.

(a) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this chapter.

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

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

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

1. The criteria of divisions (D)(1)(e), (D)(1)(i), (D)(2)(b), and (D)(2)(c) above are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
(Prior Code, § 12-504) (Ord. 2012-04, passed 9-11-2012) Penalty, see § 150.99

§ 150.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(A) *General standards.* In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

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

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

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

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

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

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

(B) *Specific standards.* In all areas of special flood hazards the following provisions are required.

(1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this division (B) is satisfied.

(2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this division (B)(2) is satisfied.

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

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

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

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.* Require that all manufactured homes to be placed anywhere within the community in flood zones A and/or AE on the county FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least one foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to a permanent foundation to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to state law and compliance herewith shall be certified in writing to the floodplain administrator by said installer prior to habitation of the manufactured home.

(5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A and AE on the county FIRM either:

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

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

(c) Meet the permit requirements of § 150.04(C), and the elevation and anchoring requirements for “manufactured homes” in division (B)(4) above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(6) *Accessory structure.* Accessory structures to be placed on sites within zones A and AE on the county FIRM shall comply with the following:

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

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

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

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

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

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

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

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

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

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

(C) *Standards for subdivisions.*

(1) The applicant for a development permit for any subdivision located in zones A and AE which is 51 or more lots or greater than five acres shall generate the base flood elevation data for that subdivision.

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

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

(D) *Floodways.* The following provisions shall apply to floodways.

(1) Encroachments, including, but not limited to, fill, new construction, substantial improvements, and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard

engineering practice that the proposed encroachment would not result in any increase in flood levels within the town during the occurrence of the base flood discharge.

(2) If division (D)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(3) The town may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the development permit complies with all of 44 C.F.R. § 65.12.

(Prior Code, § 12-505) (Ord. 2012-04, passed 9-11-2012) Penalty, see § 150.99

§ 150.06 FEE SCHEDULE.

The Town Board of Trustees establishes the following fee schedule not to exceed \$500 for any one service:

(A) Notice of intent fee: \$25 maximum;

(B) Floodplain development permit application review: \$100;

(C) Floodplain development permit fee: \$25;

(D) Inspection fee per inspection: \$25; and

(E) Variance request filing fee: \$25.

(Prior Code, § 12-506) (Ord. 2012-04, passed 9-11-2012)

§ 150.99 PENALTY.

(A) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

(B) A structure or other development without the elevation certificate or other certifications required in this chapter is presumed to be in violation until such time as that documentation is provided.

(C) Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

(D) Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each violation, and in addition shall pay all costs and expenses involved in the case.

(E) Nothing herein contained shall prevent the Town Board of Trustees or its Town Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.
(Prior Code, § 12-507) (Ord. 2012-04, passed 9-11-2012)

CHAPTER 151: SUBDIVISION REGULATIONS

Section

151.01 Regulations adopted by reference

§ 151.01 REGULATIONS ADOPTED BY REFERENCE.

Regulations for the development subdivisions in the town are adopted and incorporated into this code by reference as if fully set forth herein.

(Document, “Town of Talala Subdivision Regulations” approved 2021)

(Ord. 2022-01, passed 3-8-2022)

CHAPTER 152: ZONING

Section

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Talala - Land Usage***C-1 Local Commercial District***

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GENERAL PROVISIONS**§ 152.001 CITATION.**

This chapter, in pursuance of the authority granted by the legislature of the state in 11 O.S. § 43-101, 11 O.S. § 43-115, 11 O.S. § 44-101, 11 O.S. § 44-110, and 11 O.S. §§ 45-101 through 45-106, shall be a part of the master plan for the town and shall be known as the “zoning ordinance,” and may be cited as such.

(Prior Code, § 12-201) (Ord. 98-6, passed 10-19-1998)

§ 152.002 PURPOSE AND NECESSITY.

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewage, schools, parks, public utilities, and other facilities.

(Prior Code, § 12-202) (Ord. 98-6, passed 10-19-1998)

§ 152.003 NATURE OF ZONING PLAN.

This chapter classifies and regulates the use of land, buildings, and structures within the town limits, as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the town into zones and regulating therein

coverage of the land by buildings, size of yards and open spaces, density of population, and location and use of buildings.

(Prior Code, § 12-203) (Ord. 98-6, passed 10-19-1998)

§ 152.004 REGULATION OF USE, HEIGHT, AREA, YARDS, AND OPEN SPACES.

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, and space requirements established in the district in which the land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.

(Prior Code, § 12-204) (Ord. 98-6, passed 10-19-1998)

§ 152.005 ZONES.

(A) The town is hereby divided into zones as shown on the zoning map, (map dated February 1982) filed with the Town Clerk/Treasurer. The map and all explanatory material thereon is hereby made a part of this chapter.

(B) Zones shall be designated as follows:

- (1) R-1 single-family dwelling district;
- (2) R-1-T manufactured home dwelling district;
- (3) R-2 multi-family dwelling district;
- (4) C-1 local commercial district;
- (5) C-2 general commercial district;
- (6) I-1 light industrial district; and
- (7) I-2 heavy industrial district.

(C) Specific district regulations are set forth in §§ 152.025 through 152.028, 152.040 through 152.042, 152.055 through 152.058, 152.070 through 152.072, 152.085 through 152.087, 152.100 through 152.102, 152.115, and 152.116.

(Prior Code, § 12-205) (Ord. 98-6, passed 10-19-1998)

§ 152.006 INTERPRETATION OF TERMS.

(A) For the purpose of these regulations certain terms and words are to be used and interpreted as defined in § 152.010.

(B) Words used in the present tense shall include the future tense; words used in the singular shall include the plural and words in the plural shall include the singular, except where the natural construction of the writing indicates otherwise.

(C) The word **SHALL** is mandatory and not directory.
(Prior Code, § 12-206) (Ord. 98-6, passed 10-19-1998)

§ 152.007 INTERPRETATION OF DISTRICT BOUNDARIES.

(A) Where district boundaries are indicated as approximately following the center lines of the streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

(B) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(C) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the zoning map.

(D) Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated.
(Prior Code, § 12-207) (Ord. 98-6, passed 10-19-1998)

§ 152.008 VACATION OF PUBLIC EASEMENTS.

Whenever any street, alley, or other public easement is vacated, the district classifications of the property to which the vacated portions of the land accrue shall become the classification of the vacated land.

(Prior Code, § 12-208) (Ord. 98-6, passed 10-19-1998)

§ 152.009 NONCONFORMING USES.

(A) Any use or structure existing at the time of enactment or subsequent amendment of this chapter, but not in conformity with its provisions, may be continued with the limitations in divisions (B) and (C) below.

(B) Any use or building, which does not conform to the provisions of this chapter, may not be:

(1) Changed to another nonconforming use;

(2) Reestablished after discontinuance for six months;

(3) Extended except in conformity to this chapter; or

(4) Rebuilt after damage exceeding 51 % of the buildings fair sales value immediately prior to damage.

(C) Provided, however, that all buildings and uses existing at the time of passage of this chapter which do not comply with the required off-street parking requirement, as specified in § 152.133, shall not be defined as nonconforming uses because of lack of said off-street parking facilities under the terms of this chapter.

