

YALE CITY CODE

Chapter 4

BUILDINGS AND HOUSING

Article 1. Licenses.

Sec. 4-1. Plumbing License.

No individual, firm, partnership, or corporation shall be permitted to engage in the business of installing, repairing, or altering plumbing, or in the business of gas-fitting for hire in the City of Yale, without first obtaining any and all necessary licenses from the State of Oklahoma.

Sec. 4-2. Plumbing.

Any person may perform plumbing and gas-fitting work on his own premises without having a plumber's and gas-fitter's license from the State of Oklahoma but no such person may hire a helper or assistant to aid in doing plumbing or gas-fitting work unless that helper or assistant is a licensed plumber and gas-fitter with the State of Oklahoma.

No individual, firm, partnership, or corporation shall be permitted to engage in the business of installing, or repairing, or altering plumbing for hire until such individual, firm, or corporation has secured a plumber's and gas-fitter's license from the State of Oklahoma.

Sec. 4-3. Electrician Licenses.

No individual, firm, partnership, or corporation shall be permitted to engage in the business of installing, repairing, or altering electrical wiring or equipment, or in the business or doing electrical work for hire in the City of Yale without first obtaining any and all necessary licenses from the State of Oklahoma.

Sec. 4-4. Personal work.

Any person may perform electrical work on his own premises without having an electrician's license from the State of Oklahoma, but no person may hire an assistant unless that helper or assistant is a licensed electrician in the State of Oklahoma.

No individual, firm, partnership, or corporation shall be permitted to engage in the business of installing, repairing, or altering electrical wiring or equipment for hire until such

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the permit is, upon service of notice, immediately suspended and that a opportunity for a hearing will be provided if a written request for a hearing is filed with the Chief of Police by the permit holder. Notwithstanding the other provisions of this chapter, when the Animal Control Officer finds unsanitary or other conditions in the operation of a kennel grooming parlor, pet shop-or shelter which, in his judgment constitutes a substantial hazard to public health, he may, without warning or hearing, issue a written notice to the permit holder or operator, citing such condition and specifying the corrective action to be taken. If deemed necessary by the Chief of Police, such notice shall state that the permit is immediately suspended and all operations are to be immediately discontinued. Any person to whom an order is issued shall comply immediately therewith.

(d) For serious or repeated violations of any of the requirements of this chapter, or for interference with the Animal Control Officer in the performance of his/her duties, the professional animal permit may be permanently revoked after an opportunity for a hearing has been provided by the Chief of Police. Prior to such action, the Animal Control Officer shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Chief of Police by the permit holder, within such five-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

Sec. 3-35. Violation, Penalty.

(a) It is unlawful for any person, firm or corporation to violate, neglect or refuse to comply with any regulation, requirement or provision contained within this chapter.

(b) Each act or omission in violation of any provision hereof shall be deemed a separate violation of such provision and for each calendar day during which any violation continues, a separate violation shall be deemed to have been committed.

(c) Any person, firm or corporation who violates, neglects or refuses to comply with any regulations, requirement or provision of Chapter Three (3) of the Yale City Code is hereby deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not more than Five Hundred Dollars (\$500.00) excluding costs. For purposes hereof each day said violation continues may be determined as a separate offense hereunder.

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individual, firm, partnership or corporation, has secured an electrician's license from the State of Oklahoma.

Sec. 4-5. HVAC License.

No individual, firm, partnership, or corporation shall be permitted to engage in the business of installing, repairing, or altering heating and air conditioning, or in the business of heating and air conditioning for hire in the City of Yale, without first obtaining any and all necessary licenses from the State of Oklahoma.

Sec. 4-6. Heating and Air Conditioning.

Any person may perform heating and air conditioning work on his own premises without having a license from the State of Oklahoma but no such person may hire a helper or assistant to aid in doing heating and air conditioning work unless that helper or assistant is licensed with the State of Oklahoma.

No individual, firm, partnership, or corporation shall be permitted to engage in the business of installing, or repairing, or altering heating and air conditioning for hire until such individual, firm, or corporation has secured a license from the State of Oklahoma.

Sec. 4-7. Registration.

Any individual, firm, partnership or corporation engaged in the business of installing, repairing or altering plumbing, gas-fitting, electrical or heating and air conditioning shall annually register with the City Clerk of the City of Yale. Such permit for an annual permit shall contain the following information:

- 1.) Name of the applicant.
- 2.) Address and phone number of the applicant.
- 3.) The number of the applicant's State of Oklahoma license.
- 4.) A fee of \$10.00

Each such permit issued shall expire one (1) year from the date of issue.

Article 2. House Numbering

Sec. 4-8. Definitions.

(a) The term "premises" shall mean any lot or parcel of land owned by any person, firm or corporation, public or private, improved with building, whether occupied or unoccupied.

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(b) The term “house number” shall mean the official number assigned to the premises and recognized by the Yale Police Department 911 Central Dispatch governing board.

(c) The term “street or road name” shall refer to any official name as recognized by governmental agencies.

Sec. 4-9. Regulation.

(a) No street or road shall be changed without the approval of the City Commission of the City of Yale, Oklahoma.

(b) Every premises shall display the distinctive house number assigned to that premises. The individual digits shall be no less than four (4) inches in height in block style letters and shall be in a contrasting color to the background. The house number shall be displayed in on of the following fashions:

If the number is displayed on a house, the number shall be placed upon the front of the house in such a position as to be plainly visible to all traffic coming to the premises from either direction.

If a house is more than 50 feet from the improved portion of the street or road or is not clearly visible from the street or road, the number shall be displayed on a sign adjacent to the street or road on which the property fronts. Such sign shall be attached to a fence or post at a height that assures that the number will not be obscured by winter snows or snowplowing.

Article 3. Building: Mobile Home Code and Regulations

Sec. 4-10. General Provisions.

(a) The purpose and intent of this Article is to establish and provide minimum acceptable standards, requirements, and regulations for the planned use, development, and maintenance of mobile homes within the corporate limits of the City of Yale, to include both free standing mobile homes and those located in mobile home parks, in the interest of the health, safety, and general welfare. The standards, requirements, and regulations as herein provided are intended to secure safety from fire, and other damages to public health and safety and to provide adequate light and air; decrease traffic congestion and its accompanying hazards and prevent undue concentration of population.

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(b) Applicability: Except as hereinafter provided, no mobile home shall be used or maintained, and no mobile home park or mobile home site shall be used, maintained or developed except in conformance with the standards of this Article.

Sec. 4-11. Definitions.

The following definitions, unless the context otherwise requires, shall apply.

(a) Developer. Any person engaged in the development or planning of a mobile home park.

(b) Expansion of a Mobile Home Park. Increasing either the total land area or the total number of mobile homes or mobile home spaces or lots in a park.

(c) Mobile Home. A manufactured, detached structure which is originally designed, constructed, and used for long-term occupancy as a complete single family dwelling, is mounted on a permanent chassis with wheels attached thereto, and which is transportable in one or more sections at least eight feet in width and 28 feet in length.

(d) Free Standing Mobile Home. Any mobile home not located in a mobile home park or mobile home subdivision.

(e) Mobile Home Park. Land or property that is used or intended to be used or rented for occupancy by mobile homes, including all necessary utilities, streets, and other common amenities.

(f) Mobile Home Permit. A permit issued by the City for construction and/or operation of a mobile home park or a mobile home site.

(g) Mobile Home Park Site Plan. A scale drawing prepared by a registered architect, landscape architect, engineer, or land surveyor which meets the requirements of Section 4-12 for a Mobile Home Park.

(h) Mobile Home site. A plat, lot or tract of land designed to accommodate a Free Standing Mobile Home and containing a minimum area of 7,000 square feet.

(i) Mobile Home Space. A plat, lot, or tract of land within a mobile home park designed to accommodate one mobile home, and containing a minimum area of 5,000 square feet.

(j) Permittee. Any person to whom a permit has been issued within the scope of this article.

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(k) Structural Addition. Any roofed, canopied, or enclosed porch, room, or structure used in connection with a mobile home; provided, the construction of a concrete slab porch without a roof or wall shall not be a structural addition.

Sec. 4-12. Location requirements.

A mobile home for living or sleeping purposes shall only be located, used, kept, and maintained within a mobile home park as duly permitted and provided for in this article; provided a free standing mobile home may be located on a mobile home site that is in compliance with Section 4-12 and Section 4-14 of this Code.

Sec. 4-13. Free Standing Mobile Home Sites.

Any mobile home existing within the corporate limits of the City on the effective date of this act below shall be subject to the following requirements:

(a) Any mobile home site permitted, allowed, authorized and maintained within the corporate limits of the City prior to the effective date of this Act and in compliance with any laws hereby repealed or amended, may continue to be maintained under the laws then in effect; provided however, all mobile homes whether or not previously existing shall be maintained in compliance with the provisions of Section 4-15, Section 4-16, and Section 4-17.

(b) A Mobile Home Site permitted under Section 4-13 shall be deemed abandoned if not used for a period of six months and shall thereafter be required to comply with all of the Provisions herein.

(c) Any person, firm, corporation or entity seeking to expand any mobile home site shall comply with all the provisions of this article as they affect and pertain to that portion of such mobile home site, or that tract of land, sought to be expanded upon.

Sec. 4-14. License required.

It shall be unlawful for any person, firm, corporation or entity to establish, operate or maintain or permit to be established, operated or maintained upon any property controlled or owned by such person or entity, a mobile homes park as defined in this article without having first secured a license therefore and having paid the filing fee for inspection of the construction of such park.

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Sec. 4-15. Mobile Home Parks.

