# PART 19

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# CHAPTER 1

# SUBDIVISION DEVELOPMENT

## ARTICLE A

## GENERAL PROVISIONS

§ 19-101 Purpose and intent.
§ 19-102 Short title.
§ 19-103 Authority.
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§ 19-105 Definitions.

### § 19-101 PURPOSE AND INTENT.

A. These regulations are designed to promote the health, safety, morals, and general welfare of the community by establishing standards for the subdivision of land within the city's jurisdiction.

B. The provisions of this chapter are specifically designed to lessen the congestion on streets; promote the orderly layout and use of land; secure safety from fire and other dangers; provide adequate light and air; facilitate adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; and protect neighborhood areas from the hazards of through traffic.

C. These regulations are designed and intended to achieve the following shall be administered so as to:

1. Implement the concepts embodied in the Official Comprehensive Plan;

2. Provide for conservation of existing standard residential areas and prevent the development of slums and blight;

3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;

4. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by present or prospective owners or by the developers of the tract, and that the cost of improvements which primarily benefit the whole community be borne by the whole community;

5. Provide the best possible design for the tract;

6. Reconcile any differences of interest;

7. Establish adequate and accurate records of land subdivision; and

8. Insure that requirements relative to land subdivision are applied fairly and impartially throughout the community. (Ord. 18/18/71; Ord. No. 416, 4/21/92)

*State Law Reference:* Subdivision Regulations, 11 O.S. 47-114 and 11 O.S. 45-104.

§ 19-102 SHORT TITLE.

These regulations shall be known as the subdivision regulations of the city. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-103 AUTHORITY.

These regulations are enacted pursuant to the authority granted the city by state law and the provisions of the charter. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-104 JURISDICTION.

A. These regulations shall govern the subdivision of land within the corporate limits of the city.

B. These regulations shall apply to the following forms of land subdivision:

1. The division of land into two (2) or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain ten (10) acres or less in area;

2. The division of land, previously subdivided platted, into tracts, lots, sites or parcels of ten (10) acres or less in area;

3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; and

4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-105 DEFINITIONS.

A. For the purpose of these regulations, certain terms used herein are defined as follows:

1. "Access" means a way or means of approach to provide vehicular or pedestrian entrance or exit to a property;

2. “Access Connection” means any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system;

3. “Alley” means, a minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes;

4. “Authority” means, Choctaw Utilities Authority;

5. “Block” means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels, or a combination thereof;

6. “Building line or setback line” means a line or lines designating the area outside of which a building may be erected;

7. “Cartway” means the area of road surface from curb line to curb line or between the edges of the sealed surface of the roadway, which may include travel lanes, parking lanes, and deceleration or acceleration lanes;

8. “City” means this city;

9. “City council” means the official governing body of the city;

10. “City planning commission” See “Planning commission”;

11. “City’s Service Area” means:

    a. Water. All public water system within the boundaries of the mandatory extension, §19-165, areas inside the corporate City Limits of Choctaw serviced by the City’s water system;

    b. Sewer. All public sewer system within the boundaries of the mandatory extension, §19-165, areas inside the corporate City Limits of Choctaw serviced by the City’s sewer system;

12. “Comprehensive plan” means the official city plan of the city; also refers to the specific document the Choctaw General Plan;

13. “Connection Spacing” means the distance between connections, measured from the closest edge of pavement of the second connection along the edge of the traveled way;

14. “Construction Costs” means the actual cost of construction for extending,

expanding and improving new facilities for the water and/or sewer improvements from their existing location to a point as the proposed development parcel. Including furnishing and installing all components of the extension project;

15. "Corner Clearance" means the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersection road to the closest edge of pavement of the connection along the travel way;

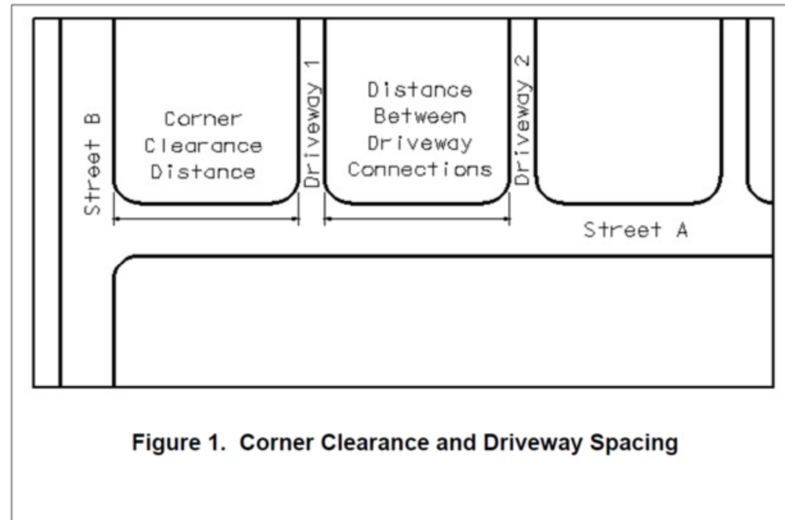


**Figure 1. Corner Clearance and Driveway Spacing**

16. "Cross Access" means a service drive providing vehicular access between two or more contiguous sites so the driver does not have to enter the public street system;

17. "Deed" means a legal document conveying ownership of real property;

18. "Developer" as used in this chapter means the individual, group of individuals, partnership, firm, association, institution, corporation, political subdivision or agency making application for the extensions, expansions, and new facilities of any existing water and/or sewer system. City of Choctaw and/or Choctaw Utilities Authority is exempt;

19. "Directional Median Opening" means an opening in a restrictive median that allows all turning movements from the roadway and the intersecting road or access connection;

20. "Easement" means a grant of the use of a strip of land composed of one or more property rights by a property owner to or for use by the public, or another person or entity;

21. "Extension" means any new or proposed water or sewer main line being constructed to serve a tract, parcel or lot adjacent to an easement or right of way

where no main line existed before the installation construction;

22. “Failed Wells and/or Septic Systems” wells and septic systems will be considered to have failed when they require repairs of more than fifty percent (50%) of their replacement values, or when they are not capable of meeting current City of Choctaw and/or Oklahoma Department of Environmental Quality (ODEQ) requirements;

23. “Frontage Road” means a public or private drive which generally parallels a public street between the right of way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street. (see also Service Roads);

24. “Full Median Opening” means an opening in a restrictive median that allows all turning movements from the roadway and the intersecting road or access connection;

25. “Joint Access” (Shared Access) means a driveway connecting two or more contiguous sites to the public street system;

26. “Lot” means a parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code;

27. “Lot, corner” means any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees;

28. “Lot, Depth” means the average distance measured from the front lot line to the rear lot line.

29. “Lot, Flag” means a large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right of way or driveway.

30. “Lot, Frontage” means that portion of a lot extending along a street right of way line.

31. “Lot, Through (Double Frontage Lot)” means a lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot;

32. “Lot, split” means any division of land by metes and bounds description into two (2) or more parcels for the purpose, whether immediate or future, or transfer of ownership, and which does not constitute a subdivision as herein defined;

33. “Lot Width” means the horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line;

34. “Main Line” means a public water or sewer pipe installed along an easement and/or right of way for the purpose of providing water or sewer service to adjoining properties. Owned and operated by this City and/or Choctaw Utilities Authority;

35. “Major thoroughfare” means freeways, expressways, primary arterials and secondary arterials as designated on the thoroughfare plan or Official Comprehensive Plan;

36. “Marginal Access Street” means a public right of way and easement street running parallel to and adjacent to or in the immediate vicinity of a major street, highway, or arterial and which has as its purposes the relief of such major street, highway, or arterial from the local service of abutting properties and/or protection of abutting properties form through traffic;

37. “Mayor” means the legally designated head of the city governing body;

38. “Non-participating Lot Owners” means the owner of a tract, parcel or lot who benefits from a water and/or sewer extension, who may also be required to connect to the water or sewer system, but who has not paid or contracted to pay the Pro-Rata Cost Share of the Extension Cost;

39. “Nonrestrictive Median” means a median or painted centerline that does not provide a physical barrier between traffic traveling in opposite directions or turning left, including continuous center turn lanes and undivided roads;

40. “Outparcel” means a parcel of land abutting and external to the larger, main parcel, which is under separate ownership and has roadway frontage;

41. “Planning commission” means the city planning commission, as established by the statutes hereinbefore cited;

42. “Plat, preliminary” a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land;

43. “Plat, final” means a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas, and other information as required;

44. “Private Road” means any road or thoroughfare for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties;

45. “Private Service” means the portion of water and/or sewer service that is located and owned on private property, and not within a water or sewer easement. Construction, ownership and maintenance of the Private Service are the sole responsibility of the property owner(s);

46. “Pro-Rata Cost Share” means the equitable distribution of costs, computed by dividing the total Extension Costs by the total number of lots that can be served by a particular water and/or sewer main extension;

47. “Public Road” means a road under the jurisdiction of a public body that provides the principal means of access to an abutting property;

48. “Public water supply system” or “a” means public utility owned and operated by this city and/or by the Choctaw Utilities Authority;

49. “Reasonable Access” means the minimum number of access connections, direct or indirect, necessary to provide safe access to and from the thoroughfare, as consistent with the purpose and intent of this code and any applicable plans and policies of the City;

50. “Restrictive Median” means a physical barrier in the roadway that separates traffic traveling in opposite directions, such as a concrete barrier of landscaped island;

51. “Right of Way” means land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose;

52. “Roadway” means that portion of any street so designated for vehicular traffic; and where curbs are in place, that portion of the street between curbs;

53. “Sanitary sewerage system” or “a” means a public utility owned and operated by this city and/or by the Choctaw Utilities Authority;

54. “Service Connection” means a tap into the water and/or sewer main line for the purpose of supplying service to a customer;

55. “Significant Change in Trip Generation” means a change in the use of the property, including land, structures and facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property;

56. “Street” means the entire width of whatever nature between the property lines when any part thereof is open to use of the public as a matter of right for the purpose of vehicular traffic or pedestrian traffic, and wherever designated as a street, highway, thoroughfare, parkway, expressway, road, avenue, boulevard, land place, cul-de-sac, or however otherwise designated;

57. “Street, arterial” means a major street which is designated on the thoroughfare plan, or Official Comprehensive Plan and designed to carry inter-city traffic and to relate the various neighborhoods within the city;

58. “Street, collector” means those streets designed to carry intra-city traffic connecting neighborhood areas to a major street whose purpose is to collect traffic from other minors streets and to serve as the most direct route to a major street or to a community facility;

59. “Street, commercial or industrial” means a commercial or industrial street is defined as a street which abuts a commercial or industrial-zoned property and is designated to provide access to those parcels so designated;

60. “Street, cul-de-sac” means a minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround;

61. “Street, frontage or service” means a minor street auxiliary to and located on the side on an arterial street for service to abutting properties and adjacent areas and for control of access;

62. “Street, marginal access” means a service road or other roadway normally running parallel to or with an arterial street for the purpose of intercepting traffic from abutting property or intersecting streets for the purpose of limiting access to the arterial street main roadway;

63. “Street, minor” means any street not specifically classified on the thoroughfare plan whose primary purpose is to provide access to adjacent properties;

64. “Stub-out (Stub-Street)” means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future;

65. “Subdivider” means any person, firm, partnership, or corporation or other entity acting as a unit, subdividing land as herein defined; also called “Developer”;

66. “Subdivision” means the division or re-division of land by map into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement;

67. “Substantial Enlargements or Improvements” means a 10% increase in existing square footage or 50% increase in assessed valuation of the structure;

68. “Temporary Access” means provision of direct access to the controlled access facility until that time when adjacent properties develop, in accordance with a joint access agreement or frontage road plan; and

69. “Thoroughfare plan” means the part of an Official Comprehensive Plan referring to transportation development goals, principles and standards.

70. “Utility” means the water and wastewater facilities and all operations and management of such facilities necessary to provide water and wastewater service in the Service Area. (Ord. 10/18/71; Ord. No. 416, 4/21/92; Ord. 641, 1/08/08; Ord. 736, 11/17/15; Ord. 741, 12/15/15)

## ARTICLE B

## DESIGN STANDARDS


§ 19-111 Street plan and relation to adjoining street system.
§ 19-112 Relation to other limited rights-of-way.
§ 19-113 Reserve strips prohibited.
§ 19-114 Street alignment.
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§ 19-116 Arterial street frontage access control.
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§ 19-132 Requirements for outparcels and phased development.
§ 19-133 Emergency access.
§ 19-134 Reverse frontage.
§ 19-135 Flag lot standards.
§ 19-136 Connectivity.

§ 19-137 Maintenance.
§ 19-138 Nonconforming access features.

## § 19-111 STREET PLAN AND RELATION TO ADJOINING STREET SYSTEM.

A. The arrangement, character, extent, width, grade alignment, and location of all streets in a proposed subdivision shall conform to the official comprehensive plan and these regulations.

B. All such street shall be related to existing and proposed streets in the area, topographical conditions, public convenience and safety, and existing and proposed land uses along such streets.

C. All streets shall be platted in such a manner that all resulting lots shall conform to the applicable zoning regulations.

D. Where such streets are not shown in the official comprehensive plan, the arrangements of these streets in the subdivision shall either:

1. Provide for the continuation or appropriate projection of existing streets in the surrounding areas; and

2. Conform to a neighborhood plan approved or adopted by the planning commission.

E. Minor streets shall be laid out so as to discourage through traffic.

F. Where a residential subdivision abuts or contains an existing or proposed major thoroughfare, the planning commission shall require:

1. Marginal access street;

2. Reverse frontage with screen planting contained in a non-access reservation along the rear property line;

3. Deep lots with rear service streets; and

4. Such other treatment as may be necessary for the adequate protection and stabilization of residential properties and to afford separation of through and local traffic. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

## § 19-112 RELATION TO OTHER LIMITED RIGHTS-OF-WAY.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway, the planning commission may require a street approximately parallel to and on each side of such

right-of-way. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-113 RESERVE STRIPS PROHIBITED.

Reserve strips designed and used for the primary purpose of controlling access to minor streets by parties or persons other that a public agency shall be prohibited. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-114 STREET ALIGNMENT.

A. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

B. A tangent of not less than one hundred (100) feet in length shall be introduced between reverse curves on arterial and collector streets.

C. Sight distance. Minimum clear sight distance, measured along the chord of the centerline, shall be provided on all streets as follows:

   1. Arterial streets 400 feet;

   2. Collector streets 350 feet; and

   3. Minor streets 250 feet. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-115 STREET RIGHTS-OF-WAY AND ROADWAY WIDTHS.

A. All street shall be designed and paved according to the established standards adopted by the city council, and in accordance with this chapter. Street rights-of-way shall also conform to the adopted standards.

B. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations.

C. In no event shall lots facing a one-half (½) minor residential street be permitted.

D. Wherever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-116 ARTERIAL STREET FRONTAGE ACCESS CONTROL.

A. No access on an arterial street shall occur within minimum intervals of one thousand two hundred (1,200) feet, measured from the nearest intersecting rights-of-way lines (except as modified by Subsection B of this section). The distance may be extended or increased if traffic conditions as determined by the planning commission warrant such extension.

B. In commercial and industrial subdivisions, specifically designated "one-way turn only" access may be provided in the direction of the adjacent traffic lane at a minimum distance of three hundred (300) feet between each access point.

C. Commercial or industrial subdivisions should have access to an arterial or commercial street, and have access to a collector street, if traffic conditions as determined by the planning commission warrant such extension, but shall not have access to a residential street.