(Prior Code, § 12-209) (Ord. 98-6, passed 10-19-1998)

§ 152.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the building or premises.

ACCESSORY USE. A use customarily incidental, appropriate, and subordinate to the main use of land or buildings located upon the same premises.

ADVERTISING SIGN OR STRUCTURE. Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone, or other sign, device, or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term **PLACED** shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an **ADVERTISING STRUCTURE** other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning, nor

other signs posted by public officials in the course of their public duties shall be construed as **ADVERTISING SIGNS** for the purpose of this definition.

ALLEY. A street less than 30 feet wide if it existed prior to the enactment of this chapter, and less than 50 feet wide if created after the enactment of this chapter. This definition shall not apply to a half street, as hereinafter defined, and shall not restrict the development of property adjacent to a half street, said property being only that for which the half street was dedicated.

APARTMENT HOUSE or MULTI-FAMILY DWELLING. A single detached dwelling designed for and occupied exclusively by three or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels, and flats, but not including auto or trailer courts or camps, hotels or resort type hotels.

BASEMENT. A story having part but not more than one-half its height below grade. A **BASEMENT** is counted as a story for the purposes of height regulations, if subdivided and used for business or dwelling purposes by other than a janitor employed on the premises.

BOARDING HOUSE. A building other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons.

BUILDING. Any structure, when separated by dividing walls without openings, each portion of the such structure so separated, shall be deemed a separate structure.

BUILDING HEIGHT. The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

BUILDING, MAIN. A building in which is conducted the principal use of the lot on which it is situated. In any residential districts any dwelling shall be deemed to be a **MAIN BUILDING** on the lot on which it is situated.

BUILDING SITE. A single parcel of land in one ownership, occupied, or intended to be occupied by a building or structure.

DISTRICT. Any section or sections of the town for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

DWELLING. Any building, or portion thereof, which is designed for use for residential purposes.

DWELLING, MULTIPLE. A building designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

DWELLING, SINGLE-FAMILY. A building designed to be occupied by one family.

DWELLING, TWO-FAMILY. A building designed not to be occupied by more than two families.

FAMILY. One or more persons related by blood or marriage, or a group of not to exceed five persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A **FAMILY** shall be deemed to include domestic servants employed by said family.

GARAGE APARTMENT. A living unit for not more than one family erected above a garage.

HELP YOURSELF LAUNDRY. A laundry providing home type washing and drying and ironing machines for hire to be used by the customers on the premises.

HOME BUSINESS. Any occupation carried on only by the inhabitants, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and which is conducted entirely within main or accessory buildings; provided, that no physical personal service is performed and no trading of merchandise is carried on and in connection with which there is no sign or display other than one non-illuminated name-plate not more than two square feet in area attached to the building, and that no mechanical equipment is used or activity is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

HOTEL. A building or group of buildings under one ownership containing six or more sleeping rooms occupied, intended, or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanitariums, hospital, asylum, orphanage, or building where persons are housed under restraint.

INSTITUTION. A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

LOT. Any plot of land occupied or intended to be occupied by one building, or a group of buildings, and its accessory buildings and uses, including such open spaces as required by this chapter and other laws or ordinances, having its principal frontage on a street.

LOT AREA. The total horizontal area included within lot lines.

LOT, CORNER. A lot of which at least two adjacent sides abut for their full lengths on a street; provided, that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT DEPTH. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

LOT FRONTAGE. That dimension of a lot or portion of a lot abutting on a street, except the side dimension of a corner lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a “lot” as defined herein.

MANUFACTURED HOME. A structure, also known as a **MOBILE HOME** or **HOUSE TRAILER**, transported in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained thereon, and built to the national HUD code for manufactured homes.

MODULAR HOME. A structure designed to be used as a dwelling, built off site, in one or more sections with no permanent chassis, according to the local building codes of its destination, and transported to a final location to be assembled on a permanent foundation with the required utilities.

NONCONFORMING USE. Any lawful use of land, building, or structure, existing at the time of adoption of the zoning map, which does not conform with the regulations of the district in which it is situated.

PARKING SPACE. A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

RECREATIONAL VEHICLE. Any towable or vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreational, or vacation use and, when factory equipped for the road, shall have a body width not exceeding eight feet and is licensed and tagged as a **RECREATIONAL VEHICLE**.

ROOMING HOUSE. A building where lodging only is provided for compensation to three or more, but not exceeding ten persons, all in excess of this number shall be defined as a “hotel” under the terms of this chapter.

STORY. The portion of a building, other than a basement, included between the surface of any floor and the surface of any floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A **HALF STORY** containing independent apartment or living quarters shall be counted as a full story.

STREET. Any public or private right-of-way, highway, road, land, square, court, or way set aside as a permanent right-of-way for street purposes, 30 feet or more in width if it existed at the time of enactment of this chapter, and any public or private way 50 feet or more in width if created after the enactment of this chapter.

STREET, HALF. Any street platted 25 feet or more in width, where at the time of approval of the plat it is the intent of the Board of Trustees that said street dedication shall constitute only a part of the total street easement width.

STREET, INTERSECTING. Any street which joins another street at an angle, whether or not it crosses the other.

STRUCTURAL ALTERATIONS. Any change in the supporting members of the building structure.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting, the generality of the foregoing, advertising signs, billboards, and poster panels.

SUBDIVISION REGULATIONS. The subdivision regulations of the Planning Commission.

TERRITORIAL JURISDICTION. The area within the boundaries of the unit of government.

TOWNHOUSE. One of a series of from three to ten attached dwelling units, separated from one another by continuous vertical party walls without opening from basement floor to roof.

TOWNHOUSE DEVELOPMENT. A tract of land on which there is built or is proposed to be built three or more townhouses, including the sites of the townhouses and all common spaces.

TOWNHOUSE, INDIVIDUAL LOT. A zoning lot on which there is built or proposed to be built one townhouse.

TRAVEL TRAILER. Any vehicular portable structure built on a chassis used as a temporary dwelling for travel, recreational, or vacation use and when factory equipped for the road, it shall have a body width not exceeding eight feet and an overall length not exceeding 35 feet, including hitch and coupling and is licensed as a **TRAVEL TRAILER** under 47 O.S. § 1-181.1.

VARIANCE. An adjustment in the application of the specific provisions of these regulations to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district and which adjustment remedies disparity in privileges.

YARD. An open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, except where otherwise specifically provided in these regulations that a structure or portion of a structure may be located in a portion of a required **YARD**.

YARD, DEPTH OR WIDTH OF. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

YARD, FRONT. A yard extending along the full length of a front lot line.

YARD, REAR. A yard extending across the rear of the lot between inner side yard lines.

YARD, SIDE. A yard extending along a side lot line with rear line of the front yard to the rear line of the lot.

(Prior Code, § 12-365) (Ord. passed 10-19-1998; Ord. 98-6, passed 10-19-1998; Ord. 2019-06, passed 9-10-2019)

R-1 SINGLE-FAMILY DWELLING DISTRICT

§ 152.025 USES PERMITTED.