(a) GENERAL PROVISIONS: The following general provisions shall apply to mobile home parks

(1) Every person, firm, corporation or entity desiring to create, establish, expand, develop, or construct a mobile home park, shall submit a site plan application on the forms supplied by the City of Yale. Such application shall include the following:

- (a) A legal description of the site,
- (b) A filing fee of \$200.00, and,
- (c) A site plan which shall include the following on a sealed drawing of appropriate dimensions:

- (1) Written legal description of the site including the size of the property in acres, or a fraction, thereof;
- (2) Approval by a registered engineer, architect, landscape surveyor licensed in the State of Oklahoma, so indicated by signature and seal;
- (3) A north arrow, date, scale, and appropriate legend;
- (4) Two-foot contour intervals;
- (5) Location and size of all easements, utilities, and right-of-ways existing and proposed;
- (6) All public and private streets including Paving type;
- (7) Location and size of all existing and proposed structures including mobile home spaces;
- (8) Location and size of open space or common areas;
- (9) Location and type of landscaping and ground cover;
- (10) Location and type of material and in fences and other screening;
- (11) Language with signature blocks to indicate the approval of the owners of the land, and the City for recording purposes; and,
- (12) A scale drawing of appropriate dimension of a typical mobile home space which shows the location and size of all existing permanent improvements, including pads, off-street parking with surface types, utility connections, and all front, side and rear yard setback distances.

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(2) The City of Yale may require certain alterations, modifications, or amendments of the mobile home park site plan when deemed necessary for the inclusion of easements, right-of-ways and utilities, etc. Improvement bonds may also be required for public utilities on the subject property for fire hydrants, water lines, sewer lines, drainage structures, and other similar projects.

(3) The site plan shall be reviewed by the Administrative Staff of the City of Yale for compliance with this Act and other relevant provisions of the City Code. The findings and recommendations of Administrative Staff shall then be reported to the City Commission.

(4) The Yale City Commission shall approve, approve conditionally or return for further study or disapprove the site plan. Approval of the site plan shall be documented by the signatures of the presiding officers of the City of Yale, and acceptance by signature of the owner(s) on the certificate located on the original of the site plan. A reproducible copy of the site plan with all required signatures shall be furnished to the City of Yale at the applicant's expense.

(5) Occupancy permits for the mobile home park will be issued only after inspection by the City of Yale and only if the mobile home park has been developed in accordance with the provisions of this Act and the approved site plan.

(6) It shall be the responsibility of every person, firm, corporation or entity owning a mobile home park to maintain a current register of the names of all mobile home owners within such mobile home park and the date every mobile home was brought within such mobile home park. For reasonable cause, such register shall be available during normal working hours for inspection by the City.

(7) A mobile home shall not be allowed, permitted, or authorized in any street or public right-of-way.

Sec. 4-16. Development Standards.

Development of mobile home parks shall be in accordance with the following standards:

(a) Dimensional and Site Development Requirements. The minimum lot size for a mobile home park shall be 90,000 contiguous square feet. Open space, streets and drainage of the mobile home park shall meet the requirements stated below.

(1) No less than ten percent nor more than one acre of a mobile home park exclusive of easements, right-of-ways, setbacks, or shelters, shall be required to be designated,

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preserved and set apart for common facilities, open space and recreation. Where possible this open space or recreation area should be consolidated to provide a meaningful recreation area.

(2) A convenient circulation system for vehicular movement shall be provided within a mobile home park by means of minor streets and properly located collector streets. Collector streets shall be hard surfaced for a minimum width of 29 feet. All public streets abutting a mobile home park shall meet the requirements set forth in Chapter 22 of the City Code. All other streets and drives shall be hard surfaced for a minimum width of 20 feet.

Private streets and drives:

- (a) May provide parallel parking on one side provided an additional eight feet of width is hard surfaced.
- (b) May be one-way only when less than 500 feet long, serving less than 25 mobile home spaces, and a minimum of 16 feet wide; and
- (c) Dead-end streets shall have a cul-de-sac with a diameter of no less than 80 feet.

(3) The drainage system of all lots shall be designed in accordance with all relevant provisions of the City Code to minimize the possibilities of soil erosion, sedimentation, and increased runoff which might cause flooding of downstream properties. Adequate easements shall be provided to protect drainage ways from encroachment, and to protect property from drainage by periodic flooding. Excavation of topographic area having a grade of more than 10 percent shall be prohibited unless it is determined that adequate provisions to control erosion that may result from such excavation are guaranteed. Alternatives to sodding or seeding may be considered when said alternative method is intended to accomplish the limiting of dust, erosion, and sedimentation of drainage areas.

(b) Individual Lot Requirements. Each mobile home space shall satisfy all of the following requirements:

- (1) It shall have a hard surfaced entry area.
- (2) It shall have two hard surfaced off-street parking spaces no less than 18 feet in width by 20 feet.
- (3) It shall have a visible identifying number.
- (4) It shall provide set backs as set forth in Section 4-14.

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(5) No mobile home, mobile home addition, storage building, or related structure or appurtenance shall be located, constructed or maintained within any street, dedicated easement, right-of-way or drainage area.

(c) Sanitation. A mobile home that does not have a built-in bathroom with water closet, lavatory and shower or tub in working condition shall not be maintained, authorized, permitted nor occupied in a mobile home park.

(d) Utilities. Utility service shall be provided in a safe and reliable manner in accordance with the following specifications.

(1) All plumbing and electrical systems, connections, installations, fixtures, and equipment shall be installed and maintained in full compliance with those applicable provisions of this section and the Yale City Code and State of Oklahoma regulations.

(2) An adequate supply of safe water of satisfactory quality under sufficient pressure shall be provided to and for all mobile homes and utility buildings. Water connections shall be made to the City's water distribution system where feasible, and when not feasible, to a water system that is maintained in accordance with the standards, regulations and laws of the State of Oklahoma relating thereto. Adequate fire hydrant facilities with the required fire flow shall be specified and approved by the City of Yale for each mobile home park.

(3) An approved sewer disposal system, being adequate and safe, shall be provided for each mobile home and community structure having plumbing fixtures therein. A sewer connection shall be made to the City's sanitary sewer where feasible, and where not feasible, to a sewer system that is constructed or maintained in accordance with the standards, regulations and laws of the state relating thereto.

(4) The design of the electrical system shall meet the regulations of the City of Yale.

(5) All interior private streets, drives and pedestrians walkways within a mobile home park shall be lighted at night with light equivalent to 60 watts at intervals of 200 feet.

(6) Methods and facilities for the collection, storage, handling, and disposal of garbage and refuse shall be provided for as determined and in accordance with the City Code.

(e) Community Fuel Supply and Storage. The installation, use, and storage of gas shall be in accordance with the following requirements:

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(1) A gas piping system, if installed, and maintained in accordance with all pertinent provisions of this section, the City's fire prevention code, and the laws of the State of Oklahoma relating to plumbing, so as to provide a supply of gas sufficient to meet the maximum demand without undue loss of pressure at the connection point to the mobile home furthest from the source of supply. All gas piping shall be installed by a licensed contractor only.

(2) The gas supply shall be connected in the proper manner, insuring that the piping is properly purged and free from leaks, and that all appliances are suitable for the supply.

(3) Before a mobile home is moved, adequate arrangements shall be made to assure that all gas connections are properly disconnected.

(f) Service, Administrative, and Other Buildings. Buildings maintained and intended for uses other than a dwelling shall meet the following requirements.

(1) One mobile home may be used as an administrative office. Other administrative offices and service buildings for housing sanitation, laundry, or other facilities shall be of permanent structure, complying with all pertinent provisions of the City Code relating to construction and maintenance, for the use of all park residents.

(2) All service buildings shall be adequately lighted at all times, well-ventilated with screen openings, and constructed of such moisture proof material, including painted wood work to permit repeated cleaning and washing, and shall be provided with space heating equipment adequate to maintain 68 degrees Fahrenheit temperature at outside design conditions.

(3) All service buildings and grounds of a mobile home park shall be maintained in a clean and sightly condition, free from any condition that will menace the health of any mobile home park resident therein, or otherwise constitute a nuisance.

(g) Fire Protection. No tow car or mobile home shall be parked, placed, or allowed to remain at any time on a public or private street, or pedestrian walkway within a mobile home park. Fire hydrants located no greater than 600 feet apart as measured by street travel requiring the inspection and approval of the fire chief, and water mains, both of adequate size and number, shall be provided for the protection of the mobile home park.

(h) Tie Downs. It shall be the responsibility of the owner or occupant of any mobile home to cause such mobile home to be anchored and tied down securely in accordance with the following minimal standards within a period of no longer than 30 days after moving a mobile home into a mobile home park.

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(1) A mobile home of 50 feet or less in length shall be provided two over-the-home ties, each to be as close to each end of said home as possible with the straps at the stud and rafter points.

(2) A mobile home of greater than 50 feet but less than or equal to 70 feet in length shall be provided with two over-the-home ties, each to be as close to each end of said home as possible, and two frame ties at the center of said home.

(3) A mobile home greater than 70 feet in length shall be provided with two over-the-home ties, each as close to the end of said home as possible, and four frame ties spaced along the center of said home.

(4) Double wide mobile homes need not be provided with over-the-home ties. Frame ties shall be provided with at least 4 required for double wide mobile homes less than 50 feet in length; at least 6 required for double wide mobile homes greater than 50 feet but less than or equal to 70 feet in length; and at least 8 required for mobile homes greater than 70 feet in length.

(5) Tie down anchors shall be securely installed in soil providing a stable foundation to withstand a minimum pull of 3,750 pounds for each ten feet of a mobile home.

(6) All ties and connectors shall be of a type approved by the United States Department of Housing and Urban Development (H.U.D.) for mobile home anchoring.

(7) All piers shall be of standard concrete block construction, 8 x 16 inches, spaced at no more than ten foot intervals and no further than five feet from the ends of a mobile home. Piers shall rest on solid concrete blocks or pads of concrete measuring no less than 8 x 16 x 4 inches forming a base 16 inches square. For leveling purposes, wood blocking no less than the nominal dimensions of 8 x 16 inches with a maximum thickness of 4 inches can be used.

