

## TITLE XV: LAND USAGE

### Chapter

150. BUILDING REGULATIONS

151. ELECTRICAL CODE

152. FLOOD DAMAGE PREVENTION

153. OIL AND GAS DRILLING

154. PLUMBING CODE

155. SUBDIVISION REGULATIONS



## CHAPTER 150: BUILDING REGULATIONS

### Section

#### Codes Adopted by Reference

150.01 Standard codes adopted by reference

#### Unsafe Buildings

150.35 Definitions

150.36 Maintaining existence of dangerous building prohibited

150.37 Notification upon determination

150.38 Appeal

150.39 Written findings of fact

150.40 Upon judicial determination notice to be posted

150.41 Demolition of building

150.99 Penalty

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Cross reference:

Building and house address numbers, see ' ' 93.20 through 93.23

#### CODES ADOPTED BY REFERENCE

' 150.01 STANDARD CODES ADOPTED BY REFERENCE.

The following codes, in their most recent edition, are hereby adopted by reference as though they were copied herein fully:

2000 International Codes

International Building Code (IBC)

International Fire Code (IFC)

International Energy Conservation Code (IFCC)  
International Fuel Gas Code (IFGC)  
International Property Maintenance Code (IPMC)  
International Plumbing Code (IPC)  
International Mechanical Code (IMC)  
International Residential One/Two Family Dwellings  
Electrical Code Administrative Provision  
(Ord. 595, passed 8-21-00)

## UNSAFE BUILDINGS

### ' 150.35 DEFINITIONS.

(A) For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"DANGEROUS BUILDING." Shall mean:

(a) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;

(b) Any building, shed, fence, or other man-made structure which because of faulty construction, age, lack of proper repair, or any other cause, is especially liable to fire and constitutes or creates a fire hazard;

(c) Any building, shed, fence, or other man-made structure which by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(d) Any building, shed, fence, or other man-made structure which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure;

(e) Any building, shed, fence, or other man-made structure which has a foundation that is not so free of holes, cracks, buckling, crumbling, and defects as to support adequately the structure; or

(f) Any building, shed, fence, or other man-made structure which exists in violation of any provision of the building code of the city or other ordinances of the city.

(B) Any such dangerous building in the city is hereby declared to be a public nuisance.  
(Ord. 419, passed 7-15-85; Am. Ord. 512, passed 8-16-93)

' 150.36 MAINTAINING EXISTENCE OF DANGEROUS BUILDING PROHIBITED.

It shall be unlawful to maintain or permit the existence of any dangerous building in the city; and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

(Ord. 419, passed 7-15-85; Am. Ord. 512, passed 8-16-93) Penalty, see ' 150.99

' 150.37 NOTIFICATION UPON DETERMINATION.

(A) Whenever the Building Inspector, the Fire Marshal, or the Health Officer shall be of the opinion that any building or structure in the city is a dangerous building, he shall file a written statement to such effect with the City Clerk. The Clerk shall thereupon cause written notice to be served upon

the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following terms:

"To (Owner/Occupant of Premises) of the premises known and described as \_\_\_\_\_. You are hereby notified that (describe building) on the premises above mentioned has been condemned as a nuisance and a dangerous building after inspection by \_\_\_\_\_. The causes for this decision are (insert the facts as to the dangerous condition). You must remedy this condition or demolish the building immediately, or the City of Burkburnett will proceed to do so."

(B) If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists, within ten days from the time when this notice is served upon such person by personal service or registered mail, the Building Inspector shall report to the Board of Commissioners in its capacity as Building Commission any noncompliance with the notice provided for herein.

(Ord. 419, passed 7-15-85; Am. Ord. 512, passed 8-16-93)

' 150.38 APPEAL.

In the event no appeal is taken by the alleged offending party, the Building Inspector shall present his findings and recommendations to the Board of Commissioners at the next regularly scheduled meeting of the Board. In the event the offending party appeals the decision of the Building Inspector, such appeal shall also be heard at the next regularly scheduled meeting of the Board of Commissioners.

