ORDINANCE NO 2499 NS

AN ORDINANCE OF THE CITY OF SHAWNEE ADOPTING THE 2009 INTERNATIONAL BUILDING CODE, 2011 NATIONAL ELECTRICAL CODE, 2009 INTERNATIONAL FUEL GAS CODE, 2009 INTERNATIONAL MECHANICAL CODE, 2009 INTERNATIONAL PLUMBING CODE, 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 INTERNATIONAL RESIDENTIAL CODE, 2009 EXISTING BUILDING CODE, 2009 INTERNATIONAL FIRE CODE, REPEALING ALL SECTIONS IN CONFLICT THEREWITH AND PROVIDING FOR SEVERABILITY

WHEREAS, the Oklahoma Uniform Building Code Commission has adopted the International Residential Code (IRC) 2009 as amended and modified by the OUBCC to be the minimum standards for residential construction within the State of Oklahoma for one and two-family dwellings and townhouses pursuant to 59 O.S. §100.23; and

WHEREAS, the Oklahoma Uniform Building Code Commission has adopted the International Building Code 2009, International Fire Code 2009, International Existing Building Code 2009, International Fuel Gas Code 2009, International Mechanical Code 2009, International Plumbing Code 2009 and the National Electrical Code 2011; and

WHEREAS, the City of Shawnee also desires to adopt the International Property Maintenance Code 2009.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: AMENDATORY. Section 7-31 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Building Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

SECTION 2: AMENDATORY. Section 7-32 is amended to read:

The building code adopted in section 7-31 is amended as follows:

Section 101.1. Insert: City of Shawnee, Oklahoma.

Section 105.5 is amended by inserting the following: Unless otherwise provided for, any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit or after the work is started, the authorized work is suspended or abandoned for a period of six (6) months. Following suspension of a permit, the owner or contractor may apply for an extension to the permit and new permit fees shall be charged. There shall be a one-time-only six (6) month extension of a permit. If upon expiration of the permit extension the structure is not completed, the building official shall proceed to have the structure declared a public nuisance.

Section 109.2 is amended by inserting the following:
(A) No building permit shall be issued until the following fees shall have been paid to the building permit clerk or agent thereof:

New construction: For a permit for the new construction of a room addition, building or structure, a fee of $0.14 per square foot shall be paid.

Remodel or alteration of structure: For a permit for the remodeling or alteration of an existing building or structure, a fee of $0.14 per square foot for the area under renovation shall be paid.

Plan check fee: A plan check fee for the building plan review of building construction shall be 25 percent of the building permit fee.

Removal of a structure to another location: The permit fee for the removal of a building or structure from one lot to an adjacent lot shall be $50.00.

Demolition: For a permit for the demolition of a building or structure or parts thereof, a fee of $50.00 shall be paid. The fee is credited back if a construction starts within 30 days on the vacant lot.

Swimming pool permits: A fee of $30.00 shall be charged per permit. This is required for both in-ground and above-ground pools with a diameter greater than ten feet and a water depth greater than 40 inches.

Driveway permits: A fee of $25.00 shall be charged per driveway.

Minimum permit fee: A minimum permit fee of $20.00 is established for any construction permit.

Section 111.0 Certificate of occupancy is amended by inserting the following:

(a) Certificate of occupancy; fee. No change shall be made in the use of any land or building until a certificate of occupancy is obtained from the building inspector certifying that all the provisions of this Code are met.

(b) Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall be required prior to occupancy. Temporary certificates of occupancy for a change in use of any land or tenancy or existing building or structure or for a 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.

(1) The fee for all new apartment complex certificates of occupancy is fifty dollars ($50.00).

(2) The fee for all commercial or industrial certificates of occupancy for a new building or for a change in occupancy or tenancy is fifty dollars ($50.00).

(3) Should a final commercial or industrial certificate of occupancy for a change in use of any land or tenancy or existing building or structure or for new building or structure not be approved by the building official, a temporary commercial or industrial certificate of occupancy may be approved for sixty (60) days at the discretion of the building official. At the end of the first sixty (60) days, the building official shall have the authority to extend the temporary commercial or industrial certificate of occupancy in thirty (30) day increments.

(4) It shall be the responsibility of the applicant to apply for a temporary certificate of occupancy at the end of the date of expiration of the original certificate of occupancy. No extension of the temporary certificate of occupancy shall be issued until a new application is completed and an additional fifty-dollar ($50.00) fee is paid.

(c) The building official shall have the authority to deny applications for renewal of temporary certificates of occupancy. Upon denial of the application for renewal of a temporary certificate of occupancy, the building official shall give written notice to the applicant that the utility services to the premises shall be disconnected if operations have not ceased within ten (10) days after receipt of the notice of denial of the temporary certificate of occupancy. Notice shall be delivered in person or by certified mail, return receipt, within ten (10) days of the denial.