(i) Skirting. It shall be the responsibility of the owner or occupant of any mobile home, within a period of no longer than 30 days after moving such mobile home into a mobile home park, to cause such mobile home to be totally skirted of metal or other non-degradable solid material. The skirting shall be secured to the mobile home and to the ground in a manner that will prevent the intrusion of animals and will reduce the hazards of strong winds under said home.

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Sec. 4-17. Mobile Home Site Requirements.

(a) The following provisions shall apply to the locating and placing of any free standing mobile home within the City of Yale:

(1) Every person, firm, corporation or entity desiring to locate, expand, construct or place a free standing mobile home within the City of Yale shall be required, prior to placing or locating such mobile home within the City of Yale, to submit a site plan to the City of Yale for such free standing mobile home. Such site plan shall include the following information:

(a) A legal description of the property where such mobile home will be placed or located.

(b) A scaled drawing of appropriate dimension which shows such property and which shall include the following:

(1) A legal description of such site.

(2) The location where the mobile home will be placed on such site.

(3) The location of any existing or proposed structures on such site.

(4) The location of all easements, utilities and right of ways on such site.

(5) A North arrow and the date of such site plan.

(c) Each site for a free standing mobile home within the City of Yale shall be constructed and developed to include the following, all of which shall be shown on the site plan submitted to the City of Yale.

(1) All free standing mobile home sites shall have a hard surfaced entry area. For purposes of this section, "hard surfaced" shall mean a minimum of two (2) inches of asphalt or similar material.

(2) All free standing mobile home sites shall also have at least one (1) hard surfaced off street parking space, which space shall measure not less than eighteen (18) feet in width and twenty (20) feet in length.

(d) Each free standing mobile home shall be located and placed so that such mobile home maintains a minimum of twenty five (25) foot front yard setback, a minimum fifteen (15) foot rear yard setback, a ten (10) foot

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side yard setback and shall be further located not less than fifteen (15) foot from any easement or right of way.

- (e) Each free standing mobile home shall be located and placed so that such mobile home is located at least twenty (20) feet from any other mobile home, building or structure.
- (f) Each free standing mobile home site shall be designed and arranged so that such site abuts on a driveway or street of at least sixteen (16) feet in width, in which provides direct access to a public street or roadway.
- (g) Each free standing mobile home placed and located pursuant to this section shall comply with all plumbing, electrical and building codes of the City of Yale and the State of Oklahoma.

(2) The free standing home site plan required by this Section shall first be reviewed by the administrative staff of the City of Yale to determine compliance with these requirements and any other relevant provisions of the Yale City Code. The City of Yale may require alterations, modifications or amendments to the free standing mobile home site plan when deemed necessary for the inclusion of easements, rights-of-ways and utilities. The administrative staff may return said proposed site plan to the applicant for further compliance or may submit such site plan to the Yale City Commission for approval or denial.

(3) Upon review by the administrative staff the mobile home site plan, including any recommendation from staff shall be submitted to the Yale City Commission. The City Commission shall consider such mobile home site plan application at any regular or special meeting and may approve, approve conditionally, return such site plan application for further compliance or may disapprove the application for a free standing mobile home site plan.

(4) Upon approval of a free standing mobile home site plan by the Yale City Commission, the City shall inspect such mobile home site to ensure that such site shall in all manner have been built, constructed and created in conformity with the plans, specifications and drawings as contained in the free mobile home site plan application approval by the City Commission.

(5) An occupancy permit for such mobile home shall only be issued after such inspection by the City and after a determination has been made that the free standing mobile

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home located on such site meets the requirements of this Chapter and further only if the mobile home site has been developed and built in accordance with the approved free standing mobile home site plan (Ord. No. 389)

Sec. 4-18. Codes Applicable, Ordinances Applicable.

(a) All Plumbing, electrical, building and other work on any park licensed under this article shall be performed in accordance with the ordinances of the City of Yale regulating the same unless said ordinances are specifically made inapplicable under the terms thereof or under the terms of this article; only a person properly licensed under the provisions of Chapter 4 of the Yale City Code may connect and disconnect water, gas and sewage facilities to mobile homes located in any park operated under the provisions of this article.

(b) Sewer connection inspection fees for mobile home parks shall be those applicable to family dwellings and each site within a mobile home park shall be deemed a family living unit. The monthly sewer service charge for mobile home parks shall be that applicable to multi-family dwellings.

(c) All ordinances of the City of Yale pertaining to traffic, vehicles, and the control of pets and/or animals shall be fully as effective within a mobile home park as though the streets and driveways thereof were dedicated to public use, and the consent and agreement of the owner of such park, streets and highways thereto shall be a condition precedent to the issuance of a park license.

Sec. 4-19. Individual Mobile Home Occupancy.

(a) Prior to occupation of any mobile or manufactured home, whether free standing or located in a mobile home park, in the City of Yale or for either residential or commercial use, the owner thereof shall first obtain a mobile home occupancy permit from the City Clerk of the City of Yale. No dealer, mover or owner of any mobile or manufactured home or structure may occupy such home on any property within the City of Yale without first obtaining a permit as required by this Section. Failure to obtain such license prior to placing or locating a mobile or manufactured home is a violation of this Chapter.

(b) The fee for a permit shall be Twenty Dollars (\$20.00) and shall include an application for permit which contains the following information:

- (1) Name of the mobile or manufactured home owner.

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- (2) Make and model of such mobile or manufactured home.
- (3) The proposed location of such mobile or manufactured home within the City of Yale (Ord. No. 389)

Sec. 4-20. Mobile Home Occupancy Permit.

(a) No occupancy permit for any mobile or manufactured home, whether free standing or located in a mobile home park and located, placed, installed or occupied within the City of Yale after the 1st day of February, 2012 unless such mobile or manufactured home shall meet all of the following safety and health requirements:

(1) The mobile or manufactured home shall meet and conform to the standards of Title 63, Section 1084 of the Oklahoma State Statutes or any successor statute as well as any Federal standards related to mobile or manufactured home construction safety. The mobile home shall be less than twenty (20) years old at the time such home shall be placed within the City of Yale, or in the alternative such mobile home shall be certified by the building inspector and the City Manager for the City of Yale to be structurally sound, sanitary, and meeting the requirements of this section and further that the owner of such mobile home executes and certifies in writing that such mobile home meets and complies with all of the safety requirements contained herein.

(2) The mobile or manufactured home shall have an operable, approved smoke detector installed adjacent to sleeping rooms as required by applicable building codes.

(3) The mobile or manufactured home shall be equipped with two (2) operational exit doors.

(4) The mobile or manufactured home shall have all fuel burning heating equipment within the home inspected by a person or firm licensed by the State of Oklahoma and who shall certify in writing that such heating system is in safe operational condition.

(5) All electrical wiring and distribution equipment within such home shall be safe and shall comply with all State of Oklahoma building Code requirements.

(6) All plumbing fixtures, drainage piping and water piping within such home shall be in safe and operating condition and shall comply with all State of Oklahoma Plumbing and Building Code requirements. Such home shall be inspected by a person or firm licensed by

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the State of Oklahoma and who shall certify in writing that such plumbing systems meet such State requirements.

(7) The mobile or manufactured home shall be determined by the City of Yale Building Official to be in safe and sound physical condition.

(8) No utility service connections shall be made or allowed until such home shall have been certified to meet all of the above requirements. All utility service connections shall be made and installed and maintained in accordance with applicable City of Yale Codes and shall be securely attached and supported as necessary. Water lines and connections shall be protected from freezing in an approved manner. Sewer connections shall be sealed in an approved manner at the point of connection to sewer services and shall be entirely under such home. Gas valves shall be of an approved type.

(9) Provided such home shall meet and satisfy all of the above requirements and any other applicable requirements of the Yale City Code an occupancy permit may then be issued. (Ord. No. 389)

Sec. 4-21 Recreational Vehicle Storage and Parking.

(a) Recreational Vehicle shall be defined to mean a vehicle designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use which is built on a single chassis, is self-propelled or permanently towable by a truck and having a gross floor space of not more than 400 square feet.

(b) It shall be unlawful for any person to park or store, or allow any person to park or store any Recreational Vehicle in the City of Yale, Oklahoma as follows:

(1) In front of any portion of a residence to include any portion of a front yard of any lot which is used for residential purposes. For purposes of this section, the front yard of residential structures located on corner lots shall be considered to be that area of the yard located adjacent to the primary entrance of such residential structure.

(2) On any City easement, public street or public right-of-way.

(c) Recreational Vehicles may be parked on the grass or on hard surface behind or adjacent to a residence but no Recreation Vehicle shall be parked in front of a residence.

(d) Only one Recreational Vehicle may be parked or stored outside of a residence at any time.

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(e) A Recreational Vehicle may be parked in violation of this Section for not more than seventy-two (72) hours so that it can be loaded, unloaded, and cleaned. However, no Recreational Vehicle may be parked on a public street or public easement or right-of-way during such temporary time.

Sec. 4-22. Relief in the courts.

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

Sec. 4-23. Violation by corporate officers and agents.

Violation of any of the terms or provision of this chapter by any corporation or association shall subject the officers and agents actively in charge of the business of such corporation, or association, to the penalty provided by Article 11 herein.

Article 4. Liquefied Petroleum Gas

Sec. 4-24. Liquefied Petroleum Gas Permits, Liquefied Petroleum Gas Prohibited.

(a) It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install or repair any system, container, apparatus or appliance to be used for the transportation, storage dispensing, or utilization of liquefied petroleum gas, or to transport, handle or store such gas, unless such person has complied with and complies with all provisions of the Oklahoma Statutes and any ordinances relating thereto, and has any license or permit which may be required by state law.

(b) Bulk storage of liquefied petroleum gas is prohibited within the city limits of the City of Yale, Oklahoma.

