





Planning, Zoning and Development

PART 12

PLANNING, ZONING AND DEVELOPMENT

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Section 12-121	Board of adjustment created.
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ARTICLE A

PLANNING COMMISSION

SECTION 12-101 PLANNING COMMISSION CREATED.

There is hereby created a planning commission of the city. The commission shall be composed of five (5) members, nominated by the mayor and confirmed by the city council. The city manager and city engineer shall be ex-officio members of the commission. Each appointed member shall hold office for a period of three (3) years, or until his successor takes office. The appointed members of the commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation and shall serve without compensation. Members may be removed by the city council only for inefficiency, neglect of duty or malefaction in office or by a vote of four-fifths (4/5) of the city council. Vacancies occurring otherwise than through the expiration of term shall be filled only for the unexpired terms by the mayor with confirmation by the city council. The city manager shall receive no compensation for his service on the commission. (Prior Code, Sec. 16-1)

State Law Reference: Planning commissions, 11 O.S. 45-101 et seq.

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SECTION 12-102 QUORUM.

Three (3) members of the planning commission shall constitute a quorum for the transaction of business. Any action taken shall be official when concurred in by not less than a majority of all appointed members of the planning commission entitled to vote. (Prior Code, Sec. 16-2)

SECTION 12-103 ORGANIZATION AND RULES.

Each year the commission shall elect a chairman, a vice chairman and a secretary, and may create and fill such other offices as it may deem necessary. The term of the chairman, vice chairman, and secretary shall be one year. The planning commission shall adopt rules for the transaction of business and regulations necessary to effectuate the purposes of this Part 12 of the city code. (Prior Code, Sec. 16-3)

SECTION 12-104 POWER TO EMPLOY STAFF.

The planning commission, subject to approval of the city council, shall have the power and authority to employ planners, engineers, attorneys, clerks and other help deemed necessary within the limits of the appropriation fixed by the city council. The salary and compensation of such employees shall be fixed by the city council and shall be paid out of the city treasury as are other officers and employees. Necessary expenses incurred by the commission shall be paid from the city treasury as other legal expenses of the city. (Prior Code, Sec. 16-4)

SECTION 12-105 POWERS AND DUTIES.

The planning commission shall have the power to prepare and recommend to the city council for adoption a comprehensive plan for the physical development of the city. In conducting its work, the planning commission may consider and investigate any subject matter tending to the development and betterment of the city and may make recommendations as it may deem advisable concerning the adoption thereof to the city council. The planning commission may make or cause to be made surveys, studies, maps and plans in the conduct of its activities. Before final action is taken by the city council on the location or design of any public buildings, statue, memorial, park, boulevard, street, alley, playground, public grounds, bridge or change in any location of any street or alley, such question shall be submitted to the planning commission for investigation and report. In the preparation of the comprehensive plan, the planning commission may from time to time prepare and recommend to the city council for adoption a part or parts thereof which parts shall cover one or more major geographical divisions of the city or one or more major elements of the comprehensive plan. The planning commission may from time to time recommend extending, amending or changing any portion of the comprehensive plan. (Prior Code, Sec. 16-5)

SECTION 12-106 PURPOSES OF PLAN.

In the preparation of such plan, the planning commission may make careful and comprehensive surveys and studies of present conditions and future growth of the city with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds. (Prior Code, Sec. 16-6)

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SECTION 12-107 SUBDIVISION OF LAND.

The planning commission may prepare and recommend to the city council for adoption rules and regulations governing the subdivision of land within the corporate limits for the city. All plans, plats or replats of land laid out in lots, plots, blocks, streets, alleys or other ways intended to be dedicated to public or private use within the corporate limits of the city may first be submitted by the city council to the planning commission for its recommendations. The disapproval of any such plan, plat or replat by the city council shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the mayor, attested by the city clerk, certifying the approval and acceptance thereof by the city council (Prior Code, Sec. 16-7)

SECTION 12-108 ZONING COMMISSION.

The planning commission shall also act as the zoning commission, which shall have the power to prepare and to recommend to the city council for adoption a zoning plan to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes. (Prior Code, Sec.16-8)

SECTION 12-109 UNIFORMITY OF REGULATIONS.

The planning commission may recommend the division of the city into districts of such number, size and area as may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. (Prior Code, Sec. 16-9)

SECTION 12-110 COMPREHENSIVE PLAN. PURPOSE OF REGULATIONS AND MATTERS CONSIDERED.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality. (Prior Code, Sec. 16-10)

Ed. Note: The city's Comprehensive Land Use Plan, as adopted by Ord. No. 320, 12/27/93, and all amendments thereto, are on file in the office of the city clerk.

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ARTICLE B

BOARD OF ADJUSTMENT

SECTION 12-121 BOARD OF ADJUSTMENT CREATED.

1. Appointment. There is hereby created a City Board of Adjustment consisting of five (5) members, each to be appointed by the City Council for a term of three (3) years. Appointments of members of the Board of Adjustment may include two (2) members of the Planning Commission, each of which shall serve as a voting member.

2. Removal. A member of such City Board of Adjustment, once qualified, may be thereafter removed by the city council only for inefficiency, neglect of duty, or malefaction in office. In addition to the foregoing, members may be removed by a vote of four-fifths (4/5) of the city council.

State Law Reference: Boards of adjustment, 11 O.S. Sees. 44-101 et seq.

Cross Reference: See the City's zoning ordinance for details on the board of adjustment

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CHAPTERS 2 AND 3

ZONING REGULATIONS

Section 12-201 Zoning regulations adopted.
Section 12-202 Penalty.

SECTION 12-201 ZONING REGULATIONS ADOPTED.

The City's "Zoning Ordinance", as adopted by the City, and all amendments thereto, are hereby adopted and incorporated herein by reference, applicable in the city as fully as if set out at length herein. A copy of the "Zoning Ordinance" and amendments thereto are on file in the office of the city clerk. (Ord. No. 257, 7/30/87)

Cross Reference: See Ordinance Table of this code for listing of the amendments to the city's zoning ordinance.

SECTION 12-202 PENALTY.

Any violation of the city's zoning ordinance, amendments or regulations, is punishable as provided in Section 1-108 of this code. Each day that such violation exists is a separate offense.

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CHAPTER 4

SUBDIVISION REGULATIONS

Section 12-401 Subdivision regulations adopted.
Section 12-402 Penalty.

SECTION 12-401 SUBDIVISION REGULATIONS ADOPTED.

The City's "Subdivision Regulations", and all amendments thereto, are hereby adopted and incorporated herein by reference, applicable in the city as fully as if set out at length herein. A copy of the city's "Subdivision Regulations" and amendments are on file in the office of the city clerk. (Ord. No. 258, 7/30/87; Ord. No.316, 9/27/93)

Cross Reference: See the Ordinance Table in this code for a listing of amendments to the city's subdivision regulations.

Ed. Note: The city's Comprehensive Land Use Plan, as adopted by Ord. No. 320, 12/27/93, and all amendments thereto, are on file in the office of the city clerk.

SECTION 12-402 PENALTY.

Any violation of the city's subdivision regulations is punishable as provided in Section 1-108 of this code. Each day that a violation continues shall be a separate offense.