(Ord. 419, passed 7-15-85; Am. Ord. 512, passed 8-16-93)

' 150.39 WRITTEN FINDINGS OF FACT.

(A) Upon receipt of a report of the City Inspector or Fire Chief as provided for herein, the Board of Commissioners shall make written findings of fact from the testimony offered as to whether or not the building in question is a "dangerous building" within the terms of ' 150.35.

(B) Upon a determination that the building or structure in question does constitute a "dangerous building" within the meaning of ' 150.35, the Board of Commissioners shall issue an order based upon the findings of fact made pursuant to division (A) of this section commanding the owner or any other person having an interest in the building as shown by the tax records of the city to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this subchapter.

(C) In the event the owner fails to comply with the order of the Board of Commissioners provided for in division (B) hereof within 20 days, the city shall have the power to remove the same at the

expense of the city, on account of the owner of the property or premises, and assess the expenses on the land on which it stood or to which it was attached. The materials of such building shall be sold and the net cost of the demolition shall be charged to the owner, and, if any balance remains, it shall be held for the owner or any other party entitled thereto. If the cost of the demolition exceeds the value of the materials of such building, such excess shall be charged as a lien upon the real property on which the building was situated, including a \$100 administration fee.

(Ord. 419, passed 7-15-85; Am. Ord. 512, passed 8-16-93)

1995 S-7

' 150.40 UPON JUDICIAL DETERMINATION NOTICE TO BE POSTED.

Upon a judicial determination, a notice shall be placed on any dangerous building to read as follows:

"This building has been found to be a dangerous building by the City Inspector and Fire Chief. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner as shown by the tax records of the City Tax Office. It is unlawful to remove this notice until such notice is complied with."

(Ord. 419, passed 7-15-85; Am. Ord. 512, passed 8-16-93)

' 150.41 DEMOLITION OF BUILDING.

Notwithstanding anything contained herein to the contrary, nothing contained herein shall be deemed a limitation on the ability of the city to summarily order the demolition of any building or structure where it is apparent that the immediate demolition of such building or structure is necessary to the preservation of life and property in the city, and in the event it is necessary during a fire or immediately after a fire that an emergency exists and the city has to contract with some company or individual for equipment to demolish or tear those walls of that building or the building itself where the fire exists or immediately after the fire. The city does not own such equipment necessary to perform such acts; therefore, the cost of having hired such equipment to perform such duties shall be charged to and paid by the owner of the premises and charged as a lien upon the real property on which the building or buildings are situated, including a \$100 administration fee.

(Ord. 419, passed 7-15-85; Am. Ord. 512, passed 8-16-93)

' 150.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not already otherwise provided, shall be subject to the penalty provisions of ' 10.99.

(B) Whoever shall violate ' ' 150.35 through 150.41 shall be fined the following:

(I) The owner of any dangerous structure or building who shall fail to comply with any notice or order to repair, vacate, or demolish that building or structure, such notice or order given by the authority of the Building Commission shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$200 for each offense. Each day the violation continues shall constitute a new and separate offense.

1995 S-7

(2) The occupant or lessee in possession of any dangerous building or structure who shall fail to comply with any notice or order to vacate such building or structure and fails to repair such building or structure, given by authority of the Board of Commissioners, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$200 for each offense. Each day the violation continues shall constitute a new and separate offense.

(3) Any person removing the notice provided for herein shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding \$200 for each offense.

(Ord. 419, passed 7-15-85; Am. Ord. 512, passed 8-16-93)

1995 S-7



## CHAPTER 151: ELECTRICAL CODE

### Section

151.01 National Electric Code adopted by reference

' 151.01 NATIONAL ELECTRIC CODE ADOPTED BY REFERENCE.

The National Electric Code of NFPA-70 in its most recent edition is hereby adopted by reference, and all regulations, parts, notations, references and specifications therein are hereby adopted and made a part of this subchapter.