D. To assure traffic safety, appropriate non-access provisions shall be designated and dimensioned along all abutting streets in commercial and industrial subdivisions, and along major streets in residential subdivisions. A description of such non-access provisions shall appear upon the plat.

E. Access to property occurring within the minimum distance prescribed for major street access, one thousand two hundred (1,200) feet, shall only be by the closest service or frontage road entrance onto the major street.

F. Individual driveways will be so located on each lot to avoid direct vehicular access to or from any expressway, thoroughfare, or arterial street. Driveways should be located to enable direct access primarily to or from a minor street, or if necessary, to the collector streets which serves as feeders to or distributors from the major streets. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-117 STREET AND SUBDIVISION NAMES.

A. No street name shall be used which will duplicate or be confused with the names of existing streets.

B. Street names shall be referred to the post office for recommendation and subject to the approval of the planning commission and the city council.

C. Subdivision names shall not duplicate existing subdivisions of record. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-118 STREET GRADES.

A. The minimum grade of streets shall be one-half percent (½%)

B. The Maximum grade of all street shall not be greater than that shown in the current design standards for the applicable function classification. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-119 STREET INTERSECTIONS.

A. Streets shall be laid out to intersect as nearly at right angles as possible and may be curved, if necessary, in order to make this possible. In no event shall a street intersect any other street at any angle of less that eighty (80) degrees. All intersections with arterial streets shall be at right angles.

B. Street corners on local residential streets shall have a minimum radius of twenty (20) feet at curb line or its equivalent.

C. Street corners on commercial and industrial streets shall have a minimum radius of twenty-five (25) feet at the curb line or its equivalent.

D. Street intersections involving major thoroughfares shall have a minimum street corner radius of thirty (30) feet at the curb line or its equivalent.

E. All street corner radii shall be shown on the preliminary and final plats.

F. A twenty-five (25) foot area of clear vision at street intersections in subdivisions shall be provided. This area shall be kept clear of all structures and vegetation exceeding a height of three (3) feet above the established city street elevation. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

## § 19-120 CUL-DE-SACS AND DEAD-END STREETS.

A. The maximum length of cul-de-sac shall be five hundred (500) feet except where topography would render impracticable the standard distance as set forth in Section 12-422 of these regulations.

B. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of fifty (50) feet. Parking shall be prohibited within the turnaround.

C. The road surface within the cul-de-sac right-of-way shall have a minimum width of thirty (30) feet.

D. In the case of temporarily dead-ended streets which are stub streets designed to provide future connection with adjoining un-subdivided areas, the planning commission may require:

   1. Temporary easement for a turnaround having a radius of fifty (50) feet; or

   2. An appropriate area for a background.

E. In all instances, proper provisions shall be made for adequate storm drainage so that storm water does not collect at the ends of these streets. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

## § 19-121 ALLEYS.

A. Alleys shall be provided in all commercial districts except where a commercial district will be developed as a self-contained unit; then other provisions shall be made on the site for service drives and service areas.

B. Alleys in residential areas shall be avoided but, where provided, shall be not less than twenty (20) feet in width, and shall be paved in accordance with current design standards.

C. Alleys in commercial areas shall not be less than thirty (30) feet in width and shall be paved in accordance with current design standards.

D. Dead-end alleys are prohibited except where natural or other features make it impossible to continue them. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround areas with a minimum radius of fifty (50) feet at the dead-end. Back-around areas may be allowed in residential subdivisions. (Ord. 19/18/71; Ord. No. 416, 4/21/92)

## § 19-122 EASEMENTS.

A. Where alleys are not provided or may not be used for utility purposes, easements shall be provided as may be advisable for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water mains, and lines, and other similar purposes.

B. Rear-yard easements shall be at least twenty (20) feet wide. In the event one-half (½) of an easement is platted, it shall be not less than ten (10) feet in width.

C. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water and such further width of construction or both as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

D. Twenty (20) foot utility easements shall be provided at the closed end of cul-de-sacs along major thoroughfares. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

## § 19-123 BLOCKS.

A. In general, blocks should have the following dimensions:

| | Minimum | Maximum |
|---|---|---|
| Length | 480 feet | 1,200 feet; or |

| | | |
|---|---|---|
| Width | 280 feet | 680 feet. |

B. The foregoing dimensions shall be subject to adjustment upon recommendation by the planning commission where topography, the character of the proposed development, or other similar conditions justify blocks of greater or lesser length or width.

C. Block lengths and widths shall be measured from the street right-of-way line.

D. Wherever blocks are longer than one thousand (1,000) feet, crosswalks may be required at the approximate center of the block. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-124 LOTS.

A. The lot size, width, depth, shape orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and the type of development and use contemplated.

B. Lot dimensions shall conform to the existing zoning regulations, but in no case shall the width of a lot designed for residential use be less than seventy-five (75) feet except as provided hereinafter.

C. Each lot shall have access and front upon a public street.

D. Double frontage and reverse frontage lots shall be prohibited except where their use will produce definite advantages in meeting special situations in relation to topography and proper land use, as determined by the planning commission.

E. Side lot lines shall be substantially at right angles or radial to street lines.

F. Except as otherwise provided in these regulations, in platted areas of twenty(20) acres or more, it shall be allowed that no more than fifty percent (50) of the lots in the development may have no less than sixty (60) foot frontage, provided that all lots taken together in such platted area shall have an average of no less than sixty-five (65) foot frontage, and provided that the platted area contains all concrete curb and gutter streets and contains city water, sewerage and underground utilities; provided further, that in no event will the minimum lot area be less than six thousand six hundred (6,600) square feet. (Ord. 10/18/71; Ord. No. 244, 12/20/83; Ord. No. 416, 4/21/92)

§ 19-125 MARGINAL LAND.

When a plat is filed on land that is subject to flooding or has been flooded within the last twenty (20) years and corrective measures have not been taken to prevent reflooding, or when the land has soil conditions unsuitable for building purposes, the plat shall not be acceptable except where the property is dedicated to the city or other appropriate municipality subject to its acceptance for a water course, water drainage basin, a park or a conservancy district or for any

other purposes of protecting the health, safety and general welfare of the public. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-126 BUILDING SETBACK REQUIREMENTS.

A. No building shall be constructed within fifty (50) feet of the right-of-way line of any street which has been approved and designated by the planning commission as an arterial street.

B. No building shall be constructed within twenty-five (25) feet of the right-of-way line of any collector or local street.

C. Building setback lines shall be indicated on all preliminary and final plats submitted to the planning commission for approval. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-127 DESIGN STANDARD DETAILS ADOPTED.

The design standard details for water, sewer, paving, and drainage, prepared by the city engineer and attached to and made a part of Ordinance No. 291 shall be and are hereby adopted as the official design standard details of the city. At least one copy of the latest revision of the design standard details will be on file in the city clerk's office. (Ord. No. 291, 9/3/83; Ord. No. 416, 4/21/92)

§ 19-128 SUBDIVISION FENCING REQUIREMENTS.

Whenever a subdivision abuts or contains an existing or proposed arterial street and “limits of no access” are required, a consistent type of sight proof fencing or landscaping, subject to plat approval, shall be installed along the “limits of no access” except that site proof fencing shall be limited to no more than eight (8) feet in height, and sight triangles shall be observed as prescribed in Section 19-118(F). (Ord. No. 539, 3/6/01; Ord. No. 561, 3/11/03)

§19-129 ACCESS MANAGEMENT CLASSIFICATION SYSTEM AND STANDARDS

Roadways within the City of Choctaw are classified by the following street functional categories:

A. Access Class 1: Arterials – High to moderate volume roadways that provide priority to mobility over access. They often provide service to traffic entering and exiting the city. They often support moderate length trips, and serve activity centers. Higher mobility and low degree of access.

B. Access Class 2: Collector – Road with moderate to low volumes that provide both land access service and traffic circulation. They often link Local Streets with the Arterials. Balance between mobility and access.

C. Access Class 3: Local Streets - Low volume streets that provide immediate access to

individual residential, commercial, industrial and institutional properties not classified in Class 1-2. Lower mobility and high degree of access. Provide a high level of access to abutting land but limited mobility. Access, frontage, and private roads are also considered local streets. (Ord. No. 736, 11/17/15)

## §19-130 JOINT AND CROSS ACCESS

A. A system of joint use driveways and cross access drive and pedestrian easements shall be established wherever feasible along any section line road, Harper Road, or McDonald Road. The building site shall incorporate the following:

1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

2. Features shall be included in the design to make it visually obvious that abutting properties shall be tied in to provide cross access;

3. A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading and unloading vehicles;

4. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; and

5. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

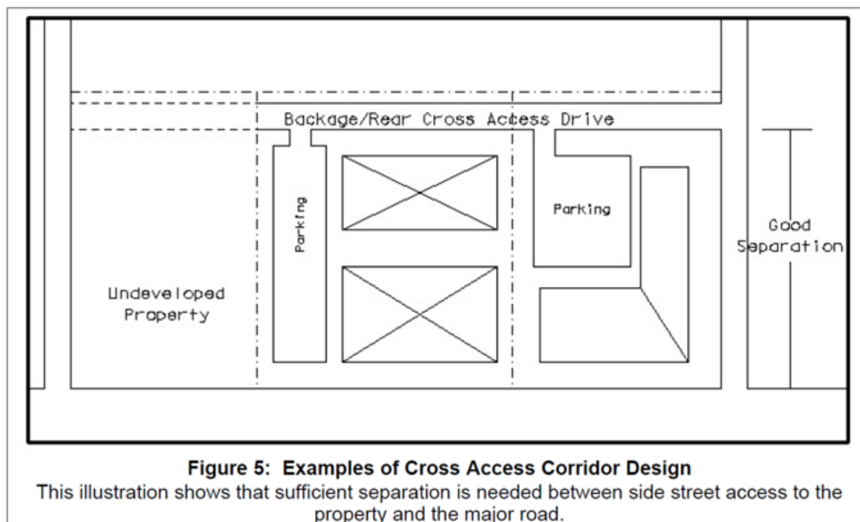


**Figure 5: Examples of Cross Access Corridor Design**
This illustration shows that sufficient separation is needed between side street access to the property and the major road.

B. Pursuant to this section, property owners shall:

1. Record an easement or plat with the deed allowing cross access to and from other properties;

2. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners. (Ord. No. 736, 11/17/15)

## §19-131 COMMERCIAL MARGINAL AND CROSS ACCESS

The City of Choctaw may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

A. Commercial marginal and cross access right of way can be proposed to the City of Choctaw as a public street whenever the City Council finds it feasible in accepting maintenance responsibilities. City Council can hold at their full discretion in determining to accept or deny a commercial marginal and cross access;

B. City Council can view the commercial marginal and cross access as an incentive feature. It is up to the developer/applicant to provide supportive information to identify the benefit of accepting the marginal and access street as a public thoroughfare. The developer must provide a full development plan layout and identify safe and functional marginal and assess street;

C. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section;

D. A minimum width of a Commercial Marginal and Cross Access right of way shall be thirty (30) feet and allow for two-way drive aisles. The minimum sealed surface width for a Commercial Marginal and cross access easement shall be a minimum of twenty-six (26) feet wide;

E. A private driveway apron outside of a Commercial Marginal and cross access easement has a minimum of forty (40) feet between that said driveway and cross access way;

F. The development plan incorporates a unified access and circulation system in accordance with this section;

G. Additional access connections may be allowed where the property owner demonstrates that safety and efficiency of travel on the thoroughfares will be improved by providing more than one access to the site;

H. A fifteen (15) foot public access and utility easement shall be dedicated on both sides of the thirty (30) foot right of way. No parking or structure other than traffic signs, sidewalks, unadvertised benches, utilities, unadvertised trash receptacles and landscaping shall be permitted within the public access and utility easement. The public access and utility easement shall have a landscaped buffer with plants suitable to the soil and in a

manner that provides adequate site visibility for vehicles exiting the site. Property owners shall be permitted to landscape the right of way, pursuant to an approved landscaping plan;

I. Through access has to be connected from an arterial to an arterial or an arterial to a collector. Dead end or no outlet is not permitted. If this regulation cannot be met then a full 60' commercial local street right of way standard will have to implemented for the City to consider maintenance responsibility;

J. Pedestrian connections should be provided between adjacent properties in addition to roadway connections. These pedestrian connections should provide for safe pedestrian travel along roadways and across parking areas to the buildings.

K. For the City to consider maintenance responsibility the Marginal Access Street must meet all the requirements listed below:

1. A 500 foot minimum length;

2. Dead ends, no outlets, cul-de-sac, or an enclosed street is not permitted;

3. No parking is allowed;

4. City has authority on driveway locations;

5. Utility lines have to be bored and buried underground;

6. Cross access easements, private road, or public road. Connectivity to Marginal Access Street must be designed to allow proper maneuvering of a forty (40) foot semi tractor-trailer. Avoid congestion and the reversing within the connectivity is highly discouraged;

7. A design speed of twenty (20) mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading and unloading vehicles;

8. A five foot wide pedestrian sidewalk and ramps that conform to the current adoption of the AASHTO Standards; and

9. Landscaping or streetscaping along the proposed street. (Ord. No. 736, 11/17/15)

## §19-132 REQUIREMENTS FOR OUTPARCELS AND PHASED DEVELOPMENT

In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purpose of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this

code. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for the frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this code and both shall be cited for any violation.

All access to the outparcel must be internalized using the shared circulation system of the principle development or retail center. Access to outparcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

The number of outparcels shall not exceed one per ten acres of site area, with a minimum lineal frontage of 330 feet per outparcel. This frontage requirement may be waived where access is internalized using the shared circulation system of the principle development or retail center. In such cases the right of direct access to the roadway shall be dedicated to the City of Choctaw and recorded with the deed. (Ord. No. 736, 11/17/15)

## §19-133 EMERGENCY ACCESS

In addition to minimum side yard setback, front yard setback, rear yard setback, building spacing, and other requirements specified in this code, all buildings and other development activities such as landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles. (Ord. No. 736, 11/17/15)

## §19-134 REVERSE FRONTAGE

Access to double frontage lots shall be required on the street with the lower functional classification.

When a proposed residential subdivision abuts an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots shall be platted or recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right of way. (Ord. No. 736, 11/17/15)

## §19-135 FLAG LOT STANDARDS

Flag lots shall not be permitted when their effect would be increase the number of properties requiring direct and individual access connections to arterial thoroughfares.

Flag lots may be permitted for residential development, when deemed necessary to achieve planning objectives, such as reducing direct access to thoroughfares, providing internal platted lots with access to a residential street, or preserving natural or historic resources, under the following conditions:

A. Flag lot driveways shall meet the minimum frontage requirements of that zoning district.

At no time can the frontage be any smaller than 65 feet of frontage.

B. The flag driveway shall have a minimum paved width of 20 feet.

C. In no instance shall flag lots in a recorded or unrecorded plat be two or more lots.

D. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.

E. No more than one flag lot shall be permitted per private right of way or access easement.

If a neighboring property along an arterial street has a driveway within fifty (50) feet away a joint driveway will be required. (Ord. No. 736, 11/17/15)

## §19-136 CONNECTIVITY

The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned street outside of the subdivision as provided in this Section.

Wherever a proposed development abuts un-platted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the City of Choctaw to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with temporary turn around or cul-de-sacs unless specifically exempted by the City Engineer, and the restoration and extension of the street shall be the responsibility of any future developer or the abutting land.

Local access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic. (Ord. No. 736, 11/17/15)

## §19-137 MAINTENANCE

The applicant is responsible for constructing, improving and maintaining the easement to the adjacent property line prior to issuance of a Certificate of Occupancy for the property. A perpetual Cross Access Easement and Maintenance Agreement are required. Said agreement shall be the responsibility of the owner and any adjacent applicants, or their legal appointed agents to draft and record prior to the issuance of the first Certificate of Occupancy.