Property and buildings in an R-1 single-family dwelling district shall be used only for the following:

(A) Accessory building which is not part of the main building, including a private garage, not less than three feet away from any side lot line, or any accessory building which is a part of the main building, including a private garage;

(B) Bulletin board or sign, not exceeding 20 square feet in area appertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;

(C) Detached one-family dwelling, excluding all recreational vehicles and excluding all manufactured homes not qualifying as:

(1) A manufactured home existing on the property on November 13, 2012; or

(2) A manufactured home that replaces an existing manufactured home if the replacement manufactured home:

(a) Has been manufactured within five years of the date of replacement;

(b) Has at least as much square footage for dwelling as the manufactured home it replaces;
and

(c) Is placed on the property and used as a dwelling within five years of the date the replaced manufactured home was last used as a dwelling.

(D) General purpose farm and garden;

(E) Home business;

(F) Library; and

(G) Public school or school offering general educational courses the same as ordinarily given at public schools and having no rooms regularly used for housing and sleeping.

(Prior Code, § 12-215.1) (Ord. 2012-07, passed 11-13-2012; Ord. 2019-09, passed 9-10-2019)

§ 152.026 USES PERMISSIBLE ON REVIEW.

The following uses may be permissible on review by the Town Planning Commission in accordance with the provisions contained in § 152.135, provided that the structures incidental to these uses are located ten feet from any property line:

(A) Church;

(B) Municipal use, public building and public utility, municipal or public recreation; and

(C) Plant nursery; provided, no building or structure is maintained in connection therewith.
(Prior Code, § 12-215.2) (Ord. 98-6, passed 10-19-1998)

§ 152.027 AREA REGULATIONS.

(A) *Front yard.* All buildings shall be set back from the street right-of-way lines to comply with the following front yard requirements.

(1) The minimum depth of the front yard shall be 25 feet.

(2) If 25% or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of more than 40 feet.

(3) When a yard has double frontage, the front yard requirement shall be provided on both streets.

(B) *Side yard.*

(1) (a) Except as hereinafter provided in division (B)(2) below and in § 152.131, there shall be a side yard on each side of a main building which shall have a width of not less than five feet; unattached, one-story buildings of accessory use shall be set back five feet from any interior side lot line.

(b) Provided, however, that accessory buildings shall not be required to set back more than three feet from the interior side lot line when all parts of said building are located not more than 50 feet from the rear property line or the rear utility easement line.

(2) On any corner lot a building shall be set back from the street line of the intersecting street a distance of 15 feet in case such lot is back to back with another corner lot, and 20 feet in every other case.

(C) *Rear yard.* There shall be a rear yard having a depth of not less than 20 feet or 20% of the depth of the lot, whichever is smaller; unattached one-story buildings of accessory use shall be set back one foot from the utility easement or alley line.

(D) *Lot width.* There shall be a minimum lot width of 50 feet at the building line, and such lot shall abut on a street for a distance of not less than 35 feet.

(E) *Intensity of use.* There shall be a lot size of not less than 6,000 square feet, except that where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date hereof, that lot may be used for any of the uses permitted by this section.

(F) *Coverage.* Main and accessory buildings shall not cover more than 25% of the lot area on interior lots and 30% of the lot area on corner lots; accessory buildings shall not cover more than 20% of the rear yard.

(G) *Limit on buildings.* Not more than one single-family dwelling or manufactured home may be constructed on each 6,000 square feet of area, except in the case of a lot in a Manufactured Home Dwelling District, trailer park, or tourist court.

(Prior Code, § 12-215.3) (Ord. 98-6, passed 10-19-1998; Ord. 2019-06, passed 9-10-2019)

§ 152.028 HEIGHT REGULATIONS.

Except as provided in § 152.132, no building shall exceed two and one-half stories or 35 feet in height.

(Prior Code, § 12-215.4) (Ord. 98-6, passed 10-19-1998)

R-1-T MANUFACTURED HOME DWELLING DISTRICT

§ 152.040 USES PERMITTED.

Property and buildings in an R-1-T manufactured home dwelling district shall be used only for the following purposes:

(A) Any uses permitted in R-1 single-family dwelling district; and

(B) Single-family manufactured homes, owned and occupied by the landowner.

(Prior Code, § 12-225.1) (Ord. passed 10-19-1998; Ord. 98-6, passed 10-19-1998)

§ 152.041 USES PERMISSIBLE ON REVIEW.

Uses permissible on review are the same as in R-1 dwelling district.

(Prior Code, § 12-225.2) (Ord. 98-6, passed 10-19-1998)

§ 152.042 AREA REGULATIONS.

Area regulations on review are the same as in R-1 dwelling district.
(Prior Code, § 12-225.3) (Ord. 98-6, passed 10-19-1998)

R-2 MULTI-FAMILY DWELLING DISTRICT**§ 152.055 USES PERMITTED.**

Property and buildings in an R-2 multi-family dwelling district shall be used only for the following:

- (A) Any uses permitted in R-1 single-family dwelling district;
- (B) Multi-family dwelling, garage apartment, apartment house, rooming house, or boarding house.

(C) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

(Prior Code, § 12-235.1) (Ord. 98-6, passed 10-19-1998; Ord. 2019-06, passed 9-10-2019)

§ 152.056 USES PERMISSIBLE UPON REVIEW.

The following uses may be permissible on review by the Town Planning Commission in accordance with provisions contained in § 152.135:

- (A) Any use permissible on review in R-1 single-family dwelling district;
- (B) Childcare center;
- (C) Golf club;

(D) Rest home, convalescent home, sanatorium, hospital, and institution for philanthropic use; provided, that this shall not include institutions for the care or treatment of mental patients;

(E) Doctors or dentists office to be used by not more than two doctors or dentists; provided, that not more than one bed is to be used to keep patients overnight, and that adequate off-street parking is provided to handle all vehicles associated with office operation at anticipated peak periods as determined by the Planning Commission; and

(F) Off-street parking lots required as open space for vehicular parking under terms of § 152.133, provided that such lot is adjacent to or separated from the principal use only by streets or alleys and that all of the provisions of § 152.135(D), are complied with. This shall not be construed as permitting separately operated commercial parking lots.

(Prior Code, § 12-235.2) (Ord. 98-6, passed 10-19-1998)

§ 152.057 AREA REGULATIONS.

(A) *Front yard.* The front yard requirements shall be the same as those in R-1.

(B) *Side yard.* The side yard shall be the same as those in R-1, except that a garage apartment shall be set back from any side lot line five feet.

(C) *Rear yard.* There shall be a rear yard of not less than 15 feet; one-story unattached buildings of accessory use shall be set back one foot from the utility easement or alley line and garage apartments shall be set back ten feet from the rear lot line.

(D) *Lot width.* There shall be a minimum lot width of 50 feet at the building line for a single-family dwelling; such lot shall abut on a street for a distance of not less than 35 feet.

(E) *Intensity of use.*

(1) There shall be a lot area of not less than 6,000 square feet for a single-family dwelling; 7,000 square feet for a two-family dwelling or a single-family dwelling and a garage apartment on the same lot.

(2) Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date hereof, that lot may be used only for uses permitted in R-1 single-family district.

(F) *Coverage.* Main and accessory buildings shall not cover more than 30% of the lot area; accessory buildings shall not cover more than 20% of the rear yard.

(G) *Limit on buildings.* No more than one main building shall be constructed on each 6,000 square feet of land used for single-family purposes and 7,000 square feet for two-family purposes, except that a garage apartment may be constructed on any lot with a single-family dwelling; provided, that the area requirements of a two-family dwelling are complied with.