(Ord. 532, passed 11-21-94; Am. Ord. 595, passed 8-21-00)

[Next printed page is p. 33]



## CHAPTER 152: FLOOD DAMAGE PREVENTION

### Section

#### General Provisions

- 152.01 Statutory authorization
- 152.02 Findings of fact
- 152.03 Statement of purpose
- 152.04 Methods of reducing flood losses
- 152.05 Definitions
- 152.06 Lands to which this chapter applies
- 152.07 Basis for establishing the areas of special flood hazard
- 152.08 Establishment of development permit
- 152.09 Compliance
- 152.10 Abrogation and greater restrictions
- 152.11 Interpretation
- 152.12 Warning and disclaimer or liability

#### Administration

- 152.20 Designation of the Floodplain Administrator
- 152.21 Duties and responsibilities of the Floodplain Administrator
- 152.22 Permit procedures
- 152.23 Variance procedures

#### Provisions for Flood Hazard Reduction

- 152.30 General standards
- 152.31 Specific standards
- 152.32 Standards for subdivision proposals
- 152.33 Standards for areas of shallow flooding (AO/AH Zones)
- 152.34 Floodways

152.99 Penalty

## GENERAL PROVISIONS

### ' 152.01 STATUTORY AUTHORIZATION.

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, ' 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

(Ord. 773, passed 1-18-10)

' 152.02 FINDINGS OF FACT.

(A) The flood hazard areas of the city 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.

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

(Ord. 773, passed 1-18-10)

' 152.03 STATEMENT OF PURPOSE.

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

(A) Protect human life and health;

(B) Minimize expenditure of public money for costly flood control projects;

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

(D) Minimize prolonged business interruptions;

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

(F) 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

(G) Insure that potential buyers are notified that property is in a flood area.

(Ord. 773, passed 1-18-10)

' 152.04 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter uses the following methods:

2011 S-21

- (A) 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;
- (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (D) Control filling, grading, dredging and other development which may increase flood damage;
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. 773, passed 1-18-10)

#### ' 152.05 DEFINITIONS.

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

ALLUVIAL FAN FLOODING. 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.

APEX. 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.

APPURTENANT STRUCTURE. A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF FUTURE CONDITIONS FLOOD HAZARD. The land area that would be inundated by the 1% annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent 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.

2011 S-21

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, VI-30, VE or V.

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

BASE FLOOD ELEVATION (BFE). The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

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

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

DEVELOPMENT. Any man-made change to 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. For insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION. For the purposes of determining rates, structures for which the

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for

2011 S-21

servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before 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. 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 ELEVATION STUDY. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

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

FLOOD INSURANCE STUDY (FIS). See Flood Elevation Study.

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

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive

measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS. Zoning 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.

2011 S-21

FLOOD PROTECTION SYSTEM. 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 area 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.

FLOOD PROOFING. 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. See REGULATORY FLOODWAY.

FUNCTIONALLY DEPENDENT USE. A use, which 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. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

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

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

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

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

- (a) By an approved state program as determined by the Secretary of the Interior; or
- (b) Directly by the Secretary of the Interior in states without approved programs.

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

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of ' 60.3 of the National Flood Insurance Program regulations (Title 44 of the Code of Federal Regulations).

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

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

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION. For the purpose of determining insurance rates, structures for which the

Astart 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, Anew 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.

2011 S-21

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

ARECREATIONAL VEHICLE.@ A vehicle which is:

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

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

ARIVERINE.@ Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

ASPECIAL FLOOD HAZARD AREA.@ See Area of Special Flood Hazard.@

ASTART 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 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

2011 S-21

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

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement. This term includes structures which 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 to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE. A grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see ' 60.6 of the National Flood Insurance Program regulations - Title 44 of the Code of Federal Regulations).

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. ' 1

60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

AWATER SURFACE ELEVATION. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where

2011 S-21

specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 773, passed 1-18-10)

' 152.06 LANDS TO WHICH THIS CHAPTER APPLIES.