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SECTION 12-501

INTENT AND PURPOSE

Whereas the imprudent operation of an oil and gas facility can constitute a menace to the

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public health, safety, and welfare of the city, it is the intent and purpose of this chapter that oil and gas operations be reasonably regulated for the public good. (Ord. No. 195, 9/24/84)

SECTION 12-502

DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

1. "Abandoned well" means:
 - a. Each well in which no production casing has been run, and for which drilling or testing operations have ceased for thirty (30) consecutive days; or
 - b. Any other well for which there is no current city permit;
2. All technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry;
3. "Artificial production" means the raising to the surface of the earth, by means other than natural flow, petroleum or natural gas;
4. "Completion" means that time when the completion rig is removed from the drilling site;
5. "Corporation commission" means the Oklahoma Corporation Commission;
6. "Deleterious substance" means any chemical, salt, water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud, or injurious substances produced or used in the drilling, development, producing, transportation, refining, and processing of oil, gas, or condensate;
7. "Enhanced recovery" means an operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery therefrom;
8. "Natural production" means the raising to the surface of the earth, by natural flow, petroleum, or natural gas;
9. "Oil and gas inspector" means that person, firm, or corporation qualified and employed by the city to enforce the provisions of this chapter, or by his/her authorized representatives;
10. "Permittee" means the person to whom is issued a permit or permits under the terms of this chapter;
11. "Person" means and includes any person, firm, partnership, association, corporation, trust, cooperative, or other type of organization;
12. "Pollution" means the contamination or other alteration of the physical, chemical, or biological properties of any natural waters, soil, or air in the city, or such discharge of any liquid, gaseous, or solid substance into any water, air, or soil in the city as will or is likely to create a nuisance or render such water, soil, or air harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, agricultural, recreational, or other beneficial

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uses, or to livestock, animals, or aquatic life;

13. "Pressure maintenance" means an operation by which gas, water, or other fluids are injected into a supply of oil to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery therefrom, and which has been approved by the corporation commission after notice and hearing;

14. "Salt water" means any water containing more than five hundred (500) mg/l chlorides;

15. "State" means the State of Oklahoma, its branches, departments, agencies, boards, or the officers thereof;

16. "Treatable water" means surface and subsurface water in its natural state which may or may not require treatment to be useful for human consumption, and contains less than ten thousand (10,000) ppm total dissolved solids or five thousand (5,000) ppm chlorides;

17. "Water", "waters of the city", or "city water" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the city or any portion thereof; and

18. "Well" means, unless specifically qualified, any hole or holes, bore or boxes, to any depth for the purpose of producing and recovering any oil, gas, liquified petroleum matter, deleterious substances, or for the injection or disposal of any of the foregoing.

(Ord. No. 195, 9/24/84)

SECTION 12-503

PERMITS.

A. It shall be unlawful and an offense for any person acting for himself or acting as agent, servant, employee, subcontractor, or independent contractor of any other person to drill or operate any oil or gas well or disposal well within the city or to work upon or assist in any way in the production or operation of any such well, without a permit having first been issued by the oil and gas inspector in accordance with this chapter.

B. Any permit issued under this chapter shall expire one year from the date of issuance unless the well drilling has commenced and the permittee is proceeding diligently to complete the drilling operation. (Ord. No. 195, 9/24/84)

SECTION 12-504

LOCATION OF OIL AND GAS WELLS; EXCEPTIONS.

A. No oil or gas well or disposal well shall be drilled as follows:

1. On property zoned for residential use;

2. In platted residential subdivisions;

3. On tracts of land less than five (5) acres in size;

4. Within three hundred fifty (350) feet from a dwelling or in case of a residential lot with no dwelling located thereon, within three hundred fifty (350) feet from the building setback

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lines of the residential lot. (Distance shall be measured from the well head); or

5. Within three hundred fifty (350) feet of a church, school, or other use where large numbers of people assemble; including, but not limited to hospitals, nursing homes, restaurants, entertainment facilities. Distance shall be measured from the well head.

B. Where owing to special conditions above restrictions will result in an unnecessary hardship, the applicant may request a location exception from the planning commission and city council. Upon receiving such an application the city clerk shall publish notice and mail notice of a joint public hearing before the city council and planning commission at least ten (10) days prior to the hearing to all persons within three hundred (300) feet of the exterior boundaries of the tract wherein the well is proposed to be located. At the public hearing the city council may grant a location exception only upon finding that:

1. The application of the provisions of this section to the particular piece of property would create an unnecessary hardship; or

2. Granting the special location exception will not cause substantial detriment to the public good or impair the purposes and intent of the chapter, and will not create an unnecessary risk of harm to surrounding properties.

At the public hearing the planning commission may make such recommendations to the city council as it deems appropriate. The city council, after the public hearing, shall either grant or deny the location exception. The decision of the city council shall be final. In granting a location exception the city council may impose such reasonable conditions as it deems necessary for the protection of the public health, safety, and welfare. In reviewing the application for a location exception the planning commission and city council shall consider all the following circumstances in determining whether to grant or deny same:

- a. Dangers of fire and explosion;
- b. Adequacy of existing streets and roads to serve drilling site;
- c. Impact of truck traffic surrounding neighborhood;
- d. Impact of drilling activity on quality of life and environment in area of proposed well;
- e. Feasibility of proposed site as contrasted with other available drilling sites;
- f. Density of population in area surrounding proposed well site;
- g. Accessibility of proposed drilling site to fire, police, and other emergency services;
- h. Proximity of proposed drilling site to schools, churches, dwellings, and other buildings; and
- i. Adequacy of public services, i.e. fire, police, water, etc., to serve or protect surrounding properties from dangers associated with drilling activity.

C. For wells approved in those areas requiring a location exception under this section,

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no boiler, gas powered heater/treater or electric lighting generator shall be located closer than one hundred (100) feet to any producing oil or gas well or oil tank. This subsection shall not apply to existing wells which are operating under valid permits issued prior to September 28, 1987 by the city. (Ord. No. 195, 9/24/84; Ord. No. 255, 9/28/87)

SECTION 12-505

APPLICATION AND FILING FEE

A. Every application for a permit to drill an original well or to re-enter an abandoned well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the oil and gas inspector and be accompanied by a filing fee. No application shall request a permit to drill more than one well. The application shall contain full information required by the oil and gas inspector, including the following:

1. Name and address of applicant and date of application;
2. Where applying for a proposed original well:
 - a. A block map of the area within a three hundred fifty (350) foot radius of wellhead, including thereon the location of the proposed well, and distance therefrom to all existing dwelling houses, buildings, or other structures, designed for the occupancy of human beings or animals within three hundred fifty (350) feet of any such well, and the location of all existing oil, gas, or fresh water wells within the ten (10) acre tract; and
 - b. The names of the surface owners;
3. A drilling prognosis to specify in detail the amount, weight, and size of conductor pipe and surface pipe, and the procedures to be used for cementing such. Plugging procedures to be used in the event production if not established shall also be specified;
4. A statement of the provisions for water for the drilling and completion rig;
5. A written plan for disposal of deleterious substances produced during the drilling operations and any deleterious substances produced as a result of production from the well. This plan shall include the method of transportation and name of transporter or transport contractor for the deleterious substances and the name and location of the permitted disposal site, including a copy of the permit for the disposal site and a contract with the owner of the permitted site for the disposal of the deleterious substances, or in the alternative, provide proof of ownership of the permitted disposal site. The permittee shall provide monthly reports to the city of the amount of saltwater and other deleterious substances produced along with receipts for disposal of same;
6. A complete site development plan drawn to scale (showing all facilities of the drilling operation, including proposed production equipment, pipelines, and fence). Access to the drilling site shall be clearly identified. All existing improvements (houses, wells, barns, etc.) within three hundred fifty (350) foot radius of the wellhead shall be shown including any watercourse ponds, etc.;
7. The name and address of the person within the state upon whom service of process upon applicant may be made; and in the case of any nonresident person who has no such service agent within this state there shall be attached to the application the designation of such a service agent resident in Oklahoma or Canadian County, Oklahoma, and a consent that service of summons