The cross access easement shall be recorded as part of the plat or by separate instrument and must be constructed prior to issuance of the first Certificate of Occupancy.

If the City Engineer deems that a cross access is impractical on the basis of topography, the presence of natural features, other existing conditions or vehicular safety factors, the requirement for cross access may be waived, by the City Engineer, provided that appropriate bicycle and

pedestrian connections are constructed between adjacent developments or land uses.

Any modification or alterations to the access maintenance agreement shall be approved by the City of Choctaw's City Council. (Ord. No. 736, 11/17/15)

§19-138 NONCONFORMING ACCESS FEATURES

Permitted access connections in place as of January 1, 2016, that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

A. When new access connection permits are requested;

B. Substantial enlargements or improvements;

C. Significant change in trip generation; or

D. As roadway improvements allow.

If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 180 days or discontinued for a any period of time without a present intention of resuming that activity, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the permitting authority. For uses that are vacant or discontinued upon the effective date of this code the 180 day period on the effective date of this code. (Ord. No. 736, 11/17/15)

ARTICLE C

PROCEDURE

§ 19-141 Preliminary plats.
§ 19-142 Preliminary plat data.
§ 19-143 Other data.
§ 19-144 Final plat.
§ 19-145 Fees.

§ 19-141 PRELIMINARY PLATS.

A. The subdivider shall submit at least fifteen (15) copies of the preliminary plat to the city clerk who shall distribute them as follows:

1. One copy each to:

a. The school board;

b. The local gas company;

c. The local electric company;

d. The local telephone company;

e. Oklahoma State Transportation Commission.

f. Board of county commissioners

g. City manager;

h. City clerk's office; and

i. Seven (7) copies to the planning commission.

B. The plat must be received by the city clerk and a receipt given at least twelve (12) days prior to the planning commission meeting. After receipt of the preliminary plat, the planning commission shall, within thirty (30) days of its submission, approve, or reject the plat. The subdivider shall be notified in writing of this action, together with any conditions of approval or the reasons for rejection.

C. Approval of the preliminary plat shall not automatically entitle the subdivider to approval of the final plat. After preliminary approval, if any condition arise which would cause the preliminary plat to become unsatisfactory due to health, safety, or welfare of the community, the planning commission shall recommend that the final plat be rejected. (Ord. 19/18/71; Ord. No. 136, 7/18/77; Ord. No. 416, 4/21/92)

*State Law Reference:* Plats, 11 O.S. Sections 41-104; 41-108; 41-112; 41-113; 41-115; 46-104; 47-101; 47-106; 47-115; 47-116; and 47-120.

§ 19-142 PRELIMINARY PLAT DATA.

A. The preliminary plat shall be drawn on suitable tracing paper or cloth with black waterproof ink or pencil; however, legible reproductions of the drawings may be submitted.

B. The plat shall be drawn to a scale of one hundred (100) feet to the inch and shall contain the following information:

1. Date, scale, and north point;

2. The proposed subdivision name and all intended street names;

3. The name of the subdivider and the engineer or surveyor preparing the plat;

4. Legal description showing location of plat;

5. Topographic survey map of the area being subdivided, showing contours at two (2) foot intervals and the location of existing wooded areas at a scale of 1" = 100' feet;

6. A key map showing the location of the plat in the section, township and range in which the plat is located;

7. Location and names of adjacent subdivisions and the owners of adjoining parcels of un-subdivided land;

8. Location, widths, and manes of all existing platted or dedicated streets, alleys, or other public ways and easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings, bridges, and other pertinent data as required by the planning commission.

9. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations shall refer to the established U.S. Geological Survey or U.S. Coast and Geodetic Survey datum;

10. When a subdivision borders a lake or stream, the distance and bearings of a meander line shall be established not less than twenty (20) feet back from the ordinary high water mark of the lake or from the bank of the stream;

11. Layout and width of all new streets and rights-of-way, including alleys, highways, and easements, whether private or public, and for public and private utilities;

12. The exact length of the exterior boundaries of the land to be subdivided;

13. Approximate dimensions of all lots;

14. Building setback lines;

15. Approximate radii of all curves and lengths of all tangents;

16. Approximate location and area of property to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, with any conditions of such dedication or reservation; and

17. The grading plan proposed to be carried out in developing the subdivision, including street grades to be established. (Ord. No. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-143 OTHER DATA.

A. Where deed restrictions are to be recorded on the plat, a brief description of the proposed restrictions should accompany the preliminary plat.

B. A description of the improvements such as street and alley paving, tree planting, walks, and installation of utilities which the subdivider proposes to make, and the time when they are proposed to be made, shall accompany the preliminary plat. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

§ 19-144 FINAL PLAT.

A. The final plat shall be a print or series of prints 24 x 36 inches in size on a suitable base tracing medium of mylar, cronar, or other suitable durable material or linen tracing cloth. When more than one sheet is used in connection with the plat, each additional sheet shall be numbered consecutively and shall contain a notation indicating the total number of sheets.

B. The developer shall submit at least fifteen (15) copies to the city clerk and a receipt must be given therefor at least twelve (12) days prior to the planning commission meeting.

   1. Fourteen (14) shall be paper copies and one copy shall be on stable base tracing medium of mylar or comparable material of the proposed subdivision drawn to a scale of 1" = 100'. Such final plat shall be prepared by a civil engineer or surveyor registered to practice in the state; and

   2. Ten (10) copies of any restrictive covenants.

   The city clerk shall distribute the fifteen (15) copies as follows:

   3. One copy each to:

      a. The school board;

      b. The local gas company;

      c. The local electric company;

      d. The local telephone company;

      e. The Oklahoma State Transportation Commission;

      f. The board of county commissioners;

      g. The city manager; and

h. The city clerk's office;

4. Seven (7) copies to the planning commission.

After review by the council, one copy shall be returned to the subdivider, that being the mylar, cronar, or other material, together with its report. Other copies will be retained for use and official record.

C. Time of submission. The final plat of the proposed subdivision shall be submitted to the planning commission and city council for final approval within one year of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat approval shall be considered as null and void unless the planning commission agrees, in writing, to an extension of time. The final plat shall be filed in the office of the county clerk within ninety (90) days after approval of the city council and if not filed within such time, the approval shall be considered null and void. Evidence that the final plat has been properly recorded with the county clerk must be submitted to the city clerk within one hundred twenty (120) days after final plat approval by the city council.

D. Data required. The final plat shall contain the following information:

1. Name of subdivision and the name of the owner, the subdivider, and the engineer or land surveyor;

2. Date, North point, scale (written and graphic);

3. Boundaries of the subdivided area with accurate distances and bearings noted thereon;

4. Exact location of the subdivision and the description of all monuments found or placed in making the survey;

5. The lines, names, and width or dimensions of all proposed street rights-of-way;

6. The lines, widths, and purposes of all easements;

7. Numbered designation of all lots in the subdivision with their lines and dimensions accurately shown;

8. The names of all adjacent subdivisions;

9. Certification by the registered professional engineer or land surveyor who designed the plat as to the accuracy of the survey and plat;

10. Dedication by the owner of lands for public use, including streets and walkways.

11. Exact dimensions of all lots;

12. Building setback lines;

13. Exact radii of all curves and length of all tangents; and

14. Any additional data as may be require by the planning commission. (Ord. 10/18/71; Ord. No. 136, 7/19/77; Ord. No. 416, 4/21/92)

§ 19-145 FEES.

A. A fee is required for plat review and for water/sewer development all as set by the city council. The fee must be paid before a plat will be considered by the planning commission.

B. The development fees provided for in Subsection A of this section shall be deposited into a fund to be established and designated as the subdivision capital improvement fund. Such fees will be budgeted and appropriated for the purposes of expanding and upgrading the water and sewerage systems of the city, as capital improvements to such utility systems only.

C. A preliminary platting fee shall be for the purpose of engineering, planning review and administration of the application.

D. Any person, firm, corporation or other entity desiring to improve or develop any property within the corporate limits of the city for the purpose of industrial, commercial or retail usage shall first pay to the city clerk an engineering, planning and review fee for the purpose of administration and review of the application.

E. All fees provided for under this chapter are refundable only under the following formula;

1. After the application is submitted but before the application has been reviewed by the city, the refund is ninety percent (90%) of fee;

2. After the application has been reviewed but before submitted to the planning commission or city council for consideration, the refund is ten percent (10%) of fee; and

3. After consideration by planning commission or city council, there is no refund. (Ord. 10/18/71; Ord. No. 136, 7/19/77; Ord. No. 250, 8/7/84; Ord. No. 293, 9/3/85; Ord. No. 416, 4/21/92)

*Cross Reference:* See also § 5-107 and 5-108 on building, water/sewer fees, site

plan review.

## ARTICLE D

## REQUIRED IMPROVEMENTS


§ 19-151 Monuments.
§ 19-152 Improvements.
§ 19-153 Applicability.
§ 19-154 Park land dedication.
§ 19-155 Park land review.
§ 19-156 Procedures to determine park land dedication.
§ 19-157 Standard for determining amount of park land dedication.
§ 19-158 Standard for establishing fee in lieu of park land dedication.
§ 19-159 Credits and deviations.
§ 19-160 Suitability of land.
§ 19-161 Use of money paid in lieu of dedication of land.
§ 19-162 Form of dedication.
§ 19-163 In lieu of dedication.
§ 19-164 Mandatory connection.
§ 19-165 Mandatory extensions.
§ 19-166 General.
§ 19-167 Future use of extension.
§ 19-168 Un-serviced area.
§ 19-169 Non-participating lot owner.


### § 19-151 MONUMENTS.

A. Each lot corner shall be marked with iron pipes or pins not less than three-quarters (3/4) inch in diameter and twenty-four (24) inches long and placed at least one inch below finished grade.

B. Monuments marking property lines and corners shall not be disturbed; or if such disturbance is necessary, the monuments shall be replaced at the exact spot from which they were removed. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

### § 19-152 IMPROVEMENTS.

A. No final plat or subdivision located within the corporate limits shall be approved unless the subdivider or developer shall provide the facilities listed below or file a surety bond with the city clerk to insure the actual construction of such improvements (according to the plans and specifications provided by the developer and approved by the city council or city engineer) within a period of time determined by the planning commission and commending with the date of final plat approval. Such bond shall equal one hundred

percent (100%) of the cost of improvements as estimated by the developer's registered professional engineer and concurred in by the city council or city engineer. Conditions stipulated by the bond shall be acceptable to the city attorney and city council. No building of any residential, commercial or industrial structure shall take place until such facilities have been constructed or the surety bond properly filed with the city clerk.

B. Where the planning commission finds the developer has platted only a portion of his property (which otherwise would have been a logical part of the proposed subdivision) in order to circumvent the requirements of this chapter relative to improvements, the planning commission's findings shall be forwarded, in writing, to the city council at its next regular meeting. The city council shall take formal action within thirty (30) days, either concurring in, rejecting or modifying the commission's findings.

C. When subdivisions contain ten (10) acres or more, the planning commission may require the subdivider to install a public water system and sanitary sewers, with a disposal system adequate to serve all of the lots within the subdivision and require the following:

1. When mains properly connected with public water supply system where such public system is reasonably accessible. The water system shall be properly designed by a professional engineer registered in the state and shall be designed to insure adequate water flow for fire protection;

2. Where a public water supply system is not reasonably accessible and the proposed subdivision contains fifty (50) or more lots, the developer shall be required to provide a public water supply and distribution system, including water meters, to serve all lots in the subdivision;

3. Such water supply and distribution system shall be designed by a professional engineer registered in the state and shall be designed to insure adequate reserve and water flow for fire protection. The water system shall further be designed in such a manner to adequately serve the subdivision based on its capacity; to insure a minimum of necessary maintenance; and to facilitate connection of the system with the system of such areas that may be subdivided at a later date. Such water system shall be approved as applicable by the state and county health departments;

4. The actual costs of such water system within the boundaries of the subdivision, including necessary engineering, design, construction, labor and material costs incurred to supply water within the subdivision, shall be paid by the developer and shall not be reimbursed by the city. The actual costs of such water system outside the boundaries of the subdivision, and the additional costs for such improvements within the boundaries of the subdivision which are required by the city in addition to those improvements otherwise required by the subdivision regulations, including necessary construction, labor and material costs, plus ten percent (10%) of the accepted bid for engineering and surveying shall be paid by

the developer with a credit of the costs being made against the water system and sewerage system development fee. Such allowable credit against the development fee shall not exceed the amount of the development fee set in Section 12-434 of this code.

5. The actual, auditable costs of such water system, including necessary engineering design, construction, labor and material costs, shall be prorated on a "front foot" basis and assesses against each lot, prior to sale of the lot;

6. Upon completion of a usable portion of the water system, the developer shall deed that portion to the city for the purpose of maintenance and revenue collection. Upon completion of the entire system, the developer shall deed same to the city and the city shall accept the entire responsibility of operating and maintaining the system;

7. A sanitary sewerage system properly connected with an existing public system where such public system is reasonable accessible or as approved subsequently in this section, in accordance with standard specifications governing sanitary sewerage construction in accordance with requirements of state and county health departments;

8. Where a public sanitary sewerage system is not reasonably accessible and the proposed subdivision contains fifty (50) or more lots, the developer shall be required to provide a public sanitary sewerage system, the terminal facility of which shall be a lagoon or mechanical treatment plant, to serve all lots in the subdivision. Such terminal facilities shall be permanently sealed to prevent sewerage leakage into the soil or on to adjacent surfaces;

9. Such sanitary sewerage system shall be designed by a professional engineer registered in the state in such a manner as to adequately serve the subdivision based on its capacity; to insure a minimum of necessary maintenance; and to facilitate connection of the system with the system of such areas that may be subdivided at a later date. The engineer shall certify that the sanitary sewerage collection and outfall lines and the sewerage treatment facility are located in the best available position within the subdivision to facilitate later incorporation into the planned sanitary sewerage system contained in the "Tri-City Plan";

10. The actual cost of such sanitary sewerage system, including necessary engineering, design, construction, labor and material costs incurred to supply sewerage within the subdivision shall be paid by the subdivider and shall not be reimbursed by the city. The actual costs of such sanitary sewerage system outside the boundaries of the subdivision, and the additional costs for such improvements within the boundaries of the subdivision which are required by the city in addition to those improvements otherwise required by the subdivision regulation, including necessary construction, labor and material costs, plus ten percent (10%) of the

accepted bid for engineering surveying, shall be paid by the developer with a credit of the costs being made against the water system and sewerage system development fee. Such allowable credit against the development fee shall not exceed the amount of the development fee set in Section 12-434 of this code.

11. Upon completion of a usable portion of the sanitary sewerage system, the developer shall deed that portion to the city for the purpose of maintenance and revenue collection. Upon completion of the entire system, the developer shall deed same to the city and the city shall accept the entire responsibility for operating and maintaining the system;

12. Streets graded to the full required roadway width and to the established grade; such streets shall be paved and constructed in accordance with the current design standards (which are appended to and constitute a legal part of this chapter) and shall be provided with concrete curbs and gutters;

13. Storm drainage facilities, including required curbs and gutters, to provide adequate surface water drainage for the area being drained. Such facilities shall be constructed in accordance with the provisions of this chapter with provisions of the Storm Drainage Ordinance of the city; and

14. Underground electrical distribution, natural gas, water and telephone facilities shall be used exclusively. Such facilities are to be located in utility easements or street rights-of-way.

