

PART 5

BUILDING REGULATIONS AND CODES

CHAPTER 1

INTERNATIONAL BUILDING CODE

- § 5-101 Adoption of the international building code.
- § 5-102 Additions, insertions and changes to the international building code.
- § 5-103 Penalty.
- § 5-104 Building official.
- § 5-105 Fire limits defined.
- § 5-106 Building permit required; fee.
- § 5-107 Site plan review process for industrial, commercial, retail buildings.
- § 5-108 Permit fees for water and sewage development.
- § 5-109 Liability.
- § 5-110 Right of entry.
- § 5-111 House numbering required.

CHAPTER 2

INTERNATIONAL PLUMBING CODE

- § 5-201 Adoption of the international plumbing code.
- § 5-202 Additions, insertions and changes to the international plumbing code.
- § 5-203 Plumbers; registration, permits and fees.
- § 5-204 Plumbing; permits and inspections.
- § 5-205 Penalty.

CHAPTER 3

ELECTRICAL CODE

- § 5-301 “Electrical equipment” defined.
- § 5-302 National electrical code.
- § 5-303 Underwriters’ Laboratories, Inc.
- § 5-304 City council may make special rulings.
- § 5-305 Pilot light required for iron in mercantile occupancies.
- § 5-306 Branch circuits.
- § 5-307 Basement installations.
- § 5-308 Permit required for electrical installations; issuance.
- § 5-309 Inspection fee.
- § 5-310 Electricians’ registration required, bond.

CHAPTER 4

LIQUEFIED PETROLEUM GAS

§ 5-401 Persons must comply with state law; code adopted.

CHAPTER 5

GAS PIPING CODE

§ 5-501 Pamphlet adopted.

CHAPTER 6

INTERNATIONAL RESIDENTIAL CODE

§ 5-601 Adoption of the international residential code.

§ 5-602 Additions, insertions and changes to the international residential code.

CHAPTER 7

MOVING BUILDINGS

§ 5-701 Definitions.

§ 5-702 Application and permit.

§ 5-703 Fee.

§ 5-704 Time to be specified on permit.

§ 5-705 Approval by police chief, manager, routes.

§ 5-706 Pneumatic tires.

§ 5-707 Move to be accomplished diligently.

§ 5-708 Warnings and attendants.

§ 5-709 Penalties.

CHAPTER 8

INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 5-801 Adoption of international property maintenance code.

§ 5-802 Additions, insertions and changes to the international property maintenance code.

CHAPTER 9

INTERNATIONAL MECHANICAL CODE

§ 5-901 Adoption of international mechanical code.

§ 5-902 Additions, insertions and changes to the international mechanical code.

§ 5-903 Mechanical; registration, permits and fees.

§ 5-904 Mechanical; permits and inspections.

CHAPTER 10

WATER WELL DRILLING AND OPERATION

- § 5-1001 Water well drilling prohibited unless pursuant to this chapter.
- § 5-1002 Permit required.
- § 5-1003 State water well drilling license required.
- § 5-1004 Location and depth.
- § 5-1005 Purpose, no connection to city water system.
- § 5-1006 Pollution of groundwater prohibited.
- § 5-1007 Inspections.
- § 5-1008 Cease and desist orders.
- § 5-1009 State requirements, mud and erosion control.
- § 5-1010 Sealing and capping.
- § 5-1011 Industrial water well prohibited.
- § 5-1012 Penalty.

CHAPTER 11

PENALTY

- § 5-1101 Penalty.
- § 5-1102 Relief in courts.

CHAPTER 1

INTERNATIONAL BUILDING CODE

§ 5-101	Adoption of the international building code.
§ 5-102	Additions, insertions and changes to the international building code.
§ 5-103	Penalty.
§ 5-104	Building official.
§ 5-105	Fire limits defined.
§ 5-106	Building permit required; fee.
§ 5-107	Site plan review process for industrial, commercial, retail buildings.
§ 5-108	Permit fees for water and sewage development.
§ 5-109	Liability.
§ 5-110	Right of entry.
§ 5-111	House numbering required.

§ 5-101 ADOPTION OF THE INTERNATIONAL BUILDING CODE.

That certain documents, three (3) copies of which are on file in the office of the City Clerk and the City of Choctaw, being marked and designated as *International Building Code*, including Appendix Chapters C through J, as published by the International Code Council, Inc., be and is hereby adopted as the building code of the city of Choctaw for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of such Building Code, 2000 or latest edition thereof, and any revisions or amendments thereto, published by the International Code Council, which are on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance. (Ord. No. 270, 5/28/85; Ord. No. 555, 7/2/02)

State Law Reference: Building codes, adoption by cities, 11 O.S. § 14-107; 74 O.S. § 324.8.

§ 5-102 ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL BUILDING CODE.

