

## CHAPTER 4

### BUILDING, PLUMBING AND ELECTRICAL INSTALLATION

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### ARTICLE 1. BUILDING CODE AND REGULATIONS

#### 4-1: **ADOPTION:**

- A. A certain document, on file in the office of the town clerk of the town, being marked and designated as the 2012 international building code, or the latest revision or supplement thereof, as published by the International Code Council is hereby adopted as the building code of the town; for the control of buildings and structures as herein

provided; and each and all of the regulations, provisions, penalties, conditions and terms of said code, are hereby referred to, adopted and made a part hereof as if fully set out in this article, with the additions, insertions, deletions and changes, if any prescribed in subsection C of this section. (Ord. 2013-6, 11-13-2013)

- B. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.
- C. The following sections are hereby revised as follows:

Section 101.1 Insert: Town of Chouteau;

Section 112.3 Insert:

New construction:

a. Residential (single family dwelling) seventy-five dollars (\$75.00) for the first one thousand (1,000) square feet and three dollars and fifty cents (\$3.50) for each one hundred (100) square feet thereafter;  
(1983 Code)

(i) Residential (modular home, residential design manufactured home, mobile home). The permit fee for any such home shall be 40% of the amount set forth for the residential unit of equivalent size as set forth hereinabove.  
(Ord. 2002-4, 7-8-2002)

b. Residential (multi family dwelling) seventy-five dollars (\$75.00) for the first one thousand (1,000) square feet per unit and three dollars and fifty cents (\$3.50) for each one hundred (100) square feet thereafter per unit;

c. Commercial one hundred fifty (\$150.00) for the first one thousand (1,000) square feet and three dollars and fifty cents (\$3.50) for each one hundred (100) square feet thereafter;

d. Provided, however, that in the event the town of Chouteau building inspector is required to make more than three (3) inspections on that structure for each permit classification, then the town of Chouteau shall levy and collect an additional fee of fifteen dollars (\$15.00) per inspection. On multi family



Town of Chouteau  
Resolution No. 2016-2

A Resolution of the Board of Trustees for the Town of Chouteau, Oklahoma, County of Mayes to Establish a Rate Increase Schedule for Electrical, Plumbing and Mechanical Permits.

**WHEREAS**, the Town of Chouteau empowers the Town Board of Trustees to determine the operation and rate schedule of Electrical, Plumbing and Mechanical Permits.

**WHEREAS**, current rates for Electrical, Plumbing and Mechanical Permits are:

New Construction: Residential and Commercial Permits	\$100.00
Repair, Remodel: Residential	\$ 25.00
Commercial	\$ 50.00

**WHEREAS**, The Board of Trustees for the Town of Chouteau has determined a rate increase for Electrical, Plumbing and Mechanical Permits as:

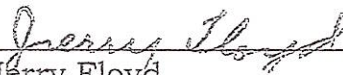
New Construction: Residential and Commercial Permits	\$105.00
Repair, Remodel: Residential	\$ 30.00
Commercial	\$ 55.00

**WHEREAS**, the Board of Trustees for the Town of Chouteau has determined a rate increase and an effective start date as of July 1, 2016.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CHOUTEAU:

Passed and approved this 9<sup>th</sup> day of May, 2016.



  
\_\_\_\_\_  
Mayor Jerry Floyd

  
\_\_\_\_\_  
Donna Smith, Town Clerk

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dwelling the additional fee is fifteen dollars per inspection per unit;  
(Ord. 94-5, 6-13-1994)

Repair, remodeling and additions:

a. Residential (Single Family Dwelling): Two dollars per \$1,000.00 estimated cost of construction, with a minimum of \$25.00, plus fifteen dollars (\$15.00) for the first two hundred (200) square feet and seven dollars and fifty cents (\$7.50) for each one hundred (100) square feet then three dollars and fifty cents (\$3.50) for each one hundred (100) square feet thereafter per unit;

b. Residential (Multi Family Dwelling): Two dollars per \$1,000.00 estimated cost of construction, with a minimum of \$25.00, plus fifteen dollars (\$15.00) for the first two hundred (200) square feet and seven dollars and fifty cents (\$7.50) for each one hundred (100) square feet then three dollars and fifty cents (\$3.50) for each one hundred (100) square feet thereafter per unit;

c. Commercial: Two dollars per \$1,000.00 estimated cost of construction, with a minimum of \$50.00, plus fifteen dollars (\$15.00) for the first one hundred (100) square feet and fifteen dollars (\$15.00) for each one hundred (100) square feet up to 1,000 square feet, then three dollars and fifty cents (\$3.50) for each one hundred (100) square feet thereafter;

d. Additional Fees: In the event the town of Chouteau building inspector is required to make more than three (3) inspections on the structure for each permit classification, then the town of Chouteau shall levy and collect an additional fee of fifteen dollars (\$15.00) per inspection. On multi-family dwellings the additional fee is fifteen dollars (\$15.00) per inspection per unit;

(Ord. 2010-2, 4-10-2010)

Section 116.4 Insert: Misdemeanor \$200.00; 30 days.

Section 117.2 Insert: \$10.00; \$200.00;

Section 3408.2 Insert: Date June 15, 1994.  
(Ord. 94-5, 6-13-1994)

4-2:           **DEFINITIONS:** (Rep. by Ord. 94-5, 6-13-1994)

4-3:           **PENALTIES:**

- A.     Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of one hundred dollars (\$100.00), upon conviction. Each day that a violation continues shall be deemed a separate offense. (Ord. 85-21)

4-4:           **TYPES OF SHINGLES PERMITTED ON DWELLINGS AND ACCESSORY BUILDINGS:**

- A.     The type, i.e., shape, design, material, size and general composition, of shingles which may be used for roofing on dwellings and buildings accessory to dwellings (such as private garages, barns, etc.), shall be determined pursuant to the provisions and standards contained in the building code, ninth edition, 1984, published by the Building Officials And Code Administrators International, and all subsequent issues thereafter. (Ord. 85-26; amd. Ord. 2008-7, 5-12-2008)

4-5:           **FIRE LIMITS:**

- A.     The fire limits for the town of Chouteau, Oklahoma, shall be as follows:

Beginning at a point two hundred feet (200') south of Main Street on the west edge of U.S. 69 Highway; thence west to Gray Street; thence north on Gray Street to a point two hundred feet (200') north of Main Street; thence east to the west edge of U.S. 69 Highway, thence south to point of beginning.  
(1983 Code)

4-6:           **BUILDING OFFICIAL:**

- A.     There is hereby created the office of building inspector whose duties shall be that of building inspector under the building code of the town



of Chouteau, Oklahoma, and such other duties as may be assigned said building inspector by the president of board of trustees in writing.