(Prior Code, § 12-235.3) (Ord. 98-6, passed 10-19-1998)

§ 152.058 HEIGHT REGULATIONS.

Except as provided in § 152.132, no building shall exceed three and one-half stories or 45 feet in height.

(Prior Code, § 12-235.4) (Ord. 98-6, passed 10-19-1998)

C-1 LOCAL COMMERCIAL DISTRICT**§ 152.070 USES PERMITTED.**

(A) Property and buildings in a C-1 local commercial district shall be used only for the following purposes:

- (1) Any use permitted in R-2;
- (2) Any use permissible on review in R-2;

(3) Retail stores and shops supplying the regular and customary needs of the residents of the neighborhood and primarily for their convenience, such as:

- (a) Automobile parking lots;
- (b) Automobile service stations;
- (c) Bakery goods store;
- (d) Bank;
- (e) Barbershop or beauty parlor;
- (f) Book or stationery store;
- (g) Catering establishment;
- (h) Cleaning, pressing, or laundry agency;
- (i) Drugstore or fountain;
- (j) Florist;

- (k) Food store;
- (l) Gift shop;
- (m) Help yourself laundry;
- (n) Lodge hall;
- (o) Messenger or telegraph service;
- (p) Office business;
- (q) Photographer's or artist's studio;
- (r) Restaurant;
- (s) Sales or show room;
- (t) Shoe repair shop;
- (u) Tailor shop; and

(v) Any other retail store, shop, or establishment serving the neighborhood in the manner stated which in the opinion of the Planning Commission is similar in character to those above enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property.

(4) Nameplate and sign relating only to the use of the store and premises or to products sold on the premises. Lighted signs of flashing or intermittent type shall be prohibited;

(5) Accessory buildings and uses customarily incidental to the above uses;

(6) Any building used primarily for any of the above enumerated purposes may not have more than 40% of the floor area devoted to purposes incidental to such primary use;

(7) Tourist courts and trailer courts in accordance with the provisions of § 152.136;

(8) Advertising signs and structures;

(9) Permanent commercial amusement enterprises;

(10) Any of the following uses:

- (a) Ambulance service office and garage;
- (b) Amusement parks and arcades which are permanent in nature;
- (c) Artist materials and supply store and studio;
- (d) Auto courts;
- (e) Automobile sales, service, repair, and showroom provided all service and other activity relating to the operation thereof shall be conducted entirely in an enclosed building;
- (f) Bathhouse;
- (g) Camera shop;
- (h) Candy shop;
- (i) Convalescent home;
- (j) Curio shop;
- (k) Dairy products sales;
- (l) Delicatessen;
- (m) Drive-in restaurant;
- (n) Hospital;
- (o) Hotel;
- (p) Ice cream shop;
- (q) Indian goods retail;
- (r) Novelty shop;
- (s) Parking lot;
- (t) Photography studio;

- (u) Recreation center public or private;
- (v) Rest home;
- (w) Roller skating rink;
- (x) Sanatorium;
- (y) Sightseeing tour depot;
- (z) Swimming pool, commercial; and
- (aa) Theater.

(11) Accessory buildings and uses customarily incidental to the above uses; and

(12) Any other retail store, shop, or establishment similar to those enumerated above in the opinion of the Planning Commission and which is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property.

(B) The following uses are specifically prohibited: laundry and dry cleaning establishments where commercial cleaning and laundering is done on the premises.
(Prior Code, § 12-245.1) (Ord. 98-6, passed 10-19-1998)

§ 152.071 AREA REQUIREMENTS.

(A) *Front yard.* The front yard regulations shall be the same as those in R-1.

(B) *Side yard.*

(1) For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in which case there shall be a side yard of not less than five feet.

(2) Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be 15 feet.

(3) For dwellings in a C-1 district, the side yard regulations shall be the same as those in R-2.

(C) *Rear yard.*

(1) For dwellings in a C-1 district, the rear yard requirements shall be the same as those in R-2.

(2) Rear yard shall not be required for retail establishments except where a rear lot line abuts upon a dwelling district, in which case there shall be a rear yard of not less than 15 feet.

(D) *Intensity of use.* The intensity of use for residential purposes shall be the same as in R-2.

(E) *Coverage.* Coverage for residential purposes shall be the same as in R-2.

(Prior Code, § 12-245.2) (Ord. 98-6, passed 10-19-1998)

§ 152.072 HEIGHT REQUIREMENTS.

Except as provided in § 152.132, no building shall exceed two and one-half stories or 35 feet in height.

(Prior Code, § 12-245.3) (Ord. 98-6, passed 10-19-1998)

C-2 GENERAL COMMERCIAL DISTRICT

§ 152.085 USES PERMITTED.

Property and buildings in a C-2 general commercial district shall be used only for the following:

(A) Any use permitted in a C-1 local commercial district;

(B) Amusement enterprises;

(C) New automobile sales and services, new machinery sales and service, and public garages, provided no gas or gasoline is stored aboveground; used automobile and machinery repairing if conducted wholly within a completely enclosed building, but including automobile or machinery wrecking establishments or junkyards;

(D) Specific uses:

(1) Auto court;

(2) Automobile, farm implement and machinery repair, sales, and service, but not automobile wrecking yards or junkyards;

(3) Bakery;

(4) Bus terminal;

(5) Carpenter and cabinet shop;

(6) Cleaning and dyeing works;

(7) Clothing or apparel store;

(8) Commercial school or hall;

(9) Dance hall;

(10) Department store;

(11) Electric transmission station;

(12) Feed and fuel store;

(13) Frozen food locker;

(14) Funeral parlor or mortuary;

(15) Furniture and interior decorating store;

(16) Furniture repair and upholstery;

(17) Gas, gasoline and oil retail distributing plant;

(18) Golf course, miniature or practice range;

(19) Hardware or appliance store;

(20) Heating, ventilating, or plumbing supplies, sales, and service;

(21) Ice plant or storage house for ice and food housing, not more than ten tons' capacity;

(22) Jewelry or notion store;

- (23) Key shop;
- (24) Laundry;
- (25) Leather goods shop;
- (26) Lumber and building materials sales yard;
- (27) Music, radio, or television shop;
- (28) Nightclub;
- (29) Nursery or garden supply store;
- (30) Outdoor advertising signs;
- (31) Paint store;
- (32) Pawnshop;
- (33) Pet shop;
- (34) Printing plant;
- (35) Research laboratories;
- (36) Sign painting shop;
- (37) Small animal hospital;
- (38) Sporting goods store;
- (39) Stock or bond broker;
- (40) Storage warehouse;
- (41) Theater;
- (42) Toy store;
- (43) Trailer camp;

(44) Used automobile sales; and

(45) Wholesale distributing center.

(E) Buildings, structures, and uses accessory and customarily incidental to any of the above uses, provided:

(1) There shall be no manufacture, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments; and

(2) The Planning Commission makes a determination that such operations are not objectionable due to noise, odor, dust, smoke, vibration, danger of life and property, or other similar causes which are injurious to the health or safety of the neighborhood.

(F) Any other retail or wholesale store, shop, or establishment which in the opinion of the Planning Commission is of similar character to those enumerated in this section and is not more objectionable to the area in which located due to reasons specified in division (E)(2) above.