The following sections are hereby revised as follows:

- A. § 101.1 (page 1, second line). Insert: “the City of Choctaw”;
- B. § 114.3.1, insert: “The fee schedule shall be in accordance with § 5-106 of the city code, or as may be set or amended by ordinance or resolution”;
- C. All of § 105.2 (page 3). Delete;
- D. § 1612.3 (page 328, seventh line). Insert: “the City of Choctaw”;
- E. § 1612.3 (page 328, seventh line). Insert: “July 2, 2002”;
- F. § 3409.2 (page 665, first line). Insert: “July 2, 2002”;

- G. Appendix H § H101.2 (page 723). Delete. Changes in Use and Occupancy:
- H. Certificate of Occupancy: New Building or Structure. With the exception of residential uses, no change shall be made in the use of any land or building or structure or tenancy after the passage of this ordinance until a certificate of occupancy is obtained from the building inspector certifying that all the provisions of this ordinance are met.
1. Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall be required prior to occupancy.
 2. Temporary certificates of occupancy for change in use of any land or building or structure or tenancy or for new building or structure may be approved at the discretion of the building official but at no time shall a temporary certificate of occupancy be approved if any life, safety or health requirements do not meet the ordinances of the city as determined by the building official.
 3. The fee for all commercial or industrial certificate of occupancy, for a new building or a change in occupancy or tenancy is set by the city.
- I. Certificate of Occupancy: Existing Building or Structure. Following a vacancy of an existing building or structure, no habitation shall be re-occupied until a certificate of occupancy has been obtained from the City of Choctaw with the approval of the appointed officer.
1. Whenever a zoning clearance permit is applied for, for an existing building with a change in tenancy, a certificate of occupancy shall be required prior to occupancy.
 2. Temporary certificate of occupancy for change in use of any land, building, structure or tenancy, may be approved at the discretion of the building official, but at no time shall a temporary certificate of occupancy be approved if any life, safety or health requirements do not meet the ordinances of the city as determined by the building official.
 3. The fee for all commercial or industrial re-occupancy/certificate of occupancy, for an existing building with a change in tenancy is set by the city.
 4. § 119.5 is deleted;
 5. § 123.3, insert: “as set by the city council”;
 6. § 501.2, insert: “the boundaries of the fire limits as provided in the city code of ordinances”;
 7. § 1807.2.1, and 1807.2.2, insert: “a number of feet to be determined by the city manager or his designee in both locations”; and

8. § 1906.1, insert: “Amounts as set by the city manager or his designee”.

(Ord. No. 351, 7/7/87)

Ed. Note: Fee for certificate of occupancy is Fifty Dollars (\$50.00) in Ord. No. 351, which may be amended from time to time.

§ 5-103 PENALTY.

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be punished any sum as provided in § 1-108 of this code, including costs. Each day upon which a violation continues shall be deemed a separate offense.

§ 5-104 BUILDING OFFICIAL.

The building official of this city shall be appointed by the city manager and shall have the powers and duties prescribed for the “building official” by the city’s building code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control. The term “building inspector”, whenever used in the ordinances of the city, means the building official. The terms “electrical inspector”, “plumbing inspector”, and “gas inspector”, wherever used in the ordinances of the city, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, and/or gas inspector is appointed by the city manager.

§ 5-105 FIRE LIMITS DEFINED.

The fire limits are that part of the city bounded as follows: All of Blocks 21, 22, 23, 24, 35, 36, 37, 38 and Lots A, B, C, D and E in the original plat of the city; and Block A of Hill’s Addition of the city.

§ 5-106 BUILDING PERMIT REQUIRED, FEE.

- A. No person shall build upon his premises, or allow to be built, or have built upon his premises any building or other structure, unless a building permit has been obtained as required by this code. Any person desiring to erect, or have erected, or move, any structure upon his premises shall make written application for a permit to do so to the city clerk of the city.
- B. A person desiring a building permit shall submit an application therefor to the city clerk. The applicant shall submit with the application such reasonable information as the clerk may require to enable him to determine whether granting the permit would be in accordance with the requirements of the ordinances of the city.

- C. If the application is in accordance with the requirements of the ordinances and laws, and if the site and plans of the building to be built or moved is approved by the building official, the clerk shall issue the permit upon the payment by the applicant of a building permit fee which may be set by motion or resolution of the city council. A current copy of the fee schedule shall be kept in the office of the city clerk.
- D. Any permit issued hereunder shall be valid for six (6) months from date of issuance. Any permit may, for good cause shown, be extended for an additional six (6) months. Application for such extension shall be made to the building official. If he shall determine there is good cause to extend the permit, he shall notify the city clerk who shall issue the extension.
- E. A building permit covers the initial plumbing and electrical installations to be made in connection with the building. (Ord. No. 101, 11/19/73; Ord. No. 122, 12/2/75; Ord. No. 261, 1/16/85)

§ 5-107 SITE PLAN REVIEW PROCESS FOR INDUSTRIAL, COMMERCIAL, RETAIL BUILDINGS.

- A. Any person, corporation, group of persons or other entity desiring to construct, build, develop or cause to be constructed, developed or built any commercial, retail or industrial facility, structure, building or any other improvement other than construction which is totally confined to the interior of any existing building or structure must first submit to the city manager or his designee a plan of such improvements.
- B. All plans submitted must be drawn to scale and show all improvements to be made. It is the responsibility of the city manager to require plans submitted to be in such detail as to show the effect of any improvements to be constructed on the public health, safety and welfare.
- C. There is hereby created within the office of the city manager a site plan review committee which shall consist of each of the following:
 - 1. The city engineer or his designee;
 - 2. The city clerk or his designee;
 - 3. The fire chief or his designee;
 - 4. The police chief or his designee;
 - 5. The city manager; and
 - 6. The city manager may from time to time request other city employees or interested parties as he deems appropriate to attend in a non-voting capacity.
- D. The powers and duties of the site plan review committee shall be enumerated herein:

1. To meet and review all applications placed before the committee;
 2. To approve or disapprove the construction or improvement of all commercial, retail or industrial structures, buildings or other facilities on property zoned commercial or industrial land within the corporate limits of the city;
 3. To make rules and regulations for the organization of the committee and for conduct of committee business; and
 4. To recommend changes and amendments to the city code to the planning commission and city council.
- E. Before the committee shall approve any application the committee shall also determine by roll call vote that the application is in conformance with the requirements of city's building code, and the planning and zoning regulations of the city.
- F. Any applicant aggrieved by any decision of the committee may appeal such decision to the city council, upon payment of a fee as set by the city council. The council shall hold a public hearing and make a determination as to the propriety of the committee decision.
- G. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this chapter shall be punished as provided in § 1-108 of this code. (Ord No. 276, 6/4/85)

Cross Reference: See also platting procedures, fees, §§ 19-131 through 19-134 of this code.