- B. The said building inspector shall be appointed by the president of board of trustees by and with the advice and consent of the board of trustees and his term of office shall be coterminous with that of the president of board of trustees making the appointment.
- C. The salary of the said building inspector shall be as may be agreed upon by the president and board of trustees.
- D. The term "building inspector" whenever used in ordinances of town, means the building official.
- E. The terms "electrical inspector", "plumbing inspector", "plumbing official" and "gas inspector", whenever used in the ordinances of the town of Chouteau, each shall refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, and/or gas inspector is appointed. The building official of the town of Chouteau shall have the powers and duties prescribed for the "building official" by the building code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control. If the building official should lack the specified qualifications for "electrical inspector", "plumbing inspector", "plumbing official" and "gas inspector", said building official may delegate his power to any qualified person or persons. The board of trustees and the building official have sole discretion in regards to delegating authority in order to perform the necessary tasks required by this article and the ordinances of and for the town of Chouteau. (Ord. 85-20; amd. Ord. 2008-7, 5-12-2008)

**4-6-1: ADDRESS NUMBERING REQUIRED:**

- A. It is unlawful for the owner, tenant, or person in charge of any house, business, or other place of habitation to fail or refuse to place and keep placed upon the predominant structure at that location an appropriate street address number in a size and in such a manner as will allow viewing and recognition from the street.
- B. Any person who violates this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not to exceed two hundred dollars (\$200.00) or imprisonment for a term not exceeding thirty (30) days, or both such fine and imprisonment. (1983 Code)

- 4-7: **COMMERCIAL AND RESIDENTIAL PERMIT FEE:** (Rep. by Ord. 91-2, 11-1-1991)

## ARTICLE 2. PLUMBING CODE AND REGULATIONS

4-8: **ADOPTION:**

- A. A certain document, on file in the office of the town clerk of the town, being marked and designated as the 2012 international plumbing code, or the latest revision or supplement thereof, as published by the International Code Council is hereby adopted as the plumbing code of the town; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said code, are hereby referred to, adopted and made a part hereof as if fully set out in this article, with the additions, insertions, deletions and changes, if any prescribed in subsection C of this section. (Ord. 2013-6, 11-13-2013)

- B. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

- C. The following sections are hereby revised as follows:

Section P-101.1 (page 1, second line). Insert: Town of Chouteau;

Section P-113.2 (page 4, third line). Insert:

New construction:

- a. Residential (single family dwelling) sixty dollars (\$60.00);
- b. Residential (multi family dwelling) sixty dollars (\$60.00) per unit;  
(Ord. 94-4, 6-13-1994)
- c. Commercial one-hundred dollars (\$100.00);  
(Ord. 2010-2, 4-10-2010)
- d. Provided, however, that in the event the town of Chouteau building inspector is required to make more than three (3) inspections on the structure for each permit classification, then the town of Chouteau shall levy and collect an additional

fee of fifteen dollars (\$15.00) per inspection. On multi family dwellings the additional fee is fifteen dollars (\$15.00) per inspection per unit.

(Ord. 94-4, 6-13-1994)

Repair, remodeling and additions:

a. Residential (single family dwelling) twenty-five dollars (\$25.00) for permit and one inspection;

b. Residential (multi-family dwelling) twenty-five dollars (\$25.00) for permit and one inspection per unit;

c. Commercial fifty dollars (\$50.00) for permit and one inspection;

(Ord. 2010-2, 4-10-2010)

d. Provided, however, that in the event the town of Chouteau building inspector is required to make more than one inspection on the structure for each permit classification, then the town of Chouteau shall levy and collect an additional fee of fifteen dollars (\$15.00) per inspection.

Section P-116.4 (page 5, seventh, eighth and ninth lines). Insert: Misdemeanor, two hundred dollars (\$200.00), thirty (30) days;

Section P-117.2 (page 5, fifth and sixth lines). Insert: Ten dollars (\$10.00); two hundred dollars (\$200.00);

Section P-304.3 (page 13, third line). Insert: Three hundred (300) feet;

Section P-309.4 (page 14, second and third lines). Insert: two (2) feet zero (0) inches;

Section 309.5 (page 14, second and fourth lines). Eight (8) inches; twenty-four (24) inches.

(Ord. 94-4, 6-13-1994)

#### 4-8-1: **PIPE MATERIAL REQUIREMENTS:**

- A. No person, contractor, or any other commercial entity shall use CPVC or PVC type construction pipe for water distribution of any kind under slab floor; type 1 copper or greater shall be acceptable.



- B. All copper pipe shall be of a loop system, and when said copper pipe is used a sleeve should be affixed through the floor or adequate footing constructed.
- C. The size of service pipe to be used shall be determined by the amount of fixtures in the building, and what is deemed necessary for the safety and public good of the town of Chouteau.
- D. No eighty (80) pound test plastic pipe shall be used in any water distribution system. (Ord. 85-14)

4-9: **LICENSE AND/OR PERMIT FEE REQUIRED:**

- A. Any person desiring to engage in the business of plumbing in the town of Chouteau, Oklahoma, shall pay an initial fee in the amount of one hundred dollars (\$100.00) for the first fiscal year with a renewal fee each fiscal year thereafter in the amount of seventy five dollars (\$75.00). The fiscal year shall end June 30. (Ord. 2010-3, 4-10-2010)

4-10: **BOND REQUIRED:** (Rep. by Ord. 90-3, 8-13-1990)

4-10-1: **PENALTY:**

- A. A person who violates a provision of this article or fails to comply therewith or with any of the requirements thereof shall be guilty of a misdemeanor. Each day which a violation continues shall be deemed a separate offense. (Ord. 85-14)

### ARTICLE 3. GAS PIPING

4-11: **GAS PIPING; NFPA PAMPHLET NO. 54<sup>1</sup>:** (Rep. by Ord. 88-2, 1-11-1988)

4-12: **BOND:** (Rep. by Ord. 90-3, 8-13-1990)

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1. See mechanical code, section 4-60 of this chapter.