(d) One- and two-family residences are exempt from the requirements of this section.

Section 114.4 is amended by inserting the following:
Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in

violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00, or punishable by imprisonment not exceeding 60 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be a separate offense.

Section 115.3 is amended by inserting the following:
Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $100.00 or more than $500.00.

Section 1612.3. Insert: City of Shawnee, EFFECTIVE DATE September 3, 2010, MAP NUMBER 40125C020H, COMMUNITY NUMBER 400178.

Section 3412.2 is amended by inserting the following: Compliance alternatives: Structures existing prior to February 3, 1983 in which there is work involving rehabilitation.

SECTION 3: AMENDATORY. Section 7-61 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the National Electrical Code, 2011 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extend as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

SECTION 4: AMENDATORY. Section 7-62 is hereby deleted.

SECTION 5: AMENDATORY. Section 7-63 is hereby deleted.

SECTION 6: AMENDATORY. Section 7-64 is hereby deleted.

SECTION 7: AMENDATORY. Section 7-65 is hereby deleted.

SECTION 8: AMENDATORY. Section 7-66 is hereby deleted.

SECTION 9: AMENDATORY. Section 7-67 is hereby deleted.

SECTION 10: AMENDATORY. Section 7-68 is hereby deleted.

SECTION 11: AMENDATORY. Section 7-69 is hereby deleted.

SECTION 12: AMENDATORY. Section 7-96 is hereby deleted.

SECTION 13: AMENDATORY. Section 7-97 is hereby deleted.

SECTION 14: AMENDATORY. Section 7-191 is hereby deleted.

SECTION 15: AMENDATORY. Section 7-236 is hereby deleted.

SECTION 16: AMENDATORY. Section 7-266 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Fuel Gas Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extend as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

SECTION 17: AMENDATORY. Section 7-267 is amended to read:

The fuel gas code adopted in section 7-266 is amended as follows:

Section IFGC-101.1 (page 1, second line) is amended by inserting the following: City of Shawnee, Oklahoma.

Section IFGC-106.6.2 (page 11, third line) is amended by inserting the following:

(1) New construction, single-family residence. For new construction in a single-family residence, the fee shall be included in the building permit fee.

(2) New construction, commercial or multiple occupancy. For new construction in a commercial or multiple occupancy, the fee shall be included in the building permit fee.

(3) Change of an existing service. For change of an existing service in a residential, commercial or multiple occupancy, the fee shall be $20.00 per occurrence.

(4) Re-inspection. For re-inspection made necessary because of defective work, a fee of $25.00 shall be charged for the first occurrence and $50.00 for every subsequent occurrence.

(5) Boring. The fee for boring in the public right-of-way is $50.00 per occurrence.

(6) Construction without a permit. The permit fee shall triple if any person commences construction prior to obtaining a permit.

Section IFGC-106.6.3.2 is hereby deleted.

Section IFGC-106.6.3.3 is hereby deleted.

SECTION 18: AMENDATORY. Section 7-297 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Mechanical Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extend as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

SECTION 19: AMENDATORY. Section 7-333 is hereby deleted.

SECTION 20: AMENDATORY. Section 7-361 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Plumbing Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extend as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

SECTION 21: AMENDATORY. Section 7-362 is amended to read as follows:

The plumbing code adopted in section 7-361 is amended as follows:

Section 101.1 is amended by inserting the following: City of Shawnee, Oklahoma.

Section 102.2 (page 2, after the word of), on the second line, is amended by inserting the following: on April 2, 1990.

Section 106.6.2 is amended by inserting the following:

(1) New construction, single-family residence. For new construction in a single-family residence, the fee shall be included in the building permit fee.

(2) New construction, commercial or multiple occupancy. For new construction in a commercial or multiple occupancy, the fee shall be included in the building permit fee.

(3) Change of an existing service. For change of an existing service in a residential, commercial or multiple occupancy, the fee shall be $20.00 per occurrence.

(4) Reinspection. For reinspection made necessary because of defective work, a fee of $25.00 shall be charged for the first occurrence and $50.00 for every subsequent occurrence.

(5) Boring. The fee for boring in the public right-of-way is $50.00 per occurrence.

(6) Construction without a permit. The permit fee shall triple if any person commences construction prior to obtaining a permit.

Section 106.6.3.2 is hereby deleted.

Section 106.6.3.3 is hereby deleted.

Section 305.6.1 shall read, insert: 18 inches.

Section 904.1 shall read, insert: 6 inches.