§ 5-108 PERMIT FEES FOR WATER AND SEWAGE DEVELOPMENT.

- A. The following definitions shall apply for the purpose of assessing permit fees and includes any residential property zoned in any single-family or multi-family residential classification in the city zoning ordinance or any other zoning classification allowing residential use, and shall include mobile home parks and each site therein, and any planned unit development containing residentially zoned property, including any portion of such planned unit development appurtenant to the residentially zoned portion such as common areas.
- B. Water and sewage development fees are required as follows:
1. The developer of the unplatted land, hereinafter referred to as "developer", shall pay to the city clerk a water system and sewage system development fee as set by the council as a minimum fee for each residential unit and per square foot for all other areas, less any credits allowable by this chapter prior to the city clerk issuing the building permit. Excluded from the operation of this paragraph shall be individual residential sites where water and sewer is not requested by the owner and is not required by ordinance or regulation or where such site is previously platted and has water and sewer available;

2. The actual costs of such water system within the boundaries of the unplatted area, including necessary engineering, design, construction, labor and material costs incurred to supply water within the unplatted area, shall be paid by the developer and shall not be reimbursed by the city;
 3. The actual costs of such water and sewage system outside the boundaries of the unplatted area in question and the additional costs for such improvements within the boundaries of the unplatted area which are required by the city, in addition to those improvements otherwise required by any other rule, regulation or ordinance, 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 sewage system development fee. Such allowable credit against the development fee shall not exceed the amount of the development fee set above in Paragraph 1 of this Subsection B.
 4. The fees provided for in Paragraph 1 of this Subsection B shall be deposited into the Subdivision Capital Improvement Fund. Such fees will be budgeted and appropriated for the purposes of expanding and upgrading the water and sewage systems of the city, as capital improvements to such utility systems only;
 5. In the event a developer submits to the city a development sketch plan or plot plan of phased development, or development of separate but related properties, any credits provided for by Paragraph 3 of this subsection shall accumulate and be available to the developer for such phased development or later related development, if such development, sketch plan or plot plan 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 development, and any approval thereof by the city council, shall not be deemed approval of any sketch plan, plot plan or building permits, as required by rule, regulation or ordinance, but shall only relate to the accumulation and carry forward of credits acquired under Paragraph 3 of this subsection;
- C. Any permit issued hereunder shall be valid for six (6) months from date of issuance. Any permit may, for good cause shown, be extended for an additional six (6) months. Application for such extension shall be made to the building official. If he shall determine there is good cause to extend the permit, he shall notify the city clerk who shall issue the extension. (Ord. No. 261, 1/15/85)

Cross Reference: See also platting fees, water/sewer fee, § 19-135 of this code.

§ 5-109 LIABILITY.

Any officer or employee, or member of the board of adjustment, charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself

liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the department of law until the final termination of the proceedings. (Prior Code, § 4-8)

§ 5-110 RIGHT OF ENTRY.

The building official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. (Prior Code, § 4-9)

§ 5-111 HOUSE NUMBERING REQUIRED.

- A. All lots, buildings and structures in the city shall be numbered in accordance with the following plan:
 - 1. North and South numbers shall commence at Reno Street;
 - 2. East numbers shall commence at Santa Fe Street;
 - 3. Odd numbers shall be on the west and north sides of the streets;
 - 4. Even numbers shall be on the south and east sides of the streets; and
 - 5. There shall be one hundred (100) numbers to each block, not less than one number for each twelve and one-half (12 ½) feet of frontage.
- B. The city clerk shall keep a chart showing the proper street number of every lot in the city, after they have been approved by the city manager or his designee for public inspection.
- C. In those areas where lot numbers have been approved by the city manager, it shall be the duty of the owners and occupants of every house in the city to have placed thereon, in a place visible from the street, figures at least two and one-half (2 ½) inches high, showing the number of the house. (Ord. No. 344, 4/21/87)

CHAPTER 2

INTERNATIONAL PLUMBING CODE

- § 5-201 Adoption of the international plumbing code.
- § 5-202 Additions, insertions and changes to the international plumbing code.
- § 5-203 Plumbers; registration, permits and fees.
- § 5-204 Plumbing; permits and inspections.
- § 5-205 Penalty.

§ 5-201. ADOPTION OF THE INTERNATIONAL PLUMBING CODE.

That certain documents, three (3) copies of which are on file in the office of the City Clerk and the City of Choctaw, being marked and designated as *International Plumbing Code*, including Appendix Chapters B through G, as published by the International Code Council be and is hereby adopted as the code of the City of Choctaw for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Choctaw and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2002 or latest edition thereof, and any revisions or amendments thereto, published by the International Code Council which are on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

State Law Reference: City powers to supervise plumbing, 59 O.S. §§ 1001 et seq.

§ 5-202. ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL PLUMBING CODE.