The chapter shall apply to all areas of special flood hazard with the jurisdiction of the city.

(Ord. 773, passed 1-18-10)

' 152.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Wichita County, Texas and incorporated areas," dated February 3, 2010, with accompanying Flood Insurance Rate Maps dated February 3, 2010, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

(Ord. 773, passed 1-18-10)

' 152.08 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A floodplain development permit shall be required to ensure conformance with the provisions of this chapter.

(Ord. 773, passed 1-18-10)

' 152.09 COMPLIANCE.

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

(Ord. 773, passed 1-18-10)

' 152.10 ABROGATION AND GREATER RESTRICTIONS.

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

(Ord. 773, passed 1-18-10)

' 152.11 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

2011 S-21

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.  
(Ord. 773, passed 1-18-10)

' 152.12 WARNING AND DISCLAIMER OR LIABILITY.

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

(Ord. 773, passed 1-18-10)

#### ADMINISTRATION

' 152.20 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Manager or the City Manager's designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate Sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. 773, passed 1-18-10)

' 152.21 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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

following:

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

(B) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(C) Review, approve or deny all applications for development permits required by adoption of this chapter.

2011 S-21

(D) 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 is required.

(E) 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.

(F) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

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

(H) When base flood elevation data has not been provided in accordance this ' 152.21 of this chapter (Basis for Establishing the Areas of Special Flood Hazard), 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 ' ' 152.60 through 152.65 of this Chapter (Provisions For Flood Hazard Reduction).

(G) 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.

(H) Under the provisions of 44 CFR Chapter 1, ' 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 completes all of the provisions required by 44 C.F.R. ' 65.12. (Ord. 773, passed 1-18-10)

2011 S-21

' 152.22 PERMIT PROCEDURES.

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

(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 ' 152.61(2) of this chapter (Specific Standards - Nonresidential Construction);

(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 ' 152.41(1) of this chapter (Duties and Responsibilities of the Floodplain Administrator);

(B) Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter 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;

2011 S-21

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(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 floodwaters 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.

(Ord. 773, passed 1-18-10)

#### ' 152.23 VARIANCE PROCEDURES.

(A) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this chapter.

(B) 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 this chapter.

(C) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(D) 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.

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

(F) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 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 ' 152.22(B) of this chapter (Permit Procedures) have been fully

considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(G) Upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (as stated in ' 152.03 of this chapter, Statement of Purpose).

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

(I) 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.

(J) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

(a) Showing a good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) 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 or ordinances.

(3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(K) 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

(1) The criteria outlined in ' 152.44 (A) - (K) of this chapter (Variance Procedures) are met, and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. 773, passed 1-18-10)

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### ' 152.30 GENERAL STANDARDS.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(A) 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;

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

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

(D) 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;

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

(F) 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,

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

(Ord. 773, passed 1-18-10)

' 152.31 SPECIFIC STANDARDS.

(A) In all areas of special flood hazards where base flood elevation data has been provided as set forth in:

(1) ' 152.21 of this chapter (Basis for Establishing the Areas of Special Flood Hazard);

(2) ' 152.41(g) of this chapter (under Duties and Responsibilities of the Floodplain Administrator); or

(3) ' 512.62(C) of this chapter (under Standards for Sub-division Proposals);

(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 to two feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standards of this Chapter are satisfied.

(2) Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to two feet above the base flood level or 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 and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

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

architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls 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.

2011 S-21

(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 which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated 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:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or

4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two feet above 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 this division be elevated so that either:

1. The lowest floor of the manufactured home is at two feet above the base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent

2011 S-21

strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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

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

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

(c) meet the permit requirements of ' 152.42(A)(under Permit Procedures), and the elevation and anchoring requirements for Amanufactured homes@ in division (4). 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. (Ord. 773, passed 1-18-10)

#### ' 152.32 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with ' ' 152.02 (Findings of Fact), 152.03 (Statement o/"Purpose) and 152.04 (Methods of Reducing Flood Losses).