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may be made upon such person in any action to enforce any of the obligations of the applicant hereunder;

8. A list of all current property owners as shown on current year tax rolls within three hundred (300) feet of the exterior boundaries of the subject property (when location exception is requested), certified by a bonded abstractor or an attorney licensed to practice in the state;

9. A verification of the above information by the applicant hereunder.

B. A copy of the approved drilling permit from the corporation commission and a copy of the staking plat shall be filed with the city prior to issuance of the municipal permit.

C. Where the application is one for the re-entry of an abandoned well, the application shall contain all the information required by Subsection A of Section 12-505 above, with the exception that the oil and gas inspector may vary the requirements thereof to suit the application before him. Provided, that such an application for a permit to re-enter an abandoned well shall provide the following information in every case:

1. A statement of:

a. The then condition of the well;

b. The depth to which it is proposed such well shall be deepened;

c. The proposed casing program to be used in connection with the proposed deepening;

2. Evidence of adequate current tests showing that the casing strings currently passed the same tests that are required in the case of the drilling of an original well.

(Ord. No. 195, 9/24/84)

SECTION 12-506

ISSUANCE OR REFUSAL OF PERMIT.

A. The oil and gas inspector's office, after the filing of an application for a permit under this chapter shall determine whether or not the application complies in all respects with the provision of this chapter and applicable federal and state law; and, if it does, shall recommend to the mayor and city council that the permit be issued; however, if the proposed well is located more than three hundred fifty (350) feet from the uses described in paragraphs 4 and 5 of Subsection A of Section 12-504, then the oil and gas inspector may issue the permit without prior approval of the mayor and city council. Each permit issued under the terms of this chapter shall:

1. By reference have incorporated therein all the provisions of this chapter with the same force and effect as if this chapter were copied verbatim therein;

2. By reference have incorporated therein all the provisions of applicable state law and the rules, regulations, and standards adopted in accordance therewith relating to the protection of human beings, animals, and natural resources;

3. Specify that the term of the permit shall be for a period of one year from the date of issuance thereof, and for like periods thereafter upon the successful inspection for the

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permittee's well and operations, as is provided for elsewhere herein;

4. Specify such conditions imposed by the oil and gas inspector as are by this chapter authorized; and

5. Specify that no actual operations shall be commenced until the permittee shall file and have approved the required bonds and certificate of insurance in the appropriate amounts as provided for elsewhere herein.

B. If the permit be issued it shall, in two (2) originals, be signed by the oil and gas inspector and the permittee, and when so signed shall constitute the permittee's license to drill and operate in the city and the contractual obligation of the permittee to comply with the terms of such permit, such bonds as are required, and applicable state law, rules, regulations, standards, and directives. One executed original copy of the permit shall be retained by the oil and gas inspector; the other shall be retained by the permittee and shall be kept available for inspection by any city or state law enforcement official who shall demand to see same.

C. If the permit be refused or if the applicant notifies the oil and gas inspector in writing that he does not elect to accept the permit as tendered and wishes to withdraw his application, or if the bonds of the applicant be not approved, then upon the happening of any of the events the cash fee filed with the application shall be refunded to the applicant, except that there shall be retained therefrom by the city the sum as set by the council as a processing fee. (Ord. No. 195, 9/24/84)

SECTION 12-507

PERMITTEE'S INSURANCE AND BOND.

A. In the event a permit shall be issued by the oil and gas inspector, no actual operations shall be commenced until the permittee shall file with the city bonds and a certificate of insurance as follows:

1. A bond in the principal sum as set by the council. The bond shall be executed by a reliable insurance company authorized to do business in the state, as surety, and with the applicant as principal, running to the city for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this chapter in the operation of the well for either natural or artificial production, injection, or disposal. The bond shall become effective on or before the date the same is filed with the city and remain in force and effect for at least twelve (12) months subsequent to the expiration of the permit term, and in addition the bond will be conditioned that the permittee will promptly pay fines, penalties, and the assessments imposed upon the permittee by reason of his breach of any of the terms, provisions, and conditions of this chapter, and that the permittee will promptly restore the streets, sidewalks, and other public property of the city which may be disturbed or damaged in permittee's operations to their former condition; and that the permittee will promptly clear all premises of all litter, trash, waste, and other substances, and will, after abandonment, grade, level, and restore the property to the same surface condition, as practicable as is possible, as existed prior to commencing operations; and when required, plug an abandoned well.

2. If, after the completion of a producing well permittee has complied with all of the provisions of this chapter, such as removing derrick and clearing the premises, he may apply to the oil and gas inspector to have the bond reduced to a sum as set by the council for the remainder of the time the well produces without reworking. During reworking operations the amount of the bond shall be increased to the original amount.

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B. In addition to the bonds required in paragraph A of this section the permittee shall carry a policy or policies of standard comprehensive public liability insurance, including pollution coverage and completed operations coverage, and including contractual liability covering bodily injuries and property damage, naming the permittee and the city, issued by an insurer authorized to do business within the state, the policy or policies in the aggregate shall provide for the following minimum coverage:

Bodily injuries and property damage:

\$100,000.00 per person;

\$1,000,000.00 per accident.

Permittee shall file with the city certificates of the insurance as above stated, and shall obtain the written approval thereof of the oil and gas inspector who shall act thereon promptly after the date of such filing. The insurance policy or policies shall not be cancelled without written notice to the oil and gas inspector at least twenty (20) days prior to the effective date of such cancellation. In the event the policy or policies are cancelled, the permit granted shall immediately thereupon terminate without any action on the part of the oil and gas inspector, and permittee's rights to operate under the permit shall cease until permittee files additional insurance as provided herein. (Ord. No. 195, 9/24/84)

SECTION 12-508

ENHANCED RECOVERY AND SALTWATER OR DELETERIOUS SUBSTANCES DISPOSAL WELLS.