D. All such facilities shall be installed according to the plans and specifications of the city.

E. Each lot in residential subdivisions where septic tanks or individual sewerage disposal devices are to be installed shall contain not less than twenty-four thousand (24,000) square feet, and the width of the lot at the building line shall be a minimum of one hundred twenty (120) feet. All such lots to be serviced by private sewerage facilities shall comply with the regulations of the county and state board of health, and a certificate attesting to approval of proposed private sewerage facilities shall be obtained from the county sanitarian and presented to the planning commission.

F. In the event a developer submits to the city a development sketch plan or preliminary plat of phased development, or development of separate but related properties, any credits provided for by Paragraphs 4 and 9 of Subsection C of this section, shall accumulate and be available to the developer for such phased development or later related development, if such development, sketch plan or preliminary plat containing such plans are presented to the city council prior to any construction of any of such improvements, and approved by the city council. Such presentation of plans for the phased development or separate but related developments, and any approval thereof by the city council shall not be deemed approval of any preliminary or final plats required by the subdivision regulations, but shall only relate to the accumulation and carry forward of credits

acquired under Paragraphs, 4 and 9 of Subsection C of this section.

G. All projects or improvements submitted for approval under or pursuant to the subdivision regulations of the city, shall contain additional special conditions, peculiar to and appropriate to that particular project or improvement, which special conditions are not otherwise provided for or found in these subdivision regulations. Such special conditions shall be concurred in, or determined by, the city engineer of the city. (Ord. 10/18/71; Ord. No 139, 12/6/77; Ord. No. 250, 8/7/84; Ord. No. 416, 4/21/92)

## § 19-153 APPLICABILITY.

Sections 19-152 through 19-159.3 shall apply to all residential subdivisions or developments. (Ord. 10/18/71; Ord. No. 416, 4/21/92; Ord. No. 461, 1/3/95)

## § 19-154 PARK LAND DEDICATION.

A. All persons, firms or corporations subdividing land under provisions of this chapter for residential purposes within the boundary of the City, shall, prior to the acceptance of their respective final plat by City Council, comply with the following park land requirements:

1. Dedicate land, pursuant to these regulations, to be used solely and exclusively for public parks and recreation purposes;

2. Make an equivalent monetary contribution based upon a value of the land required to be dedicated, in lieu of the actual transfer of land;

3. Or a combination of number one and two above to provide for improvements to dedicated land.

B. Whether or not land or money shall be given to the City shall be at the sole option of the City Council. However, such option of monetary contribution shall be available to the City Council only when the total population for the pertinent preliminary plat, as projected under the provisions of Section 19-158 is less than one thousand five hundred (1,500) persons. (Ord. No. 461, 1/3/95)

## § 19-155 PARK LAND REVIEW.

For the purposes of reviewing park and dedication requirements for recommendation to the Planning Commission, it is the responsibility of the parks and recreation advisory board and the city manager or his designee to review all subdivision applications based on these regulations and the comprehensive plan. Then the parks board shall make recommendations to the planning commission on size, location, required improvements of park land to be made and dedication or fees in lieu of land. (Ord. No. 461, 1/3/95)

## § 19-156 PROCEDURES TO DETERMINE PARK LAND DEDICATION.

A. The determination as to whether land or monetary contribution is to made for a particular subdivision shall be made by the city council, based upon the recommendation of the planning commission and the standards set forth in the comprehensive plan. The following procedures will apply:

1. Prior to the submittal of a preliminary plat, the developer of a potential subdivision shall submit to the planning staff a sketch plan of the proposed subdivision. The developer shall consult with the planning staff about a set of mutually agreeable park sites or fee dedication;

2. The developer shall attend a review session with the parks board prior to the submittal of a preliminary plat and prior to making detailed engineering studies or plans. A quorum of four (4) is needed to make recommendations on a park dedication issue;

3. Recommendations made by the board shall be referred to the planning commission. Recommendations shall be made on:

   a. Dedication or fees in lieu of land;

   b. Size of land to be dedicated;

   c. Location of land to be dedicated; and

   d. Any required improvements of park land.

4. Upon receiving the recommendation from the parks board, the planning commission shall make its recommendation to the city council. Recommendations shall be based on these regulations and the comprehensive plan;

5. The city council shall, upon review of the sketch plan and the recommendations of the planning commission and parks board, make a decision on the type and amount of land to be dedicated, location of park dedication or fee in lieu of land, and any required park land improvements. If land is required, the site shall be indicated on the preliminary plat as reserved for future dedication for planning commission approval. When required, the monetary contribution shall be paid prior to the final acceptance of the final plat by the city council;

6. Further refinement of the number of acres (or fee in lieu of if required by council) shall be made on the preliminary plat. Exact measures of land (or fee in lieu of) may be made when the final plat is submitted for approval; and

7. In the event a preliminary plat is final platted in phases, the city council, upon recommendation by the planning commission, shall decide how phasing of land

dedication or fee in lieu of will be accomplished. (Ord. No. 461, 1/3/95)

## § 19-157 STANDARD FOR DETERMINING AMOUNT OF PARK LAND DEDICATION.

A. The land area to be dedicated from a residential subdivision plat shall be determined by the following formula:

.016 acres x number of dwelling units projected in development = Amount of land to be dedicated.

B. These figures shall be calculated by the planning staff and approved by the Planning Commission. A minimum fee of two hundred fifty ($250.00) dollars is hereby established for all subdivision or residential developments. (Ord. No. 461, 1/3/95)

## § 19-158 STANDARD FOR ESTABLISHING FEE IN LIEU OF PARK LAND DEDICATION.

A. In those instances where it is established that less than one thousand five hundred (1,500) persons will ultimately occupy any given subdivision as reflected by the sketch plan submitted to the planning staff, the Park Land Review Committee and Planning Commission, as described above, shall review said plan and promptly recommend to the City Council whether land or money should be required of the subdivider. The City Council shall then make a final decision.

B. If a fee in lieu of land contribution is required, the amount of the fee shall be determined at the time of final platting according to the following formula:

Fair Market Value x Amount of Land required = Fee in Lieu Of
Land per acre to be deducted according land dedication to Section 19-157

1. The subdivider shall tender and pay over to the City a cashier's check for said fee immediately prior to recording the final plat;

   a. The fair market value of the land shall be determined no more than six (6) months prior to the submission of the final plat to the City Council;

   b. The representative cash value of the land that would otherwise be required to be dedicated shall be the full and fair market value of the raw land. Such value shall be determined by averaging the value of all residential zoned acreage in the development; and

   c. The fair market value shall be determined by negotiation between the subdivider and the City. If negotiations fail to reach a mutual agreement by the time the final plat is submitted, an appraisal board consisting of

three (3) qualified real estate appraisers shall be appointed to determine the fair market value, whose appraisal shall be final and binding on both parties. The appraisal board shall consist of three (3) qualified real estate appraisers, one (1) selected by the City, one (1) selected by the subdivider, and one (1) selected by the chosen appraisers. The appraisal fee shall be paid by the subdivider. Within thirty (30) days, the appraisal board shall tender a report of the fair market value of the land as of the date the appraisal board was appointed. (Ord. No. 461, 1/3/95)

§ 19-159 CREDITS AND DEVIATIONS.

A. The City Council may, upon recommendation of the Planning Commission as defined in Section 19-156, determine that a subdivider may dedicate more land than would be required by the formulas herein set out and receive a written credit against future mandatory park land dedications. Where a subdivider dedicates land against future requirements, the development which is thereby relieved of all or parts of its mandatory park land dedication requirement must be in the same general area as that served by the dedicated credit land, such general area to be at the City's sole determination. The credit shall attach to the relieved land and remain with the relieved land, regardless of charge in ownership thereof.

B. In the event a subdivider deviates from the approved preliminary plat in final platting or rezones land within the preliminary plat which has the effect of increasing the density of population over the earlier population density estimates made under this section or where the use of property is changed from a nonresidential use to a residential use, the owner or subdivider shall be obligated to provide additional land or fee based on the value of the previously platted land to compensate for the increase in population. Such contribution shall be made prior to the City issuing a building permit or the Planning Commission approving a final plat. (Ord. No. 461, 1/3/95)

§ 19-160 SUITABILITY OF LAND.

A. Any land dedicated to meet the requirements of this section shall be reasonably located and adaptable for use as an active park or recreation facility as defined by the Comprehensive Plan. Factors to be used in evaluating the adequacy of the proposed park and recreation land areas include, but are not limited to the following:

1. Unity: The dedicated land should form a single parcel or tract of land at least three (3) acres in size unless the Park Land Review Committee determines that a smaller tract would be in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchased by the City;

2. Shape: The shape of the parcel or tract of land to be dedicated should be appropriate for parks and recreation purposes, i.e., ball diamonds, tennis courts and usable open space;

3. Access: Public access to park land shall be approved by the Planning Commission and delineated on the preliminary plat. The access shall consist of at least one hundred fifty (150) feet of street frontage. At the time the land abutting the delineated areas is developed, the subdivider of such abutting land shall furnish and pay for paving all abutting street frontage and shall provide water and sewer access to the boundary of at least one side of the delineated area to meet minimum requirements as determined by the Building Inspector and/or City Engineer;

4. Topography: The land to be dedicated, to meet the requirements of this section of these regulations, should be suitable for parks, open spaces and recreation activities. Fifty percent (50%) of the land to be dedicated shall no exceed five percent (5%) grade;

5. Location: The land to be dedicated shall be located so as to serve the recreation and open space needs of the subdivision for which the dedication is made. However, an evaluation of possible locations would also include factors such as freedom from possible safety hazards, i.e., major thoroughfares, and unusable land such as floodplain or drainage channels;

6. Useable open space: Such is defined to mean any parcel of land which meets the requirements as to suitability and does not necessarily require that the land be appropriate for such recreation purposes as ball diamonds, soccer, tennis and organized sports. Usable open space uses would also include, but not be limited to, the following:

    a. Hiking trails;

    b. Arboretums;

    c. Bike paths;

    d. Picnic areas;

    e. Existing or planned greenbelt areas to be left in their natural state;

    f. Linkage parcels for the greenbelt corridors as shown on the Comprehensive Plan; and

    g. Similar uses that would benefit the public either from natural beauty or open space type of recreation use. (Ord. No. 461, 1/3/95)

§ 19-161 USE OF MONEY PAID IN LIEU OF DEDICATION OF LAND.

A. A separate fund to be entitled "Park Land and Capital Improvements Fund" shall be and is hereby created and contain all money paid in by owners, subdividers, and applicants at final approval of subdivision plats in lieu of the dedication of land. The fees and the interest accrued thereon, shall be held in the fund to be used only for the purpose of purchasing park land and improvement items (i.e., equipment or repair to structures) for park and recreation land within the corporate limits as determined by the City Council.

B. Upon the recommendation of the City Treasurer that there are sufficient funds in the "Park Land and Capital Improvements Fund" to purchase or to make improvements on park lands and/or open space, the City Council shall cause negotiations or condemnation to be undertaken to obtain the site or to make all necessary improvements. In making such determination for the purchasing of any park site, the conditions of Section 19-160 shall be taken into consideration. (Ord. No. 461, 1/3/95)

## § 19-162 FORM OF DEDICATION.

A. Land accepted for dedication under the requirements of this section shall be conveyed by one of the following methods:

1. By dedication to the City within the plat to be filed of record in the office of the County Clerk of Oklahoma County, Oklahoma; or

2. By warranty deed transferring the property in fee simple to the City of Choctaw. (Ord. No. 461, 1/3/95)

## § 19-163 IN LIEU OF DEDICATION

A. Where a private park and/or open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirements of park land dedication, as set forth in Section 19-157 or the payment of fees in lieu thereof, as set forth in Section 19-158. The credit may be allowed provided the City Council finds it is in the public interest to do so, and the following standards are met.

1. That yards, court areas, setback, streets or other open areas required to be provided by the zoning and building regulations shall not be included in the computation of such private park and/or open space;

2. That the private ownership and maintenance of the open space is adequately provided for by written agreement;

3. That the use of the private park and/or open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract. The covenants cannot be defeated or eliminated without the consent of the City Council.

4. That the proposed private park and/or open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land;

5. That facilities proposed for the park and/or open space are in substantial accordance with the provisions of the recreational element of the Comprehensive Plan, as approved by the City Council. (Ord. No. 461, 1/3/95)

§19-164 MANDATORY CONNECTION

A. The following properties must connect to Authority Water and Sanitary Sewer Main Lines:

1. New primary building development that abut existing public water and/or sanitary sewer mains;

2. Developed properties that abut existing water mains with failed water wells;

3. Developed properties that abut existing sewer main with a failed septic system;

4. In the event that a sanitary sewer extension or service is installed within twenty-five (25) feet of a private water well, the well shall be abandoned and the property owner shall connect to the Authority's water system;

5. Lawn irrigation only is exempt from this rule. A backflow device must be installed and tested annually as required in the adopted International Plumbing Code.

B. Any improvements to existing developed property within the boundaries of the Authority requiring either new or expanded well and/or septic capacity shall connect to the Authority's system when the property is adjacent to an existing water and/or sanitary sewer main. (Ord. No. 741, 12/15/15)

§19-165 MANDATORY EXTENSIONS

A. The following properties must extend a minimum of an eight inch main line. The main line could be larger if it is connecting to a water main in an arterial street or sanitary sewer trunk main. Refer to "Future Use of Extension".

B. The said property must extend the utility main if any point of the property is within 500 foot circumference of an existing public water or sanitary sewer main:

1. Platted or un-platted new primary building development;

2. Existing platted or un-platted developed properties that has a failed private water well(s) and/or private sanitary sewer system;

C. The following properties must extend the utility main if any point of the property is within 1,200 foot circumference of an existing public water main:

1. Un-platted lots to be split into two (2) lots or more under the same ownership at the time of the split;

2. Illegal subdividing of tract, parcel, or lot (lot split);

3. Proposed Residential Subdivision

4. Proposed Multi-Family Development

5. Proposed Non-Residential Subdivision

6. Proposed Non-Residential Development

D. In the event that there are no adjacent potable water and/or sanitary sewer mains available and if falls outside of the mandatory extension boundary, the developer may construct a private well and/or on-site sewage treatment system, if approved by the City of Choctaw and the State of Oklahoma. If the City of Choctaw or the State of Oklahoma does not approve a new or expanded well or an on-site sewage treatment system, the developer shall provide the required extension of the Authority's utility to the property, and shall connect to the new utility extension. (Ord. No. 741, 12/15/15)

§19-166 GENERAL

A. Water and sanitary sewer main(s) must be connected to the City of Choctaw/Choctaw Utility Authority's main line system contingent on:

1. Properly designed and constructed to service the properties intended to be served directly by such line or main;

2. The size and design is sufficient to accommodate any necessary expansion of the water and sewer system to serve other properties, including fire protection.

B. To determine the distance for a required connection and/or extension, the measurement shall begin from the very outside edge of a utility main or facility to the closes edge of the property's legal description.

C. Utility extensions and/or connections shall be submitted to the Choctaw Utility Authority. Applications for utility extensions shall be accompanied by engineering design plans by a licensed Oklahoma professional engineer. All proposed water and sanitary sewer extensions or facility upgrades must be permitted by the City or Authority prior to construction. The topography, alignment, size, location, access, and property use must be

suitable for such line installation and maintenance as determined by the Authority.

D. All extensions, expansions, and new facilities must be financed and constructed by the developers. The utility improvement must be in accordance with City engineering criteria, standards, and specifications and in conformity with any existing or future policies and plans which are adopted by the City.