(B) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of ' 152.08 (Establishment of Development Permit); ' 152.22 (Permit Procedures); and the provisions of ' ' 152.30 through 152.34 (Provisions for Flood Hazard Reduction) of this chapter.

(C) 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 five acres, whichever is lesser, if not otherwise provided pursuant to ' 152.07 (Basis for Establishing the Areas of Special Flood Hazard) or ' 152.21(8)(under Duties and

Responsibilities of the Floodplain Administrator).

(D) Base flood elevation data shall be generated by a detailed engineering study for all Zone A areas, within 100 feet of the contour lines of Zone A areas, and other streams not mapped by FEMA, as indicated on the community's FIRM.

2011 S-21

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

(F) 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.

(Ord. 773, passed 1-18-10)

' 152.33 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).

Located within the areas of special flood hazard established in ' 152.07 of this chapter (Basis for Establishing the Areas of Special Flood Hazard), are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths 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; therefore, the following provisions apply:

(A) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to two feet above the base flood elevation or 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).

(2) All new construction and substantial improvements of non-residential structures:

(a) Have the lowest floor (including basement) elevated to two feet above the base flood elevation or 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 specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, 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.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in ' 152.42 of this chapter (Permit Procedures) are satisfied.

2011 S-21

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(Ord. 773, passed 1-18-10)

#### ' 152.34 FLOODWAYS.

Floodways, located within areas of special flood hazard established in ' 152.07 of this chapter (Basis for Establishing the Areas of Special Flood Hazard), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(A) 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.

(B) If division (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of ' ' 152.30 through 152.34 (Provisions for Flood Hazard Reduction).

(C) Under the provisions of 44 CFR Chapter 1, ' 65.12, of the National Flood Insurance Program 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 44 C.F.R. ' 65.12.

(Ord. 773, passed 1-18-10)

#### ' 152.99 PENALTY.

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

provisions of this court order 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 Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each violation, and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 773, passed 1-18-10)

2011 S-21



## CHAPTER 153: OIL AND GAS DRILLING

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### Section

#### General Provisions

- 153.01 Definitions
- 153.02 Application; jurisdiction
- 153.03 Drilling operations
- 153.04 Tank batteries; location and fencing
- 153.05 Well jacks; maintenance and fencing
- 153.06 Pumps to be electrically powered
- 153.07 Internal combustion engines to be muffled

#### Permit

- 153.20 Permit to drill required
- 153.21 Application
- 153.22 Fee
- 153.23 [Reserved]
- 153.24 Insurance required
- 153.25 Issuance of permit
- 153.26 Refusal of permit
- 153.27 Hearing
  
- 153.99 Penalty

### GENERAL PROVISIONS

#### ' 153.01 DEFINITIONS.

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

"COMMISSIONERS." The Board of Commissioners of the city.

"DIRECTOR." The Director of Public Works or his assistant.

"WELL." Any gas, oil, or injection well including not only new wells, but deepening any presently existing well to another zone, or the reopening of any well previously plugged in accordance with State Railroad Commission regulations.

(Ord. 380, passed II-17-80)

' 153.02 APPLICATION; JURISDICTION.

All wells existing within the corporate limits of the city as of the day of adoption of this chapter (November 17, 1980), are covered immediately by this chapter. All wells brought within the corporate limits by the city by future annexation of territory to the city shall be covered by this chapter immediately upon annexation.

(Ord. 380, passed II-17-80)

' 153.03 DRILLING OPERATIONS.

In the event that any permit is granted to drill or explore for oil or gas within the corporate limits, the drilling contractor shall proceed with the drilling operations with the highest degree of care so as not to injure adjoining property or persons in any manner and shall keep the premises suitably fenced or guarded 24 hours a day in such manner as to avoid trespassing on the part of anyone during the drilling and exploratory operations, particularly children. Upon the completion of such drilling operations, all drilling mud shall be removed outside the corporate limits of the city and the grounds around the well and the slush pits shall be immediately cleared of all drilling mud or all oil, salt water, or water, and shall be made to conform in appearance to the lands in the neighborhood wherein such drilling operations are so conducted. If a slush pit is located not nearer than within a 1,000-foot radius from any residence, commercial structure, or public building, the fencing requirements set forth in ' 153.04 may be waived by request to and approval of the Board of Commissioners.