A. No person shall re-enter or drill a well to be used for enhanced recovery or disposal of saltwater or other deleterious substances without first obtaining the necessary permit therefor. Such permit shall consist of two (2) separate parts:

1. Permit to drill or re-enter and construct; and
2. Permit to operate.

B. An application for the permit to drill or re-enter a well for enhanced recovery or substance disposal shall be in the same form as that required for a permit to drill an original well, and shall contain complete information required by the oil and gas inspector, including the following:

1. A block map of the well site showing all equipment to be used thereat, location of pipelines, access road, and distances from the well to any and all fences, public roadways, and buildings within a radius of three hundred fifty (350) feet;
2. A block map of the project, showing the location of:
 - a. All water supply wells within a one-fourth (1/4) mile radius of each injection or disposal well;
 - b. All public water supply wells, disposal wells, injection wells, producing wells, and plugged and abandoned wells within the project area and those sections immediately adjacent;

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- c. All conduits; and
- d. Tank battery, pumping station, and appurtenance equipment;

3. All wells within the project area and those sections immediately adjacent shall be indicated by status (e.g. plugged and abandoned, injection, salt water, oil, etc.) and show the following additional information:

- a. Footage location (surface casing);
 - b. Derrick floor and ground level elevation;
 - c. Drilled total depth;
 - d. Packer body total depth;
 - e. Size, depth, and quality of surface and production casing, including zones from which casing has been removed;
 - f. Location of all plugs, packers, cement plugs, tubing anchors, etc., with the well bore;
 - g. Depth and nature of all cement squeeze jobs;
 - h. Formation name and depth of all open perforations in a producing open hole;
 - i. Volume and type of cement used on surface and production strings; and
 - j. Top of cement;
- 4. One copy of all electric, mechanical, sample, and driller's logs, if available;
 - 5. Fee and operation name of each well;
 - 6. One copy of all cement bond logs;
 - 7. Such other information as may be required by the inspector; and
 - 8. Copies of all information supplied to the corporation commission, and the commission's approval of the project.

C. Upon the completion of the application required hereunder, the oil and gas inspector shall review same and make a recommendation of approval or disapproval to the mayor and city council.

D. Prior to placing any enhanced recovery or substance disposal well into service a permit to operate such well shall be obtained from the oil and gas inspector. Every application for a permit to operate such well shall be obtained from the oil and gas inspector. Every application for a permit to operate such well shall contain the following information:

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1. Depth to static water level (hydrostatic head). Such data shall be obtained by means of a method approved by the oil and gas inspector. Such data shall be obtained not less than forty-eight (48) hours after openings have been made through the casing into the injection disposal zone or zones; and

2. Based on the static water level identified in the previous paragraph, maximum operating pressures and rates of injection shall be established and maintained so as to prevent the hydraulic pressure level at a radius of ten (10) feet from the injection or disposal wells from rising above the base elevation of treatable water. Such maximum operating pressures and injection rates shall be noted on the permit. No injection or disposal well will be permitted to operate if the well's zone of influence will exceed the above-referenced limits.

E. A fee shall be submitted along with every application for a permit to operate an injection or substance disposal well.

F. Copies of Corporation Commission Form Number 1015, indicating successful pressure testing of each injection well at a pressure greater than the maximum proposed for the project, or if no such form number 1015 has been filed and approved, then sufficient evidence of the successful pressure testing of each injection well shall be filed with the oil and gas inspector.

G. Every such injection or disposal well shall be constructed so as to seal the injection zone from the upper portion of the casing. the annulus between the injection tubing and the casing shall be filled with a noncorrosive fluid then sealed and a one-fourth (1/4) inch female fitting with cut-off valve shall be attached so that the pressure in the annulus may be measured by the oil and gas inspector by attaching a gauge having a one-fourth (1/4) inch male fitting. A pressure shall be maintained in the annulus sufficient to monitor the fluids in the annulus. Any significant deviation from the established pressure shall be cause to shut down the well, and may result in cancellation of the operating permit until such time as the established pressure can once again be maintained.

H. Injection lines shall be buried and maintained in a trench of a depth no less than four (4) feet, and shall be pressure tested (static) annually at a minimum of one hundred fifty percent (150%) of the pressure normally encountered at the injection pump discharge for a reasonable period of time to be fixed by the oil and gas inspector. The oil and gas inspector shall be notified five (5) days in advance of such test and may supervise same. Test results shall be filed with the city upon completion.

I. Domestic and public water supply wells located within a radius of one-quarter (1/4) mile of any enhanced recovery or disposal well shall be tested prior to beginning injection or disposal and thereafter semi-annually for the presence of deleterious substances such as chlorides, sulphates, and dissolved solids. Such testing is the responsibility of the permittee, and at permittee's expense, to be conducted by a person approved by the oil and gas inspector. The oil and gas inspector shall be notified five (5) days in advance of such testing and may be present therefor. Test results shall be filed with the city upon completion. (Ord. No. 195, 9/24/84)

SECTION 12-509

ANNUAL FEE TO OPERATE

An annual inspection fee is hereby levied upon each well operated or maintained under a permit issued by the city; such fee shall be in the amount as set by the council, payable to the city on or before the annual anniversary date of the issuance of any permit under this chapter and

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thereafter on January 1st of each year. No permit for any well shall be considered valid for any year for which the annual fee has not been paid. Failure to pay any required permit fee within thirty (30) days of a delinquent notice sent to the latest address provided by the permittee will result in cancellation of the permit. (Ord. No. 195, 9/24/84)

SECTION 12-510

DISPOSAL OF SALTWATER.

A. Every permittee under this chapter shall be responsible for the safe disposal of saltwater or other deleterious substances which he may bring to the surface of the earth and shall provide a plan for such disposal as required by paragraph 5 of Subsection A of Section 12-505. Such disposal shall not result in pollution of the waters and soil in the city, and shall not result in any other environmental hazard, and shall incorporate the best available techniques and equipment.

B. In the event of any leakage or spillage of any pollutant or deleterious substance, whatever the cause thereof, the permittee shall cause the oil and gas inspector to be notified thereof promptly. If, in the judgment of the oil and gas inspector, such leakage or spillage represents a potential environmental hazard, he may issue whatever corrective orders he deems appropriate, and additionally may require the appropriate testing of the surface and subsurface for pollutant incursion, the cost of such test or tests to be borne by the permittee.

C. No person shall store, dispose of, or deposit saltwater or other deleterious substance in any lined or unlined earthen pit within the city limits.

D. No person shall inject any saltwater or other deleterious substance into the annulus between the inside of the surface casing string and the next inside casing string, except when the bottom of the properly cemented surface casing extends two hundred (200) feet or more through or into a continuous impermeable clay barrier below the base of treatable water. (Ord. No. 195, 9/24/84)

SECTION 12-511

COMPLIANCE WITH APPLICABLE LAWS.

No person shall drill an original well or re-enter an abandoned well for any purpose, or permit to exist any well, structure, equipment, pipeline, machinery, tank, or other appurtenance in violation of any of the provisions of this chapter or other city ordinances as may be applicable, or the laws, rules, regulations, operative standards, or directives of the State. (Ord. No. 195, 9/24/84)

SECTION 12-512

SURFACE CASING.

A. Surfacing casing requirements are as follows:

1. Surface casing shall be set a minimum of two hundred (200) feet below the deepest encounter of treatable water found in eight (8) sections adjacent to the section in which the well is located, or one thousand (1,000) feet whichever is more. Logs which identify the base of treatable water shall be run in the surface hole before the surface pipe is set. A copy of such logs shall be filed with the oil and gas inspector; or

2. Surface casing may be set without the above-required logging, provided the applicant can demonstrate to the satisfaction of the oil and gas inspector that the bottom of the surface casing will extend through or into at least two hundred (200) feet of continuous, impermeable clay barrier below the base of treatable water, is properly cemented, and cement bond logs run with the quality of the cement bond approved by the oil and gas inspector.