The following sections are hereby revised as follows:

- A. § 101.1 (page 1, second line). Insert: “the City of Choctaw”;
- B. § 106.6.2 (page 5, third line). Insert: “As set by Council by resolution and codified as Appendix 5, Fee Schedule for the City of Choctaw”;
- C. § 106.6.3(2) (page 5, first line). Insert: zero, 0%;
- D. § 106.6.3(3) (page 5, first line). Insert: zero, 0%;
- E. § 108.4 (page 6, seventh line). Insert: “offense and punished as provided in § 1-108 of the city’s code of ordinances”;
- F. § 108.4 (page 6, eighth line). Insert: “as provided in § 1-108 of the city’s code of ordinances”;
- G. § 108.4 (page 6, eighth line). Insert: “as provided in § 1-108 of the city’s code of

ordinances”;

- H. § 108.5 (page 6, thirteenth line). Insert: “as set by Council by resolution and codified as Appendix 5, Fee Schedule for the City of Choctaw”;
- I. § 108.5 (page 6, fourteenth line). Insert: “as set by Council by resolution and codified as Appendix 5, Fee Schedule for the City of Choctaw”;
- J. § 305.6.1 (page 18, second line). Insert: “a number of inches to be determined by the city manager or his designee”;
- K. § 305.6.1 (page 18, twenty-first line). Insert: “a number of inches to be determined by the city manager or his designee”;
- L. § 715.1 (page 60). Amend paragraph to read “All new residential structures shall be protected from backflow of sewage by installing an approved backwater valve. Residential structures that experience backflow of sewage shall be required to install an approved backwater valve”.
- M. § 904.1 (page 65, second line). Insert: “a number of inches to be determined by the city manager or his designee”;

§ 5-203 PLUMBERS; REGISTRATION, PERMITS AND FEES.

- A. The phrases and words “journeyman plumber, “ “plumber’s apprentice, “ “plumbing contractor, “ and “plumbing, “ when used in the ordinances, regulations and other official acts and communications of this city, shall have the meanings respectively prescribed for them by § 1001 et seq. of Title 59 of the Oklahoma Statutes, the state plumbing license law unless the context clearly indicates a different meaning.
- B. It is unlawful for any person to engage in the business, trade, or occupation of a plumbing contractor (otherwise known as a master plumber), or of a journeyman plumber, or of a plumber’s apprentice, in this city unless he is registered with the city and has a current and valid certificate of registration issued by the city.
- C. Only persons who have current and valid licenses as plumbing contractors or as journeyman plumbers issued by the State Commissioner of Health as provided by the state plumbing license law may register as such with the city. Only persons who have current and valid certificates of registration as plumber’s apprentices issued by the State Commissioner of Health as provided by the law may register as such with the city.
- D. Applicants for certificates of registration, after complying with the laws of the state and with the city code, and after payment of the fee hereinafter specified, shall be registered by the city clerk. The registration shall expire at the end of the fiscal year, but may be renewed from year to year. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the same bond is required as set forth by city code. An applicant for plumbing contractor’s

registration shall also furnish bond in such sum and such conditions as set by the city council.

- E. A qualified person may re-register as a plumbing contractor, a journeyman plumber or a plumber's apprentice, in the same manner as in the original instance, and upon the same conditions.
- F. All plumbing contractors registrations not renewed within ninety (90) days after the date of expiration thereof shall be cancelled, and a new application for registration must be made and the fee for a new registration paid.
- G. The fee for registration shall be as set by the city council by motion or resolution.
- H. The city council, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the city registration of any plumbing contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the city relating to the installation of plumbing or for any other cause specified in the state plumbing license law.
- I. Every person receiving a certificate as a plumbing contractor shall file with the city clerk a bond in such sum as set by the city, executed with a surety company authorized to do business in the state. The bond shall be conditioned that the principal will install all plumbing work, fixtures, appliances and equipment in accordance with law and this code, ordinances and other registrations of the city relating to plumbing, and in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or non-standard material; and that the city may be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as a contractor or plumber as the case may be.

State Law Reference: State plumbing licenses, requirements, 59 O.S. §§ 1001 et seq.

§ 5-204. PLUMBING; PERMITS AND INSPECTIONS.

- A. No plumbing work shall be undertaken without a permit from the plumbing inspector.
- B. The application for such work must follow the adopted city code.
- C. The schedule of permit fees may be set forth by resolution or motion of the city council. Such payment will be made upon application.
- D. Inspection of such work must conform to the guidelines set forth in the city code.

§ 5-205. PENALTY.

Any violation of any provision contained in this chapter is an offense against the city; upon conviction of any such offense, the violator shall be punished as provided by § 1-108 of this

code.

CHAPTER 3

ELECTRICAL CODE

- § 5-301 “Electrical equipment” defined.
- § 5-302 National electrical code.
- § 5-303 Underwriters’ Laboratories, Inc.
- § 5-304 City council may make special rulings.
- § 5-305 Pilot light required for iron in mercantile occupancies.
- § 5-306 Branch circuits.
- § 5-307 Basement installations.
- § 5-308 Permit required for electrical installations; issuance.
- § 5-309 Inspection fee.
- § 5-310 Electricians’ registration required; bond.

§ 5-301. “ELECTRICAL EQUIPMENT” DEFINED.

The term “electrical equipment” used in this chapter refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind, or description, to be installed within or on any building or structure. (Prior Code, § 4-21)

State Law Reference: State electrical requirements, licensing by state, 59 O.S. § 1680 to 1696.

§ 5-302. NATIONAL ELECTRICAL CODE.

All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the State of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the current issue of the National Electrical Code as approved by the American Insurance Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property. (Prior Code, § 4-22)

§ 5-303. UNDERWRITERS’ LABORATORIES, INC.