SECTION 22: AMENDATORY. Section 7-363 is hereby deleted.

SECTION 23: AMENDATORY. Section 7-364 is hereby deleted.

SECTION 24: AMENDATORY. Section 7-365 is hereby deleted.

SECTION 25: AMENDATORY. Section 7-366 is hereby deleted.

SECTION 26: AMENDATORY. Section 7-367 is hereby deleted.

SECTION 27: AMENDATORY. Section 7-431 is amended to read:

A certain document, one copy of which are on file in the office of the city clerk, being marked and designated as the International Property Maintenance Code, 2009 edition is hereby adopted. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

SECTION 28: AMENDATORY. Section 7-432 is amended to read:

The following amendments to the International Property Maintenance Code are hereby adopted:

1. Section 101.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Shawnee hereinafter referred to as "this code".
2. Section 103.1 General: The Community Development Director or their designee shall enforce all of the provisions of this code.
3. Section 103.5: Delete section.
4. Section 106.4 Penalty: Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than fifty ($50) dollars no more than five-hundred ($500) dollars plus court costs. Each time such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Each day that a violation continues after due notice has been served shall be deemed a separate offence.
5. Section 110.1 through Section 110.4: Delete sections.
6. Section 111.2 Membership of the Board: The Board of Appeals shall consist of five members, being the same persons who occupy the City of Shawnee Board of Adjustment, and shall have the same terms of office as for the Board of Adjustment.
7. Section 111.2.1 through Section 111.2.2: Delete sections.
8. Section 111.2.4 through Section 111.2.5: Delete sections.
9. Section 111.4.1: Delete section.
10. Section 302.3 through Section 302.4: Delete sections.
11. Section 302.8 through Section 302.9: Delete sections.
12. Section 303: Delete section.

13. Section 304.14: Delete section.
14. Section 307: Delete section.
15. Section 602.3 Heat Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom shall supply sufficient heat to maintain a constant room temperatures of 68 degrees Fahrenheit.
16. Section 602.4. Occupiable work spaces: shall be supplied with heat during the period from January 1 to December 31 to maintain a temperature of not less than 65 degrees Fahrenheit during the period of time the spaces are occupied.

SECTION 29: AMENDATORY. Section 7-461 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Residential Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extend as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

SECTION 30: AMENDATORY. Section 7-462 is amended to read:

The International Residential Code for One- and Two-Family Dwellings, 2009 edition, adopted in section 7-461 is amended as follows:

R101.1 (page 1 second line) is amended by inserting the following: City of Shawnee, Oklahoma.

Table R301.2 (1) Climatic and Geographic Design Criteria, insert:

Roof snow load = 10 psf
Wind speed = 90 mph
Seismic design category = B
Weathering = moderate
Frost line depth = 18 inches
Termite = moderate to heavy
Decay = slight to moderate
Winter design temp = not applicable
Flood hazards = FIRM # 40125C020H, COMMUNITY NUMBER 400178, revised September 3, 2010

Section P2603.6.1 Insert: 18 inches.

SECTION 31: AMENDATORY. Chapter 7, Article X: Housing Code (Sections 7-491, 7-492) is hereby deleted and removed in its entirety.

SECTION 32: AMENDATORY. A new section, Chapter 7, Article X: Existing Buildings, is hereby established and reads:

Section 7-491. Adopted.

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Existing Building Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extend as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

Section 101.1 Insert: City of Shawnee, Oklahoma.

Section 1301.2 Insert: February 3, 1983.

SECTION 33: AMENDATORY. Section 13-36 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Fire Code, 2009 edition, as published by the International Code Council, as it is amended and modified from time to time, be and is hereby adopted as the fire code of the city, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code 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, with the additions, insertions, deletions and changes, if any, prescribed in Section 13-37.

SECTION 34: AMENDATORY. Section 13-37 is amended to read:

The fire prevention code adopted in section 13-36, the same being the International Fire Code, 2009 Edition, as it is amended and modified from time to time, is hereby amended as follows:

Section 101.1 insert: City of Shawnee, Oklahoma.

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 60 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 is amended by inserting the following:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $100.00 or more than $500.00.

SECTION 35: REPEALER. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 36: SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Commission hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 37: EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect days sixty (60) days from and after the date of passage, provided that nothing shall prevent an applicant from voluntarily electing to utilize the provisions of this ordinance prior to the effective date.

PASSED AND APPROVED this _____day _____, 2013

WES MAINORD, MAYOR

THE CITY OF SHAWNEE
SEAL
OKLAHOMA

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY ON THIS 18TH DAY OF MARCH, 2013.

MARY ANN KARNS, CITY ATTORNEY