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Surface pipe shall have a centralizer on the shoe joint, and centralizers within fifty (50) feet of the shoe joint, and centralizer no more than two hundred (200) feet apart above the second centralizer.

B. Surface pipe shall be cemented by attempting to circulate good cement to surface by normal displacement practices. If cement cannot be circulated to surface due to washed out hole or lost circulation, the existing cement shall not be overdisplaced and a plug shall be left in the bottom of the casing string to be drilled out once the surface is set. The remaining open hole behind the surface pipe shall be cemented by running a tubing string between the conduction string and the surface pipe until the top of the cement is tagged. The remaining uncemented annular space will then be cemented until good cement is circulated to surface. No further drilling shall be accomplished until the cement has set for at least twenty-four (24) hours; or in the alternative, until samples of the cement have passed independent laboratory tests satisfactory to the oil and gas inspector.

C. Where an existing well is to be used as an injection or disposal site, the existing casing and cement shall be of such integrity and depth as to adequately and safety isolate fresh water producing zones from the seepage or bleeding of injection fluids or disposants. Where additional protective operations are undertaken to comply with this paragraph, the oil and gas inspector shall be notified thereof sufficiently in advance in order for him to be present for such operations. (Ord. No. 195, 9/24/84)

SECTION 12-513

ABANDONED AND PLUGGING.

Whenever any well is abandoned it shall be the obligation of the permittee and the operator of the well to set a two hundred (200) foot cement plug in the bottom of the surface casing, with the bottom of the plug one hundred (100) feet below the surface casing section; and to set a fifty (50) foot cement plug in the top of the surface casing. No surface or conductor string of casing may be pulled or removed from a well. During initial abandonment operations it will be the obligation of the permittee and operator to flood the well with mud-laden fluid weighing not less than nine (9) pounds per gallon, and to circulate this mud until stabilized. The well shall be kept filled to the top with mud-laden fluid of the weight herein specified at all times, and mud-laden fluid of the above specifications will be left in the well bore below and between cement plugs. Any additional provisions or precautionary measures prescribed by the state or the corporation commission of the state in connection with the abandonment and plugging of a well shall be complied with by the permittee. The plugging shall be accomplished within thirty (30) days of abandonment. The oil and gas inspector shall be notified at least forty-eight (48) hours prior to any plugging operations on an abandoned well. (Ord. No. 195, 9/24/84)

SECTION 12-514

WELL LOCATION.

No permit shall be issued for the drilling of an original well or the re-entry of an abandoned well at any location except as permitted in Section 12-504 or which is closer than three hundred (300) feet to an existing producing fresh water well. (Ord. No. 195, 9/24/84)

SECTION 12-515 FENCES.

A. For all oil or gas wells within three hundred fifty (350) feet of the uses described in paragraphs 4 and 5 of Subsection A of Section 12-504, a security fence shall be installed prior to rigging up. The security fence shall be a minimum height of six (6) feet tall with barbed wire across the top, and shall be woven wire of not less than nine (9) gauge link mesh containing no

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larger than two (2) inch holes, and shall completely surround the drilling site and have gates capable of being locked. The fence shall be stretched tight and shall allow access to the drilling site only through the gates. The fence posts shall be spaced not more than ten (10) feet apart.

B. Prior to operation of the pump jack or production facilities all surface facilities, including wellhead, shall be completely enclosed with a fence meeting the following standards:

1. For all oil or gas wells located within three hundred fifty (350) feet of the uses described in paragraphs 4 and 5 of Subsection A of Section 12-504, the surface facilities of the well shall be enclosed in woven wire fence of not less than nine-gauge link mesh and contain no larger than two (2) inch size holes at least six (6) feet high with locked gates. The fence shall have an angular extension, outwardly secured by three (3) strands of barbed wire which shall be placed on top of the fence. The fence shall be erected on a concrete stem wall at least eighteen (18) inches tall. The fence shall be erected not less than three (3) feet distance from the base of the production facility. The city council may require an alternate fence material or height where the described fence is deemed inadequate or is not feasible.

2. For oil and gas wells located more than three hundred fifty (350) feet from the uses described in paragraphs 4 and 5 of Subsection A of Section 12-504, all production facilities shall be enclosed in a fence meeting the following minimum standards: Five (5) strands of two (2) point, American made, barbed wire installed on six (6) feet tall T posts with posts to be located not more than ten (10) feet apart. The fence shall be erected a minimum of three (3) feet from the outside of the base of the production facility. The city council may, upon request, allow an alternate type fence or waive the fencing requirement where the barbed wire fence is not feasible or not practical. The fence shall be installed prior to installation of the pump jack or production facilities. Well head and pump jack shall be enclosed with a fence or barrier sufficient to prevent entry by livestock.

(Ord. No. 195, 9/24/84)

SECTION 12-516

DISPOSAL OF TRASH, RUBBISH, WASTE.

During drilling and all other operations the permittee or operator shall provide and use a container on the drilling site of sufficient size for disposal of all trash, rubbish, and waste accumulated during operations. All trash, rubbish, and waste shall be immediately deposited in the containers and removed from the site as necessary to prevent any accumulation on the well site. No trash, rubbish, or waste shall be deposited on or buried in the ground at the well site. (Ord. No. 195, 9/24/84)

SECTION 12-517

NOISE AND OTHER NUISANCES.

All oil operations, drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best accepted practices incident to exploration for, drilling for, and production of oil, gas, and other hydrocarbon substances. Proven technological improvements in exploration, drilling, and production methods shall be adopted as they become, from time to time, available if capable of reducing factors of nuisance and annoyance. (Ord. No. 195, 9/24/84)

SECTION 12-518

FACILITIES.

All lease equipment shall be painted and maintained in a good state of appearance, and

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shall have posted in a prominent place a metal sign no less than two (2) square feet in area upon which the following information shall be conspicuous:

1. Permittee's name;
2. Lease name;
3. Location of the drill site by reference to the United States survey; and
4. Identifying number of the permit issued by the city.

The sign shall be installed prior to installation of production facility. (Ord. No. 195, 9/24/84)

SECTION 12-519

STORAGE TANKS AND SEPARATORS.