**4-13: LICENSE REQUIRED:**

- A. Upon the making and approval of said bond, a license and/or permit shall be issued by the town clerk for a term expiring April 30 of each year for an initial fee of thirty five dollars (\$35.00), and may be renewed from year to year upon compliance with all the terms and conditions of this article, and upon the payment of a renewal fee in the amount of twenty five dollars (\$25.00).
- B. Provided, further, that at any time the gas inspector with the consent of the board of trustees may revoke said license, and the holder of said license shall be prohibited by this article from further practice of gas fittings within the corporate limits of Chouteau, Oklahoma. (Ord. 85-6; amd. Ord. 88-3, 1-11-1988; Ord. 88-5, 3-14-1988)

**4-14: INSPECTION FEES: (Rep. by Ord. 91-2, 11-1-1991)****4-15: STANDARDS:**

- A. All persons, firms or corporations who may, from and after the effective date of this article, install or equip any residence, business house, or apartment house, or any other building located and situated within the corporate limits of the town of Chouteau, Oklahoma, with any installation or equipment designed to use as a fuel any form of manufactured and/or liquefied petroleum, shall use in any such installation (whether for domestic or industrial use) only a standard grade of piping, and all appliances used in connection with any installation shall be a standard grade and type of equipment. Any system which uses any form of manufactured and/or liquefied petroleum gases must bear the label of approval and/or listing of the Underwriters Laboratories. The storage of any liquefied petroleum gases in any container, either aboveground and/or underground, is prohibited inside of and/or underneath any building in the corporate limits of the town of Chouteau, Oklahoma. (1983 Code)

**4-16: STANDARD GRADE:**

- A. Residential Structures: The term "standard grade" applying to pipe shall mean such pipe that has been approved for use in gas lines by the U.S. department of transportation or found in NFPA pamphlet no. 54. The system then shall have to pass a pressure test of thirty (30)

pounds of pressure for a thirty (30) minute period with no loss in pressure in residential structures. (1983 Code)

- B. Commercial Structures: In regards to commercial structures the type and size of the system used shall be determined by the building inspector based on his experience and sound engineering principles; said building inspector shall determine if preexisting systems conform to the structure in question and upon making such a determination order the system to be modified accordingly, if so needed. The building inspector shall determine, based on his experience and sound engineering principles, the appropriate line pressure for testing purposes on all commercial structures; no copper or PVC pipes shall be used.
- C. Penalty: A person who violates a provision of this section or fails to comply with any section in this article, or with any requirement thereof, shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided by ordinances of the town, plus costs. Each day upon which a violation continues shall be deemed a separate offense. (Ord. 85-18)

4-17:           **LIQUEFIED PETROLEUM GAS EQUIPMENT INSTALLATION AND REPAIR:**

- A. Any such equipment as provided for shall be installed and/or repaired in a workmanlike manner which shall comply with all laws and/or regulations of the town of Chouteau, Oklahoma, and the regulations of the National Board Of Fire Underwriters and the National Fire Protection Association; and no equipment using liquefied petroleum gases shall be permitted within the fire limits as defined by ordinance of the town of Chouteau, Oklahoma. (1983 Code)

4-18:           **INSTALLATIONS TO BE INSPECTED:**

- A. When any such equipment is installed as herein provided, same shall not be placed in operation or used by any person unless and until said installation has been approved, as complying with this article by the town fire marshal. (1983 Code)

4-19:           **INSPECTION FEES, APPROVAL:**

- A. Any person, firm or corporation installing any such equipment as herein provided shall secure approval of the same as complying with



the requirements of this article by the town marshal, as herein provided for, and the laws and rules and regulations of the state of Oklahoma, and shall, upon requesting such inspection for approval, pay an inspection fee of thirty dollars (\$30.00) to cover cost of inspection. (Ord. 85-25)

**4-20:           TRANSPORTATION OF LIQUEFIED PETROLEUM GASES:**

- A. All tank trucks and tank trailers used for transportation of liquefied petroleum gases within the town of Chouteau shall be so constructed and operated as to comply with the regulations for the design, construction and/or operation of automobile tank trucks and tank trailers for the transportation of liquefied petroleum gases as approved by the National Board Of Fire Underwriters and the National Fire Protection Association. Any person, firm or corporation who shall operate or cause to be operated any tank truck and/or tank trailer used for the purpose of transporting liquefied petroleum gas within the corporate limits of the town of Chouteau, Oklahoma, shall keep any such equipment in good condition at all times, and upon the development of any defect that could create a hazard to persons or property, said truck or tank trailer shall be removed from the streets of the town of Chouteau, Oklahoma, until such defects have been repaired, or faulty equipment replaced. No tank trucks and/or tank trailer shall be parked or stored and/or repaired inside and/or outside of any building within the town limits of Chouteau, Oklahoma. (1983 Code)

**4-21:           TREATMENT OF GASES:**

- A. All liquefied petroleum gas sold within the town of Chouteau, Oklahoma, shall be treated with a malodorant in such quantities as required by state law to create an odor easily detected in case of leaks in piping and/or equipment. (1983 Code)

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**ARTICLE 4. ELECTRICAL INSTALLATIONS**

**4-22:           "ELECTRICAL EQUIPMENT" DEFINED:**

- A. The term "electrical equipment" used in this chapter refers to electrical conductors, metallic raceways, fittings, devices, fixtures,

appliances, apparatus, and any electrical material of any nature, kind, or description, to be installed within or on any building or structure. (1983 Code)

4-23: **ELECTRICAL CODE:**

- A. A certain document, on file in the office of the town clerk of the town, being marked and designated as the national electrical code, 2012 edition, or the latest revision or supplement thereof, is hereby adopted as the electrical code of the town; for the control of electrical work as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted and made a part hereof, as if fully set out in this article. (Ord. 2013-6, 11-13-2013)
- B. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- C. The town shall levy and collect the following fees for issuance of electrical permits for the review, approval and/or disapproval of plans, specifications and associated inspections as set forth below:
  - 1. New construction:
    - a. Residential (single-family dwelling): Sixty dollars (\$60.00);
    - b. Residential (multi-family dwelling): Sixty dollars (\$60.00) per unit; and (Ord. 94-6, 6-13-1994)
    - c. Commercial: One hundred dollars (\$100.00).
  - 2. Repair, remodeling and additions:
    - a. Residential (single-family dwelling): Twenty five dollars (\$25.00) for permit and one inspection;
    - b. Residential (multi-family dwelling): Twenty five dollars (\$25.00) for permit and one inspection per unit;
    - c. Commercial: Fifty dollars (\$50.00) for permit and one inspection; (Ord. 2010-2, 4-10-2010)
    - d. Provided, however, that in the event the town building inspector is required to make more than one inspection on the struc-



ture for each permit classification, then the town shall levy and collect an additional fee of fifteen dollars (\$15.00) per inspection. On multi-family dwellings the additional fee is fifteen dollars (\$15.00) per inspection per unit. (Ord. 94-6, 6-13-1994)