E. The developer is responsible for financing and installing all water and sewer taps. The developer must also pay all paving, bores, casings, land acquisition, associated inspection fees, and any other means for installation. All taps and extensions must be inspected and approved by a City of Choctaw Official

F. Testing water and/or sewer infrastructure must pass all tests as required by the City of Choctaw water and sanitary sewer specifications and those of all applicable regulatory agencies. These tests include, but are not limited to, air test, vacuum test, mandrel test, visual test, pressure test, and bacteriological test. An inspector must be present during testing. All tests must be satisfied prior to Final Inspection.

G. Effective upon the adoption of these policies, no new wells or septic tanks within the corporate limits shall be allowed unless the development is outside of the City Service Area. (Lawn irrigation services only does not apply)

H. All extensions, expansions, and new facilities for City water and/or sewer main shall be conditional on the developer complying with all land use regulations. If the developer violates any provisions of City, State, or Federal Code, the City shall declare all rights forfeited and shall have the right to remove and disconnect any connections that may have been made to the City's water or sewer system.

I. In cases of emergency where it is found to be in the public interest or necessity to protect the public health, the City Engineer may authorize, at its discretion, extensions of water and/or sanitary sewer mains into specific areas.

J. All extensions, expansions, and new facilities for City water and/or sewer main lines, must be extended across the developer's property to the far end of the easement or right of way adjacent to the property.

K. Developers will provide 100% of the total project cost along all proposed new public and/or private easements and/or roads inside the development's boundary. Appropriate sized utility easements required for the system extensions or facility upgrades shall be dedicated to the Choctaw Utility Authority.

L. If a water and/or sewer main line is requested outside City Limits of Choctaw, the developer must petition to be annexed within the City Limits of Choctaw.

M. A water and/or sewer main extension within another jurisdiction will require an inter-local

agreement between the Choctaw Utilities Authority and the other jurisdiction.

N. Bonds will be required for the extension of water and/or sewer lines. (Evaluation must be agreed upon the developer and the City)

1. Performance Bond – 100% of the project evaluation and must keep active until the completion of the installation.
2. Surety Bond – 100% of the project evaluation.

3. Maintenance Bond – 100% of the project evaluation and for a two (2) year term. Starting the day after Choctaw Utilities Authority accepts improvements.

O. All new extensions and/or connections fees adopted by the City Council and the Utility Authority shall be paid in full prior to construction.

P. When a property is supplied by a private water well, an alternate source of potable water system, or sanitary sewer system the private water and/or sanitary sewer system shall be completely disconnected from any structure connected to the Authority's system. Under no circumstance shall the private system be connected to the Authority's potable or sanitary sewer system.

Q. The developer is subject to inspections by the Choctaw Utilities Authority. Any violating issues must be corrected by the developer.

R. The developer is encouraged to speak with neighboring property owners, if appropriate, to determine whether any other citizen wishes to share in the cost of the extension;

S. Other Basis for Extensions No provision of this City Code section shall prevent the City Utility Service Board from extending water and sewer lines under a different policy so long as the public interest is thereby served. (Ord. No. 741, 12/15/15)

## §19-167 FUTURE USE OF EXTENSION

The Choctaw Utilities Authority is authorized to approve the upgrading of water lines. The Authority may upgrade a project to better suit the needs of the public.

The City may require oversized facilities (i.e. water or sewer main in excess of eight inches in diameter) to be installed to provide for the future expansion of the City's water and sewer system.

If the water main is located within an arterial street right of way, the minimum size for said main shall be twelve (12) inches.

If the extended sanitary sewer main is attaching to any part of the sanitary sewer trunk main, the minimum size for said main shall be sized appropriately to allow future extensions and services. The minimum size shall be approved by the City Engineer.

The City Engineer holds the right to require any larger size of main to serve future extensions or services as he/she sees fit. (Ord. No. 741, 12/15/15)

§19-168 UN-SERVICED AREA

If the development is greater than the required sum from the utility main line or the Authority cannot provide a connection to the property/lot the developer is exempt from this rule. (Ord. No. 741, 12/15/15)

§19-169 NON-PARTICIPATING LOT OWNER

Refer to "Pro-Rata" policies located in Part 17 of Choctaw's "Code of Ordinance". (Ord. No. 741, 12/15/15)

## ARTICLE E

## PRIVATE ROAD SUBDIVISIONS

§ 19-171 Private road subdivisions, design requirements.
§ 19-172 Arrangement of streets.
§ 19-173 Street width.
§ 19-174 Easements.
§ 19-175 Blocks.
§ 19-176 Lots.

§ 19-171 PRIVATE ROAD SUBDIVISIONS, DESIGN REQUIREMENTS.

A. A "private road subdivision" is a division of land into tracts containing not less than eighty-seven thousand one hundred twenty (87,120) square feet net, excluding road easement, and must be zoned rural residential or agricultural and conform to the area height regulations of the underlying zoning districts.

B. A "private road subdivision" in which all lots contain not less than two (2) acres net abutting upon a private road shall comply with all adopted city standards. (Ord. No. 129; Ord. No. 143, 11/21/78; Ord. 10/18/71; Ord. No. 416, 4/21/92; Ord. No. 421, 7/21/92)

§ 19-172 ARRANGEMENT OF STREETS.

A. The arrangement of the streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining areas (or make their proper projections where adjoining land is not subdivided) insofar as they may be deemed necessary by the commission for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The

street arrangement must be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. In general, provisions should be made for through streets at a maximum interval of one thousand three hundred twenty (1,320) feet. Offset street should be avoided.

B. Streets that are obviously in alignment with others existing and named shall bear the names of the existing streets.

C. The proposed street names shall be checked against duplication of existing municipal street manes and approved by the city engineer to avoid confusion of the public and safety services.

D. Streets shall be located on both sides of and generally parallel to all streams or major watercourses, with lots abutting the stream or watercourse on the rear if in the opinion of the city engineer this is necessary in order to protect the health, safety, or general welfare of future residents. (Ord. 10/18/71; Ord. No. 416, 4/21/92; Ord. No. 421, 7/21/92)

§ 19-173 STREET WIDTH.

A. The minimum right-of-way width for streets shall be sixty (60) feet. When a street adjoins un-subdivided property, streets will be full complete streets and shall be done according to city standards. A variance to fifty (50) feet may be granted if curbs and gutters are constructed.

B. The private roadway shall not be dedicated to the public but reserved for future dedication and, until such future dedication, shall be private roadway of the owners of the abutting property.

C. The private roadway shall be maintained by the owners of the property within the subdivision.

D. The municipality shall have no responsibility for the maintenance or repair of the private roadway or drainage.

E. Prior to the sale of any parcel of land in the subdivision a conspicuous sign, minimum twelve (12) square feet, shall be posted at the entrance to the subdivision: "Private roadway and drainage, not maintained by the City of Choctaw". At any time a petition to improve and dedicate the street, signed by sixty percent (60%) of owners abutting the street, shall bind all other owners to permanently improve the dedicated street to full compliance with municipal standards. (Ord. 10/18/71; Ord No. 416, 4/21/92; Ord. No. 412, 7/21/92)

§ 19-174 EASEMENTS.

Easements of not less than fifteen (15) feet in width shall be provided along either the front or rear lot lines. Additional easements and easements of greater width may be required along or

across lots where necessary for the extensions of main drainage facilities, electrical or other infra-structure necessary for development. Each lot must be served by a utility easement. (Ord. 10/18/71; Ord. No. 416, 4/21/92; Ord. No. 421, 7/21/92)

§ 19-175 BLOCKS.

A. In general, blocks should have the following dimensions;

| | Minimum | Maximum |
|---|---|---|
| Length | 480 feet | 1200 feet; or |
| Width | 280 feet | 680 feet. |

B. The foregoing dimensions shall be subject to adjustment upon recommendation by the planning commission where topography, the character of the proposed development, of other similar conditions justify blocks of greater or lesser length or width.

C. Block lengths and widths shall be measured from the street right-of-way line. (Ord. 10/18/71; Ord. No. 416, 4/21/92; Ord. No. 421, 7/21/92)

§ 19-176 LOTS.

A. All side lines of lots shall be at right angles to straight street lines or radial to other than street lines unless a deviation will give a better street and a lot plan.

B. The minimum width of residential lots shall be one hundred ten (110') feet at the building line and rectangular or irregular shaped lots that are to be used for residential purposes shall contain an area of not less than two (2) acres net; provided, that where the lot area regulations of any zoning ordinance or order require a larger lot area than the requirement of this article, such other ordinance or order shall govern.

C. Corner lots shall have extra width sufficient to permit the establishment of a sideyard setback along the side of the street of twenty-five (25) feet, or where the front yard setback is greater than twenty-five (25) feet, one-half (½) of the front yard setback, whichever is greater. Corner lot lines shall be cut with a chord or arc to provide a sight triangle with legs of twenty-five (25) feet back from the point of intersection of the property lines along both property lines.

D. Lots on major highway intersections and at all acute angle intersections which, in the opinion of the commission, are likely to be dangerous to traffic movements shall have a minimum of fifty (50) foot sight triangle at the street corner. No lots shall have frontage directly on a public road. (Ord. 10/18/71; Ord. No. 416, 4/21/92; Ord. No. 421, 7/21/92)

## REVIEW OF PLAT


§ 19-181 Planning commission action.
§ 19-182 City action.


### § 19-181 PLANNING COMMISSION ACTION.

A. The planning commission shall review the final plat for conformance with the preliminary plat and shall prepare a set of written recommendations to be submitted to the city council at the time the final plat is considered.

B. The planning commission shall examine the final plat and shall approve or disapprove the plat within sixty (60) days of the date of its submittal. If the final plat is approved with the modification or waiver of certain requirements, the planning commission shall specify the reasons therefor. If the final plat is disapproved, grounds for refusal, including citation of the applicable regulations or general plan, shall be stated on the records of the planning commission. If the planning commissions fails to act, a certificate by the city clerk as to date of submission of plat for final approval and failure of the planning commission to act thereon within such specified time shall be sufficient in lieu of written endorsement of approval.

C. The action of the planning commission shall be shown on the final plat, with the date of the action, over the signature of the chairman, vice chairman, or secretary.

D. The planning commission shall transmit to the city council the tracing two (2) paper copies of the final plat, together with four (4) copies of the restrictive covenants, and a listing of all required improvements indicating that they have been installed, or that a contract and bond insuring their installation, satisfactory to the city council, has been executed and received by the city clerk.

E. The city clerk shall transmit a copy of the final plat as approved by the planning commission to the school board affected, the public utility companies, and utility departments.

F. After the planning commission and city council have approved the final plat, no change shall be made therein unless the plat is resubmitted for approval of the planning commission and city council. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

### § 19-182 CITY ACTION.

Before recording the final plat, it shall be submitted to the city council for approval and for acceptance of public ways, service and utility easements, and land indicated to public use. This approval of the plat shall be shown over the signature of the mayor and attested to by the city

clerk or his deputy. The disapproval of any plat by the city council shall be deemed a refusal of the proposed dedications shown thereon. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

## ARTICLE G.

## RECORDING OF PLAT

§ 19-185 Recording of plat.

### § 19-185 RECORDING OF PLAT.

After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the planning commission with two (2) dark line prints thereof and one contract reproducible cloth or mylar base tracing, the tracing to be filed with the city clerk. One dark line print shall be retained in the permanent file of the planning commission and one shall be sent to the office of the city clerk. The applicant shall file, within ninety (90) days after the date of approval by the city council, the original tracing, one dark line copy on linen-back, and one contract reproducible cloth tracing or film with the city clerk. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

## ARTICLE H

## ADMINISTRATION AND AMENDMENT

§ 19-191 Variances and exceptions.
§ 19-192 Amendment.
§ 19-193 Violation and penalty.

### § 19-191 VARIANCES AND EXCEPTIONS.

Whenever it would be inadvisable to apply a provision of this chapter because a tract is of such unusual size, shape, or character as would render an extraordinary hardship not created or imposed by the owner or developer, the planning commission may modify such provisions only to provide that substantial justice may be done, the public interest secured, and the intent and spirit of these regulations fulfilled; provided that in no event shall the requirements of procedure or improvements be waived. Such modification thus granted shall be made at the written request of the developer stating the reasons for such modification and shall be waived by three-fourths (3/4) vote of the regular membership of the planning commission. Any such modifications thus granted shall be duly entered and recorded in the minutes of the planning commission, with the reasons justifying the modifications set forth therein. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

### § 19-192 AMENDMENT.

The city council may, from time to time, adopt, amend, and make public rules and regulations for the administration of these regulations to the end that the public be informed and that approval of

plats be expedited. These regulations may be enlarged or amended by the city council after public hearing, due notice of which shall be given as required by law. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

## § 19-193 VIOLATIONS AND PENALTY.

A. No building permit shall be issued for any new structure or change, improvement, or alteration of any existing structure on any tract of land in a subdivision filed of record after the effective date of these regulations which does not comply with all of the provisions of these regulations.

B. A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine as provided in Section 1-108 of this code. (Ord. 10/18/71; Ord. No. 416, 4/21/92)

# CHAPTER 2

## SHORT FORM SUBDIVISIONS


§ 19-201 Deed approval.
§ 19-202 Short form subdivision.
§ 19-203 Purpose and intent.
§ 19-204 Application procedure.
§ 19-205 Application fee.
§ 19-206 Review procedure.
§ 19-207 Approval process.
§ 19-208 Improvements required.
§ 19-209 Deed approval at staff level.
§ 19-210 Purpose and intent.
§ 19-211 Staff level deed approval procedure.
§ 19-212 Application fee.
§ 19-213 Deed approval for lot line adjustments.
§ 19-214 Other deeds eligible for staff level approval.
§ 19-215 Force of approval.
§ 19-216 Limits of authority.


### § 19-201 DEED APPROVAL.

The exemptions described in this chapter are intended to facilitate the limited conveyance of simple property divisions and to allow minor adjustments to be made to lot lines. Extensive subdivision or re-subdivision shall not be accomplished by use of this section. (Ord. No. 417, 4/21/92)

### § 19-202 SHORT FORM SUBDIVISION.

A. Whenever there is a tract or previously subdivided parcel under single ownership which is to be resubdivided into three (3) or fewer lots, the proposed subdivision may be exempt from the procedural provisions of these regulations, and a preliminary and final plat may not be required.

B. Subdivision of tract, parcel or lot shall be defined as a short form subdivision under the following conditions and must meet the requirements described herein:

1. No more than three (3) tracts, parcels or lots shall be created or approved based on the original legal description submitted at the time of original application for land subdivision; and

2. For the land subdivision described immediately above, the land shall not be resubdivided for a period of two (2) years from the date of creation or approval of the short form subdivision, unless it is fully platted under Chapter 1 of Part 19.

(Ord. No. 417, 4/21/92)

## § 19-203 PURPOSE AND INTENT.

A. The purpose of the short form subdivision process is to not allow extensive subdividing or re-subdividing of large tracts, parcels or lots. Whenever a short form subdivision shows one or more tracts, lots or parcels containing more than one acre of land and there are indications that such tracts, lots or parcels having the potential to be resubdivided or extensive improvements are required, the city manager or his designee or planning commission shall require the applicant to submit a preliminary and final plat. Platting procedures and requirements shall be followed as specified in Chapter 1 of Part 19.

B. The classification of a subdivision as short form subdivision shall not be construed as a waiver of any requirement of these regulations nor the provisions of any other ordinance or statute pertaining to the property. (Ord. No. 417, 4/21/92)

## § 19-204 APPLICATION PROCEDURE.

Written application for short form subdivision approval shall be filed with the city manager or his designee in such form and content as the city manager may establish. (Ord. No. 417, 4/21/92)

## § 19-205 APPLICATION FEE.

A. An application for short form subdivision shall be accompanied by the payment of the following fees:

   1. a non-refundable filing fee in such sum as set by the city council either by motion or resolution.