(Ord. 380, passed 11-17-80) Penalty, see ' 153.99

' 153.04 TANK BATTERIES; LOCATION AND FENCING.

In the event production is obtained, and the oil storage tank battery is located within the city limits, the same shall be erected within the confines of an earthen or concrete wall designed in such a manner that the area inside the retention wall would retain the total volume of the tanks located therein and the same shall be completely enclosed by a suitable, all-metal wire fence of a sufficiently strong and close mesh construction that it will not be penetrable by domestic animals and/or small children. Any gates installed for the use of ingress or egress shall be kept locked when not in use. In no event shall such battery be located nearer than within a 150-foot radius from any residence, commercial structure, or public building, unless the application contains a signed notarized release from the property owners within such 150-foot radius. All lines on lease shall be buried a minimum of one foot. If a tank battery is located not nearer than within a 1,000-foot radius from any residence, commercial structure, or public building, this fencing requirement may be waived by request to and approval of the Board of Commissioners.

(Ord. 380, passed 11-17-80) Penalty, see ' 153.99

' 153.05 WELL JACKS; MAINTENANCE AND FENCING.

Any well jacks or units operating within the corporate limits of the city shall be kept clean, painted, in good repair, and properly lubricated in order that they will operate quietly and they shall be enclosed by an all-metal fence of a height of not less than six feet and of a type suitable to prevent trespassing on the part of any unauthorized persons or animals, particularly children and domestic animals. A lock shall be installed on each gate which shall be locked except during workover. If a well jack is located not nearer than a 1,000-foot radius from any residence, commercial structure,

or public building, the fencing requirement set forth in ' 153.04 may be waived by request to and approval of the Board of Commissioners.

(Ord. 380, passed II-17-80) Penalty, see ' 153.99

' 153.06 PUMPS TO BE ELECTRICALLY POWERED.

No pumping unit used for the purpose of lifting oil shall be powered with any power other than electricity.

(Ord. 380, passed II-17-80) Penalty, see ' 153.99

' 153.07 INTERNAL COMBUSTION ENGINES TO BE MUFFLED.

All internal combustion engines shall be muffled during any operation in the city.

(Ord. 380, passed II-17-80) Penalty, see ' 153.99

PERMIT

' 153.20 PERMIT TO DRILL REQUIRED.

Before any well may be drilled within the corporate limits of the city, an application for a permit must be filed with the Director of Public Works. A permit must be obtained from the Board of Commissioners before drilling operations begin, and the permit is nontransferable.

(Ord. 380, passed II-17-80) Penalty, see ' 153.99

' 153.21 APPLICATION.

The application for the permit required by this chapter shall set forth the following information:

(A) A copy of the drilling application and a copy of the permit which has been issued by the State Railroad Commission.

- (B) The name and address of the operator of the lease.
- (C) A description of the lease or lands involved in the drilling unit.
- (D) A plat showing the location of the well, the ownership of the land, and offset operators.
- (E) Satisfactory evidence of liability and property damage insurance as required by this chapter.
- (F) Maximum drilling depth proposed.
- (G) Method of operation of the proposed well (injection or production).
- (H) A plat indicating all the surface rights property owners adjacent to the proposed well.

(I) Exact drilling point shall be staked by applicant prior to inspection by the Director of Public Works.

(Ord. 380, passed II-17-80)

' 153.22 FEE.

The fee for a permit required by this chapter, shall be in the sum of \$250 to be submitted with the application. If drilling has not commenced within one year from the date of the issuance of said permit, another permit will be required under the terms of this section.

(Ord. 380, passed II-17-80)

' 153.23 [RESERVED.]