**4-24: EQUIPMENT INSTALLATION STANDARDS:**

- A. All electrical equipment installed or used shall be in conformity with the provisions of this chapter, the statutes of the state of Oklahoma and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this chapter, by a statute of the state of Oklahoma, or any orders, rules or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the use, conformity with the standards of Underwriters Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to persons or to property. (1983 Code)

**4-25: SPECIAL RULINGS:**

- A. The board of trustees of the town, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations; but in all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions. (1983 Code)

**4-26: IRONS IN MERCANTILE OCCUPANCIES:**

- A. In all mercantile occupancies where electric irons are used, they must be installed with approved pilot light. If pilot light is in an enclosure such as an alteration room, an additional light must be installed in a visible position outside the enclosure. (1983 Code)

**4-27: BRANCH CIRCUITS:**

- A. In residential and mercantile occupancies, lighting branch circuits shall be confined to one thousand (1,000) watts, and not more than eight (8) outlets per circuit will be allowed in the fire limits. Branch

circuit conductors shall not be smaller than number 12. Type C lamp cord will not be permitted in the kitchen of restaurants or like places where grease accumulates, nor in part of a building where live poultry is confined. (1983 Code)

**4-28: BASEMENT INSTALLATIONS:**

- A. A circuit of not less than number 12-wire shall be installed in basements in any area subject to floods. Ground connections shall not be made in toilets, adjacent to salt storage, acid vapors, or in any location where grounding conductor and fittings are likely to become corroded. (1983 Code)

**4-29: ELECTRICAL INSPECTION:**

- A. The electrical inspector, or building official as provided in section 4-6 of this chapter, shall be a person who has had practical experience concerning electrical construction and who is familiar with the national electric code and the application of the "code" rulings. The building official shall have the power to delegate such power as necessary to an agent working under his supervision and control to act in his capacity as electrical inspector, if, and only if, said agent meets the above qualifications. The agent at all times will be acting on behalf of the building official and such delegation shall not act as an "appointment" as provided in section 4-31 of this chapter. (Ord. 85-10)

**4-30: BOND OF ELECTRICAL INSPECTOR:**

- A. The electrical inspector shall furnish the town with a surety bond in the sum of one thousand dollars (\$1,000.00) as a guarantee for the faithful performance of his duties, and that all monies collected by

him will be deposited with the town treasurer at least once each month, for which he shall receive a receipt from said town treasurer. (1983 Code)

**4-31: APPOINTMENT OF ELECTRICAL INSPECTOR:**

- A. The electrical inspector shall be appointed by the mayor, confirmed by the town board of trustees, and shall receive such salary as the board of trustees may determine, and shall hold office until his successor has been appointed and confirmed by the board of trustees. (1983 Code)

**4-32: DUTIES OF ELECTRICAL INSPECTOR:**

- A. It shall be the duty of the electrical inspector to issue all permits and make inspections of all work for which a permit has been issued within forty eight (48) hours after having been notified that work is ready for inspection (Sundays and holidays not included). For the issuing of permits the electrical inspector shall be in his office between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) A.M. and one o'clock (1:00) P.M. and two o'clock (2:00) P.M. In case of absence from his office the electrical inspector may with the consent of the mayor appoint a competent electrician to issue permits and make inspections pending his return.
- B. In making inspections of new work "roughed in" the electrical inspector must leave a tag in the cabinet plainly stating whether the work has been approved and is ready to conceal, or that work is not standard and must not be covered until approved by the electrical inspector. (1983 Code)

**4-33: CONCEALING ELECTRICAL CONDUCTORS:**

- A. It shall be unlawful for any person, firm, partnership, corporation or individual to conceal or cause to be concealed any electrical conductors, used for electric light, heat or power, until such times as they know the work has been approved by the electrical inspector, and a tag in the cabinet, properly signed and dated, so stating will be sufficient notice. (1983 Code)



**4-33-1: SPECIAL REQUIREMENTS:**

- A. **Materials And Method Of Installation Standards:** All electrical materials and the method of installation shall be in conformity with the provisions of this article and approved standards for safety to persons and property. Where no specific standards are prescribed by this article, compliance with the statutes of Oklahoma and the current edition of the town's electrical code shall be prima facie evidence of conformity with approved standards for safety to persons and property.
- B. **Special Requirements:**
1. There shall be no bracketing of buildings. Weatherhead shall be so located that bracketing will not be necessary. Bracketing for the purpose of this article is defined to be the running of utility service wires along or across the exterior of buildings.
  2. The main line service switch shall be located at the secondary meter service or where the secondary service enters the building to be served.
  3. Single phase services shall not be smaller than number 6 American wire gauge.
  4. Three-phase services shall not be smaller than number 8 American wire gauge.
  5. All branch circuits shall not be smaller than number 12 American wire gauge.
  6. The continued use of existing number 14-wire, if it be of sufficient capacity, on 15 ampere circuits shall be permitted. New wiring on a remodel job however, shall be number 12 American wire gauge.
  7. In residences branch circuit distribution shall be limited to more than ten (10) receptacles to a circuit placed so that no point along the floor line in any useable wall space is more than six feet (6') from an outlet in that space, except in kitchens, utility rooms, breakfast rooms and garages, in which there shall be no more than two (2) receptacles to a circuit. There shall be no more than nine (9) lights to a circuit.
  8. The following electrical appliances or devices shall be on special circuits fused independently: electric ranges, electric dryers, washing



machines, dishwashers, disposals, electric bathroom heaters, air conditioners, and water heaters. Attic fans and furnaces may be placed on the same circuit, but this circuit shall also be fused independently.

9. All single-family dwellings constructed within the jurisdiction of the town of Chouteau electrical code shall be wired in any grounded system type of wiring recognized by the national electrical code, grounded romex is permitted.

10. Wiring for heat, light or power in all buildings, hereafter erected, except single-family dwellings, and all additions to existing buildings shall be installed in a rigid, heavy wall, threaded, galvanized conduit, electric metallic tubing, flexible metallic tubing conduit, or metal molding system, except electric metallic tubing shall not be used in elevator shafts or in poured concrete slab. Where conduits are used, all ends shall be reamed smooth before installation. Mineral insulated metal sheath type MI shall be permitted.

11. Greenfield and Armour cable may be used in showcase lights, door switches, and on remodel jobs where rigid conduit is not practical.

12. Nonmetallic surface extensions shall be prohibited.

13. All lighting outlets must be equipped with standard fixture studs. All lights outlets boxed for concealed work must be equipped with approved plaster rings where the building was designed for an interior finish which would necessitate the use of such plaster rings.