All electrical equipment installed or used shall be in conformity with the provisions of this chapter, the statutes of the state and any orders, rules and regulations issued by the authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this chapter, by a statute of the state or any orders, rules, or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters’ Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to persons or to property. (Prior Code, § 4-24)

§ 5-304. CITY COUNCIL MAY MAKE SPECIAL RULINGS.

The city council of the city, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations. In all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions. (Prior Code, § 4-25)

§ 5-305. PILOT LIGHT REQUIRED FOR IRON IN MERCANTILE OCCUPANCIES.

In all mercantile occupancies where electric irons are used, they must be installed with approved pilot light. If pilot light is in an enclosure such as an alteration room, an additional light must be installed in a visible position outside the enclosure. (Prior Code, § 4-26)

§ 5-306. BRANCH CIRCUITS.

In residential and mercantile occupancies, lighting branch circuits shall be confined to one thousand (1,000) watts, and not more than eight (8) outlets per circuit will be allowed in the fire limits. Branch circuit conductors shall be smaller than No. 12. Type C lamp cord will not be permitted in the kitchen or restaurants or like places where grease accumulates, nor in part of a building where live poultry is confined. (Prior Code, § 4-27)

§ 5-307. BASEMENT INSTALLATIONS.

A circuit of not less than No. 12 wire shall be installed in basements in any area subject to floods. Ground connections shall not be made in toilets, adjacent to salt storage, acid vapors, or in any location where the grounding conductor and fitting is likely to become corroded. (Prior Code, § 4-27)

§ 5-308. PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE.

- A. It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits of this city or make extensions to any existing electrical installations without first securing a permit from the city clerk.
- B. Applications for electrical permits shall be made to the city clerks; and the applicant shall provide such plans, specifications, and other data as may be reasonably required.
- C. The fee for an electrical permit shall be as prescribed by motion or resolution passed by the city council.

§ 5-309. INSPECTION FEE.

The city council by motion or resolution may prescribe an inspection fee to be paid to the city when electrical installations are inspected by the electrical inspector.

§ 5-310. ELECTRICIANS' REGISTRATION REQUIRED, BOND.

- A. It is unlawful for any person to engage in the business, trade or vocation of electrical

contractor, journeyman electrician or apprentice electrician without a certificate of registration as such secured from the city. The initial fee for a registration certificate, and any renewal, to be paid to the city clerk, shall be as set by the city council. A registration certificate must be renewed within ninety (90) days following expiration of the certificate. After the expiration, an application for a new certificate must be requested and the initial fee paid again. No person may be registered with the city as contractor, journeyman or apprentice unless he possesses a valid and current state license issued by the state and pays the registration fee in such sum as set by the city council by motion or resolution. This certificate is not transferrable to any other individual or company.

- B. Every person receiving a certificate as an electrical contractor shall file with the city clerk a bond in such sum as set by the city, executed with a surety company authorized to do business in the state. The bond shall be conditioned that the principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with the law and the ordinances and other regulations of the city relating to electrical installations and in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy and defective or faulty work caused by poor workmanship or inferior or non-standard material; and that the city may be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as an electrical contractor or electrician, as the case may be.
- C. For the installing of bell, telephone or signal systems not using over twelve (12) volts, no registration or bond will be required. The installation of same must comply with all other requirements of the ordinances of the city.
- D. After adequate opportunity for a hearing, the city council may revoke the certificate of an electrical contractor, an apprentice electrician, or a journeyman electrician. (Prior Code, § 4-23, in part)

CHAPTER 4

LIQUEFIED PETROLEUM GAS

§ 5-401 Persons must comply with state law, code adopted.

§ 5-401. PERSONS MUST COMPLY WITH STATE LAW, CODE ADOPTED.

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum Gases, as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within the city. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the city and shall be punished accordingly. (Prior Code, § 4-20, in part)

CHAPTER 5

GAS PIPING CODE

§ 5-501 Pamphlet adopted.

§ 5-501. PAMPHLET ADOPTED.

Pamphlet No. 54 published by the National Fire Protection Association, entitled National Fuel Gas Code, the latest edition thereof, is hereby adopted and incorporated in this code by reference. The pamphlet shall be in full force and effect in the city and shall govern the installation of gas piping and gas appliances in the city. Any violation of the provisions of the pamphlet shall be deemed a violation of the ordinances of the city. (Prior Code, § 4-19)

CHAPTER 6

INTERNATIONAL RESIDENTIAL CODE

- § 5-601 Adoption of the international residential code.
§ 5-602 Additions, insertions and changes to the international residential code.

§ 5-601. ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE.

That certain documents, three (3) copies of which are on file in the office of the City Clerk and the City of Choctaw, being marked and designated as *International Residential Code*, including Appendix Chapters A through K, as published by the International Code Council be and is hereby adopted as the code of the City of Choctaw for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City of Choctaw and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2000 or latest edition thereof, and any revisions or amendments thereto, published by the International Code Council which are on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance. (Prior Code, § 4-53, as amended; Ord. No. 552, 6/18/02)

§ 5-602. ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL RESIDENTIAL CODE.