(Prior Code, § 12-255.1) (Ord. 98-6, passed 10-19-1998)

§ 152.086 AREA REGULATIONS.

(A) For dwellings in a C-2 district, area regulations are the same as those required in R-2 district.

(B) When a lot in a C-2 district, being used for commercial purposes, abuts upon a dwelling district, the rear yard requirements shall be 15 feet.

(C) Intensity of use regulations for residential purposes in a C-2 district shall be the same as those in an R-2 district.

(Prior Code, § 12-255.2) (Ord. 98-6, passed 10-19-1998)

§ 152.087 HEIGHT REGULATIONS.

Dwellings located in a C-2 district shall have height regulations the same as those in R-2.

(Prior Code, § 12-255.3) (Ord. 98-6, passed 10-19-1998)

I-1 LIGHT INDUSTRIAL DISTRICT**§ 152.100 USES PERMITTED.**

Property and buildings in an I-1 light industrial district shall be used only for the following:

(A) Any use permitted in a C-2 general commercial district;

(B) Any of the following uses:

(1) Building materials sales yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, including concrete mixing, but not including a concrete batch plant or transit mix plant;

(2) Contractors equipment storage yard or plant, or rental of equipment commonly used by contractors;

(3) Feed and fuel yard (not livestock feed yard);

(4) Draying, freighting, or trucking yard or terminal; and

(5) Public utility service yard or electrical receiving or transforming station; provided, however, that no article or material shall be kept, stored, or displayed outside the confines of the building unless it be so screened by fences, walls, or planing that it cannot be seen from a public street.

(C) The following uses when conducted within a completely enclosed building:

(1) The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products, sauerkraut, vinegar, and yeast;

(2) The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, shell textiles, tobacco, wood, yarn, and paint not employing a boiling process;

(3) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;

(4) The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;

(5) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

(6) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing;

(7) Blacksmith shop and machine shop excluding punch presses over 20 tons' rated capacity, drop hammers, and automatic screw machines;

(8) Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;

(9) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like;

(10) Laboratories; experimental, photo or motion picture, film, or testing;

(11) Poultry or rabbit killing incidental to a retail business on the same premises; and

(12) Concrete products or cement products manufacture.

(D) Buildings, structures, and uses accessory and customarily incidental to any of the above uses; and

(E) Any other light industrial use, building, or structure which, in the opinion of the Planning Commission, is of similar character to those enumerated in this section and is not objectionable due to noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes which are injurious to the health or safety of the neighborhood.

(Prior Code, § 12-285.1) (Ord. 98-6, passed 10-19-1998)

§ 152.101 AREA REGULATIONS.

(A) *Front yard.* The front yard regulations shall be the same as those required in C-2.

(B) *Side yard.* Side yard regulations shall be the same as those required in C-1.

(C) *Rear yard.* Rear yard regulations shall be the same as those required in C-1.

(D) *Intensity of use.* The intensity of use for residential purposes shall be the same as those required in R-2.

(E) *Lot width.* The lot width requirements for residential purposes shall be the same as those in R-2.

(F) *Coverage.* Coverage of a lot by buildings for residential purposes shall be the same as those required in R-2.

(Prior Code, § 12-285.2) (Ord. 98-6, passed 10-19-1998)

§ 152.102 HEIGHT REGULATIONS.

Where a lot adjoins a dwelling district, the building shall not exceed three stories or 45 feet in height, unless it is set back one foot from the front and side yard lines for each foot of additional height above 45 feet.

(Prior Code, § 12-285.3) (Ord. 98-6, passed 10-19-1998)

I-2 HEAVY INDUSTRIAL DISTRICT

§ 152.115 USES PERMITTED.

Property and buildings in an I-2 heavy industrial district may be used for any use except the following:

(A) All residential uses except sleeping facilities required by night guards and caretakers employed upon the premises;

(B) All uses not complying with this chapter, or any other county, state, or federal regulation or law;

(C) (1) All of the following uses until they have received the express approval of the Town Planning Commission.

(2) The Planning Commission may require approval of the County Health Department, the County Engineer, the State Fire Marshal and other state and county regulating agencies and may attach to the approval specific restrictions designed to protect the public welfare:

(a) Acid manufacture;

(b) Cement, lime gypsum, or plaster of paris manufacture;

(c) Explosives manufacture or wholesale storage;

(d) Gas manufacture;

(e) Petroleum or its products, refining of; and

(f) Wholesale storage of gasoline or liquefied petroleum products.

(Prior Code, § 12-295.1) (Ord. 98-6, passed 10-19-1998)

§ 152.116 HEIGHT REGULATIONS.

Where a lot adjoins a dwelling district, the building shall not exceed three stories or 45 feet in height, unless it is set back one foot from the front and side yard lines for each foot of additional height above 45 feet.

(Prior Code, § 12-295.2) (Ord. 98-6, passed 10-19-1998)

ADDITIONAL DISTRICT PROVISIONS

§ 152.130 CONDITIONS OF A MORE RESTRICTED DISTRICT.

Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified.

(Prior Code, § 12-301) (Ord. 98-6, passed 10-19-1998)

§ 152.131 OPEN SPACE.

No open space as lot area required for a building or structure shall during its life be occupied by or counted as open space for any other building or structure.

(A) Open porches, eaves, cornices, windowsills, and belt courses may project into required yards.

(B) Land set aside for off-street parking may be counted as a part of the required open space or yard in the district.

(C) Where the dedicated street right-of-way is less than 50 feet, the depth of the front yard shall be measured starting at a point 25 feet from the center line of the street easement.

(D) No dwelling shall be erected on a lot which does not abut on at least one public street for at least 35 feet and have a width of at least 50 feet at the building line; provided, however, that a garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.

(E) Side yard width on corner lots shall be 15 feet where the lots are back to back or have double frontage, and 20 feet in every other case.

(F) No minimum lot sizes and open space areas are prescribed for business and industry districts. It is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for normal operation.

(G) If any lot is smaller than the minimum requirements herein contained, but all sides of said lot touch lands under other ownership at the time of the passage of this chapter, the lot shall be used for single-family purposes only.

(H) On any corner lot on which a front and side yard is required, no wall, fence, sign, structure, or any plant growth having a height in excess of three feet above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 30 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.

(Prior Code, § 12-302) (Ord. 98-6, passed 10-19-1998)

§ 152.132 HEIGHT.

The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in §§ 152.025 through 152.028, 152.040 through 152.042, 152.055 through 152.058, 152.070 through 152.072, 152.085 through 152.087, 152.100 through 152.102, 152.115, and 152.116.

(A) In measuring heights, a habitable basement or attic shall be counted as a story; provided, that a story in a sloping roof, the area of which story at a height of four feet does not exceed two-thirds of the floor area of the story immediately below it and which does not contain independent apartment, shall be counted as a half story.

(B) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.

(C) Churches, schools, hospitals, sanitariums, and other public and semipublic buildings may be built to a height of 55 feet or four stories if the minimum depth of the rear yard and the minimum depth

of the side yards required in the district are increased one foot for each foot by which the height of such public or semipublic structure exceeds the height limit in feet prescribed for other structures in the district.