(c) It is unlawful for any person to establish, erect, construct, or enlarge a plant or place of business where liquefied petroleum gas or gases are to be manufactured, or physically distributed or handled within the city limits of the City of Yale, Oklahoma.

(d) The storage of liquefied gases in outside above-ground tanks within the City of Yale, Oklahoma is hereby prohibited, provided that this provision shall not apply to above-ground containers of less than 100 pound capacity.

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(e) The term "liquefied petroleum gases" as used in this section shall mean and include any material which is composed predominately of any of the following hydrocarbons, or mixtures of the same: Propane, propylene butane (normal butane and isobutane), and butylenes.

Article 5. Oil Wells

Sec. 4-25. Findings of Fact; authority.

(a) Findings. The regulations contained in this article are supported by the following findings of fact:

(1) Oil and gas drilling and production is an important component of the Yale area economy.

(2) Oil and gas well drilling and production activities create conditions that potentially threaten the health, safety and general welfare of persons residing or working on property in proximity to such operations.

(3) Oil and gas well drilling and production activities, in the absence of local regulatory controls, may generate noxious aerial emissions, introduce contaminants into groundwater, emit high noise or light levels, produce large volumes of dust, congest local streets, present fire or chemical spill hazards and produce other deleterious effects, all of which fall disproportionately on adjacent land uses, and which can result individually or cumulatively in injury to persons or damage to property and inhibit the quiet peace and enjoyment of the surface uses of real property in the vicinity of such operations.

(4) The proliferation of oil and gas well pad sites within the city creates conflicts between such development and other existing and future surface uses of real property within the city. To assure the compatibility of residential, commercial, industrial and agricultural uses with oil and gas well development, it is necessary for the city to regulate the location of oil and gas well operations relative to other surface uses of real property within the city consistent with the right of mineral owners to reasonably access subsurface resources.

(5) The city recognizes that the State of Oklahoma regulates oil and gas well drilling and production activities. The regulations in this article are intended to supplement such standards and additionally implement compatible local measures that assure the health, safety and general welfare of the city's residents and businesses.

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(b) Authority. This article is adopted pursuant to authority vested under the constitution and laws of the State of Oklahoma and the Yale City Charter. Each authorization identified in this article shall be construed as an exercise of the city's police, nuisance, and zoning powers pursuant to the Charter and Oklahoma Statutes.

Sec. 4-26. Definitions.

All technical industry words or phrases related to the drilling and production of gas wells not specifically defined shall have the meanings customarily attributable thereto by prudent operators in the gas industry. For the purposes of this article the following definitions, without regard to whether the defined terms are capitalized when used, shall apply unless the context clearly indicates or requires a different meaning. Except as otherwise provided, these definitions shall be applicable only to this article.

City means the City of Yale, Oklahoma.

Commercial disposal well means a well where the owner/operator receives and disposes of produced water or any other deleterious substance from multiple well owners/operators and receives compensation for these services and where the owner/operator's primary business objective is to provide these services. This definition does not include those private wells established for on-site disposal of produced water from wells within a common unit established by the OCC.

Completion operations or *completion* means that portion of the drilling activities that includes the work that is performed after initial drilling activities and prior to production activities for the purpose of optimizing the production of a well.

Drilling means the process by which the earth is bored to create a pathway to formations containing hydrocarbons to allow for their production to the surface.

Drilling activities means those activities commonly performed at the drilling and production site necessary or incidental to getting hydrocarbons to market, including completion, re-drilling, re-completion or re-working operations, but not including production activities or establishment of a commercial disposal well as defined in this article.

Drilling and production site means the area dedicated to all gas well drilling or production activities, or both, including the drilling and production area, all structures,

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dehydrators, parking areas, security cameras, lighting, tanks, tank battery (or any other tank grouping area), drilling rigs, separators, compressors as associated with gathering lines, perimeter walls, utilities, and all other features or objects contemplated for use during and after gas well drilling or production activities, as designated on the specific use permit site plan. Excluded from this definition are gathering and transmission lines and compressor stations and commercial disposal wells as defined in this article.

EPA means the United States Environmental Protection Agency or successor agency.

Gas means gas or natural gas, as such terms are used in the rules, regulations, or forms of the Oklahoma Corporation Commission. Typically, a naturally-occurring gaseous substance primarily composed of methane and other light, gaseous hydrocarbons.

Gas production means the phase that occurs after successful exploration, drilling and development involving operations including, but not limited to, gas wells, tanks, dehydrators, separators, mud pits, ponds, tank batteries or associated mechanical equipment, and during which hydrocarbons are extracted from the gas field, but does not include the operation of a commercial disposal well as defined in this article.

Gas well means any well drilled for the production of gas or classified as a gas well under Oklahoma Statutes or Oklahoma Corporation Commission Regulations.

Hazardous materials management plan means the hazardous materials management plan and hazardous materials inventory statements required by the Fire Code.

OCC means "Oklahoma Corporation Commission" or successor agency.

ODEQ means "Oklahoma Department of Environmental Quality" or successor agency.

Oil means oil or crude oil as such terms are used in the rules, regulations, or forms of the Oklahoma Corporation Commission.

Oil and gas inspector or *inspector* means an inspector designated by the city that is responsible for primary enforcement of this article.

Oil production means the phase that occurs after successful exploration, drilling and development involving operations including, but not limited to, oil wells, tanks, dehydrators, separators, mud pits, ponds, tank batteries or associated mechanical equipment, and during which

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hydrocarbons are extracted from the oil field, but does not include the operation of a commercial disposal well as defined in this article.

Operator means the person(s) in charge and in control of drilling, maintaining, operating, pumping, or controlling any well or pipeline including without limitation, a unit operator.

Pit means a temporary or permanent containment for circulated fluids and drilling products or waste.

Plugging and abandonment means "plugging" as defined by the Oklahoma Corporation Commission and includes the plugging of the well, abandoned, orphaned or otherwise, and restoration of the drilling and production site as required by this article.

Producing well means a well that has been completed and is presently capable of yielding oil or gas in paying quantities.

Production activities or *production* means the extraction of hydrocarbons from a well after drilling and completion, but does not include the operation of a commercial disposal well as defined in this article.

Production site means that area of the drilling and production site utilized for production activities after well completion.

Protected use means any dwelling, church, public park, public library, medical facility, pre-kindergarten, kindergarten or elementary, middle or high school, public pool, senior center, or public recreation center. This definition does not apply to any structure constructed in the proximity of a producing well drilled after the effective date of this ordinance.

Separation boundary means the location of the property line of the nearest protected use, nearest lot line of a previously platted residential subdivision, or closest property line of an adjoining use that is not defined as a protected use, as measured from the drilling and production site.

Tank means a natural or man-made container, covered or uncovered, in which to store, contain or mix liquids or hydrocarbons used or produced in conjunction with the drilling, stimulation or production operations of an oil or gas well.

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Well means a hole or bore drilled to any horizon, formation, or strata for the purpose of producing natural gas, or liquid hydrocarbons.

Sec. 4-27. Oil and Gas well drilling and development generally; exceptions.

(a) Oil and gas well drilling and production may be conducted within the City of Yale provided the operator of such well has obtained a specific use permit from the City Commission, after notice and hearing, as required by this article.

(b) This article shall not apply to any producing oil or gas well located within the boundaries of the city on the effective date of this article. Such wells shall remain subject to the requirements of any ordinance that was in effect at the time of drilling.

(c) This article shall not apply to any producing oil or gas well located on property annexed by the city after the effective date of this article.

Sec. 4-28. Specific use permit; site plan requirements; additional submittals; notice.

(a) The application shall include a site plan showing the following:

(1) The location, by metes and bounds description, and dimensions of the drilling and production site;

(2) The location of all drilling and production site ingress and egress points;

(3) The location of all affected floodways and floodplains;

(4) The location of any protected use within 960 feet of the drilling and production site;

(5) The location of any permanent structure not defined as a protected use within 700 feet of the drilling and production site;

(6) Distances between the proposed drilling and production site and adjoining property lines;

(7) The location of all existing and proposed underground pipelines.

(b) No site plan shall provide for more than one drilling and production site. The site plan shall describe how all OCC Regulations and on-site standards set forth in this article will be achieved. All conditions set forth in any prior site plan approval for the drilling and production site shall be included in the specific use permit site plan submittal.

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(c) The applicant shall also submit the following plans with the application for a specific use permit:

- (1) Drilling/completion and production mitigation plans;
- (2) A site reclamation plan;
- (3) Certified copy of all permits required by the Oklahoma Corporation Commission (OCC) and Oklahoma Department of Environmental Quality (ODEQ); and
- (4) Certificates of insurance coverage and security as required herein.

(d) Notice for a specific use permit under this article shall be given not less than fifteen (15) days prior to any public hearing for such use permit. Notice shall be given in writing by mail to all owners of any protected use or platted residential property located within 300 feet of the applicable separation boundary.

Sec. 4-29. Mitigation and restoration plans.

(a) *Drilling/completion mitigation plan.* The drilling/completion mitigation plan shall describe all temporary measures and controls to be established by the operator to minimize the effects of noise, dust, odors, chemicals, and other negative impacts of oil and gas drilling on adjoining properties emanating from the drilling and production site during the drilling and completion of the well.

(b) *Production mitigation plan.* The production mitigation plan shall describe the location, by metes and bounds description, and dimensions of the production site. Said plan shall additionally describe all permanent measures and controls to be established by the operator to minimize the effects of noise, dust, odors, chemicals, and other negative impacts of oil and gas production on adjoining properties emanating from the production site during the production life of the well. The plan may be submitted in the form of a site diagram, provided sufficient description of the mitigation and control measures are provided, including references to applicable OCC Regulations and/or this article.

The production mitigation plan shall be filed with the application for a specific use permit. It shall be fully implemented by the operator within 30 days of completion.