The following sections are hereby revised as follows:

- A. § R101.1 (page 1, second line). Insert: “the City of Choctaw”;
- B. § 3008.1 (page 411). Amend paragraph to read “All new residential structures shall be protected from backflow of sewage by installing an approved backwater valve. Residential structures that experience backflow of sewage shall be required to install an approved backwater valve. Backwater valves shall be provided with access”.
- C. Table R301.2 (1) (page 21, sixth line). Insert: “16 Psf, 90, 30, Moderate, 18, M to H, S to M, 20, FEMA 40109C000 Map Number 7-2-02”;
- D. Appendix E § AE304.1 (page 531, first and second line). Amended to read “As set by City Council by resolution and codified as Appendix 5 of the Choctaw Code of Ordinances.”;
- E. Appendix E § AE304.2 (page 532, third line). Amended to read: “As set by City Council by resolution and codified as Appendix 5 of the Choctaw Code of Ordinances. “; (Prior Code § 4-53, as amended; Ord. No. 552, 6/18/02)

CHAPTER 7

MOVING BUILDINGS

§ 5-701	Definitions.
§ 5-702	Application and permit.
§ 5-703	Fee.
§ 5-704	Time to be specified on permit.
§ 5-705	Approval by police chief, manager, routes.
§ 5-706	Pneumatic tires.
§ 5-707	Move to be accomplished diligently.
§ 5-708	Warnings and attendants.
§ 5-709	Penalties.

§ 5-701. DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

- A. “Building” and “structure” as used herein shall only include those large buildings and structures which are oversized or regular equipment and require special equipment to move. Such buildings and structures and mobile homes shall comply with the requirements of Title 47 Oklahoma Statutes § 14-101 through and including § 14-118 and as same may be hereinafter amended, and same is hereby incorporated into and made a part of this chapter for all purposes as if fully set out herein in word and character; and
- B. “Mobile home” shall be as defined in the subdivision regulations ordinance of the city. (Ord. No. 217, 3/2/82)

§ 5-702. APPLICATION AND PERMIT.

It is unlawful for any person to move any building, structure or mobile home along or across any street, road, public ground or thoroughfare within the city, without first filing an application for and obtaining a permit to do so. After the city manager has approved the application, the city clerk may issue the permit, subject to the provisions of this chapter. In the event such building, structure or mobile home remains within the city without a permit then each day such building, structure or mobile home remains shall be a separate offense and the owner or persons in possession or the mover thereof shall be deemed in violation hereof. (Ord. No. 217, 3/2/82)

§ 5-703. FEE.

The fee for a permit required by this chapter shall be set by the council for buildings and structures and for mobile homes. The fees shall be paid to the office of the city clerk when the permit is issued. (Ord. No. 217, 3/2/82)

§ 5-704. TIME TO BE SPECIFIED ON PERMIT.

A permit issued under this chapter shall state the time when it is contemplated that the moving will terminate. (Ord. No. 217, 3/2/82)

§ 5-705. APPROVAL BY POLICE CHIEF, MANAGER, ROUTES.

- A. No permit for the moving of any building, structure or mobile home shall be issued until the route to be taken in such moving and the time when such structure shall start moving on the street or public ground has been approved in writing by the chief of police and proper arrangements made with the chief of police to provide a police escort for the purpose of regulating traffic along the route to be followed, if same is determined necessary by the chief of police.
- B. The chief of police shall have authority to refuse to approve the proposed route for the moving of a building, structure or mobile home if, in his judgment, the moving would cause irreparable damage to trees or shrubbery, or until written permission of the utility company has been obtained if it is necessary to change the height of any overhead utility wire to allow the passage of the building or structure, the applicant shall secure the approval of the manager when it is necessary to change the height of the wires used in connection with overhead electric signal lights in order to move the structure. (Ord. No. 217, 3/2/82)

§ 5-706. PNEUMATIC TIRES.

No permit shall be issued under this chapter unless the moving wheels upon the structure to be moved are surrounded with pneumatic tires and unless the wheels travel upon that portion of the street between curb and curb. (Ord. No. 217, 3/2/82)

§ 5-707. MOVE TO BE ACCOMPLISHED DILIGENTLY.

All movers authorized by a permit issued under this chapter shall continue with diligence in a good and working manner from the time they are started until time of completion, except when due to matters beyond the control of the mover. (Ord. No. 217, 3/2/82)

§ 5-708. WARNINGS AND ATTENDANTS.

In the event that it is necessary to leave a structure being moved on the street or public land or any part thereof, due to mechanical failures or otherwise, the same shall at all times be attended by a watchman, who shall signal an appropriate red warning flag to oncoming traffic, and during the hours of twilight or darkness, the watchmen shall also signal with an electric light. In addition, suitable flares shall be placed on either side of the structure for a distance of seventy-five (75) feet. (Ord. No. 217, 3/2/82)

§ 5-709. PENALTIES.

Any person, firm or corporation or other legal entity who shall violate any of the provisions of

this chapter or fails to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense punishable as provided in § 1-108 of this code. (Ord. No. 217, 3/2/82)

CHAPTER 8

INTERNATIONAL PROPERTY MAINTENANCE CODE

- § 5-801 Adoption of the international property maintenance code.
§ 5-802 Additions, insertions and changes to the international property maintenance code.