14. Any conduit running over the joists must not project more than two inches (2") above the joists and must be securely fastened with an approved strap within eighteen inches (18") of an opening or bend, and additional straps every eight feet (8'). In buildings of open truss construction, when conduit is required, conduits must be installed on ceilings or side walls and supported not less than every eight feet (8'), and in no case will conduit be permitted to run at right angles with trusses, except at ceilings and sidewalks, unless supported by a running board of suitable hanger.

15. On stucco, tile, brick or stone veneer, or other masonry walls, where it is necessary to install supports for the service span wires of the utility company, the consumer must install one galvanized bolt for each contemplated service wire. If possible, such bolts should be installed during the construction of the supporting wall, in any case

the bolts should be securely fastened to the supporting wall for framework. The threaded ends of the bolts shall protrude from the outside wall a distance one or more than one and one-half inches ( $1\frac{1}{2}$ "), nor less than one inch (1"). Bolts shall be one-half inch ( $\frac{1}{2}$ ") in diameter and shall be spaced approximately eight inches (8") apart and all in the same plane.

16. All bathroom, kitchen, basement and private garage fixtures must be controlled by wall switches.

17. Exit lights shall be required on all stair landings and entrances leading to fire escapes in all buildings used by public. Such lights must be connected ahead of the main switch on a separate circuit. Said exit lights must be green in color.

18. All conduits must be secured to outlet boxes, junction boxes, or cabinets by placing approved locknuts on the outside of the box, and approved locknuts and bushings on the inside of the box.

19. Aluminum wire in any form is prohibited from use beyond or after the top lugs of the secondary meter device and in no case within any portion of the building served. (Ord. 85-11)

4-34:           **ELECTRICIAN'S BOND:** (Rep. by Ord. 90-3, 8-13-1990)

4-35:           **ELECTRICAL WIRING DEFINED:**

- A.   The term electrical wiring used in this article means the installation of electrical conductors, fixtures, appliances or apparatus to be used for the transmission of electrical current for electric light, heat and power, lighting fixtures or installing electrical apparatus of any nature, kind or description to be connected to light, heat or power service. (1983 Code)

4-36:           **BELL TELEPHONE OR SIGNAL SYSTEMS INSTALLATION:**

- A.   For the installing of Bell telephone or signal systems not using over 12 volts, no license or bond will be required but the installation of same must comply with all other requirements of this article. (1983 Code)

**4-37: LICENSE AND/OR PERMIT FEE REQUIRED:**

- A. All persons, firms, partnerships, corporations or individuals engaging in the business of installing electrical fixtures, wiring or apparatus in or on any building within the corporate limits of the town of Chouteau, Oklahoma (except central power stations, power company), shall procure from the town clerk a license and/or permit. The fee for such license/permit shall be one hundred dollars (\$100.00) for the first fiscal year with a renewal fee each fiscal year thereafter in the amount of seventy five dollars (\$75.00). The fiscal year shall end June 30. (Ord. 2010-3, 4-10-2010)

**4-38: ELECTRICAL POWER CONNECTED:**

- A. It shall be unlawful for any public corporation, individual, light, heat or power company to connect, or cause to be connected, any service or building for the supply of electric current for light, heat or power until they have been notified by the electrical inspector that electric work has been inspected and approved and is ready for electric service. (1983 Code)

**4-39: INSPECTION BY ELECTRICAL INSPECTOR:**

- A. The electrical inspector while in the discharge of his duty shall have the authority to enter any building or premises at any reasonable hour and any person interfering with the electrical inspector while performing his duty shall be fined as prescribed in this article. The electrical inspector shall be the judge of what constitutes the safe installation of electrical conductors and his decision shall be final and binding. (1983 Code)

**4-40: POWER TO MAKE SPECIAL RULINGS:**

- A. The electrical inspector shall have the right to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improving of electrical installation, but in all cases persons engaged in the installation of electric wires, fixtures, and apparatus and holding an electrical license must be notified by letter of these decisions. (1983 Code)



4-41:           **INSPECTION FEES:** (Rep. by Ord. 91-2, 11-1-1991)

4-42:           **TEMPORARY PERMITS:**

- A.     Where, for good and sufficient reason, the electrical inspector may grant temporary permits for a period of thirty (30) days with the privilege of extending same upon payment of one dollar (\$1.00) for each thirty (30) days. (1983 Code)

4-43:           **NONSTANDARD FUSES:**

- A.     It shall be a violation of this article to use nonstandard fuses and when found in service will be prima facie evidence that the owner or tenant is responsible for their use and will be subject to a fine as prescribed in this article. (1983 Code)

4-43-1:        **PENALTY:**

- A.     A person who violates a provision of this article or fails to comply therewith or with any of the sections thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not to exceed the amount set forth in the ordinances of the town, plus costs. Each day upon which a violation continues, shall be deemed a separate offense. (Ord. 85-16)

## ARTICLE 5. HOUSING CODE

4-44:           **ADOPTED:**

- A.     That certain code entitled "a housing code for the cities and towns of Oklahoma", or the latest revision or supplement thereof and published and distributed by industrial development and parks department of the state of Oklahoma, is hereby adopted as the housing code of the town of Chouteau, Oklahoma. (1983 Code; amd. Ord. 97-4, 8-11-1997)

B. The following words and phrases used in the housing code adopted hereby shall have the meanings respectively prescribed for them hereinbelow:

1. "City" or "city of \_\_\_\_\_:" The town of Chouteau, Oklahoma.
2. "City clerk:" Town clerk.
3. "Council:" Board of trustees.
4. "Health officer:" The director of the cooperative health department of the county or his authorized representative.
5. "Mayor:" President of the board of trustees.  
(1983 Code)

#### ARTICLE 6. MOBILE HOME PARKS

##### 4-45:           **DEFINITIONS:**

A. That wherever any of the following words and terms are used in this article, the same shall have the meanings herein set forth:

**MOBILE HOME:** Includes any vehicle or structure so designed and so constructed as to permit occupancy thereof as temporary or permanent dwelling or sleeping place for one or more persons and originally designed or constructed to be placed on wheels and moved about by towing or otherwise; whether or not the wheels for such vehicle or structure have been put in place or removed, and shall include what is commonly called a trailer coach. Subject to subsection 4-46F of this article, vehicles or equipment commonly known as fifth wheel travel trailers, travel trailers, pickup trucks, campers or overnight campers, shall be excluded within the meaning of the term "mobile home" and shall not be governed by the provisions of this article.