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(c) *Site reclamation plan.* The site reclamation plan shall describe both closure and post-closure measures and controls, including plugging or abandonment, specifically setting forth how the final site closure will be achieved, a detailed description of the closure methods, and any subsequent activities necessary to minimize the need for drilling and production site care after closure.

Sec. 4-30. Standards for oil and gas well drilling and completion.

(a) *Separation.*

(1) No well, or any rig, platform, tower, equipment, device, trailer, structure, tank, pit, chemical, or substance used for drilling, completion, production, re-drilling, re-completion, maintenance, or storage of or from the well, shall be located within 660 feet of the nearest property line of any protected use or any lot located within a previously platted residential subdivision.

(2) No well, or any rig, platform, tower, equipment, device, trailer, structure, tank, pit, chemical, or substance used for drilling, completion, production, re-drilling, re-completion, maintenance, or storage of or from the well, shall be located within 660 feet of the nearest outside wall of any protected use located on the same parcel as the well.

(3) No well, or any rig, platform, tower, equipment, device, trailer, structure, tank, pit, chemical, or substance used for drilling, completion, production, re-drilling, re-completion, maintenance, or storage of or from the well, shall be located within 400 feet of the nearest outside wall of any structure other than those defined as a protected use.

(4) The City Commission may, upon application, reduce the separation distance set forth herein. If the operator produces notarized written consent to a separation reduction from each owner of a protected use or platted residential subdivision parcel located within or immediately adjacent to the separation boundary; a notarized written consent to a separation reduction from each owner of an adjoining use other than a protected use; or, a notarized written consent to a separation reduction from each owner of a structure located on the same parcel as the drilling and production site; as applicable.

Sec. 4-31. Insurance.

The operator shall provide or cause to be provided the insurance described below for each well for which a specific use permit is issued, such insurance to continue until the well is

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abandoned and the site restored. The operator may provide the required coverage on a "blanket" basis for multiple wells. Such coverage shall be reviewed by the city attorney and approved by the city manager.

(a) *General requirements.*

(1) All policies shall be endorsed to read "this policy will not be cancelled or non-renewed without 30 days advance written notice to the owner and the City of Yale except when this policy is being cancelled for nonpayment of premium, in which case ten days advance written notice is required".

(2) Liability policies shall be written by carriers licensed to do business in Oklahoma.

(3) Liability policies shall name as "Additional Insured" the city and its officials, employees, agents and volunteers.

(4) Certificates of insurance shall be presented to the city evidencing all coverage and endorsements required by this section and the acceptance of a certificate without the required limits and/or coverage shall not be deemed a waiver of these requirements.

(b) *Required insurance coverage .*

(1) Commercial general liability insurance.

(a) Coverage should be a minimum combined single limit of \$1,000,000.00 per occurrence for bodily injury and property damage. This coverage shall include premises, operations, blowout or explosion, products, completed operations, blanket contractual liability, underground property damage, broad form property damage, independent contractor's protective liability and personal injury.

(b) Environmental impairment (or seepage and pollution) shall be either included in the coverage or written as separate coverage, and shall be a minimum of \$1,000,000.00. Such coverage shall not exclude damage to the lease site. If environmental impairment (or seepage and pollution) coverage is written on a "claims made" basis, the

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policy shall provide that any retroactive date applicable precedes the effective date of the issuance of the permit. Coverage shall apply to sudden and non-sudden pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants.

Sec. 4-32. Transfer of specific use permit.

A specific use permit for oil or gas drilling or production may be transferred by the operator with the written consent of the city if the transfer is in writing signed by both parties, if the transferee agrees to be bound by the terms and conditions of the transferred permit, if all information previously provided to the city as part of the application for the transferred permit is updated to reflect any changes, and if the transferee provides the insurance and security required herein. The insurance and security provided by the transferor shall be released if a copy of the written transfer is provided to the city and all other requirements provided in this subsection are satisfied. The transfer shall not relieve the transferor from any liability to the city arising out of any activities conducted prior to the transfer.

Sec. 4-33. Violations.

In the event permittee should violate or fail to comply with any of the provisions of this article or the order and direction of an authorized representative of the City acting pursuant to the authority granted herein, the Board of Commissioners may cancel the permit or permits theretofore granted by City to said permittee and the said permittee shall cease and desist in any work relating to any well, the permit for which has been canceled.

Article 6. Building Permits

Sec. 4-34. Building Permit Required.

Whenever any building or structure is to erected, moved, or structurally altered, a building permit shall be obtained from the City Clerk of the City of Yale. For an existing, static structure, a permit shall be required only if the remodeling alters the exterior of the structure or the subsurface area.

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Sec. 4-35. Building Permits.

The City of Yale shall require every applicant for a building permit to furnish the following information upon a form or application to be provided by the City of Yale.

(1) Dwellings and accessory buildings.

(a) A plot plan, drawn to scale showing the exact size, shape and dimensions of the lot to be built upon.

(b) The size and location of all existing and proposed structures on the lot.

(2) All other structures.

A plot plan, drawn to scale, showing the exact size, shape and dimensions of the lot to be built upon the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved, the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities, and existing and proposed utilities.

Sec. 4-36. Permit fees.

(a) The permit fees for new or additional construction to dwellings, duplexes, multiple family and attached garages shall be computed to include all floor area square footage; and shall be computed for each floor level including basements. The fees for these additions or new constructions shall be as follows:

(1) A fee of Twenty Dollars (\$20.00) for new construction.

(2) Separate; garages, storage, buildings, carports, patio cover, swimming pools, cellars, basements, Ten Dollars (\$10.00). One portable storage building on skids not to exceed 10 x 10 shall be exempted from these provisions.

(3) A fee of Twenty Dollars (\$20.00) for the first living unit and Five Dollars (\$5.00) for each additional unit on any project altering the exterior of duplexes, or multiple family dwellings.

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Article 7. Moving of building

Sec. 4-37. Moving Approval Required.

It is unlawful for any person to move any building or structure along or across any street or public way within the corporate limits of the City of Yale without a permit from the Police Chief, issued after approval of the building inspector committee, unless such building or structure and its means of transportation comply with the following guidelines:

- (1) No single axle weight shall exceed twenty thousand (20,000) pounds.

Sec. 4-38. Application.

(a) All applications for permits to move buildings or structures or appurtenances thereto upon or across any street or public way in the city shall be made to the City Manager or designee. Such application shall:

- (1) Be in writing and shall accurately state the location and description of the proposed building or structure, the route over which it is proposed to be moved, and the proposed new location thereof, giving the lot, block, and addition, or legal description.

- (2) Further state the proposed date or dates for the moving of such building or structure, and

- (3) Further state the width, length height of the building or structure when loaded and whether it shall be necessary to raise, lower, or cut any wires or cables belonging to a public service corporation or the city, and make any cuts or alterations in the paving or public streets in the city.

(b) All applications for permits to demolish buildings or structures or appurtenances thereto shall be made to the building official or designee. Such application shall be in writing and shall accurately state the location and description of the buildings, structures, or appurtenances to be demolished and giving the lot, block, and addition, or legal description.

Sec. 4-39. Persons Eligible.

No permit to move a building shall be granted to any person except a licensed house mover. This section shall not apply to the duly authorized employees or agents of the City, or to a public utility having a franchise for the use of the public ways.

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Sec. 4-40. Fee, bond, deposits etc.

The cost of such permit shall be \$25.00; provided, however, that the Police Chief may require a deposit in the amount of the estimated charges payable to the city as provided in Section 4-45 to provide for damages and costs. There shall be an additional fee of Twenty Dollars (\$20.00) in such case where any structure being demolished or moved is connected to a city sewer for inspection of all such lines and it shall be the responsibility of the owner of such property to have such lines properly capped and protected for future use and in such a manner as not to permit any filtration into the city's sewer mains. The applicant shall also provide a surety bond, in an amount adequate to indemnify and save harmless the city from damage; provided however, said bond shall never be in an amount less than Twenty Thousand Dollars (\$20,000.00) but may be more if the Police Chief shall determine that a bond in a greater amount is necessary. The applicant shall file the bond with the City Clerk of the City of Yale.

Sec. 4-41. Issuance.

Before the granting of a permit for moving a building, the Police Chief shall establish a time and date from an inspection by the building inspection committee. Such time and date shall be mutually agreeable to the members of the building inspection committee, at which time the building inspection committee shall examine the conditions of the building or structure and appurtenances thereto, and the proposed location. If it is determined by the building inspection committee that the condition of the building or structure is such that the building or structure can be moved with safety and new location is in accordance with the City Code the committee shall authorize the Police Chief to issue a permit; otherwise, the Police Chief shall refuse to issue the permit. Any and all approvals of such applications shall remain on file in the office of the Police Chief at least twenty-four (24) hours before the issuance of such permit. The Police Chief shall have the authority to approve or disapprove the proposed route for moving.

Sec. 4-42. Building inspection committee.

(a) There is hereby established a building inspection committee for the City the membership of which shall be composed of the Fire Chief, the Police Chief, and the City Manager. The committee is hereby authorized and empowered to examine any building or structure for which a request is filed for permit to move.

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(b) The building inspection committee shall make all inspections necessary to ascertain compliance with the provisions of this article, including inspection of the building or structure while loaded on the truck.

Sec. 4-43. Compliance with other ordinances.

(a) All buildings or structures which are authorized to be moved shall be made to conform with the requirements of the ordinances of the City governing the erection of a new building on the proposed new location.

(b) No building permit shall be issued for the moving of a building to be used within the City unless the same conforms to the requirements of the building code, electrical code, plumbing code, and property maintenance code, and without having procured the approval of the Police Chief, except as otherwise provided in this article.

Sec. 4-44. Restrictions on frame buildings.

No frame building or structure shall be moved into or moved from one location to another within the fire zone of the City.

Sec. 4-45. Interference with poles and wires, etc; notice.