§ 5-801. ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

That certain documents, three (3) copies of which are on file in the office of the City Clerk and the City of Choctaw, being marked and designated as *International Property Maintenance Code*, as published by the International Code Council, Inc., be and is hereby adopted as the property maintenance code of the City of Choctaw for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code, 2000 or latest edition thereof, and any revisions or amendments thereto, published by the International Code Council which are on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in § 5-802 of this Ordinance. (Ord. No. 457, 11/1/94; Ord. No. 553, 7/2/02)

§ 5-802. ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

The following sections are hereby revised as follows:

- A. § 101.1 (page 1, second line). Insert: “the City of Choctaw”;
- B. § 103.6 (page 2, fourth line). Insert: “as set by motion or resolution”;
- C. § 303.14 (page 10, first and second line). Insert: “such dates as determined by the city manager or his designee”;
- D. § 602.3 (page 17, fifth line). Insert: “such dates as determined by the city manager or his designee”;
- E. § 602.4 (page 17, third line). Insert: “such dates as determined by the city manager or his designee”; (Ord. No. 457, 11/1/94)

CHAPTER 9

INTERNATIONAL MECHANICAL CODE

- § 5-901 Adoption of the international mechanical code.
- § 5-902 Additions, insertions and changes to the international mechanical code.
- § 5-903 Mechanical; registration, permits and fees.
- § 5-904 Mechanical; permits and inspections.

§ 5-901. ADOPTION OF THE INTERNATIONAL MECHANICAL CODE.

That certain documents, three (3) copies of which are on file in the office of the City Clerk and the City of Choctaw, being marked and designated as *International Mechanical Code*, including Appendix Chapter A, as published by the International Code Council, Inc., be and is hereby adopted as the mechanical code of the City of Choctaw for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Choctaw and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of said International Mechanical Code, 2000 or latest edition thereof, and any revisions or amendments thereto, published by the International Code Council which are on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in § 5-902 of this code. (Ord. No. 458, 11/1/94; Ord. No. 554, 7/2/02)

State Law Reference: Mechanical Licensing Act, 59 O.S. §§ 1850.1 to 1860.

§ 5-902. ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL MECHANICAL CODE.

The following sections are hereby revised as follows:

- A. § 101.1 (page 1, second line). Insert: “the City of Choctaw”;
- B. § 106.5.2 (page 4, third line). Insert: “as set by motion or resolution by the city council”;
- C. § 106.5.3.2 (page 4, first line). Insert: “zero (0%)”;
- D. § 106.5.3.3 (page 4, first line). Insert: “zero (0%)”;
- E. § 108.4 (page 5, seventh line). Insert: “offense, punishable by fine and imprisonment as provided in § 1-108 of the city code of ordinances”;
- F. § 108.5 (page 6, thirteenth line). Insert: “as provided in § 1-108 of the city code of ordinances”. (Ord. No. 458, 11/1/94; Ord. No. 554, 7/2/02)

§ 5-903. MECHANICAL; REGISTRATION, PERMITS AND FEES.

- A. The phrases and words “journeyman, “ “apprentice, “ “contractor, “ and “plumbing”

when used in the ordinances, regulations and other official acts and communications of this city, shall have the meanings respectively prescribed for them by §§ 1850.1 et seq. of Title 59 of the Oklahoma Statutes, the state Mechanical License Act unless the context clearly indicates a different meaning.

- B. It is unlawful for any person to engage in the business, trade, or occupation of a mechanical contractor, or of a journeyman, or of an apprentice, in this city unless he is registered with the city and has a current and valid certificate issued by the city.
- C. Only persons who have current and valid licenses as mechanical contractors or as journeyman issued by the Construction Industries Board as provided by the state's Mechanical Licensing Act may register as such with the city. Only persons who have current and valid certificates of registration as apprentices issued by the Mechanical Licensing Board as provided by the law may register as such with the city.
- D. Applicants for certificates of registration, after complying with the laws of the state and with the city code, and after payment of the fee hereinafter specified, shall be registered by the city clerk. The registration shall expire at the end of the fiscal year, but may be renewed from year to year. Mechanical contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the same bond is required as set forth by city code. An applicant for mechanical contractor's registration shall also furnish bond in such sum and such conditions as set by the city council.
- E. A qualified person may re-register as a mechanical contractor, a journeyman or an apprentice, in the same manner as in the original instance, and upon the same conditions.
- F. All mechanical contractors' registrations not renewed within ninety (90) days after the date of expiration thereof shall be canceled, and a new application for registration must be made and the fee for a new registration paid.
- G. The fee for registration shall be as set by the city council by motion or resolution.
- H. The city council, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the city registration of any mechanical contractor or journeyman or apprentice for violating any provisions of the ordinances or regulations of the city relating to the installation of mechanical systems or for any other cause specified in the state Mechanical Licensing Act.
- I. Every person receiving a certificate as a mechanical contractor shall file with the city clerk a bond in such sum as set by the city, executed with a surety company authorized to do business in the state. The bond shall be conditioned that the principal will install all mechanical work, fixtures, appliances and equipment in accordance with the law and this code, ordinances and other regulations of the city relating to heat and air systems, and in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or non-standard material; and that the city may be fully

indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as a mechanical contractor or journeyman as the case may be.

(Ord. No. 616, 1/10/06)

§ 5-904. MECHANICAL; PERMITS AND INSPECTIONS.

- A. No mechanical work shall be undertaken without a permit from the city.
- B. The application for such work must follow the adopted city code.
- C. The schedule of permit fees may be set forth by resolution or motion of the city council. Such payment will be made upon application.
- D. Inspection of such work must conform to the guidelines set forth in the city code. (Ord. No. 616, 1/10/06)

State Law Reference: Mechanical Licensing Act, 59 O.S. §§ 1850.7 to 1850.9 et seq.