B. Costs of notice and posting shall be billed to the applicant.

C. Permit fees for water and sewer development shall be applicable to all lot split applications as set forth in Section 5-108 of the City Codes and payable prior to deed approval. (Ord. No. 417, 4/21/92; Ord. No. 590, 2/22/05)

## § 19-206 REVIEW PROCEDURE.

The city staff shall review the proposed short form subdivision to insure compliance with all design and improvement requirements of these regulations. The city manager or his designee may submit the application for review and comment to other agencies or city departments as deemed necessary. (Ord. No. 417, 4/21/92)

## § 19-207 APPROVAL PROCESS.

A. Staff level approval:

1. For short form subdivisions of lots, blocks or parcels approved for commercial, industrial, or high density multiple family residential land used in an approved planned unit development, approval may be granted at staff level under the following conditions:

    a. All other requirements of this section are met; or

    b. The proposed short form subdivision is in substantial conformance with the approved PUD Master Development Plan Map. Substantial conformance shall be determined by the city manager or his designee and based on provisions in Chapter 1 of Part 19.

2. If "a" and "b" of the above paragraph are not met, the city manager or his designee shall require the applicant to submit a preliminary and final plat or a revised planned unit development application to be reviewed and approved by the planning commission and city council; and

3. After review of the application, and within seven (7) working days of the official date of application, the city manager or his designee shall approve or disapprove the application for short form subdivision and shall notify the applicant of the decision. The applicant may waive this requirement and consent to an extension of the period. If the application is approved after review each deed shall be affixed with the stamp of approval. If the application is denied, the city manager or his designee shall inform the applicant of reasons for denial and shall advise his on appropriate alternative procedures.

B. Planning Commission approval:

1. In all cases where staff level approval is not allowed, the city manager or his designee shall prepare a written report thereon which shall be forwarded to the planning commission not more than twenty-eight (28) days after receipt of the short form subdivision application for consideration at the next regular meeting of the planning commission.

2. Upon approval by the planning commission each deed shall be affixed with the stamp of approval. If the application is denied, the reasons for denial shall be stated in writing with reference made to the express provision of the regulations to which the proposed short form subdivision does not conform and shall be transmitted to the applicant; and

3. Whenever an easement or other element is to be dedicated, the action of the planning commission shall be forwarded to the city council for its approval and acceptance of dedications. For all the other types of short form subdivision

applications the action of the planning commission is final. (Ord. No. 417, 4/21/92)

§ 19-208 IMPROVEMENTS REQUIRED.

A. All current subdivision regulations shall be complied with including all ordinances and regulations relating to the improvement of streets, the installation of water, sewer and drainage facilities and the dedication of required easements:

1. The extension or installation of sanitary sewer facilities shall be required as prescribed by these regulations. If a subdivided tract, parcel or lot is proposed to utilize an individual sewage disposal system, the following conditions shall apply:

a. Percolation test results for each tract affected and approved by the appropriate health department shall be submitted with the application;

b. The individual sewage disposal system shall be installed and inspected in accordance with the health department requirements;

c. Minimum lot size and area regulations shall be in conformance with the appropriate zoning;

2. The extension of or installation of water facilities shall be required to serve this tract, parcel or lot as specified by these regulations. If a private water well is utilized, the following conditions shall apply:

a. Approval of water drilling by the health department must be secured; or

b. The tract, parcel or lot must meet the locational criteria and health department requirements if water well and septic tank are both used.

B. In all cases where sanitary sewer or public water facilities are not available and the extension of such facilities is not required, the deed submitted for approval shall have affixed to its face: "Not served by public sewer or water".

C. If approval of the short form subdivision is conditional upon approval by the planning commission and acceptance by the city council, if appropriate, the applicant shall prepare and submit to the city improvement plans. All improvement plans shall be prepared in accordance with these regulations and any other applicable ordinances of the city's code of ordinances. Assurance of completion of the improvement, shall be made in accordance with Chapter 1 of Part 19. Construction plans and the assurance of completion shall be submitted prior to any building permit being issued for any lot created using the short form subdivision procedure. (Ord. No. 417, 4/21/92)

§ 19-209 DEED APPROVAL AT STAFF LEVEL.

Subdivision of land shall be classified as a deed approval under the following conditions:

A. No additional tract, parcel or lot shall be created by any deed approval. Deed approval shall include:

   1. Deed resulting from the adjustment of lot lines in an approved plat; or

   2. Pre-existing, or otherwise exempt deed as defined herein;

B. The dedication or abandonment of public right-of-way or easements is not involved, included in or required by the deed approval;

C. These regulations and all other applicable ordinances and statutes are satisfied without the construction of streets, water facilities, storm drainage facilities or other improvements except as necessary to directly serve the created lots and to provide a direct connection to an existing and approved system. (Ord. No. 417, 4/21/92)

## § 19-210 PURPOSE AND INTENT.

A. It is the intent of this provision to limit this classification and procedure to those cases and all such improvement required by these regulations have been provided and all such improvement requirements, except for the extension of service to individual lots, have been satisfied under applicable sections of these regulations.

B. The classification of a subdivision as a deed approval procedure shall not be construed a waiver of any requirements of these regulations nor the provisions of any other ordinances or other statute pertaining to the property. (Ord. No. 417, 4/21/92)

## § 19-211 STAFF LEVEL DEED APPROVAL PROCEDURE.

A. Application for deed approval review shall be filed with the city manager or his designee. The application shall consist in such form and content as the city manager may establish.

B. The city manager or his designee shall review the application and may submit it for review and comment to other agencies or departments as deemed necessary. Within seven (7) working days of the official date of application, the city manager or his designee shall approve or not approve the application for deed approval and shall notify the applicant of the decision. The applicant may waive this requirement and consent to an extension of the time period. If the application is not approved by the city manager or his designee, the applicant may apply to the planning commission for a public hearing following the same procedure as a short form subdivision. (Ord. No. 417, 4/21/92)

## § 19-212 APPLICATION FEE.

An application for deed approval shall be accompanied by the payment of a non-refundable filing fee in such sum as set by the city council either by motion or resolution. (Ord. No. 417, 4/21/92)

§ 19-213 DEED APPROVAL FOR LOT LINE ADJUSTMENTS.

A. The purpose of this form of deed approval is to allow adjustments to be made to lot lines of platted lots for the purpose for adjusting the size of a building site; however, extensive replatting shall not be accomplished by use of this section.

B. Exceptions to these regulations designated as deed approval lot line adjustments shall not violate any of the provisions of these regulations as to requirements for design or improvements and shall constitute only procedural exceptions as herein stated.

C. In addition to the criteria found in Section 19-202 of these regulations, the approval of any lot line adjustment shall not result in the creation of any lot which is unusable or does not meet the requirements of these regulations or any ordinance of the city's code of ordinances.

D. All lots affected shall be submitted for approval concurrently.

E. An application and filing fee shall accompany each deed submitted for approval. (Ord. No. 417, 4/21/92)

§ 19-214 OTHER DEEDS ELIGIBLE FOR STAFF LEVEL APPROVAL.

The city manager or his designee has the authority to approve deeds under the following conditions:

A. Pre-existing deeds: The property conveyed by the deed submitted for review existed in its present configuration prior to its annexation to the city or prior to the October 18, 1971, adoption of the subdivision regulations. Documentation of such shall be required;

B. Exempted deeds:

    1. The configuration of the property to be conveyed was created by a court decree or by an action of other governmental actions shall be required;

    2. The property to be conveyed is bounded on all sides by properties which have previously received deed approvals by the planing commission or by the city manager or his designee. Documentation of such shall be required; and

    3. The deed submitted is exempted from the requirements of planning commission approval by a provision of state law. Documentation of such shall be required;

C. Other deeds: The property to be conveyed is located within a noncomplying subdivision or other area of the city for which specific guidelines, governing development or redevelopment, have been adopted by the planning commission. The property shall be in full compliance with the same. A deed conveying property in a subdivision which is found to be nonconforming because of ordinance or regulation changes will be considered to be a pre-existing deed and may be approved administratively so long as the subdivision as in conformance with the ordinances and regulations in force at the time of its creation. (Ord. No. 417, 4/21/92)

## § 19-215 FORCE OF APPROVAL.

Once the initial deed or any subsequent deed has been approved through the deed approval process either by short form subdivision, lot line adjustments or exemption by the planning commission or city manager or his designee, such approval relates back to the original approved legal description and covers all future conveyances using the same legal description. (Ord. No. 417, 4/21/92)

## § 19-216 LIMITS OF AUTHORITY.

No further delegations of the planning commission's authority for the approval of deeds is hereby granted or implied. The city manager or his designee is hereby authorized by the planning commission to sign or stamp approval on the face of those deeds receiving approval by any manner of the deed approval process. Nothing in this chapter shall prevent the applicant from requesting a public hearing before the planning commission. (Ord. No. 417, 4/21/92)

CHAPTER 3

MOBILE HOMES


§ 19-301 Definitions.
§ 19-302 Building permit, licenses.
§ 19-303 Application.
§ 19-304 License fees and temporary permits, posting.
§ 19-305 Inspection of mobile home and travel trailer parks.
§ 19-306 Notice, hearings and order.
§ 19-307 Free-standing mobile homes, location.
§ 19-308 Nonresidential mobile trailers.
§ 19-309 Location, space and general layout of mobile home parks and travel trailer parks.
§ 19-310 Service building for travel trailer parks.
§ 19-311 Sewage disposal for mobile home parks.
§ 19-312 Water supply for mobile home parks.
§ 19-313 Refuse disposal for mobile home parks.
§ 19-314 Insect and rodent control.
§ 19-315 Electricity; exterior lighting.
§ 19-316 Piping.
§ 19-317 Fire protection.
§ 19-318 Alterations and additions.
§ 19-319 Registration of owners and occupants.
§ 19-320 Wrecked or damaged homes, trailers.
§ 19-321 Mobile home subdivisions.
§ 19-322 Supervision.
§ 19-323 Zonings.
§ 19-324 Penalty.


§ 19-301 DEFINITIONS.

A. For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Dependent mobile home" means a mobile home which does not have a flush toilet and a bath or shower. For purposes of regulation under this chapter, a dependent mobile home shall be considered to be the same as a dependent travel trailer, unless otherwise specified;

2. "Dependent travel trailer" means a travel trailer which does not have a flush toilet and a bath or shower;

3. "Free-standing mobile home or travel trailer" means any mobile home or travel trailer not located in a mobile home park or travel trailer park or in an approved

mobile home subdivision;

4. “Health officer” means the legally designated health authority of the city or his authorized representative;

5. “Independent mobile home” means a mobile home which has a flush toilet and a bath or shower. Unless otherwise indicated in the text of this chapter, the term “mobile home” shall mean an independent mobile home;

6. “Independent travel trailer” means a travel trailer which has a flush toilet and a bath or shower;

7. “Inspection officer” means the building inspector of the city or his authorized agent;

8. “Licensee” means any person licensed to operate and maintain a mobile home park under the provisions of this chapter;

9. “Mobile home” shall be as defined in the city’s zoning ordinance, § 19-201 et seq. of this code;

10. “Mobile home park” means any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations;

11. “Mobile home space” means a plot of ground within a mobile home park designed for the accommodation of one mobile home and not located on a mobile home sales lot;

12. “Mobile home subdivision” means a subdivision designed and intended for residential use where residence is in mobile homes exclusively and where mobile home lots are sold for occupancy;

13. “Nonresidential mobile trailer” means any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale as indicated by a clearly displayed sign on or near the trailer;

14. “Park” means a mobile home or travel trailer park;

15. “Permittee” means any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of this chapter;

16. “Person” means natural individual, firm, trust, partnership, association or corporation;

17. “Public water system or public sewer system” means any such system built and owned by, or dedicated to and accepted by the city; all other systems are private;

18. “Rural” means any area shown on the city area general plan for suburban or rural development and which is zoned agriculturally;

19. “Service building” means a building housing toilet and bathing facilities for men or women, and may also include buildings containing laundry facilities and other facilities;

20. “Subdivision” means mobile home subdivision, unless otherwise indicated;

21. “Travel trailer” or “trailer” means all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use not included in the definition of independent mobile homes. For purposes of regulation under this chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified;

22. “Trailer park” or “travel trailer park” means any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations;

23. “Travel trailer space” means a plot of ground within a travel trailer park designed for accommodation of one travel trailer; and

24. “Urban” means any area shown on the city’s general plan for urban intensity development. (Prior code, Sec. 4-30; Ord. No. 424, 1/5/93)

§ 19-302 BUILDING PERMIT, LICENSES.

A. It is unlawful for any person to construct a mobile home park or travel trailer park unless he has obtained a valid building permit authorized by the inspection officer and issued by the city clerk.

B. It is unlawful for any person to maintain or operate any mobile home park or travel trailer park within the city limits of the city unless he holds a valid license issued annually by the city clerk with the approval of the inspection officer and health officer of the city, in the name of such person for the specific mobile home park, except that the maintenance or operation of a mobile home park or travel trailer park in existence on the effective date of this chapter may be continued under a temporary permit for such period of time and under such conditions as are hereinafter described.

C. Application shall be made to the city clerk, who shall issue a license upon compliance by the applicant with all provisions of this and other ordinances and regulations of the city.

Every person holding such a license shall notify the city clerk in writing within thirty (30) days after having sold, transferred, given away or otherwise disposed of, interest in or control of a mobile home or travel trailer park. The notice shall include the name and address of the person succeeding to the owner ship or control of such mobile home park or travel trailer park.

D. Licenses issued under this chapter shall not be transferable and shall be renewed within thirty (30) days of the date upon which any information contained on the current license has changed. (Prior Code, Sec. 4-31; Ord. No. 424, 1/5/93)

§ 19-303 APPLICATION.

A. Application for original licenses shall be in writing signed by the applicant and accompanied by an affidavit of the applicant as to the truth of the application, and shall contain the following:

1. Name and address of the owner and operator;

2. The interest of the applicant in and the location and legal description of the park;

3. A complete plan of the park showing compliance with all applicable provisions of this chapter and regulations promulgated thereunder; and

4. Such further information as may be requested by the inspection officer or health officer.

Existing mobile home parks or travel trailer parks shall be licensed. The applicant shall be required to submit as much information as possible in accordance with Subsection A hereof.

B. Applications for renewals of licenses shall be made in writing by the holder of the license and shall contain the following:

1. Any change in the information submitted since the time the original license was issued or the latest renewal granted; and

2. Other information requested by the inspection officer or health officer.

C. A complete plan for the purpose of obtaining a license to be issued shall show:

1. The area and dimensions of the tract of land;

2. The number, locations, and size of all mobile home spaces or travel trailer spaces;

3. The location, width and type of roadways, walkways, buffer strips and recreational areas;

4. The location of service buildings and other proposed structures;

5. The location and size of utility and treatment facilities; and

6. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park.

D. Whenever the health officer or inspection officer finds conditions existing in violation of this chapter, or of any regulation adopted pursuant thereto, he (or they) shall give notice in writing to the person to whom the license was issued that, unless such conditions or practices be corrected within a reasonable period of time specified in the notice, the license will be suspended. At the end of such period, not to exceed ninety (90) days, the inspection officer or health officer shall reinspect such park, and if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license was issued. Upon receipt of notice of suspension, such person shall cease operation of such park except as provided in Subsection E of this section.