(a) Whenever for the purpose of facilitating the moving of any building or structure it is necessary to raise, lower, or cut any wires or cables belonging to a public service corporation or to the City of Yale or to move any pole bearing such wire or cable, it is the duty of the house mover to give the person or corporation or City owning operating the poles, wires, or cables notice of the location where the removal is necessary, and to receive approval of such person or corporation or city of the time and location of removal.

(b) After serving of notice as aforesaid, it shall be the duty of the person or corporation or City in whose charge the operation of such poles, wires, or cables are under, to furnish competent workmen and linemen to remove, raise, lower, or cut such wires and cables within a reasonable period of time. The regular wages of said linemen or workmen while engaged in such work and other related costs shall be paid by the house mover.

Sec. 4-46. Safety precautions; Protection of Property.

(a) Any building or structure being moved on the streets or public ways shall be moved continually during working hours. When any building is left standing in any street or public way at night, two (2) or more red lights shall be posted at each end, and all other

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obstructions in the street or public way shall be safeguarded. All lights shall be in good order and lighted from sunset to sunrise. No such building shall be left standing at night in any street intersection, and the house movers shall notify the chief of the fire department of the location of any such building standing in the street at night.

(b) When necessary to protect pavement, sidewalk, or sewer, planks of sufficient size and thickness to prevent injury to such shall be laid for the wheels of the moving trucks to travel on.

(c) The Police Chief shall have the power to require the use of other precautionary measures when necessary to properly protect life or property.

(d) Where necessary to trim trees or parts of trees on the streets or public ways, such trimming shall be done by the house mover in a careful and workmanlike manner, and all cuts shall be treated with an approved tree wax. All such tree trimming shall be subject to inspection and approved by the building official.

Sec. 4-47. Escort required.

No building or structure shall be moved into, within, or through the city without an escort service to regulate traffic. Such services shall be provided by the city police department upon 24 hours advance notice of the date and time of the proposed move, provided sufficient staffing is available to assist and a permit to move a building or structure as provided in this article has been issued. A private escort service may be used for this purpose if the operator is certified pursuant to state statute to provide escort vehicle operations. For purposes of this article, any 24 hour period shall include only regular business days and not include weekends or legal holidays.

Article 8. Licensing of building or structure Movers

Sec. 4-48. Required.

No person shall engage in the business of moving buildings without a mover's license issued by the City Clerk. This section shall not apply to the duly authorized employees or agents of the City, or to a public utility moving a franchise for the use of the public ways.

Sec. 4-49. Application and issuance.

An application for a license as a house mover shall be made to the City Clerk, and upon payment of the required fee to the City Clerk or other duly authorized person, the City Clerk

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shall issue to the applicant a license, provided that a properly approved bond and a policy of insurance have been filed, as provided in this division, and the required fee has been paid.

Sec. 4-50. Fee, term and renewal.

The term of the license issued pursuant to this division shall be for one fiscal year or portion thereof, and all licenses shall expire on the first day of July unless renewed. The license fee shall become due and payable in advance, and the amount thereof shall be Fifty Dollars (\$50.00) per annum or fraction thereof. All license fees shall be made payable to the City of Yale.

Sec. 4-51. Insurance and bond.

Any person or entity desiring a building or structure mover's license as provided in this article shall make and file with the City Clerk a certificate of insurance and bond.

(1) A certificate of liability insurance from an insurance company licensed to do business in the state shall be filed with the City Clerk to issuance of a license. The limits of such coverage shall include workers' compensation and employer's liability in the amount of \$500,000.00 and general transport liability in the amount of \$1,000,000.00 general aggregate and \$1,000,000.00 for each occurrence. Such insurance policy shall remain effective and in place during the entire licensing period.

(2) No building or structure mover's license shall be issued until the applicant has deposited with the City of Yale a surety bond in the sum of \$50,000.00. Such bond shall be executed by the building or structure mover, and the surety thereon shall be a corporate surety company authorized to do business in the state. The bond shall be in favor of the city and shall be conditioned:

- (a) That the building or structure mover shall faithfully and properly conduct business in compliance with all of the ordinances of the City of Yale relating to and regulating the moving of buildings or other structures, and for the payment of all fines and penalties imposed for the violation of such laws;
- (b) That he will restore, or cause to be restored, with material of like kind and quality, all streets, sidewalks, curbing, gutters and traffic control devices in the city in any way damaged by the building or structure mover while moving buildings or structures;

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- (c) That the building or structure mover will restore, or cause to be repaired, with material of like kind or better and quality, any damage to privately owned buildings or structures or stationary objects lawfully on or adjacent to streets or highways within the city, and restore or pay reasonable damages for injury to shrubs, trees, grass, flowers, lawns and the like on privately owned property or on parks and roadways owned or controlled by the city; and
 - (d) That the building or structure mover will protect and save harmless the City of Yale against any liability imposed by law against the city on account of negligence on the part of the building or structure mover as a direct result of moving buildings or structures pursuant to a license granted hereunder.
- (3) Such bond shall be renewed annually and no person shall engage in the business of moving buildings or structures unless a bond, as herein provided, is on file with the development services department in full force. Said surety bond shall remain effective and in place during the entire licensing period.

Sec. 4-52. Transfer.

A license issued pursuant to this division shall not be transferred from one person to another.

Sec. 4-53. Form.

A mover's license issued pursuant to this division shall state the name of the person to whom it was issued, the date of issuance and its term, such a license shall be signed by the City Clerk.

Article 9. Moving of Mobile Homes

Sec. 4-54. Approval to Move Mobile Homes Required.

It is unlawful for any person to move any mobile home or modular home along or across any street or public way within the corporation limits of the City of Yale without a permit from the Police Chief of the City of Yale, provided, that nothing contained herein shall apply to the moving of Mobile Homes through the city strictly on State Highway #51.

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Sec. 4-55. Application.

All application for permits to move mobile homes or modular homes upon or across any street or public way in the city shall be made to the City Clerk. Such application shall be in writing and shall accurately state the route over which the mobile home or modular home is proposed to be moved, and the proposed new location thereof, giving the lot, block, and addition, or legal description. Such application shall further state the proposed date or dates for the moving of such mobile home or modular home, and shall further state the height of the home when loaded and whether it shall be necessary to raise, lower, or cut any wires or cable belonging to a public service corporation or the City of Yale, and make any cuts or alterations in the paving or public streets in the City of Yale.

Sec. 4-56. Fee, Bond, Deposit, etc.

No person shall receive a permit to move a mobile home or modular home without having paid a fee of \$10.00 therefore; provided, however, that the Police Chief may require a deposit in the amount of the estimated charges payable to the city provided in Section 4-57 of this Code. There shall be an additional fee of Twenty Dollars (\$20.00) in such case where any home being moved is connected to a city sewer for inspection of all such lines and it shall be the responsibility of the owner of such property to have such lines properly capped and protected for future use and in such manner as not to permit any filtration into the city's sewer mains. The applicant shall also provide a surety bond, in an amount adequate to indemnify and save harmless the City from damage; provided, however, said bond shall never be in an amount less than One Thousand Dollars (\$1,000.00) but may be more if the Police Chief shall determine that a bond in a greater amount is necessary. The applicant shall file the bond with the City Clerk of the City of Yale.

Sec. 4-57. Interference with Poles and Wires, etc., Notice, Safety Precautions, Protection of Property.

(a) Whenever for the purpose of facilitating the moving of any mobile home or modular home it is necessary to raise, lower, or cut any wires or cables belonging to a public service corporation or to the City of Yale or to move any pole bearing such wire or cable, it is the duty of the mover to give the person or corporation or city owning or operating the poles, wires, or cables notice of the location where the removal is necessary, and to receive approval of such person or corporation or city of the time and location of removal.

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(b) After serving of notice as aforesaid, it shall be the duty of the person or corporation or city in whose charge the operation of such poles, wires, or cables are under, to furnish competent workmen and linemen to remove, raise, lower, or cut such wires and cables within a reasonable period of time. The regular wages of said linemen or workmen while engaged in such work and other related costs shall be paid by the mover.

(c) Any mobile home or modular home being moved on the streets and public ways shall be moved continually during working hours. When any mobile home or modular home is left standing in any street or public way at night, two (2) or more red lights shall be posted at each end, and all other obstructions in the street or public way shall be safeguarded. All lights shall be in good order and lighted from sunset to sunrise. No such mobile home or modular home shall be left standing at night in any street intersection, and the mover shall notify the chief of police of the location of any such building standing in the street at night.

(d) When necessary to protect pavement, sidewalk, or sewer, planks of sufficient size and thickness to prevent injury to such shall be laid for the wheels of the moving trucks to travel on.

(e) The Police Chief shall have the power to require the use of other precautionary measures when necessary to properly protect life or property.

(f) Where necessary to trim trees or part of trees on the streets or public ways, such trimming shall be done by the mover in a careful and workmanlike manner, and all cuts shall be treated with an approved tree wax. All such tree trimming shall be subject to inspection and approved by the building official.

Article 10. Property Maintenance Code

Sec. 4-58. Administration.

(a) *General*

(1) *Title.* These regulations shall be known as the Property Maintenance Code of the City of Yale, Oklahoma, hereinafter referred to as "this code".

(2) *Scope.* The provisions of this code shall uniformly apply to all existing residential and nonresidential Structures and all existing premises and existing or proposed improvements on existing premises and constitute minimum requirements and standards for premises, structures, sanitation, protection from the elements, safety from other hazards, and for

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safe and sanitary installation and maintenance of improvements; the responsibility of owners, operators and occupants for their properties; and for administration, enforcement and penalties irrespective of when or under what code or codes such buildings were originally constructed or rehabilitated.