' 153.24 INSURANCE REQUIRED.

(A) In addition to the bond required in ' 153.23, the permittee shall carry a policy of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee and the city, with an insurance company authorized to do business within the state.

(B) Such policy in the aggregate shall provide for the following minimum coverages:

(I) Bodily injuries of \$100,000, one person; \$300,000, one accident.

(2) Property damage, \$100,000.

(C) The permittee shall file with the Director of Public Works, along with the application, a certificate of insurance as above stated. The insurance policy or policies shall not be cancelled without written notice to the Director at least ten days prior to the effective date of such cancellation.

In the event such insurance policy or policies are cancelled, the permit granted under such policy shall cease until the permittee files additional insurance as provided herein.

(Ord. 380, passed 11-17-80)

2007 S-19

59                    BURKBURNETT - OIL AND GAS DRILLING                    ' 153.27

' 153.25 ISSUANCE OF PERMIT.

Any permit granted by the Board of Commissioners shall be issued by directive of the Commissioners and signed by the Director of Public Works on a form provided by the city.  
(Ord. 380, passed II-17-80)

' 153.26 REFUSAL OF PERMIT.

No permit shall be issued by the Board of Commissioners to drill any well when:

(A) The location for same shall be within the dedicated right-of-way of any streets or alleys of the city.

(B) The location for same shall be within a 100-foot radius of any residence, commercial, or public structure, unless the application contains a signed, notarized release from the property owners within such 100-foot radius. (Exception: Section 8 paragraph 2, Ordinance 375, dated April 21, 1980 shall regulate the distance for all permit applications on file with the State Railroad Commission on or before November 17, 1980. Proof of same will be the date stamped on the application to drill.)  
(Ord. 380, passed II-17-80)

' 153.27 HEARING.

(A) The Director of Public Works shall notify in writing the surface rights property owners adjacent to the proposed drilling site and location of said well not less than five or more than 15 days prior to a hearing on the permit application. The hearing will be held before the Director; at the conclusion of the hearing and after making such investigation as he may deem proper or necessary under the circumstances, the Director shall make his recommendation to the Board of Commissioners not more than five days after the hearing has been completed, either recommending the issuance of such permit or recommending the denial thereof. Such recommendation shall be in writing and attached thereto shall be the reasons for the same including any instruments or documents submitted to him at such hearing.

(B) Hearing before Commissioners.

(I) After receipt of the recommendation made by the Director, the Commissioners shall then schedule a hearing thereon at the next regular meeting of the Commissioners at which time either party may be heard by the Commissioners prior to their final decision.

(2) The decision of the Commissioners shall be final and in making its decision it shall, in addition to other considerations, have the power and authority to refuse any permit to drill any well at any particular location within the city, where by

reason of such particular location and the character and value of the permanent improvements already erected on or adjacent to the particular location in question for school, hospital, park civic purposes, health reasons, safety reasons, or any of them where the drilling of such wells on such particular location might be injurious or be a disadvantage to the city or its inhabitants as a whole or to a substantial number of its inhabitants or would not promote orderly growth and development to the city.

(Ord. 380, passed 11-17-80)

' 153.99 PENALTY.

It shall be unlawful and an offense for any person to violate or fail to comply with any provisions of this chapter. Such violation or failure to comply 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 permit issued pursuant hereto, or who shall fail to comply with the terms hereof, shall be guilty of a misdemeanor and shall on conviction thereof, be fined in the sum of not less than \$5 and not more than \$200 and the violation of each separate provision thereof shall be considered a separate offense. Each day's continuance of a failure to comply therewith shall constitute a separate and distinct offense for each of those days.

(Ord. 380, passed 11-17-80)

## CHAPTER 154: PLUMBING CODE

### Section

154.01 Adoption by reference

' 154.01 ADOPTION BY REFERENCE.

The International Plumbing Code (IPC), in its most recent edition, is hereby adopted by reference as though it were copied herein fully.

(Ord. 595, passed 8-21-00)

2001 S-13

61