E. Any person whose license has been denied, suspended, or who has received notice from the inspection officer or health officer that his permit will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the city council; provided that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten-day period. (Prior Code, Sec. 4-32; Ord. No. 424, 1/5/93)

## § 19-304 LICENSE FEES AND TEMPORARY PERMITS; POSTING.

The city clerk shall charge and collect for each mobile home or travel trailer park to be constructed in the city limits, a building permit fee in accordance with fee schedules or amounts approved by the city council. (Prior Code, Sec. 4-33; Ord. No. 278, 6/18/85; Ord. No. 339, 3/3/87; Ord. No. 424, 1/5/93)

## § 19-305 INSPECTION OF MOBILE HOME AND TRAVEL TRAILER PARKS.

A. The inspection or health officers are hereby authorized and directed to make inspections to determine the condition of mobile home and travel trailer parks located within the city in order to perform their duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

B. The inspection officer and the health officer shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions in relation to the enforcement of this chapter or of regulations promulgated thereunder.

C. The inspection and the health officer shall have the power to inspect any register containing a record of all mobile homes and occupants using the park.

D. It is the duty of every occupant of a park to give the owner thereof or his agent or employee access to any part of the mobile home park or travel trailer park or their premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this chapter. (Prior Code, Sec. 4-34; Ord. No. 424, 1/5/93)

## § 19-306 NOTICE, HEARINGS AND ORDERS.

A. Whenever the inspection or health officer determines violations of this chapter or pertinent laws or ordinances exist, he shall notify the owner or his agent of the alleged violation. The notice shall:

1. Be in writing;

2. Include a statement of the reasons for its issuance;

3. Contain an outline of remedial action, which, if taken, will effect compliance with provisions of this chapter and other pertinent regulations;

4. Allow a reasonable time, not to exceed ninety (90) days, for the performance for any act it requires; and

5. Be served upon the owner or his agent as the case may require. The notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

B. Any person affected by any notice issued under this chapter or resulting regulation may request and shall be granted a hearing on the matter before the mayor and city council. Such person shall file with the inspection officer or health officer a written request for such hearing, and setting forth briefly the grounds for such request within ten (10) days after the notice was served. When no request for such hearing shall have been filed within ten (10) days following the day on which notice was served, a violation shall be deemed to have been automatically in existence at the expiration of the ten (10) day period. The filing of such request shall stay the notice of suspension of permits, and licenses except in cases of orders issued under Subsection D hereof. The hearing shall be held at the next council meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the inspection officer determine sufficient cause for such delay exists.

C. After the hearing, the inspection officer or health officer shall compile the findings of the

city council as to compliance with this chapter and pursuant regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior notice which shall be served as provided in this section. Appeals from decisions of the city council shall be to the district court. Upon failure to comply with such order, the permit of the mobile home park or travel trailer park shall be revoked.

D. Whenever the inspection officer or health officer finds that an emergency exists which requires immediate action to protect the public health, the inspection officer or health officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but, upon petition to the city, council, shall be afforded a hearing at the next regular meeting even if the agenda has been completed.

E. Whenever the health officer in company of the inspection officer finds conditions existing in violation of this chapter or of any regulation adopted pursuant thereto, the inspection office shall give notice in writing to the person to whom the license was issued, that unless such conditions or practices be corrected within a reasonable period of time specified in the notice, the license will be suspended. At the end of such period, not to exceed ninety (90) days, the inspection officer or health officer shall reinspect such park, and if such conditions or practices have not been corrected, the inspection officer shall suspend the license and give notice in writing of such suspension to the person to whom the license was issued. Upon receipt of notice of suspension, such person shall cease operation of such park except as provided in Subsection B of this section. (Prior Code, Sec. 4-35; Ord. No. 424, 1/5/93)

## § 19-307 FREE-STANDING MOBILE HOMES; LOCATION.

A. Except as herein after provided, no free-standing mobile home or travel trailer shall be permitted in the city limits unless it is in compliance with the provisions of this chapter or is being offered for sale or parked for storage. Those free-standing mobile homes which are nonconforming uses under the provisions of this chapter may continue as nonconforming uses, provided that they shall not be stored in front yards or on side yards abutting a street on corner lots. Free-standing nonconforming mobile homes which have been removed for a period of one day or more shall not be reinstalled or replaced by another free-standing mobile home.

B. No free-standing travel trailer shall be permitted in the city area unless it is being actively offered for sale or parked for storage. However, no travel trailer shall be stored in front yards or on side yards abutting a street on corner lots, and no water, plumbing or permanent electrical connections shall be permitted.

C. Except for mobile homes or travel trailers within regular commercial mobile or travel

trailer sales lots, each such free-standing mobile home or travel trailer offered for sale must be clearly marked as such, and shall not be occupied for either living or sleeping purposes, and must be removed from the premises if not sold within one hundred twenty (120) days. Free-standing mobile homes or travel trailers located within regular commercial mobile home or travel trailer sales lots need be neither individually marked for sale nor removed within one hundred twenty (120) days if not sold. A property owner shall not store, nor permit to be stored, more than one mobile home or travel trailer on a residential lot. The property owner shall not actively offer for sale more than one mobile home in any twelve (12) month period. The mobile home or travel trailer shall not be stored in any front or side yard or public utility easement, nor shall the mobile home or travel trailer project beyond the front of any building.

D. Free-standing mobile homes are permitted in the city only after the following conditions have been met or exceeded:

1. The parcel of land upon which the mobile home is to be located shall be a minimum of five (5) acres in size;

2. Such parcel of land shall be owned by the person who owns the mobile home to be placed thereon;

3. Such parcel of land shall consist of one legal parcel and be unplatted;

4. No other mobile home or no other permanent residence shall be located on such parcel;

5. A valid permit for the location of a mobile home on such parcel has been issued by the city clerk or his representative;

6. Any private sewage disposal system and water supply and distribution system shall be approved, in writing, by the State Health Department;

7. The mobile home shall be placed in such a manner that it is a minimum of fifty (50) feet from any public street right-of-way and from any property line of the parcel of land upon which it is located; and

8. The applicant shall agree in writing to remove such mobile home within one hundred twenty (120) days of the time its location becomes nonconforming under the provisions of this chapter. (Prior Code, Sec. 4-36; Ord. No. 424, 1/5/93)

## § 19-308 NONRESIDENTIAL MOBILE TRAILERS.

A. No nonresidential mobile trailer shall be permitted in the city unless a license for its operation is issued by the city clerk. Such license shall specify the permitted use of the nonresidential mobile trailer, the location of such operation and the termination date of

the license. No license shall be issued for a use which would violate any city ordinance or state or federal law or regulation.

B. A fee as set by the council shall be charged for each nonresidential mobile trailer license, which shall expire on April 30 of each year and be renewable on the first day of May of each year thereafter.

C. Operation of nonresidential trailers by contractors on construction projects for which building permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project without issuance of a license.

D. Operation of a nonresidential trailer for the explicit use of a caretaker or night watchman on a permanent basis is permitted provided all other regulations of this chapter are complied with. A fee s set by the council shall be charged for each such license, which shall expire on April 30 and be renewable on May 1 of each year.

E. This section is not to be construed as permitting or authorizing the permanent location of any nonresidential mobile trailer in the city. (Prior Code, Sec. 4-37; Ord. No. 424; 1/5/93)

## § 19-309 LOCATION, SPACE AND GENERAL LAYOUT OF MOBILE HOME PARKS AND TRAVEL TRAILER PARKS.

A. All new mobile home parks and travel trailer parks planned and for development after the date of passage of this chapter shall conform to the regulations and standards established in this section.

B. Those mobile home and travel trailer parks already developed before the date of passage of this chapter shall not be governed by the regulations and standards established in this section unless specifically stated herein. However, no existing mobile home or travel trailer park shall be permitted to expand or have placed a greater number of mobile homes or travel trailers within its existing boundaries unless these additional units conform to all of the regulations and standards of this section. Any existing mobile home or travel trailer park shall not be expanded beyond its existing boundaries unless the new area developed conforms to all the regulations and standards of this chapter.

C. No dependent travel trailer shall be located in a mobile home park and used for occupancy. In a mixed park, separate areas shall be reserved for mobile homes and for travel trailers; no mobile home shall be permitted in the travel trailer sector, and no travel trailer shall be permitted in the mobile home sector.

D. All mobile home parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.

E. The minimum area of any park shall be five (5) acres plus adequate acreage for any required sewage disposal facility. However, parks in existence on the initial effective date of this chapter may continue to operate with less than five (5) acres. The minimum park frontage on the arterial street shall be two hundred (200) feet and the minimum park depth shall be two hundred (200) feet.

F. Intensity of development shall be limited to no more than eight (8) mobile homes per gross acre for a mobile home park and no more than twelve (12) travel trailers per gross acre for a travel trailer park. Area used for sewerage treatment facilities shall not be included in density computations. Mobile home spaces shall be at least forty (40) feet wide and one hundred (100) feet deep. Travel trailer spaces shall be at least twenty-five (25) feet wide and sixty (60) feet deep. The land area covered by mobile homes and buildings shall not exceed forty percent (40%) of the total area, excluding sewerage facilities.

G. Every mobile home space shall be fenced and travel trailer spaces shall be clearly defined. Mobile home and travel trailers shall be parked in such spaces that at the nearest point they shall be twenty (20) feet from the service road, ten (10) feet from the rear lot line, and at least ten (10) feet from any other lot line. No mobile home or travel trailer shall be located nearer than fifteen (15) feet to any adjacent building or park boundary line.

H. It is unlawful to locate a mobile home or travel trailer less than fifty (50) feet from any designated arterial street or highway right-of-way or less than twenty-five (25) feet from any other public street right-of-way or so that any part of such mobile home or travel trailer will obstruct any roadway or walkway of such park.

I. All mobile home spaces shall abut upon a sealed surface driveway of not less than twenty (20) feet in width if on-street parking is prohibited, and twenty-six (26) feet in width if on-street parking is permitted on one side of the street only. Maintenance of all drives within the park will be performed as needed and is the express responsibility of the park owner or operator.

J. In mobile home parks or travel trailer parks existing at the effective date of this chapter, parking on or adjacent to the street within the park is permissible so long as it does not obstruct free movements of traffic. Whether or not a safety hazard exists is a question to be determined by the police department with final appeal to the city council. If the city council, upon final appeal, determines that a safety hazard does in fact exist, the mobile home park or travel trailer park concerned will be required to comply with Subsection K of this section.

K. In new mobile home parks, at least two (2) clearly defined off-street sealed surface parking spaces not less than ten (10) feet or twenty (20) feet shall be provided for each mobile home space either on or adjacent to the mobile home space. In new travel trailer

parks, at least one off-street sealed surface parking space not less than ten (10) feet by twenty (20) feet shall be provided for each space either on or adjacent to the space.

L. Public use area shall be provided:

1. Each mobile home park shall contain a public use park or playground area consisting of one-half ( ½) acre or four hundred square feet of area per mobile home space, whichever is greater. Such public use area shall be conveniently located within the park and shall be adequately equipped and maintained. Area used for public use (park or playground) may be used in density and coverage computations; and

2. Each travel trailer park shall contain a public use park or playground area consisting of one-half (½) or two hundred (200) square feet of area per travel trailer space, whichever is greater. Such public use shall be conveniently located within the park and shall be adequately equipped and maintained. Area used for public use park or playground may be used in density and coverage computations.

M. Outside drying spaces or other clothes drying facilities shall be provided in every mobile home park or travel trailer park. Mobile home parks shall have at least one hundred (100) linear feet of clothes drying line or one mechanical clothes drying unit in good condition; mechanical units shall be located in a service building. Travel trailer parks shall have at least one mechanical clothes drying unit for the first ten (10) travel trailer spaces or any fraction thereof and an additional unit for each ten (10) additional trailer spaces or fraction thereof.

N. Cement pad and patios are required according to the following specifications:

1. Each mobile home shall be located on a four (4) inch thick cement pad, twelve (12) feet wide and forty (40) feet long. This pad shall be placed over a two (2) inch sand base, have a compressive strength of three thousand five hundred (3,500) pounds per square foot, and be reinforced with ten by six by six (10 x 6 x 6) inch mesh. As an alternative, the space or pad on which a mobile home is parked may be constructed of asphaltic or portland cement concrete driveway ribbons, separated by no less than eight (8) feet nor more than twelve (12) feet by an area which shall be treated to kill all vegetation and filled with washed gravel to a depth of not less than six (6) inches; and

2. Each mobile home shall have a four (4) inch thick cement patio, eight (8) feet wide and twenty-four (24) feet long in front of the entrance. The patio shall be placed on two (2) inches of compact sand and reinforced with ten by six by six (10 x 6 x 6) inch mesh. (Prior Code, Sec. 4-38; Ord. No. 424, 1/5/93)

## <u>§ 19-310 SERVICE BUILDING FOR TRAVEL TRAILER PARKS.</u>

A. All new mobile home parks and travel trailer parks planned and for development after the date of passage of this chapter shall conform to the regulations and standards established in this section.

B. Those mobile home and travel trailer parks already developed before the date of passage of this chapter shall not be governed by the regulations and standards established in this section unless specifically stated herein. However, no existing mobile home or travel trailer park shall be permitted to expand or have placed a greater number of mobile homes or travel trailers within its existing boundaries unless these additional units conform to all of the regulations and standards of this section. Any existing mobile home or travel trailer park shall not be expanded beyond its existing boundaries unless the new area developed conforms to all the regulations and standards of this section.

C. Each travel trailer park shall be provided with at least one service building adequately equipped with flush-type toilet fixtures and other sanitary facilities as required in this chapter. No service building shall contain less than one toilet for females, one toilet for males, one lavatory and shower or bathtub for each sex, and one laundry tray. All sanitary facilities required by Section 19-311 of this code shall be located in service buildings.

D. Each park accommodating travel trailers shall provide the following:

   1. Toilet facilities for males shall consist of not less than two (2) flush toilets and one urinal for the first six (6) dependent travel trailers or fraction thereof, and for dependent travel trailers in excess of six (6) not less than one additional flush toilet and one additional urinal for every ten (10) additional travel trailers or fractional number thereof;

   2. Toilet facilities for females shall consist of not less than two (2) flush toilets for the first six (6) dependent travel trailer spaces or any less number thereof, and for travel trailer spaces in excess of six (6), not less than one additional flush toilet for every ten (10) additional travel trailer spaces or fractional number thereof in excess of six (6).

   3. Each sex shall be provided with not less than two (2) lavatories and one shower or bathtub with individual dressing accommodations for the first six (6) dependent travel trailer spaces or any less number thereof, and for travel trailer spaces in excess of six (6) not less than one additional lavatory and one additional shower or bathtub with individual dressing accommodations for every ten (10) additional travel trailer spaces or fractional number thereof;

   4. Each toilet for females and each shower or bathtub with individual dressing accommodations for females shall be in a private compartment or stall;

   5. The toilet and other sanitation facilities for males and females shall either be separate buildings or shall be separated, if in the same building, by a soundproof

wall; and

6. There shall be provided in a separate compartment or stall not less than one flush toilet bowl receptacle for emptying bed pans and other containers of human excreta or a slop sink with at least a three (3) inch trap and an adequate supply of hot running water for cleansing such bed pans or containers;

E. Travel trailer spaces shall not be more than two hundred (200) feet from a service building.

F. Service buildings shall:

1. Be located twenty-five (25) feet or more from any travel trailer space;

2. Be of permanent construction, and be adequately lighted;

3. Be of moisture-resistant material, to permit frequent washing and cleansing;

4. Have adequate heating facilities to maintain a temperature of seventy degrees (70°) Fahrenheit during cold weather, and to supply adequate hot water during time of peak demands; and

5. Have all rooms well ventilated, with all openings effectively screened.

G. Laundry facilities shall be located in a separate soundproof room of a service building or in a separate building. A laundry shall consist of not less than one clothes washing machine and one clothes drying machine.

H. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a menace. (Prior Code, Sec. 4-39; Ord. No. 424, 1/5/93)

## § 19-311 SEWAGE DISPOSAL FOR MOBILE HOME PARKS.

A. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and lavatories in service and other buildings within the park shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system of such construction and in such manner as approved by the Oklahoma State Health Department and in accordance with all applicable ordinances of the city.

B. Each mobile home space shall be provided with at least a four (4) inch sewer connection at least two (2) inches above the surface of the ground. The sewer connection should be protected by a concrete collar of at least four (4) inches thick and have a minimum outside diameter of twenty-four (24) inches. The sewer connection shall be fitted with a standard ferrule and close nipple and provided with a screw cap. Connection between the

mobile home drain and the sewer must be water-tight and self-draining. Mobile homes with fixtures from which back siphonage may occur shall not be connected to the park's water system until the defect has been corrected.

C. In the event that a public sewer system is or becomes available within three hundred (300) feet of a mobile home park or travel trailer park, connection must be made to the public system within one hundred and eighty (180) days.

D. The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluents from sewage treatment facilities shall not be discharged into any watershed. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The Oklahoma State Health Department must approve the type of treatment proposed and the design of any disposal facilities and sewer systems prior to construction.

E. Every mobile home occupying a mobile home park space shall tie into the park sewerage system and shall dump any accumulated waste into the system. Every dependent trailer shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma State Health Department. Any other dump of accumulated waste within the city is prohibited.

F. Each private open sewerage treatment facility shall be fenced with permanent fencing, chain link or equivalent, at least five (5) feet high. In addition to this requirement, barbed wire climb preventers shall be affixed atop the permanent fencing so as to prevent access by children. Slopes on sewerage lagoons shall be no steeper than four and one-tenth (4.1) feet and fencing shall be placed a minimum of eight (8) feet from the toe of the slope.

G. Sewer connections shall be water-tight. Park licensees shall maintain trailer and mobile home connections to sewer and water systems in good condition and be responsible that there is no sewerage or water leakage on the park premises. (Prior Code, Sec. 4-40; Ord. No. 424, 1/5/93)

## § 19-312 WATER SUPPLY FOR MOBILE HOME PARKS.

A. All new mobile home parks and travel trailer parks planned and for development after the date of passage of this chapter shall conform to the regulations and standards established in this section.

B. Those mobile home and travel trailer parks already developed before the date of passage of this chapter shall not be governed by the regulations and standards established in the section unless specifically stated herein. However, no existing mobile home or travel trailer park shall be permitted to expand or have placed a greater number of mobile homes or travel trailers within its existing boundaries unless these additional units

conform to all of the regulations and standards of this section. Any existing mobile home or travel trailer park shall not be expanded beyond its existing boundaries unless the new area developed conforms to all of the regulations and standards of this section.

C. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred fifty (250) gallons per day per mobile home space. Where a public supply of water of such quality is available within three hundred (300) feet, connection shall be made thereto and its supply shall be used exclusively. Where private water supplies must be developed, the inspection officer must approve the location, construction, and development of both the water well and pipe system and connections. No private source other than a water well shall be used.

D. The water system of the mobile home park shall be connected by pipes to all buildings and mobile home spaces. Each mobile home shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.

E. All water piping shall be constructed and maintained in accordance with state and local law; the water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of back-flow or back-siphonage. All water connections shall be weather-tight.

F. Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the inspection officer.

G. Individual water service connections which are provided for direct use by mobile homes or travel trailers shall be of such construction so that they will not be damaged by the parking of such mobile homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all mobile home or travel trailer connections. In no case shall such water pressure be regulated to exceed seventy-five (75) p.s.i.

H. Provisions shall be made within one hundred fifty (150) feet of such travel trailer space to supply water for travel trailer reservoirs.

I. No well casing, pumps, pumping machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface. All floors shall be watertight and sloped from the pump pedestal to the drain, and floors shall extend at least two (2) feet from the well in all directions. The pedestal shall not be less than twelve (12) inches above the floor. This shall not be construed as prohibiting submersible pumps.

J. All water storage reservoirs shall be watertight and constructed of impervious material,

all overflow and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up. (Prior Code, Sec. 4-41; Ord. No. 424, 1/5/93)

## § 19-313 REFUSE DISPOSAL FOR MOBILE HOME PARKS.

A. The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

B. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located within one hundred fifty (150) feet of any mobile home space or travel trailer space. Containers shall be so provided in sufficient numbers and capacity to properly store all refuse.

C. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped to minimize spillage and container deterioration and to facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.

D. All refuse shall be collected at least twice weekly and as otherwise required by the health officer. Where municipal garbage collection is not available, the mobile home park operator shall either employ a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

E. Where municipal or other private disposal service is not available, the mobile home park operator shall dispose of the refuse by burial, or transporting to an approved disposal site, as directed by the inspection officer.

F. When municipal refuse disposal service is available, it must be used.
(Prior Code, Sec. 4-42; Ord. No. 424, 1/5/93)

## § 19-314 INSECT AND RODENT CONTROL.

A. Insect and rodent control measures to safeguard public health as required by the inspection officer or health officer shall be applied in the mobile home park or travel trailer park.

B. Effective larvicidal solutions may be required by the inspection officer or health officer for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.

C. The inspection officer or health officer may require the park operator to take suitable measures to control other insects and obnoxious weeds.

D. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.

E. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the inspection officer or health officer to exterminate them. (Prior Code, Sec. 4-43; Ord. No. 424, 1/5/93)

§ 19-315 ELECTRICITY; EXTERIOR LIGHTING.

A. An electrical outlet supplying at least sixty (60) amperes shall be provided for each mobile home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. All trailer houses are to be grounded to meet the approval of the inspection officer.

B. Streets and driveways within mobile home and travel trailer parks shall be lighted with street lights meeting the current standards of the Illuminating Engineering Society or one-half (½) candlepower, whichever is higher. (Prior Code, Sec. 4-44; Ord. No. 424, 1/5/93)

§ 19-316 PIPING.

All piping from outside fuel storage tanks or cylinders to mobile homes shall be of acceptable material as determined by the inspection officer and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home or less than five (5) feet from any mobile home exit. (Prior Code, Sec. 4-45; Ord. No. 424, 1/5/93)

§ 19-317 FIRE PROTECTION.

A. All parks shall conspicuously post fire and safety rules and regulations as follows:

1. Name of park;

2. Fire safety rules and regulations; and

3. Emergency facilities:

a. The telephone number of the fire department is _____________;

b. The telephone number of the police department is ___________;

c. The telephone number of the mobile home park office is ______; and

d. The nearest public telephone is ______________________.

B. The connecting and disconnecting of water, fuel and electrical services will be made only by park personnel and other authorized persons as determined by court management. Should these services be interrupted, telephone or notify the park office or other, for water ________; for fuel __________; for electrical ____________.

C. It is recommended that each coach owner have U.L. approved portable hand fire extinguishers mounted in easily accessible locations.

D. In case of fire in your trailer, tenants should do these things in the following order:

1. Get the occupants out of the trailer; and

2. Call the fire department and call the park management. The important thing to do is to get the professional firefighters at the fire. In case of fire in the area, tenants should call the fire department, use portable extinguishers on the fire, and call park management.

E. Tenants can aid mobile home park management in keeping the area free from such conditions by notifying trailer park management when they recognize unsafe conditions. Constant vigilance is necessary to maintain the premises free from fire at all times. Fire safety is everyone's job.

F. Tenants shall keep the area under and around their units free from an accumulation of rubbish, paper, leaves and brush.

G. Tenants shall not place empty containers under their units. These containers shall be left in place.

H. Through the facilities of your local fire department, your home can be inspected by members of this department at designated times. If you would like to have a voluntary inspection of your unit, please notify the park office.

I. Operators of vehicular equipment shall observe the posted traffic sign or signals. Keep fire lanes open. (Prior Code, Sec. 4-46; Ord. No. 424, 1/5/93)

## § 19-318 ALTERATIONS AND ADDITIONS.

A. All plumbing and electrical alterations or repairs in the park shall be made in accordance with the applicable regulations of the city.

B. Skirting of mobile homes is permissible but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents, or create a fire hazard.

C. A building permit authorized by the inspection officer and issued by the city clerk shall be required before any construction within a mobile home or travel trailer park begins. The fee shall be as set by the city council. No construction or addition or alteration to the exterior of a mobile home located in a mobile home park shall be permitted unless of the same type of construction or materials as the mobile home affected. All such construction, additions or alterations shall be in compliance with applicable local and state laws. No permit shall be required for the addition of steps, canopies, awning or antennas. (Prior Code, Sec. 4-47; Ord. No. 424, 1/5/93)

§ 19-319 REGISTRATION OF OWNERS AND OCCUPANTS.

A. Each licensee or permittee shall keep a register containing a record of all mobile home and travel trailer owners and occupants located within the park. The register shall contain the following information:

1. The name and address of the owner or occupant of each mobile home and motor vehicle by which it is towed;

2. The make, model, year and license of each mobile home and motor vehicle;

3. The state, territory or country issuing such license;

4. The date of arrival and of departure of each mobile home; and

5. Whether or not each mobile home is a dependent or independent mobile home.

B. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, city council whose details necessitate acquisition of the information contained in the register. The register record of each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park. (Prior Code, Sec. 4-48; Ord. No. 424, 1/5/93)

§ 19-320 WRECKED OR DAMAGED HOMES, TRAILERS.

Wrecked, damaged or dilapidated mobile homes and travel trailers shall not be kept or stored in a mobile home park or travel trailer park. The health officer shall determine if a mobile home or travel trailer is damaged or dilapidated to a point which makes the mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises. (Prior Code, Sec. 4-49; Ord. No. 424, 1/5/93)

§ 19-321 MOBILE HOME SUBDIVISIONS.

A. Mobile home subdivisions shall comply with the subdivision and zoning regulations of

the city except as otherwise provided.

B. The minimum size of mobile home subdivision shall be ten (10) acres.

C. No residences except mobile homes shall be permitted in a mobile home subdivision.

D. Minimum effective lot width in a mobile home subdivision shall be sixty (60) feet measured at the front building line and minimum lot areas shall be six thousand (6,000) square feet provided that at least a five (5) foot side yard shall be provided on each lot beyond any mobile home and additions thereto. In areas not serviced by a public sewer, the minimum additional lot area shall be determined by the inspection officer on the basis of safe and sanitary sewer service. The effective lot width of a mobile home shall be determined, for interior lots, by measuring at right angles across the lot from one diagonal side line to the other, and for corner lots, the measurements shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line or an extension thereof.

E. Side lines of lots in mobile home subdivisions need not be at right angles to straight street lines or radial to curved street lines.

F. Regardless of the effective lot width, mobile home subdivision lots must abut a public street for at least twenty-five (25) feet.

G. All mobile home subdivisions shall provide suitable screening where abutting single-family residential areas. (Prior Code, Sec. 4-50; Ord. No. 424, 1/5/93)

§ 19-322 SUPERVISION.

The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this chapter to which the licensee or permittee is subject. (Prior Code, Sed. 4-51; Ord. No. 424, 1/5/93)

§ 19-323 ZONINGS.

No mobile home park, travel trailer park or mobile home subdivision shall be constructed or established in any zoning district within the corporate limits unless and until a "special use permit" has been authorized by the planning commission approved by the city council and issued by the city clerk. (Prior Code, Sec. 4-52; Ord. No. 424, 1/5/93)

§ 19-324 PENALTY.

Any person violating the provisions of this chapter shall, upon conviction, be fined as provided

in Section 1-108 of this code. (Prior Code, Sec. 4-53; Ord. No. 424, 1/5/93)

APPENDIX A

SAMPLE FORMS

§ 1 Owner’s certificate and dedication.
§ 2 Surveyor’s certificate.
§ 3 Certificate of clerk.
§ 4 Planning commission certification.
§ 5 City Council approval.
§ 6 Septic tank certification.
§ 7 Mortgage release.
§ 8 County Treasurer’s certificate.

§ 1 OWNER'S CERTIFICATION AND DEDICATION.

We, ______________________, the undersigned, do hereby certify that we are the owners of and the only person having any right, title or interest in the land shown on the annexed Plat of _____________________, and that the plat represents a correct survey of the above described property made with our consent, and that we hereby dedicate to the public use all the streets as shown on the annexed plat; that the easements as shown on the annexed plat are created for the installation and maintenance of public utilities; that we hereby guarantee a clear title to all lands so dedicated from ourselves, our heirs or assigns forever and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

RESTRICTIONS: (if any, follow here)

Witness ______________ hand __________this _____ day of ____________, 20___.

§ 2 SURVEYOR'S CERTIFICATE.

(ACKNOWLEDGMENT)

I, __________________, the undersigned, do hereby certify that I am by profession a land surveyor or civil engineer and that the annexed map of ______________ consisting of _____ sheets, correctly represents a survey made under may supervision on this _____ day of _________ , 20___, and that all of the monuments shown hereon actually exist and their positions are correctly shown.

____________________________________
Signature

§ 3 CERTIFICATE OF CLERK.

(ACKNOWLEDGMENT)

I, ____________________, clerk of the City of Choctaw, State of Oklahoma, hereby certify that I have examined the records of the city and find that all deferred payments or unmatured installments upon special assessments have been paid in full and that there is no special assessment procedure now pending against the land as shown on the annexed plat of ____ except ______________________________on this ___ day of ________________, 20___.

____________________________________
Clerk

§ 4 PLANNING COMMISSION CERTIFICATION.

I, ________________, Chairman/Secretary of the Planning Commission for the City of Choctaw, State of Oklahoma, hereby certify that the commission duly approved the annexed map of __________________ on this _______ day of _______________, 20___.

____________________________________
Chairman/Secretary

§ 5 CITY COUNCIL APPROVAL.

BE IT RESOLVED by the City Council of the City of Choctaw, State of Oklahoma, that the dedications shown on the attached plat of _______________________ are hereby accepted.

Adopted by the City Council of the City of Choctaw this ____day of ________________, 20___.

____________________________________
Mayor

ATTEST:

______________________________
City Clerk

§ 6 SEPTIC TANK CERTIFICATION.

(Applicable where septic tanks are to be used)

I,______________________, registered engineer in the State of Oklahoma, certify that a soil survey has been completed by __________________________ on _______________(name of testing laboratory) and that this test shows that soil to be sufficiently porous to permit septic tanks for each lot shown on the plat.

____________________________________
Signature

§ 7 MORTGAGE RELEASE.

In consideration of the platting of the property shown on the annexed map of __________ Addition, and other good and valuable considerations, receipt of which is hereby acknowledged by _____________________ and dated this ____ day of ____________, 20___, to ____________ which was recorded in Book ______ of Mortgages on Page ______ of the records of Oklahoma County, State of Oklahoma, insofar as the same covers all property dedicated for streets, alleys, parks, boulevards, easements or other public use, as shown on the map.

____________________________________
Signature

Witness my hand and seal _________ this _____ day of __________________, 20___.

My commission expires _________________ ____________________________________
Notary Public

§ 8 COUNTY TREASURER'S CERTIFICATE.

(ACKNOWLEDGMENT)

I, __________________, do hereby certify that I am the duly elected, qualified and acting County Treasurer of Oklahoma County, State of Oklahoma. That the tax records of the county show all taxes are paid for the year ____ and prior years on the land shown on the annexed plat of _______________________ Addition in Oklahoma County, Oklahoma; that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment of the current year's taxes.

In witness whereof, the County Treasurer has caused this instrument to be executed at __, Oklahoma on this _____ day of _______________, 20___.

____________________________________
County Treasurer