(Prior Code, § 12-303) (Ord. 98-6, passed 10-19-1998)

§ 152.133 OFF-STREET PARKING.

(A) The **SIZE OF A PARKING SPACE** shall be defined as one vehicle parking space shall consist of an area having minimum dimensions of eight feet by 21 feet plus adequate space for ingress and egress. Required parking space shall be provided with vehicular access to street or alley and shall be deemed to be required open space associated with the permitted use, and shall not thereafter be reduced or encroached upon in any manner. The ownership of the land upon which the parking is provided shall be the same as the ownership of the land upon which the principal use exists for which said parking is required and shall be located within 200 feet of the proposed use, exclusive of streets and alleys.

(B) The area between the street right-of-way lines and setback lines may be used for parking when such area is surfaced and an adequate means of ingress and egress provided, subject to the inspection and recommendations of the Building Inspector. Off-street space shall be provided as follows:

- (1) *Dwelling*. One parking space for each separate dwelling or structure;
- (2) *Boarding or rooming house, hotel, or clubhouse*. One parking space for each two accommodations;
- (3) *Hospital, sanitarium, clinic*. One parking space is required for each four beds plus one space for each two staff members, based on a maximum shift, plus adequate off-street area for service of emergency vehicles;
- (4) *Community center, theater, stadium, auditorium, funeral chapel, church sanctuary*. One parking space for each five seats, based on maximum seating capacity;
- (5) *Convention hall, lodge, club, library, museum, place of amusement or recreation*. One parking space for each 50 square feet of floor area used for assembly or recreation in the building;
- (6) *Bowling alley*. Three parking spaces per alley;
- (7) *Tourist court*. One parking space for each cabin;
- (8) *Office building*. One parking space for each 300 square feet of the floor area in the building;

(9) *Commercial establishments not otherwise classified.* One parking space for each 200 square feet of the floor space in the building used for retail trade, or used by the public;

(10) *Industrial establishments.* Adequate area to park all employee and customer vehicles “off-street” at all times, and adequate space for loading and unloading all vehicles used incidental to or as part of the primary operation of the establishment; and

(11) *Demand.* It is the intent of these off-street parking regulations that adequate off-street parking be provided based on the parking demands of said land use. Whenever there is a use of land proposed for which no parking demand is given herein, the Planning Commission shall make a determination of the parking demand created by the proposed building, structure or use of land, and such demand shall become a requirement made a condition of the building permit authorizing said use. (Prior Code, § 12-304) (Ord. 98-6, passed 10-19-1998)

§ 152.134 GROUP HOUSING PROJECTS.

In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least three acres not subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this chapter to the individual buildings in such housing project, the application of such requirements to such housing project shall be done by the Planning Commission in a manner that will be in harmony with the character of the neighborhood, will ensure a density of land use no higher and a standard of open space at least as high as required by this chapter in the district in which the proposed project is to be located. In no case shall the project be authorized if it includes a use or building height prohibited in the district in which the housing project is to be located.

(Prior Code, § 12-305) (Ord. 98-6, passed 10-19-1998)

§ 152.135 PERMISSIBLE ON REVIEW.

Certain uses listed in various districts as “permissible on review” shall be reviewed and passed on or rejected under the following procedure.

(A) (1) An application shall be filed with the Town Planning Commission for review.

(2) Said application shall show the location of the intended use for the site, the names of all property owners and existing land uses within 200 feet, and any other material pertinent to the request which the Planning Commission may require.

(B) The Town Planning Commission shall hold one or more public hearings thereon.

(C) (1) The Planning Commission shall within 45 days of the date of application, transmit to the Board of Trustees its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare, together with any additional requirements necessary to protect the general welfare; and the recommendation of the Planning Commission concerning use thereon.

(2) Thereupon the Board of Trustees may authorize or deny the issuance of a building permit for the use of land or buildings as requested; provided, all of the general or special requirements attached thereto by the Board of Trustees to protect surrounding uses of land shall be complied with. Failure to comply shall constitute a voiding of the authorization for the requested use.

(D) Whenever off-street parking lots are authorized under this section to be located in residential zones, the following provisions shall apply.

(1) (a) All sides of the lot abutting residential zone property shall be enclosed with an ornamental fence, wall, or dense evergreen hedge having a height of not less than five nor more than six feet.

(b) Such fence, wall, or hedge shall be maintained in good condition and observe the front and side yard requirements of the district in which the lot is located.

(2) Whenever the rear lot line of the parking lot abuts a residential zone, and is not separated from it by an alley having a minimum width of 20 feet, then a ten foot setback from the rear lot line shall be observed.

(3) All yards shall be landscaped with grass, shrubs, and evergreen ground cover and maintained in good condition the year round.

(4) No parking shall be permitted within the front yard setback line.

(5) No driveways or curb cuts shall exceed 25 feet in width.

(6) All of the lot used for parking and driveway purposes shall be surfaced with asphalt or portland cement concrete with adequate base and thickness to ensure permanent construction.

(7) Adequate lighting shall be provided; however the intensity of the light and arrangement of reflectors shall be such as not to interfere with the residential district uses.

(8) The Board of Trustees may attach any additional requirements which it deems necessary to protect the character of the residential district when authorizing a parking lot therein.

(Prior Code, § 12-306) (Ord. 98-6, passed 10-19-1998)

§ 152.136 TRAILER AND TOURIST COURT REGULATIONS.

Trailer parks and tourist courts shall be permitted in C-1, C-2, and I-1 districts; provided, that all applicable regulations set forth in this code are met.

(Prior Code, § 12-307) (Ord. 98-6, passed 10-19-1998)

§ 152.137 ANIMALS.

Animals in any zoning district shall be kept only in accordance with town ordinances.

(Prior Code, § 12-308) (Ord. 98-6, passed 10-19-1998)

§ 152.138 STORAGE OF LIQUEFIED PETROLEUM GASES.

The use of land or buildings for the storage of liquefied petroleum gases shall be prohibited within the town.

(Prior Code, § 12-309) (Ord. 98-6, passed 10-19-1998)

ADMINISTRATION**§ 152.150 AMENDMENTS.**

(A) *Amendments.* The Board of Trustees may, from time to time, on its own motion or on petition, after public notice and hearing, amend the regulations and districts herein established. No change in regulations or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Unless, in the judgment of the Board of Trustees, emergency circumstances make a shorter period of notice necessary, at least 15 days' public notice of the time and place of such hearing shall be given.

(Prior Code, § 12-345)

(B) *Passage by the Board of Trustees.* Every such proposed amendment shall be referred by the Town Planning Commission for report. Any such amendment that has failed to receive the approval of the town Planning Commission shall not be passed by the Board of Trustees except by three-fourths vote. If a protest against such amendment be presented, duly signed, and acknowledged by the owners of 20% or more of the land within such area as proposed to be altered or by the owner of 20% or more of the area of the lots immediately abutting either side of the territory included in such proposed change, or separated therefrom only by alley or street, such amendment shall not be passed except by the favorable vote of three-fourths of the Board of Trustees. If such amendment will transfer an area to a less

restrictive use and protest is presented duly signed and acknowledged by the owners of 20% of the land adjacent to and within 200 feet, not counting streets and alleys, from such an area proposed to be transferred, such amendment shall not be passed except by three-fourths vote of the Board of Trustees. Whenever the owners of 51% of the land in any area shall present a petition duly signed and acknowledged to the Town Planning Commission requesting an amendment of the regulations prescribed for such area, it shall be the duty of the Board of Trustees to vote upon such amendment within 90 days of the filing of same by the petitioners with the Town Clerk/Treasurer. For each petition for amendment to the zoning ordinance, a fee of \$40 plus the cost of legal publication shall be paid to the Town Clerk/Treasurer.