(3) *Purpose.* This code shall be construed to secure its expressed intent, which is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned buildings, structures or improvements for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare. It is further declared that the purpose of this code is to eliminate blight, to ensure maintenance of property, and to thereby ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures, improvements and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

(4) *Severability.* If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(b) *Applicability.*

(1) *General.* The provisions of this code shall apply to all matters affecting or relating to structures and premises except as to those matters governed by the provisions of the State of Oklahoma building as the same shall be amended from time to time. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

(2) *No private cause of action.* Nothing in this code shall be deemed to create a private cause of action in favor of one party against another.

(3) *Workmanship.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

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(c) *Code Enforcement.*

(1) *General.* Property maintenance inspections as required by this code shall be the responsibility of the City and other such persons as shall be designated by the City, hereinafter referred to as "Code Enforcement Official".

(d) *Duties and powers of Code Enforcement Official.*

(1) *General.* The Code Enforcement Official shall enforce the provisions of this code.

(2) *Inspections.* The Code Enforcement Official shall make all of the necessary inspections, or shall accept reports of inspection by Approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such Approved agency or by the responsible individual. The Code Enforcement Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the City of Yale.

(3) *Right of entry.* The Code Enforcement Official, pursuant to this code, may make inspections of all

Buildings, structures and premises located within the City's corporate limits to determine their compliance with the provisions of this code. Such inspections shall be made between the hours of 8:00 a.m. and 5:00 p.m. on any day except Sunday. All inspections shall be subject to the following standards and conditions:

- (a) An inspection of an interior of a structure may take place only if a complaint has been received by the City and such complaint, in the opinion of the Code Enforcement Official, provides reasonable grounds for the belief that a violation

Sec. 4-59. Definitions.

(a) *Scope.* Unless otherwise expressly stated, the following terms shall, for purposes of this Maintenance Code, have the meanings shown in this Section.

(b) *General Definitions.* For purposes of this Property Maintenance Code, the following definitions shall apply:

Accessory structure. A building, structure, or part of a building which is secondary or subordinate in capacity or use from the main or principal building or structure on the same Premises.

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Approved. Approved by the Code Enforcement Official.

Basement. That portion of a building which is partly or completely below grade.

Building. A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by firewalls, each portion of such a building shall be considered a separate structure.

Code Enforcement Official. Any official who is charged with the administration and enforcement of this Code, or any of his or her duly authorized representatives, including, but not limited to, the Yale City Code Enforcement Officers or their designees, and authorized members of the Police or Fire departments.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Emergency or Safety Concern. The presence of a condition, regardless of cause, which poses an immediate risk of injury or death if not promptly abated or remedied. This includes, but is not limited to, the presence of obstructions in rights-of-way, sidewalks, or streets; unsecured attractive nuisances such as abandoned vehicles or appliances; and other extremely hazardous conditions.

Exterior Property. The open space on the Premises and on adjoining property under the control of Owners or Operators of such Premises.

Extermination. The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; or by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Hazardous Condition. Any condition likely to cause injury to any person. It shall not mean a temporary condition caused by weather such as rain, snow, or ice.

Imminent Danger. A condition which poses an immediate risk of serious or life threatening injury or death if not promptly abated or remedied.

Improvement. Existing or proposed surface or subsurface Improvements including, but not limited to: public drainage systems, private drainage systems, permanent or temporary Buildings/Structures, drives, walks, patios, irrigation systems, fences, landscaping, vegetation,

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decorative items, playgrounds, air conditioning units, gutters, decks, parts of permanent or temporary Structures, roof overhangs, pools, permanent or temporary erosion control measures, permanent or temporary sediment control measures, permanent or temporary storm water quality measures or best management practices, or other items determined by the City to be an improvement.

Infestation. The presence of insects, rats, vermin, or other pests within or contiguous to a structure or premises.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. Any individual living or sleeping in a building, or having possession of a space within a building.

Operator. Any person who has charge, care, or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the office of the Payne County Clerk holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person. An individual, corporation, partnership, or any other group acting as a unit.

Pest. An injurious or destructive insect, animal, rodent, reptile, or invasive species of plant which poses a substantial risk to human, domestic animal, or native plant species health and welfare.

Plumbing. Shall mean and include all the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer, or gas lines.

Premises. A lot, plot, or parcel of land, or groups of lots, plots, or parcels of land, whether residential, commercial, or industrial, including any structures thereon or for which improvements are to be installed and/or benefit from the existence of these improvements.

Refuse. All solid waste products which are composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid

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wastes including organic wastes or residues of animals, meat, fruit, vegetables, grains or fish; animal excreta or carcasses of animals; rubbish including wood, leaves, vegetation, tree trimmings, dead trees and shrubs, branches, sawdust, shavings, grass, paper products, straw, rags, clothing and all other combustibles; waste matter composed of soil, clay, sand, earth, gravel, fill, stones, bricks, plaster, glass, glassware, crockery, ashes, cinders, shells, metal and other non-combustibles; waste debris resulting from the construction, demolition, repair, or alteration of structures or buildings; accumulated waste materials composed of cans, containers, tires, junk, vehicle parts or other substances which may become a nuisance.

Responsible Party. Person, agent, operator, firm, corporation, or federal, state, or local governmental agency having responsibility for maintenance of improvements located on the premises, rights-of-way, or easements. Said party shall be the owner unless responsibility for such maintenance is provided in other Codes, restrictive covenants, or is legally established to be the responsibility of another person, agent, operator, firm, corporation, or federal, state, or local governmental agency. In some cases, more than one person, agent, operator, firm, corporation, or federal, state, or local governmental agency may be concurrently classified as a responsible party. For violations existing on property for which more than one responsible party exists, any liability imposed shall be joint and several between all responsible parties.

Rodent. Any of various mammals, as a mouse, rat, or squirrel, having teeth adapted for gnawing.

Rubbish. Trash, combustible and noncombustible waste materials, including, but not limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, discarded furniture, mattresses, appliance and other household materials, and dust and other similar materials.

Storage Unit. Temporary (or portable) Storage Units (also known as PODS, portable on-demand storage structures) shall mean any container, shipping container, storage unit, shed-like container or other structure, or assembly of materials without a permanent foundation which is so designed, constructed or reconstructed to make it portable and capable of storage of personal property of any kind, building materials (before they are utilized for building purposes), household goods, personal items and other materials; and not designed, constructed, or reconstructed for occupancy by persons.

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Strict Liability Offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

Structure. Anything constructed or installed, the use of which requires a location on a parcel of land. It includes a moveable structure, which is located on land, which can be used for housing, commercial, business, and agricultural or office purposes, either temporarily or permanently. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Tenant. A person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Trash. Discarded matter or refuse.

Unsafe Structure. A structure that is found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

Vacant Structure. A structure, which is not occupied and devoid of any indicia of occupancy.

Workmanlike. Executed in a skilled manner and in accordance with accepted practice; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Dumpster. A large metal bin for Trash, Refuse, and/or Rubbish designed to be hoisted onto a specially equipped truck for emptying or hauling away. This term shall not include standard size Trash cans designed for use on residential properties.

Sec. 4-60. General Requirements.

(a) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property and the installation of improvements on the premises.

(b) *Responsibility.* The owner of the premises shall maintain the structures and exterior Premises in compliance with these requirements, except as otherwise provided for herein. A person shall not occupy as owner/occupant or permit another person to occupy Premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Code. Occupants of a dwelling unit are responsible for keeping in a clean,

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sanitary and safe condition that part of the dwelling unit or premises, which they occupy and control.

(c) *Permit responsibility.* The owner of the premises shall be responsible for obtaining the necessary Improvement permits as required by the State of Oklahoma and the City of Yale including but not limited to electrical, plumbing, heating and cooling, structural or life safety requirements and drainage or other improvements on the premises.

(d) *Vacant Structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, healthful, and sanitary condition as provided herein so as not to cause a blighting problem, negatively impact neighboring properties' value and/or marketability, or adversely affect the public health and safety or violate the provisions of this Code.

(e) Existing improvements determined to be in violation of this code or determined to be nonconforming to the current City standards shall be remedied under the provisions of this code by the owner or responsible party.

(f) Portions of existing driveways or sidewalks within the right-of-way determined to be non-conforming to the current City standards shall be remedied under the provisions of this code by the owner or responsible party.

Sec. 4-61. Exterior Property Areas.

(a) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner or occupant shall keep that part of the exterior property, which such occupant occupies or controls in a clean and sanitary condition.

(b) *Stairs.* Stairs and similar areas shall be kept in a proper state of repair and maintained free of hazardous conditions.

(c) *Weeds and Rank Vegetation.* Property shall be kept free from weeds and other rank vegetation in accordance with Chapter 16 of the Yale City Code. Additionally, weeds and other vegetation that are visible from streets or other right-of-ways shall be kept in a neat, orderly, and well maintained condition. Weeds and vegetation shall be maintained in such a way as to not negatively impact neighboring properties' value and/or marketability.

(d) *Exhaust Vents.* Pipes, chimneys, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

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(e) *Accessory Structures.* All accessory structures on premises shall be in good condition and in compliance with the requirements of this chapter.

(f) *Swimming Pools, Spas and Hot Tubs.* Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition. Garbage, leaves, and rubbish shall not be allowed to accumulate in swimming pools, spas, and hot tubs.

(g) *Motor Vehicles.* Property shall remain free of abandoned vehicles and junk vehicles.

(h) Dead, dying, damaged, or diseased trees shall be prohibited to exist or be maintained on any Premises, which are hazardous to Persons on adjacent property or to adjacent property.

(i) Fallen trees, removed tree limbs, or other portions of any tree shall not be permitted or maintained on the ground on any Premises for more than 30 days.

(j) *Exterior Use or Storage of Indoor Furniture/Appliances.* It shall be prohibited to store materials or objects exterior to a Structure, which are customarily utilized or intended to be utilized by the manufacturer in the interior of a Structure. These materials and objects shall include but are not limited to appliances, couches, furniture, mattresses, storage bins and boxes. Materials or objects temporarily placed for disposal or removal from property within two days shall be exempt from this section or those materials or objects being utilized in conjunction with a construction or other Improvement project on the subject property shall be exempt from this subsection.