A permittee may use, construct, and operate a steel conventional separator and such other steel tanks and appurtenances as are necessary for treating oil with each of such facilities to be so constructed and maintained as to be vapor tight. Each oil, gas separator shall be equipped with both a regulation pressure-relief safety valve and a bursting head. All crude oil tanks shall be subject to the following requirements:

1. The tanks shall be painted within ninety (90) days after installation and maintained in proper painted condition thereafter and have conspicuously upon their side in red letters at least six (6) inches high, the wording "flammable keep away," and "no smoking";

2. All oil, saltwater, or other storage tanks shall have roofs or tops and the opening of the tanks shall be fully protected; the tops shall be fully protected; the tops shall be firmly and securely jointed to the tanks and all joints on both sides and top shall be gas tight and free from leakage as nearly as possible and shall be locked. Provided, for wells located more than three hundred fifty (350) feet from the uses set forth in paragraphs 4 and 5 of Subsection A of Section 12-504, open tanks may be used for saltwater storage;

3. Tanks, the bases of which are more than one foot above ground shall have foundation and support of non-combustible material;

4. No artificial light, except as now approved by the U.S. Bureau of Mines for use in an explosive atmosphere, shall be used within forty (40) feet of tanks, or of any well after such well is completed as a producer of oil or gas;

5. All tanks shall be provided with a pressure vacuum vent system sufficient to adequately dispense excess gas from the tanks. Vent openings may be removable, but shall be kept firmly attached. The covers for manholes, handholes, and gauge holes shall be made tight fitting and lockable;

6. For all oil or gas wells located within three hundred fifty (350) feet of the uses described in paragraphs 4 and 5 of Subsection A of Section 12-504, all surface production equipment, with the exception of the heater/treater, shall be a low profile not to exceed fifteen (15) feet in height; and

7. For all wells located within three hundred fifty (350) feet of the uses described in paragraphs 4 and 5 of Subsection A of Section 12-504, during production trucks may drain or

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otherwise service tank batteries only between the hours of 7:00 A.M. and 7:00 P.M. This shall not apply where an emergency situation requires service of the well to prevent damage to the well, adjacent land, fresh water, or eminent danger to the citizens of the city.

(Ord. No. 195, 9/24/84)

SECTION 12-520

PITS.

Mud of circulating pits shall be steel. Such pits and contents shall be removed from the premises and the drilling of the well, and same shall be covered or enclosed so as to prevent entry by unauthorized persons. Earthen pits will be allowed only as temporary emergency pits or as catch basins. Catch basin pits shall be used only for the purpose of catching any deleterious substance runoff and shall be not greater than three hundred twenty (320) cubic feet. Such catch basin will be equipped with a liquid level activated pump designed to keep fluids pumped out of such catch basin pit. All such earthen pits must be lined and approved in writing by the oil and gas inspector. Emergency pits shall be emptied as soon as the emergency is over and all such pits shall be emptied and then leveled within fifteen (15) days after completion rig leaves site. The provisions of this section shall not apply to oil or gas wells located more than three hundred fifty (350) feet from the uses described in paragraphs 4 and 5 of Subsection A of Section 12-504. (Ord. No. 195, 9/24/84)

SECTION 12-521

RETAINING WALLS.

Any tank, batteries, separators, heater treaters, and other production facilities shall be enclosed with earthen or other acceptable retaining walls with a storage capacity of at least one and one-half (1 1/2) times the liquid capacity of the tanks within the storage area. (Ord. No. 195, 9/24/84)

SECTION 12-522

MOTIVE POWER.

All pumping equipment shall be electrically powered if electric power is reasonably available. If electric power is not reasonably available the pumping equipment shall be muffled as to produce no more than 70 DBA of noise at a distance of thirty-three (33) feet from the muffler exit to be monitored in line with the exit and the exit shall be directed away from the nearest dwelling. Electrically powered pumping equipment is not required where the well is located more than three hundred fifty (350) feet from the uses described in paragraphs 4 and 5 of Subsection A of Section 12-504, but the noise level and exit requirements shall be applicable, and the muffler shall be of a "hospital standard" type. (Ord. No. 195, 9/24/84)

SECTION 12-523

DRILLING OPERATIONS: EQUIPMENT.

All drilling, re-entry, and operations at any well performed under this chapter shall be conducted in accordance with the best practices of the reasonably prudent operator. All casing, valves, and blowout preventers, drilling fluid, tubing, bradenhead, christmas tree, and wellhead connections shall be of a type and quality consistent with the best practices of such reasonably prudent operator. Setting and cementing casing and running drill stem tests shall be performed in a manner and at a time consistent with the best practices of such reasonably prudent operator. Any permittee under this chapter shall observe and follow the recommendations or regulations of the American Petroleum Institute and the Corporate Commission, except in those instances that are specifically addressed by this chapter. A copy of all logs associated with the surface casing shall be filed with the oil and gas inspector. During drilling operations all engines shall be muffled with

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factory-standard mufflers. (Ord. No. 195, 9/24/84)

SECTION 12-524 STREETS AND ALLEYS.

No well shall be drilled and no permit shall be issued for any well to be drilled at any location which is within any of the streets or alleys of the city; and no street or alley shall be blocked, encumbered, or closed in any drilling or production operation except with the written approval of the oil and gas inspector, and then only temporarily. (Ord. No. 195, 9/24/84)

SECTION 12-525 FLARING/BURNING OF GAS.

Each burning of gas, paraffin, or other substances at the well site shall be permitted only by special permit issued in advance by the oil and gas inspector. The oil and gas inspector may deny such permit when due to weather or other circumstances the burning would constitute a nuisance or hazard to surrounding properties. During swabbing operations a permit may be issued by the oil and gas inspector for flaring or burning throughout the swabbing operations. (Ord. No. 195, 9/24/84)

SECTION 12-526 FRACTURE AND ACIDIZING.

In the completion of oil and gas, injection, disposal, or service well, when acidizing or fracturing processes are used, no oil, gas, or other deleterious substances or pollutants shall be permitted to pollute any soil, air, surface or subsurface fresh waters. (Ord. No. 195, 9/24/84)

SECTION 12-527 SWABBING AND BAILING.

In swabbing, bailing, or purging a well all deleterious substances removed from the bore hole shall be placed in appropriate tanks and no substances shall be permitted to pollute any soil, air, surface or subsurface fresh waters. (Ord. No. 195, 9/24/84)

SECTION 12-528 RUPTURE IN SURFACE CASING.

In the event a rupture, break, or opening occurs in the surface or production casing, the permittee, operator, or drilling contractor shall take immediate action to repair it, and shall report the incident to the oil and gas inspector promptly. (Ord. No. 195, 9/24/84)

SECTION 12-529 TRANSMISSION LINES.

All transmission or production lines for oil and gas located outside the production fence shall be buried and maintained to a minimum cover of forty-eight (48) inches below grade. All lines carrying corrosive material shall be plastic-coated internally, and if soil conditions warrant, shall be cathodically protected or plastic coated. A tracer wire shall be installed with all plastic pipe installed outside the production fence. (Ord. No. 195, 9/24/84)

SECTION 12-530 DEPOSITING OIL PRODUCTS.

No person shall deposit, drain, or divert into or upon any land, highway, street, alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake, or lagoon, any oil or oily liquid with petroleum content or any mud, rotary mud, sand, water, or saltwater, or in any manner permit by seepage, overflow, deliberate release, or otherwise any of such substances to escape from any property owned, leased, or controlled by such person and flow or be carried into or upon

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any land, highway, street, alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake, or lagoon within the city. Upon completion of drilling all contaminated soil shall be removed from the site or buried and the area restored to the normal condition insofar as possible. (Ord. No. 195, 9/24/84)

SECTION 12-531

SAFETY PRECAUTIONS.

Persons drilling, operating, or maintaining any well shall use all necessary care and take all precautions which shall be reasonably necessary under the circumstances to protect the public. The provisions of this chapter shall be deemed to be the minimum requirements for the preservation of the public health, safety, and welfare, and compliance with the terms hereof shall not be deemed to relieve any persons of any additional duty imposed by law. (Ord. No. 195, 9/24/84)

SECTION 12-532

OIL AND GAS INSPECTOR.