(Prior Code, § 12-345.1)

(Ord. passed 10-19-1998; Ord. 98-6, passed 10-19-1998)

§ 152.151 CLASSIFICATION OF NEW ADDITIONS.

All new additions and annexations of land to the town shall be placed in R-1 residential zone, unless otherwise classified by the Board of Trustees, for a period of six months from the effective date of the ordinance annexing the addition. Within this six-month period of time, the Board of Trustees shall instruct the Town Planning Commission to study and make recommendations concerning the use of land within said addition or annexation to promote the general welfare and in accordance with the Comprehensive Town Plan; and upon receipt of such recommendations the Board of Trustees shall place all land within said addition in zones, after public hearings have been held as set forth above.

(Prior Code, § 12-355) (Ord. 98-6, passed 10-19-1998)

§ 152.152 INVALIDITY; REPEAL; EMERGENCY CLAUSE.

(A) *Invalidity of a part.* In case of any portion of this chapter shall be held invalid or unconstitutional, the remainder of this chapter shall not thereby be invalid, but shall remain in full force and effect.

(Prior Code, § 12-356)

(B) *Repeal of conflicting ordinances.* Any ordinance now in effect that conflicts with any of the provisions of this chapter is hereby repealed, held to be invalid, and to no effect.

(Prior Code, § 12-357)

(C) *Emergency clause.* It being necessary for the preservation of the peace, health, safety, and public welfare of the citizens of the town, an emergency is hereby declared to exist by reason whereof this chapter shall become effective immediately upon its passage and publication.

(Prior Code, § 12-358)

(Ord. 98-6, passed 10-19-1998)

BOARD OF ZONING ADJUSTMENT**§ 152.165 CREATED.**

There is hereby created within and for the town a board of adjustment with the duties and powers herein set forth.

(Prior Code, § 12-355) (Ord. 98-6, passed 10-19-1998)

§ 152.166 MEMBERSHIP.

The Board of Adjustment shall be composed of five members, each appointed by the Mayor for a term of three years. Provided, however, that for the first appointment under the provisions of this subchapter one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years. All appointments thereafter shall be for a term of three years. The Board shall elect a Chairperson from its membership to serve for a one-year term. Living within the town is not a requirement to be appointed to the Board of Adjustment.

(Ord. 2019-05, passed 9-10-2019)

§ 152.167 PROCEDURE.

The Board shall adopt rules in accordance with the provisions of this chapter. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. Such Chair, or in his or her absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the office of the Town Clerk/Treasurer and shall be a public record. The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

(Prior Code, § 12-355.2) (Ord. 98-6, passed 10-19-1998; Ord. 2019-05, passed 9-10-2019)

§ 152.168 APPEALS.

(A) An appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board, or bureau of the town affected by any decision of the Building Inspector. Such appeal shall be

taken within 30 days from the date of the decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof, and by paying a filing fee of \$25 at the office of the Board at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice from the officer whom the appeal is taken and on the cause shown.

(B) (1) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time.

(2) Upon hearing, any party may appear in person or by agent or by attorney.
(Prior Code, § 12-355.3) (Ord. 98-6, passed 10-19-1998)

§ 152.169 POWERS.

The Board of Adjustment shall have the following powers:

(A) *Hear appeals; decisions.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter;

(B) *Powers relative to variations.* Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property which condition is not generally prevalent in the neighborhood, the strict application of this chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon appeal relating to such property, a variation from such strict application so as to relieve such difficulties or hardship; and

(C) *Powers relative to exceptions.* Upon appeal, the Board is hereby empowered to permit the following exceptions:

(1) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;

(2) To permit the reconstruction of a nonconforming building which has been destroyed, by fire or act of God where the Board shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly;

(3) To interpret the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to the ordinance codified herein and made a part of this chapter by reference; and

(4) To grant exceptions to the off-street parking requirements set forth in § 152.133, when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.

(Prior Code, § 12-355.4) (Ord. 98-6, passed 10-19-1998)

§ 152.170 RULING.

In exercising the above mentioned powers, such Board may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under this chapter, the Board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air upon the adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the town. Every ruling made upon any appeal to the Board shall be accompanied by a written finding of fact based upon testimony received at the hearing afforded by the Board, and shall specify the reason for granting or denying the appeal.

(Prior Code, § 12-355.5) (Ord. 98-6, passed 10-19-1998)

§ 152.171 APPEAL TO DISTRICT COURT.

(A) An appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board, or bureau of the municipality to the District Court by filing a notice of appeal with the Town Clerk/Treasurer and with the Board of Adjustment within ten days from the filing of the decision of the Board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the said Board shall forthwith transmit to the Court Clerk of the county the original or

certified copy of all the papers constituting the record in the case, together with the order, decision, or ruling of the Board.

(B) An appeal to the District Court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the Chair of the Board of Adjustment, from which the appeal is taken, certifies to the Court Clerk, after the notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the District Court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this chapter, and upon notice to the Chair of the Board of Adjustment for which the appeal is taken, and upon due cause being shown, the Court may reverse or affirm, wholly or in part, or modify the decision brought up for review.

(Prior Code, § 12-355.6) (Ord. 98-6, passed 10-19-1998)

§ 152.999 PENALTY.

A violation of this chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any provisions of this chapter shall be fined not less than \$10 nor more than \$25 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Prior Code, § 12-325) (Ord. 98-6, passed 10-19-1998)

CHAPTER 153: BUILDING CODES; CONSTRUCTION

Section

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Building Codes

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GENERAL PROVISIONS

§ 153.01 BUILDING INSPECTOR.

(A) The Building Inspector of the town shall have the powers and duties prescribed for the Building Official by the International Building Code, 2015 edition, International Existing Building Code, 2015 edition, and International Residential Code, 2009 edition; provided that their powers and duties may be exercised by their authorized representatives under their supervision and control.

(B) The terms ***ELECTRICAL INSPECTOR***, ***PLUMBING INSPECTOR***, ***MECHANICAL INSPECTOR***, and ***GAS INSPECTOR***, wherever used in the regulations of the town also refer to and mean the Building Inspector, unless a separate electrical inspector, plumbing inspector, mechanical inspector, and/or gas inspector is appointed.

(Ord. 2019-07, passed 9-10-2019)

§ 153.02 BUILDING PERMITS.

(A) *Building permit.*

A Building Inspector appointed by the Town Board shall enforce this chapter. It shall be unlawful for an owner to permit or do the following: change the use of land or structure; erect, alter, or move any structure until the Town Clerk/Treasurer has issued a building permit certifying that the plans and intended use of land, buildings, and structures are in conformity with this chapter. All building permits must be approved by the Planning Commission before any work or construction may begin. The permit will only be valid for 120 days at which time, provided construction has started, an extension request must be submitted and approved. If construction has not started, the permit will expire.