CHAPTER 10

WATER WELL DRILLING AND OPERATION

§ 5-1001	Water well drilling prohibited unless pursuant to this chapter.
§ 5-1002	Permit required.
§ 5-1003	State water well drilling license required.
§ 5-1004	Location and depth.
§ 5-1005	Purpose, no connection to city water system.
§ 5-1006	Pollution of groundwater prohibited.
§ 5-1007	Inspection.
§ 5-1008	Cease and desist orders.
§ 5-1009	State requirements, mud and erosion control.
§ 5-1010	Sealing and capping.
§ 5-1011	Industrial water well prohibited.
§ 5-1012	Penalty.

§ 5-1001. WATER WELL DRILLING PROHIBITED UNLESS PURSUANT TO THIS CHAPTER.

No person, firm or corporation shall drill or cause to be drilled within the city any domestic or commercial water well or make use of the water produced from any such well without first having complied with the provisions hereinafter set forth in this chapter. (Ord. No. 459, 11/1/94)

§ 5-1002. PERMIT REQUIRED.

No domestic or commercial water well shall be drilled without a permit therefore having been obtained from the city manager or his designee. Applications for such permit shall be made on forms supplied or approved by the city manager or his designee. Such applications shall, among other things, show the address and legal description of the property on which the proposed well is to be drilled, the location of the well on such property, the name and address of the owner of the property on which the well is to be located, and the name and address of the well driller. The applicant for such permit shall be required to pay a permit and inspection fee as set by motion or resolution by the city council. (Ord. No. 459, 11/1/94)

§ 5-1003. STATE WATER WELL DRILLING LICENSE REQUIRED.

Water wells may be drilled only by drillers who hold a valid water well drillers license issued by the Oklahoma Water Resources Board. Within ten (10) days after the completion of any work on a water well, the well driller shall provide the city with a well log and all other information and data required to be furnished by water well drillers under the current rules and regulations promulgated by the Oklahoma Water Resources Board which are hereby adopted by reference. (Ord. No. 459, 11/1/94)

§ 5-1004. LOCATION AND DEPTH.

No private domestic or commercial water well shall be drilled, re-drilled, deepened, constructed, or completed to a depth greater than two hundred fifty (250) feet below ground level at the well site. No such well shall be located nearer than a minimum of ten (10) feet to any property line of the lot or parcel of land on which the well is to be located. (Ord. No. 459, 11/1/94; Ord. No. 586, 11/23/04)

§ 5-1005. PURPOSE, NO CONNECTION TO CITY WATER SYSTEM.

Water from private domestic or commercial water wells located within the city shall be used only for domestic or commercial purposes on the premises where the well is located, and there shall be no interconnection system. The city, through its proper officers, shall be authorized to disconnect the premises on which a private water well is located from the municipal water system if it should be determined that the well has been connected with the municipal water system. (Ord. No. 459, 11/1/94)

§ 5-1006. POLLUTION OF GROUNDWATER PROHIBITED.

The owner of a water well shall not permit fertilizers, insecticides, or deleterious substances of any kind that might pollute the ground waters underlying the city to enter the well. (Ord. No. 459, 11/1/94)

§ 5-1007. INSPECTION.

All water wells shall be open and accessible at all times for inspection and for the taking of water samples by the Oklahoma Department of Environmental Quality (ODEQ), the city-county health department, the city engineer, and other representatives of the Choctaw Utilities Authority or the city. (Ord. No. 459, 11/1/94)

§ 5-1008. CEASE AND DESIST ORDERS.

The city council may issue cease and desist orders to all users of water from wells drilled, re-drilled, deepened, or completed to the Garber-Wellington sandstone formation during periods of drought or low water supply if the city council shall find and determine that such order is necessary to safeguard the welfare of the residents of the city. The city council may also require the abandonment and plugging of any water well that is found and determined to be causing pollution of the water-producing sands from which the city takes its water supply. (Ord. No. 459, 11/1/94)

§ 5-1009. STATE REQUIREMENTS, MUD AND EROSION CONTROL.

In the drilling, re-drilling, deepening, reconditioning, construction or completion of a water well, the well driller shall meet and comply with all minimum requirements and regulations of the Oklahoma Water Resources Board and of the ODEQ relating to water wells. No mud shall be permitted to escape onto an adjoining street but shall be hauled away and disposed of so as not to damage the streets or private property. Erosion shall be controlled in accordance with § 18-101 et seq. Of this code on surface water conservation, as amended. (Ord. No. 459, 11/1/94)

Ed. Note: § 18-101 of this code were originally enacted as Ord. No. 414.

§ 5-1010. SEALING AND CAPPING.

When a water well is temporarily removed from service, it shall be sealed and capped as required by applicable rules and regulations of the Oklahoma Water Resources Board. If a well is nonproductive of water or abandoned for any reason, the well shall be filled with cement grout to at least four (4) feet below the land surface and the owner shall comply with all regulations of the Oklahoma Water Resources Board with respect to the plugging and capping of abandoned well. (Ord. No. 459, 11/1/94)

§ 5-1011. INDUSTRIAL WATER WELL PROHIBITED.

No industrial water well shall be drilled, used or operated within the city. (Ord. No. 459, 11/1/94)

§ 5-1012. PENALTY.

Any person, firm or corporation who shall violate any provision of this chapter, or fail to comply with any provision hereof, shall be guilty of an offense and upon conviction shall be punished by fine and costs not to exceed the general penalty clause under § 1-108 of this code. Each day that any such violation or violations continues shall constitute a separate offense. (Ord. No. 459, 11/1/94)

CHAPTER 11

PENALTY

- § 5-1101 Penalty.
§ 5-1102 Relief in courts.

§ 5-1101. PENALTY.

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of the chapters in this part or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in § 1-108 of this code.

§ 5-1102. RELIEF IN COURTS.

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