A. The city administrator may employ a qualified person, persons, firm, or corporation as an oil and gas inspector, whose duty it shall be to enforce the provisions of this chapter.

B. The oil and gas inspector shall have the authority to issue such orders or directives as are required to carry out the intent and purpose of this chapter and its particular provisions. Failure to abide by any such order or directive shall be a violation of this chapter.

C. The oil and gas inspector shall have the authority to go upon and inspect any premises covered by the terms of this chapter to ascertain whether this chapter and the applicable laws, rules, regulations, standards, or directives of the state are being complied with. Failure to permit access to the oil and gas inspector shall be deemed a violation of this chapter.

D. The oil and gas inspector shall have the authority to request and receive any records specified in this chapter relating to the status or condition of any well or project, or the appurtenances thereof, within the city. Failure to provide any such requested material shall be deemed a violation of this chapter. (Ord. No. 195, 9/24/84)

SECTION 12-533

ACCUMULATION OF VAPOR.

The oil and gas inspector shall have the authority to require the immediate shutting in or closing of any well if he finds that there exists, within a one hundred (100) foot radius of any well, any gas or gasoline vapor in a quantity sufficient to constitute a fire hazard. The well shall remain shut or closed in until the hazard and its cause are removed. (Ord. No. 195, 9/24/84)

SECTION 12-534

INSPECTION OF PRESSURE LINES.

The oil and gas inspector shall have the authority to inspect all pressure lines in use at any well or at any project to assure that tubing, fittings, equipment, or connections are reasonably tight, safe, and free from leaks. (Ord. No. 195, 9/24/84)

SECTION 12-535

INGRESS AND EGRESS.

Lease roads shall be maintained in such a manner as to safely and comfortably allow for ingress and egress of city or state personnel traveling in a common passenger motor vehicle. All ingress and egress to oil and gas sites shall be from section line roads, and all lease roads shall be

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overlaid and maintained with gravel prior to rigging up so as to provide a driving surface that will prevent mud and dirt from being left on public roads. Where use of section line roads for access is not feasible, the city council may grant authority for an alternate access to the drilling site. (Ord. No. 195, 9/24/84)

SECTION 12-536

ORDER TO CEASE OPERATIONS.

A. If the oil and gas inspector finds that, in his judgment, an immediate threat or imminent peril to personal property, life, or natural resources exists, he shall order immediate rectification of the cause. If the permittee takes no immediate measure to reduce the hazard, or if the situation be so perilous as to constitute an imminent threat to safety, then in either of these events he may order the prompt cessation of activity, and if necessary, the clearance of the premises.

B. The oil and gas inspector shall apply to the city administrator for a hearing upon such order, which hearing shall be held not longer than twenty-four (24) hours after the issuance of the order by the oil and gas inspector. The city administrator shall determine if proper cause existed, and if not, shall order the permittee's activity to resume without delay. If the city administrator determines that proper cause did exist for the order to cease activity to issue, then he shall make whatever ruling is proper to assure rectification of the cause of the peril. Such ruling and compliance with it by the permittee shall not be construed to absolve the permittee of any liability for any violation of this chapter, or for any damage or injury caused thereby. (Ord. No. 195, 9/24/84)

SECTION 12-537

APPEALS.

Any permittee aggrieved by any order, directives or ruling issued by the oil and gas inspector, or by any ruling by the city administrator may appeal the same to the city council which shall hear the matter at its next scheduled meeting. The lodging of such appeal shall not stay the enforcement of any of the provisions of this chapter. The council, upon hearing the matter, may issued whatever ruling or order is appropriate, provided that such ruling or order be in keeping with the spirit and purpose of this chapter. (Ord. No. 195, 9/24/84)

SECTION 12-538

CITY COUNCIL REVIEW OF PERMIT RECOMMENDATIONS.

Upon the consideration of any application for a permit required by the terms of this chapter the oil and gas inspector shall recommend approval or disapproval hereof to the mayor and city council, who shall review the mater at a regularly-scheduled meeting and thereupon uphold or reverse the recommendation with or without the addition of any conditions thereto. The oil and gas inspector may issue permits required by this chapter where the proposed well is more than three hundred fifty (350) feet from the uses described in paragraphs 4 and 5 of Subsection A of Section 12-504, without approval of the mayor and city council. (Ord. No. 195, 9/24/84)

SECTION 12-539

CONDUITS ON STREETS AND ALLEY.

A. No permittee shall make any excavations or construct any lines for the conveyance of fuel, water, or minerals on, under, or through the streets and alleys of the city without first having obtained a permit therefor upon application to the city administrator.

B. The city administrator shall prescribe the forms to be used for such application and the information to accompany it.

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C. Each application for a permit under this section shall be accompanied by a non-refundable filing fee.

D. The city administrator shall, within twenty (20) days of receipt of the properly executed application, either grant or deny the request.

E. The granting of any such permit shall not be construed to be the granting of a franchise. (Ord. No. 195, 9/24/84)

SECTION 12-540

ANNUAL FEE FOR CONDUITS.

A. The permittee under Section 12-539 of this chapter shall pay to the city an annual renewal and inspection fee per rod of conduit multiplied by the number of rods in the conduit for which the permit was issued.

B. The city administrator shall appoint a representative who shall inspect such conduits to assure the public safety. No permit issued under Section 12-539 of this chapter shall be renewed if the conduit or any part thereof covered by such permit is in an unsafe condition. (Ord. No. 195, 9/24/84)

SECTION 12-541

APPLICABILITY TO EXISTING CONDITIONS.

This chapter shall apply to any person drilling an original well, re-entering an abandoned well, conducting natural or artificial production projects or operations, or maintaining a disposal well within the city. Every such person shall have no longer than ninety (90) days after September 24, 1984 to come into compliance with this chapter. Provided, that:

1. No additional permit fees shall be charged such person;
2. No penalties shall be sought against any activity violative of this chapter where such activity pre-existed the adoption of this chapter and was otherwise in compliance with the applicable state law, rules, regulations, standards, or directives.

(Ord. No. 195, 9/24/84)

SECTION 12-542

PENALTIES.

It shall be unlawful and an offense for any person to violate or neglect to comply with any provisions hereof irrespective of whether or not the verbiage of each section hereof contains the specific language that such violation or neglect is unlawful and is an offense. Any person who shall violate any of the provisions of this chapter or any of the provisions of a drilling and operation permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this chapter, or who shall neglect to comply with the terms hereof shall be punished as provided in Section 1-108 of this code. The violation of each separate provision of this chapter, and of the permit, and of the bond shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense. In addition to the foregoing penalties, it is further provided that the city council at any regular or special session or meeting thereof may, provided ten (10) days notice has been given to the permittee that revocation is to be considered at such meeting, revoke or suspend any permit issued under this chapter and under which drilling or producing operations are being conducted in the event the permittee thereof has

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violated any provision of the permit, the bond, or this chapter. In the event the permit be revoked the permittee may make application to the oil and gas inspector for re-issuance of such permit, and the action of the city thereof shall be final. Any continuing offense shall be considered a public nuisance the remedies for which, under law, shall be in addition to those hereinbefore enumerated. (Ord. No. 195, 9/24/84)

SECTION 12-543

INJUNCTIVE RELIEF.