(B) *Application.* The Town Clerk/Treasurer shall require every applicant for a building permit to furnish the following information.

(1) A plat drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of existing buildings and structures, and the lines within which the proposed building or structure shall be erected or altered.

(2) A declaration of the existing and intended use of each building or part of a building, and the number of families and housekeeping units the building is designed to accommodate.

(3) Such other information with regard to the lot and neighboring lots and their use as may be necessary to determine and provide for the enforcement of these regulations.

(4) A list of construction specifications, including, but not limited to, method of construction, building codes followed, and type of foundation.

(Prior Code, § 12-315.1)

(C) *Fee.* There shall be an initial application fee of \$40 payable upon receipt of the building permit application. There shall be additional inspection fees as required and set by the Town Board.

(Prior Code, § 12-315.2)

(Ord. passed 10-19-1998; Ord. 98-6, passed 10-19-1998; Ord. 2012-01, passed 3-13-2012; Ord. 2019-06, passed 9-10-2019)

BUILDING CODES**§ 153.15 HOUSING CODE ADOPTED.**

The International Residential Code, edition 2009, or the latest edition adopted, as amended and modified by the Oklahoma Uniform Building Code Commission (OUBCC) and required by state statutes, is hereby adopted as the housing code of the town for the control of buildings and structures as therein provided. Each and all of the regulations of the International Residential Code are hereby referred to, adopted, incorporated, and made a part of this code by reference, as if fully set out in this code, with the additions, deletions, and changes, if any, prescribed in this chapter and as required by state statutes. (Ord. 2019-07, passed 9-10-2019)

§ 153.16 GAS PIPING CODE ADOPTED.

The International Fuel Gas Code, edition 2015, or the latest edition adopted, as amended and modified by the Oklahoma Uniform Building Code Commission (OUBCC) and required by state statutes, is hereby adopted as the fuel gas code of the town for the control of fuel gas piping and gas appliances as therein provided. Each and all of the regulations of the International Fuel Gas Code are hereby referred to, adopted, incorporated, and made a part of this code by reference, as if fully set out in this code, with the additions, deletions, and changes, if any, prescribed in this chapter and as required by state statutes. (Ord. 2019-07, passed 9-10-2019)

§ 153.17 ELECTRICAL CODE ADOPTED.

All electrical materials and equipment and the method of installation shall be in conformity with the National Electrical Code, edition 2014, or the latest edition adopted by the Oklahoma Uniform Building Code Commission (OUBCC) and required by state statutes, together with all additions, deletions, and changes set forth by statute. (Ord. 2019-07, passed 9-10-2019)

§ 153.18 PLUMBING CODE ADOPTED.

The International Plumbing Code, edition 2015, or the latest edition adopted, as amended and modified by the Oklahoma Uniform Building Commission (OUBCC) and required by state statutes, is hereby adopted as the plumbing code of the town for the control of plumbing facilities as therein provided. Each and all of the regulations of the International Plumbing Code are hereby referred to,

adopted, incorporated, and made a part of this code by reference, as if fully set out in this code, with the additions, deletions, and changes, if any, prescribed in this chapter and as required by state statutes. (Ord. 2019-07, passed 9-10-2019)

§ 153.19 MECHANICAL CODE ADOPTED.

(A) The International Mechanical Code, edition 2015, or the latest edition adopted, as amended and modified by the Oklahoma Uniform Building Commission (OUBCC) and required by state statutes, is hereby adopted as the mechanical code of the town for the control of installation and maintenance of mechanical facilities as therein provided.

(B) Each and all of the regulations of the International Mechanical Code are hereby referred to, adopted, incorporated, and made a part of this code by reference, as if fully set out in this code, with the additions, deletions, and changes, if any, prescribed in this chapter and as required by state statutes. (Ord. 2019-07, passed 9-10-2019)

§ 153.20 COMMERCIAL BUILDING CODE ADOPTED.

(A) The International Building Code, edition 2015, or the latest edition adopted, as amended and modified by the Oklahoma Uniform Building Commission (OUBCC) and required by state statutes, is hereby adopted as the commercial building code of the town for the control of commercial buildings and structures as therein provided.

(B) Each and all of the regulations of the International Building Code are hereby referred to, adopted, incorporated, and made a part of this code by reference, as if fully set out in this code, with the additions, deletions, and changes, if any, prescribed in this chapter and as required by state statutes. (Ord. 2019-07, passed 9-10-2019)

§ 153.21 EXISTING BUILDING CODE ADOPTED.

The International Existing Building Code, edition 2015, or the latest edition adopted, as amended and modified by the Oklahoma Uniform Building Commission (OUBCC) and required by state statutes, is hereby adopted as the existing building code of the town for the control of already existing buildings and structures as therein provided. Each and all of the regulations of the International Existing Building Code are hereby referred to, adopted, incorporated, and made a part of this code by reference, as if fully set out in this code, with the additions, deletions, and changes, if any, prescribed in this chapter and as required by state statutes. (Ord. 2019-07, passed 9-10-2019)

§ 153.22 FIRE CODE ADOPTED.

The International Fire Code, edition 2015, or the latest edition adopted, as amended and modified by the Oklahoma Uniform Building Commission (OUBCC) and required by state statutes, is hereby adopted as the fire code of the town for the safeguarding of life and property from fire and explosive hazards as therein provided. Each and all of the regulations of the International Fire Code are hereby referred to, adopted, incorporated, and made a part of this code by reference, as if fully set out in this code, with the additions, deletions, and changes, if any, prescribed in this chapter and as required by state statutes.

(Ord. 2019-07, passed 9-10-2019)

STORM SHELTERS**§ 153.35 STORM SHELTERS.**

Storm shelters are recommended, but not required, for all residences and businesses in the town. All commercially designed and/or constructed storm shelters are required to meet FEMA standards for safety as included in FEMA publications P-320 and P-361 or the most recent versions of FEMA storm shelter safety standards.

(Ord. 2020-01, passed 4-14-2020)

§ 153.36 REGISTRATION; FORMS; PURPOSE.

(A) *Registration.* Registration of storm shelters is advised but not required by the town. Registration shall be free of cost. Registration forms shall be available from Town Hall during posted business hours.

(B) *Registration forms.* Registration forms shall include, but are not limited to, the following:

- (1) Name;
- (2) Physical address;
- (3) Phone number;
- (4) Builder, contractor, or company;
- (5) Builder, contractor, or company's contact information;

- (6) Storm shelter type (in-ground, basement, or aboveground);
- (7) Storm shelter capacity;
- (8) Dimensions; and
- (9) Latitude and longitude, or location.

(C) *Registration purpose.* The Emergency Management Director shall create and maintain a spreadsheet containing all registration info. Registration forms and a copy of the spreadsheet shall be kept by the Town Clerk/Treasurer. If the position of Emergency Management Director is vacant, the spreadsheet shall be maintained by the Chief of Police. The spreadsheet shall be made available to first responders in the event of an emergency.

(Ord. 2020-01, passed 4-14-2020)

§ 153.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) A violation of §§ 153.01, and 153.015 through 153.22 shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any provisions of §§ 153.01, and 153.015 through 153.22 shall be fined not less than \$10 nor more than \$25 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. 2019-07, passed 9-10-2019)