**MOBILE HOME PARK:** Any site, lot, field or tract of ground upon which two (2) or more mobile homes are placed for

occupancy, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such park. (1983 Code)

4-46: **PARKING OUTSIDE OF MOBILE HOME PARK:**

- A. It shall be unlawful, within the limits of the town of Chouteau, Oklahoma, for any person to park any mobile home of any kind on any street, alley, highway, or other public place in the town of Chouteau, Oklahoma. (Ord. 82-2, 1-4-1982)
- B. Except for temporary storage, as defined in subsection C of this section, and except for placement of mobile homes for construction purposes on property zoned U-3, U-4, U-5 and U-6 with prior approval of the board of trustees, or a mobile home sales or services establishment for the purposes of sales or services, no singlewide mobile home shall be parked, used or occupied on any tract of ground in the town. (Ord. 2007-6, 5-14-2007)
- C. Temporary storage of unoccupied mobile homes on private property may be permitted for a period of forty eight (48) hours by obtaining from the town clerk a permit therefor by filing an application describing the premises on which the temporary storage will take place duly signed by the record owner of the mobile home stating that he understands that the permit is of a temporary nature. Thereupon, the town clerk shall issue the permit which shall be attached in a conspicuous place upon the mobile home. A temporary permit may be obtained from the town clerk for use of campers as sleeping quarters while occupants are visitors inside the city limits. This forty eight (48) hour permit may be renewed no more than twice, limiting to six (6) days and nights the use of campers for sleeping quarters. Failure to obtain or attach such permit in a conspicuous place upon the mobile home shall subject the owner thereof, upon conviction, to a fine in an amount up to one hundred dollars (\$100.00) plus court costs, or imprisonment not exceeding



thirty (30) days or both the fine and imprisonment. (Ord. 83-3, 1-3-1983)

- D. Placement of a mobile home upon property zoned U-3, U-4, U-5 and U-6 for the purposes of conducting construction supervision activities, or rehabilitation of existing construction if not habitable, within the limits of the town may be permitted upon application and approval of the board of trustees of the town. Placement of the mobile home shall continue for only so long as is necessary to complete the construction project for which it is placed. In no event shall the placement exceed a period of six (6) months. However, in the event the construction project extends beyond the six (6) month period, the placement of the mobile home can be continued for additional periods of six (6) months each upon application and approval of the board of trustees. In no event shall the mobile home be connected to the town utilities.
- E. Provided the new owner meets the requirements set for in subsection B of this section, the permit shall be transferable and shall be deemed to allow the continuation of the placement of the approved mobile home upon the property after the sale or other transfer of the property from the original owner to whom the permit is issued. If a person who meets the qualifications set forth in subsection B of this section wishes to change the mobile home for which the permit was originally granted to another mobile home, no new permit shall be necessary provided the new mobile meets the requirements of subsection B of this section regarding size. In the event the use of a piece of property for the location of an owner occupied mobile home ceases and the mobile home is removed without replacing same within thirty (30) days from the date of removal, then any proposed replacement mobile home may not be placed on the property without approval as set forth in subsection B of this section and subsection 16-6B and section 16-28 of this code. (Ord. 95-2, 2-13-1995)
- F. Nothing herein shall prohibit the owner of any fifth wheel travel trailer, travel trailer, pickup truck camper, campers or overnight camper from storing the property on real property owned, leased or rented upon the condition that the real property upon which the property is being stored is not less than one-quarter ( $\frac{1}{4}$ ) acre and the fifth wheel travel trailer, travel trailer, pickup truck camper, campers or overnight camper is not occupied by any person. (Ord. 94-1)

**4-47: PERMIT FOR MOBILE HOME PARK:**

- A. It shall be unlawful within the town of Chouteau, Oklahoma, for any person or persons to construct or operate a mobile home park without first securing a permit.
- B. The permit for a mobile home park shall be obtained from the town clerk for a fee of ten dollars (\$10.00) and shall be for the period ending and shall expire on April 30 following the date of issuance. Application for renewal of permits may be made within thirty (30) days prior to expiration at a fee of ten dollars (\$10.00) for the period of one year from the date of the expiration.
- C. No mobile home park shall be operated within the town of Chouteau, Oklahoma, except as provided in this article.
- D. Such permit must be conspicuously displayed at all times. (1983 Code)

**4-48: APPLICATION FOR MOBILE HOME PARK PERMIT:**

- A. Any person, firm or corporation desiring a permit to operate a mobile home park shall file a written application therefor with the town clerk.
- B. With each application for a permit for any proposed or new mobile home park a park plan indicating the information required in section 4-49, "Park Plan", of this article shall be subjected to the town clerk for inspection and approval of the planning and zoning commission. The application for license must include the name and address of the applicant and a legal description and complete plan of the proposed park, containing the information required by section 4-49, "Park Plan", of this article. (1983 Code)

**4-49: PARK PLAN:**

- A. Each mobile home park shall have a minimum area of five (5) acres provided that the board of trustees, upon recommendation of the planning and zoning commission, may permit such a tract of less than five (5) acres, but not less than two (2) acres if it is contiguous for at least one-sixth ( $\frac{1}{6}$ ) of its boundary with a mobile home park which meets the requirements of this article.



- B. Each mobile home park shall have an area of not less than two thousand (2,000) square feet for each mobile home space, with a minimum width at the principal entrance area of fifty feet (50') and a minimum width elsewhere of one hundred feet (100'). Each mobile home park shall be a single parcel unless divided by a public right of way in such a manner as not to preclude efficient design and operation, and if divided, no part of said park shall be less than one acre in area. The park shall be located on a well drained site suitable for the purpose, shall have an entrance and exit well marked and easily controlled and supervised, shall have surfaced interior roads not less than twenty four feet (24') in width, well drained and constructed in accordance with the specifications for streets within the town of Chouteau, plainly marked and adequately lighted at night, and easily accessible to all mobile homes, and walkways shall be surfaced and adequately lighted.
- C. There shall be at least six hundred (600) square feet of common recreation space per mobile home space. The minimum area of any common recreation area shall be ten thousand (10,000) square feet, and the minimum width of any such area shall be eighty feet (80'). Each required common recreation area shall be within three hundred feet (300') of each of the mobile home sites it is intended to serve, measured along a route of pedestrian access. Such recreation area shall be no nearer than twenty five feet (25') to any exterior property line. Each required common recreation area shall be graded and drained so as to dispose of all surface waters accumulated within the recreation area and shall be surfaced with turf or other dustless surface.
- D. Each mobile home park shall have provision made for spaces or lots for each individual mobile home with an area of not less than two thousand (2,000) square feet. Each mobile home shall be located as to leave a space between it and the boundary of the mobile home space of not less than five feet (5') on the sides and rear and not less than twenty feet (20') from any internal street or drive.
- E. Off street parking space may be provided on common areas. Such parking space must be located within two hundred feet (200') of each lot so served, measured along a route of pedestrian access. If parking space is provided with each lot, the minimum lot areas shall be increased by three hundred seventy five (375) square feet. All parking spaces must be surfaced with a hard and dustless surface.
- F. In a mobile home park containing at least one hundred (100) improved mobile home spaces, there may be provided accessory



commercial uses for the convenience of the residents of the development provided that:

1. The gross floor area of such accessory uses shall not exceed twenty five (25) square feet for each mobile home space in the park; and

2. All commercial uses shall be governed by the requirements of the U-3 (local business district) zones, and shall be so located and arranged that their commercial character is not evident from the street or from any other property in U-1 or U-2 district zones;

3. No such structure shall be closer than fifty feet (50') to any property in a U-1 or U-2 district zone outside of the development.