Sec. 4-62. Exterior Structure.

(a) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Oxidation stains

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shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(c) *Structural Members.* All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(d) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and capable of supporting the imposed loads. Foundation walls shall be kept in such condition so as to prevent the entry of rodents and other pests. Mortar joints shall be maintained.

(e) *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

(f) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof drain discharges shall be discharged as a legal connection or a legal discharge in accordance with Yale City Code. Inappropriate or temporary roofing coverings including but not limited to tarps shall be deemed inadequate protection and not uniform and as such shall be prohibited for a period exceeding thirty (30) consecutive days.

(g) *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(h) *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, stand pipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(i) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the designed loads.

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(j) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(k) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(l) *Window, skylight and doors.* Every window, skylight and door shall be kept in sound condition, weather tight, and in good repair. All glazing materials shall be maintained free from cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being locked and held in position by window hardware. No special tools or knowledge shall be required to open a window. If it is necessary to attach boards over broken or damaged windows, such boards shall not be permitted after ten (10) consecutive days. Exterior doors, door assemblies, and hardware shall be maintained in good condition.

(m) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water and be capable of supporting normally imposed loads.

(n) *Basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(o) *Guards for area wells.* Guardrails or covers shall be required for area wells deeper than 30 inches and located within 10 feet of the corner of a building.

(p) *Fences.* Fences shall be maintained in good repair and condition, constructed of durable and uniform materials, and be properly treated for the elements.

Sec. 4-63. Extermination.

(a) *Infestation.* All structures shall be kept free from insect, pest, bug and rodent infestation. All structures in which insects, bugs, pests or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(b) *Owner.* The owner of any structure shall be responsible for extermination within the Structure.

(c) *Single Occupant.* The occupant of a one- family dwelling or of a single tenant nonresidential structure shall also be responsible for extermination on the premises.

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(d) *Multiple Occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, or a nonresidential structure shall be responsible for extermination in all areas of the structure and exterior property.

Sec. 4-64. Maintenance of Commercial and Agricultural Properties.

(a) *Maintenance of Commercial Properties.*

(1) All commercial or non-residential properties shall comply with the provisions of this Article in the same manner as residential properties unless an individual provision specifically states otherwise.

(2) For commercial, industrial, or other non-residential property uses adjacent to residential properties, or a property owned or occupied by a school, daycare, governmental body, or house of worship, appropriate fencing, screens, or barriers shall be erected and maintained to ensure that the use does not present a safety hazard to surrounding properties.

(3) For commercial or non-residential properties, "responsible party" as defined in this Article shall include any person operating on the premises, regardless as to whether said person is the recorded owner of the premises.

Sec. 4-65. Violations.

(1) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

(2) *Notice of violation.* Whenever the Code Enforcement Official determines that a violation of this Property Maintenance Code exists, a notice of violation and request for abatement shall be served upon the owner and/or responsible party, including, but not limited to, any tenant.

(3) *Prosecution of violation.* Any person failing to comply with a notice of violation and request for abatement served in accordance with these provisions shall be deemed guilty of a violation of this code. If the notice of violation is not complied with, the Code Enforcement Official may cause to be instituted the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful Occupancy of the Structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

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(4) *Violation penalties.* In addition to any injunctive relief which may be sought, any Person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be fined on the first offense of a violation of this code, a fine not to exceed \$50. Each day that a violation continues after due notice has been served shall be deemed a separate offense subject to a daily fine of \$50 per day. Daily fines shall continue to accumulate.

(5) *Repeat offenses.* Any Person who is found to have committed a separate offense of this code after having been found to commit an earlier offense no sooner than 30 days but within a two-year period shall be assessed a fine not to exceed \$100 per day.

(6) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation.

(7) The City may direct the owner or responsible party to restore all improvements to the original design condition, alter the improvement to remedy the violation, or remove the improvement if determined necessary.

Article 11. Swimming Pools

Sec. 4-66. Swimming pools, spas, hot tubs, and other containers holding water.

Swimming pools, spas, hot tubs, and other containers holding water shall adhere to and comply with the provisions of the Yale City Code, if such swimming pool, spa, tub, or other container shall be capable of holding water or other liquid at a depth of eighteen (18) inches or greater, and have a diameter of thirty six (36) inches or more. It is provided however that non-permanent, non-fixed above ground pools that do not have a water depth greater than forty two (42) inches shall not be considered to be a swimming pool for purposes hereof and shall be exempted from the provisions of such City Code.

Sec. 4-67. Barriers.

An outdoor swimming pool, including a hot tub, spa, and other container meeting the provisions of Section 4-66, shall be provided with a barrier which shall comply with the following:

(a) The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance,

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between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool.

(b) Openings in the barriers shall not allow passage of a 4 inch diameter sphere.

(c) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

(d) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the barrier. Spacing between vertical members shall not exceed 1 inch in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 inch in width.

(e) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1 inch in width.

(f) Maximum mesh size for chain link fences shall be a 2 inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 2 inches.

(g) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 2 inches.

(h) Access gates shall comply with the requirements of subparagraphs (a) through (g) above, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 48 inches from the bottom of the gate,

(i) The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate and

(ii) The gate and barrier shall have no opening greater than 2 inch within 18 inches of the release mechanism.

(j) Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

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Article 12. Fair Housing Code

Sec. 4-68. Policy.

It is policy of the City of Yale to provide, within constitutional limitations, for fair housing.

Sec. 4-69. Definitions.

(a) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(b) "Family" includes a single individual.

(c) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representations, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

Sec. 4-70. Acts Prohibited.

It shall be unlawful for any person, commercial lending institution, real estate broker, real estate salesman or agent:

(a) To refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, sex, religion or national origin.

(b) To refuse to negotiate with any person for the sale, rental, or leasing of any residential property, or to represent that such property is not available for inspection, sale, rental or lease when in fact it is so available, because of such person's race, color, sex, religion or national origin.

(c) To solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the ground of loss or value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, sex, religion or national origin, either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed, or making statements

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designed to induce a residential property owner to sell or lease his property due to such change in neighborhood.

(d) It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or corporation, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, sex, religion, or national origin of such person or of any person associated with him connection with such loan or other financial assistance or the purpose of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings is to be made or given.

(e) To file a complaint alleging a violation of this Ordinance, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

Sec. 4-71. Exemptions.

Nothing herein shall apply to:

(a) Any religious nonprofit organization, or association or society, operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale or rental of dwelling units owned and operated for other than a commercial purpose.

(b) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time, and provided further that only one such sale may be made within any twenty-four (24) month period.

(c) Any dwelling containing living quarters occupied or intended to be occupied by no more than four families living independent of each other and the owner actually occupies one such living quarter as his residence.

(d) Any private club not in fact open to public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

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Sec. 4-72. Administration.

(a) The authority and responsibility for administering this Act shall be in the City Commission of the City of Yale

(b) The City Commission may delegate any of these functions, duties, and powers to employees of the City or to boards composed of citizens of the city, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this ordinance.

Sec. 4-73. Enforcement.

(a) Any person who claims to have been injured by a discriminating housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the City of Yale. Complaints shall be in writing and shall contain such information and be in such form as the City of Yale requires. Upon receipt of such a complaint, the City of Yale shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discrimination housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (c) hereof, the City of Yale decides to resolve the complaints, the City through the City Commission or any appointed Board shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods or conference, conciliations, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the City of Yale which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) If within thirty (30) days after a complaint is filed with the City Commission, the City of Yale has been unable to obtain voluntary compliance with this article, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development.

(d) If the City of Yale has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint,

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to enforce the rights granted or protected by this article, insofar as such rights relate to the subject of the complaint. If the Court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

Sec. 4-74. Prevention of Intimidation in Fair Housing Cases.

Whoever, whether or not acting under color of law, by force or threat of force, willfully injures, intimidates or interferes with or attempts to injure, intimidate or interfere with:

(a) Any person because of his race, sex, color, religion, national origin, disability or familial status and because he is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or,

(b) Any person because he is or has been or in order to intimidate such person or any other person or class of persons from:

- (1) Participating without discrimination on account of race, sex, color, religion, national origin, disability or familial status in any of the activities, services, organizations or facilities described in paragraph (a) above; or
- (2) Affording another person or class of persons opportunity or protection so to participate.

(c) Any citizen because he is or has been or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, color, religion, national origin, disability or familial status, in any of the activities, services, organizations or facilities described in paragraph (a) above or from participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall upon conviction be subject to the penalty set forth in section 4-79.

Sec. 4-75. Enforcement by Private Persons.

The rights granted by Sections 4-68, 4-69, 4-70, 4-71, 4-72, 4-73 and 4-74 may be enforced by civil actions in State of Local courts of general Jurisdiction.

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Sec. 4-76. Interference, Coercion, or Intimidation.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person on the exercise or enjoyment of, or on account of his exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this article. This section may be enforced by appropriate civil action.

Sec. 4-77. Relief in the courts.

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

Sec. 4-78. Violation by corporate officers and agents.

Violation of any of the terms or provisions of this chapter by any corporation or association shall subject to officers and agents actively in charge of the business of such corporation, or association, to the penalty herein provided.

Article 13. Penalty.

Sec. 4-79. Penalty.

Any person, firm, or corporation who shall engage in any business, trade, or vocation for which a license, permit, certificate, or registration is required by this chapter, without having a valid license, permit, certificate, or certificate of registration is required, or who shall fail to do anything required by this chapter or by any code adopted by this chapter, or who shall otherwise violate any lawful regulation or order made by any of the officers provided for in this chapter, shall be guilty of an offense, and upon conviction thereof, shall be fined in any sum not to exceed Five Hundred Dollars (\$500.00) excluding costs. Each day upon which a violation continues, shall be deemed a separate offense.