In addition to the penalties herein provided the city may seek injunctive relief to the district court to enjoin violation by the person, company, or other business entity causing the violation. In addition if the drilling or operation of any oil or gas well is causing an immediate threat to the public safety or immediate danger to person or property, the city may seek injunctive relief even though such is not a violation of this chapter. (Ord. No. 195, 9/24/84)

CHAPTER 6

FLOOD DAMAGE PREVENTION

Section 12-601	Statutory Authorization, Findings of Fact, Purpose and Methods.
Section 12-602	Definitions.
Section 12-603	General Provisions.
Section 12-604	Administration.
Section 12-605	Provisions of Flood Hazard Reduction.

SECTION 12-601 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS.

A. STATUTORY AUTHORIZATION

The Legislature of the State of Oklahoma has in (statutes) 82 O.S. §§1601-1618, as amended, Chapter 23 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Piedmont, Canadian County, Floodplain Board adopts the following floodplain management regulations:

B. FINDINGS OF FACT

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

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

C. STATEMENT OF PURPOSE

It is the purpose of these regulations 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;

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

D. METHODS OF REDUCING FLOOD LOSSES

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

SECTION 12-602 DEFINITIONS.

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

ACCESSORY STRUCTURE - Structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

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APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING - means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO or A1-99.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION - means the elevation in feet above mean sea level of the 1% chance flood as defined as the base flood shown above.

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

BOARD - means the Oklahoma Water Resources Board.

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

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

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

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

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completed before the effective date of the floodplain management regulations adopted by a community.

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

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, floodway data and the water surface elevation of the base flood along with the Flood Insurance Rate Maps (FIRM).

FLOODPLAIN ADMINISTRATOR – means a person accredited by the Board and designated by a floodplain board, to administer and implement laws and regulations relating to the management of the floodplains.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

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

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

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community 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.

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FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

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

HISTORIC STRUCTURE - means any structure that is:

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

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

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

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

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or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

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

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

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of 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 a community and includes any subsequent improvements to such structures.

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

RECREATIONAL VEHICLE - means a vehicle which is:

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

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation

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

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

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

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

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

VARIANCE - is a grant of relief to a person from the requirement of these regulations or ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with this community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 12-603 GENERAL PROVISION.

A. LANDS TO WHICH THESE REGULATIONS APPLY. These floodplain management regulations shall apply to all areas of special flood hazard within the jurisdiction of the incorporated limits of the City of Piedmont, Canadian County, Oklahoma.

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B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for "Canadian County and Incorporated Areas," dated September 26, 2008, along with the Flood Insurance Rate Maps (FIRM) are hereby adopted by reference and declared to be a part of these regulations. These regulations shall go into effect on September 26, 2008, and until this time the current Piedmont Flood Damage Prevention Ordinance shall remain in effect.

C. ESTABLISHMENT OF DEVELOPMENT PERMIT. A Development Permit shall be required to ensure conformance with the provisions of these floodplain management regulations.

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

E. ABROGATION AND GREATER RESTRICTIONS. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another 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 ordinance, 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 OR LIABILITY. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These regulations do 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. These regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

SECTION 12-604 ADMINISTRATION.

A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR. The City of Piedmont hereby appoints the Community Development Director as Floodplain Administrator to administer and implement the provisions of these regulations and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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

1. Maintain and hold open for public inspection all records pertaining to the provisions of these regulations.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of these regulations.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval are required.
5. 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) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
9. When a regulatory 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 Zones A1-30 and AE on the community's 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 community.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

11. Become accredited by the Board in accordance with Title 82 O.S. §§ 1601-1618, as amended.
12. After a disaster or other type of damage occurrence to structures in the incorporated limits of the City of Piedmont determine if the residential & non-residential structures & manufactured homes have been substantially damaged and enforce the substantial improvement requirement.

SECTION C. PERMIT PROCEDURES

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

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

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6. 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;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

1. The appeal Board which is the Piedmont Board of Adjustment shall hear and render judgment on requests for variances from the requirements of these regulations.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these regulations.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. 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 these regulations.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of these regulations, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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9. 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.
10. Prerequisites for granting variances:
 - a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b) Variances shall only be issued upon:
 - 1) Showing a good and sufficient cause;
 - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - 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.
 - c) A written notice will be provided to any person granted a variance to build a structure below the base flood elevation. This notice will inform the variance applicant 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.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a) The criteria outlined in Article 4, Section D (1)-(9) are met, and
 - b) 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.
12. Any person seeking a variance shall file a petition with the floodplain board, accompanied by a filing fee of Twenty-five Dollars (\$25.00).
13. A copy of any variance issued shall be sent to the OWRB within in fifteen (15) days of issuance.

SECTION 12-605

PROVISIONS OF 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:

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1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. SPECIFIC STANDARDS. In all areas of special flood hazards as set forth in (i) Article 3, Section B, 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 two (2) feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., 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 two (2) feet above the base flood level. The Floodplain Administrator shall maintain a record of all elevation certifications that includes the specific elevation (in relation to mean sea level) to which each structure has been elevated.
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

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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.
- 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 -

- a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must have the bottom of the structural I-Beam elevated two (2) feet above the base flood elevation and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be set on a permanent foundation such that the bottom of the structural I-Beam is elevated to the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either the bottom of the structural I-Beam of the manufactured home is elevated two (2) feet above the base flood elevation.

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5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a) Be on the site for fewer than 180 consecutive days,
- b) Be fully licensed and ready for highway use, or
- c) Meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Accessory Structure –

- a) Structure is low valued and represents a minimal investment.
- b) Structure shall be small and not exceed 600 square feet in size.
- c) Structure shall be unfinished on the interior.
- d) Structure can be used only for parking and limited storage.
- e) Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).
- f) Service facilities such as electrical and heating equipment must be elevated to or above the BFE or floodproofed.
- g) Structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters.
- h) Structure is designed to have low flood damage potential i.e. constructed with flood resistance materials.
- i) Structure is firmly anchored to prevent flotation, collapse, and lateral movement.
- j) Floodway requirements must be met in the construction of the structure.
- k) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE.
- l) Structure is to be located so as not to cause damage to adjacent and nearby structures.

7. Exemptions -

The requirement for structures as described in this Article to be elevated two (2) feet above base flood elevation shall not apply to any final plats approved or any lots approved under Section 1-4A of the Piedmont Subdivision Regulations on or before September 26, 2008. All plats or lots as described in the previous sentence approved before that date shall meet the previous requirement of the one (1) foot above base flood elevation.

C. STANDARDS FOR THE SBUDIVISION PROPOSALS.

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C and D of these regulations.

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of these regulations.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of these regulations.

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

5. All subdivision proposals 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. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flows may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at

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2. least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
3. All new construction and substantial improvements of non-residential structures;
 - a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - b) Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
4. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1) a., are satisfied.
5. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

E. FLOODWAYS. Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory 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 community during the occurrence of the base flood discharge.
2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

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

G. PENALTIES FOR NONCOMPLIANCE. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 500.00 or imprisoned for not more than sixty days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Piedmont Floodplain Board, Piedmont City Council, or City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

H. CERTIFICATION. It is hereby found and declared by The City of Piedmont Floodplain Board that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that these regulations become effective immediately.

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