G. The park plan required by section 4-48, "Application For Mobile Home Park Permit", of this article shall provide a legal description and map clearly setting out the following information:

1. The event and area to be used for park purposes;

2. Driveways at entrances and exits, roadways and walkways;

3. Location of sites for mobile homes;

4. Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, and utility rooms;

5. Method and plan of sewage disposal;

6. Method and plan of garbage removal;

7. Plan of water supply;

8. Plan of electric lighting;

9. Location and area of common recreation space;

10. Location and area of accessory commercial facilities, if any;

11. Location and area of off street parking, if any. (1983 Code)

**4-50: ZONING:**

- A. No mobile home park shall be established in any area within the limits of Chouteau unless the same is zoned as a U-3A (mobile home park) district. (1983 Code)

**4-51: WATER SUPPLY:**

- A. A sufficient supply of pure, healthful drinking water, approved by the board of health, shall be provided to each mobile home site within the mobile home park. (1983 Code)

**4-52: TOILETS:**

- A. The park shall provide flush toilets for each sex in conveniently located buildings within any common recreation space. (1983 Code)

**4-53: SEWAGE AND REFUSE DISPOSAL:**

- A. Sewage and refuse disposal into the public sewer system shall be provided from each mobile home space, building or other facility having toilet facilities. (1983 Code)

**4-54: GARBAGE RECEPTACLES:**

- A. The park shall provide supervision and equipment sufficient to prevent littering the ground with rubbish and debris. Containers or depositories shall be provided and conveniently located for the disposal of garbage and trash as provided in this code. (1983 Code)

**4-55: REGISTRATION:**

- A. The park shall keep a record of all guests, with the following information:
1. Name and address of each occupant.
  2. License numbers of all units.

3. State issuing such licenses.

- B. The park shall keep a copy of the registry available for inspection at any time by any authorized person, and shall not destroy such registry until expiration of one year following date of registration. (1983 Code)

4-56: **RESERVED:**

4-57: **MISCELLANEOUS PROVISIONS:**

- A. All plumbing, installation, alteration, or repair in the park shall be done in accordance with the provisions of the plumbing code of the town.
- B. All electrical work shall be done in conformity with the electrical code of this town. No permanent additions of any kind whatsoever shall be built onto or become a part of the mobile home. It shall be the duty of the operator of any mobile home park to notify the health officer immediately of any communicable disease in the park. (1983 Code)

4-58: **INSPECTION:**

- A. The county health officer or other sanitary officer of the town shall have the authority to enter and inspect for health and sanitation purposes any facility licensed hereunder at any reasonable time. (1983 Code)

4-59: **REVOCATION OR SUSPENSION OF PERMIT:**

- A. The board of trustees shall have the power to revoke or suspend any permit issued hereunder or to deny issuance or renewal of any permit for the violation of or failure to comply with any of the provisions of this chapter and order mobile homes removed or the mobile home park closed after notice and proper hearing. (1983 Code)



## ARTICLE 7. MECHANICAL CODE AND REGULATIONS

### 4-60: **ADOPTION:**

- A. A certain document, on file in the office of the town clerk of the town, being marked and designated as the international mechanical code, 2012 edition, or the latest revision or supplement thereof as published by the International Code Council is hereby adopted as the mechanical code of the town; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection C of this section. (Ord. 2013-6, 11-13-2013)
- B. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- C. The following sections are hereby revised as follows:

Section M-101.1 (page 1, second line). Insert: Town of Chouteau.

Section M-113.2 (page 4, third line). Insert:

New construction:

- a. Residential (single family dwelling) \$60.00;
- b. Residential (multi family dwelling) \$60.00 per unit;  
(Ord. 94-3, 6-13-1994)
- c. Commercial one hundred dollars (\$100.00);  
(Ord. 2010-2, 4-10-2010)
- d. Provided, however, that in the event the town of Chouteau building inspector is required to make more than three (3) inspections on the structure for each permit classification, then the town of Chouteau shall levy and collect an additional fee of \$15.00 per inspection. On multi family dwellings the additional fee is \$15.00 per inspection per unit.  
(Ord. 94-3, 6-13-1994)

Repair, remodeling and additions:

- a. Residential (single family dwelling) twenty-five dollars (\$25.00) for permit and one inspection;
- b. Residential (multi-family dwelling) twenty-five dollars (\$25.00) for permit and one inspection per unit;
- c. Commercial fifty dollars (\$50.00) for permit and one inspection;  
(Ord. 2010-2, 4-10-2010)
- d. Provided, however, that in the event the town of Chouteau building inspector is required to make more than one inspection on the structure for each permit classification, then the town shall levy and collect an additional fee of \$15.00 per inspection. On multi family dwellings the additional fee is \$15.00 per inspection per unit.

Section M-113.3 (page 4, third line) Insert:

- a. Residential (single family dwelling) \$15.00 for permit and one inspection;
- b. Residential (multi family dwelling) \$15.00 for permit and one inspection per unit;
- c. Commercial \$20.00 for permit and one inspection;
- d. Provided, however, that in the event the town of Chouteau building inspector is required to make more than one inspection on the structure for each permit classification, then the town of Chouteau shall levy and collect an additional fee of \$15.00 per inspection. On multi family dwellings the additional fee is \$15.00 per inspection per unit.

Section M-116.4 (page 5, seventh, eighth and ninth lines). Insert: Misdemeanor; \$200.00; 30 days; and

Section M-117.2 (page 5, fifth and sixth lines). Insert: \$10.00; \$200.00.  
(Ord. 94-3, 6-13-1994)

## ARTICLE 8. PENALTY; JUDICIAL RELIEF

### 4-61: **PENALTY:**

- A. 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 as 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 provisions of this chapter or of any code adopted by this chapter, or who shall 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 an amount up to the maximum allowed by the ordinances of the town, excluding costs. Each day upon which a violation continues shall be deemed a separate offense. (1983 Code)

### 4-62: **RELIEF IN THE COURTS:**

- A. No penalty imposed by and pursuant to this chapter shall interfere with the right of the town 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. (1983 Code)

## ARTICLE 9. FAIR HOUSING

### 4-63: **POLICY:**

- A. It is the policy of the town to provide, within constitutional limitations, for fair housing throughout the town. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

### 4-64: **DEFINITIONS:**

DISCRIMINATORY HOUSING PRACTICE:	An act that is unlawful under sections 4-66 through 4-68 of this article.
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DWELLING:	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.
FAMILIAL STATUS:	<p>One or more individuals (who have not attained the age of 18 years) being domiciled with:</p> <p>A. A parent or another person having legal custody of such individual or individuals; or</p> <p>B. The designee of such parent or other person having such custody, with the written permission of such parent or other person.</p> <p>The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.</p>
FAMILY:	Includes a single individual.
HANDICAP:	<p>With respect to a person:</p> <p>A. A physical or mental impairment which substantially limits one or more of such person's major life activities;</p> <p>B. A record of having such an impairment; or</p> <p>C. Being regarded as having such impairment, but such term does not include current, illegal use of or addiction to a controlled substance.</p>
HOUSING ACCOMMODATION:	Building, structure, or portion thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home, residence or sleeping place by a person, by a family, or by a group of persons living together,

or vacant land available for the construction of a housing accommodation.

**PERSON:** Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

**TO RENT:** Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1993)

**4-65: UNLAWFUL PRACTICE:**

A. Subject to the provisions of subsection A1 of this section and section 4-69 of this article, the prohibitions against discrimination in the sale or rental of housing set forth in section 4-66 of this article shall apply to:

1. All dwellings except as exempted by subsection A2 of this section.

2. Nothing in section 4-66 of this article shall apply to:

a. Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented:

(1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate

broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person;

(2) Without the publication, posting or mailing, after notice of any advertising or written notice in violation of subsection A3 of this section, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

3. For the purpose of subsection A2 of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;

b. He has, within the proceeding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

c. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1993)

#### 4-66: **SALE OR RENTAL OF HOUSING DISCRIMINATION:**

A. As made applicable by section 4-65 of this article and except as exempted by sections 4-65 and 4-69 of this article, it shall be unlawful:

1. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, handicap, familial status, sex, color, religion or national origin;



2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion or national origin;

3. To make, print, or publish, or cause to be made, printed or published, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, handicap, familial status, sex, color, religion, or national origin, or an intention to make any such preference, limitation or discrimination;

4. To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available; and

5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, handicap, familial status, sex, color, religion or national origin. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-18-1992)

**4-67: FINANCING OF HOUSING DISCRIMINATION:**

A. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor 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, handicap, familial status, sex, color, religion or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope of effectiveness of the exception contained in section 4-65 of this article. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

**4-68: BROKERAGE SERVICES DISCRIMINATION:**

- A. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in terms or conditions of such access, membership or participation, on account of race, color, handicap, familial status, sex, religion or national origin. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

**4-69: EXEMPTION:**

- A. Nothing in this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, race, handicap, familial status, sex, color, or national origin. Nor shall anything in this article prohibit a private club not in fact open to the 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 lodgings to its members or from giving preference to its members. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

**4-70: ADMINISTRATION:**

- A. The authority and responsibility for administering this article shall be in the chief executive officer of the town.
- B. The chief executive officer may delegate any of these functions, duties and powers to employees of the town or to boards of such employees, 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 article. The chief executive officer shall by rule prescribe such rights of appeal from decisions of his hearing examiners to other hearing examiners or to other officers of the town, to boards of



officers or to himself, as shall be appropriate and in accordance with law.

- C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purpose of this article and shall cooperate with the chief executive officer to further such purposes. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

**4-71: EDUCATION AND CONCILIATION:**

- A. Immediately after the enactment of this article, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this article. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this article and enforcement. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

**4-72: ENFORCEMENT:**

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereinafter "person aggrieved") may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory 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 of this section, the chief executive officer shall investigate the complaint, and give notice in writing to the person aggrieved whether he intends to resolve it. If the chief executive officer decides to resolve the complaints he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, 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 article without written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall



be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one year.

- B. A complaint under subsection A of this section shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the chief executive officer, 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 chief executive officer, the chief executive officer 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. The chief executive officer will assist in this filing.
- D. If the chief executive officer 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, 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 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.
- F. Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

**4-73: INVESTIGATIONS; SUBPOENAS:**

- A. In conducting investigation the chief executive officer shall have access at all reasonable times to premises, records, documents,

individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are responsibly necessary for the furtherance of the investigation; provided, however, that the chief executive officer first complies with the provisions of the fourth amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The chief executive officer may administer oaths.

- B. Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- C. Witnesses summoned by subpoenas of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- D. Within five (5) days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he finds that the subpoena requires appearance or attendance at a unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.



- F. Any person who wilfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned not more than one year or both. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the chief executive officer pursuant to his subpoena or other order, or shall wilfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents, or shall wilfully mutilate, alter or by any other means falsify any documentary evidence, shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned not more than one year, or both.
- G. The city attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this article. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

4-74: **ENFORCEMENT BY PRIVATE PERSONS:**

- A. The rights granted by sections 4-65 through 4-68 of this article may be enforced by civil actions in state or local court of general jurisdiction. A civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or subsection 4-72D of this article from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this article, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provision of this article shall not be affected.
- B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than one thousand dollars (\$1,000.00) punitive damages,



together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provided, that the plaintiff in the opinion of the court is not financially able to assume attorney fees. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

**4-75: INTERFERENCE, COERCION, OR INTIMIDATION:**

- A. It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having 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 section 4-65, 4-66, or 4-67 of this article. This section may be enforced by appropriate civil action. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)

**4-76: PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES:**

- A. Whoever, whether or not acting under color of law, by force or threat of force wilfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:
1. Any person because of his race, color, religion or national origin 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
  2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
    - a. Participating, without discrimination on account of race, handicap, familial status, sex, color, religion, or national origin, in any of the activities, services, organizations or facilities described in subsection A1 of this section; or
    - b. Affording another person or class of persons opportunity or protection so to participate.
  3. 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, handicap, familial status, sex, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection A1 of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than ten thousand dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. 91-1, 1-14-1991; amd. Ord. 92-3, 8-19-1992)