

SHORT TITLE: State government; expanding the authority of the State
Fire Marshal; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 726

By: Herbert

AS INTRODUCED

An Act relating to state government; amending 74 O.S.

1991, Section 324.11, which relates to building permits required for certain buildings and structures; prohibiting construction of all types of buildings or structures unless construction permit is obtained; deleting list of such types of structures and buildings requiring such permit; authorizing certain charge made in conformity with state law; authorizing certain permit be obtained from State Fire Marshal; authorizing and requiring application for certain building permit to be issued by State Fire Marshal under certain circumstances; allowing State Fire Marshal to require the submission of certain plans and specifications; allowing the State Fire Marshal to refuse to issue certain permit under certain circumstances; exempting certain buildings from certain requirement; deleting certain building codes as prerequisites to issuance of certain permits; authorizing State Fire Marshal Commission to establish certain fees and providing procedures thereto; specifying certain fees for certain permits; requiring certain permit for certain remodeling and excluding certain dwellings; requiring certain fee for aboveground fuel tank applications and providing exclusion; specifying certain fee for review and approval of fire

sprinkler plan; requiring certain monies be deposited into the Fire Marshal Fund; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 1991, Section 324.11, is amended to read as follows:

Section 324.11 A. No person, firm, corporation, partnership, organization, city, town, school district, county or other subdivision of government shall commence the construction or major alteration of any building or structure ~~to be used as a school, hospital, church, asylum, theater, meeting hall, hotel, motel, apartment house, rooming house, rest home, nursing home, day nursery, convalescent home, orphanage, auditorium, or install original equipment for the operation or maintenance thereof~~ without obtaining a permit. Said permit, for which a charge may be made in conformity with the local ordinance or state law, except as limited herein as to governmental agencies, shall be obtained from the city, town ~~or~~, county, or State Fire Marshal in whose jurisdiction the construction or alteration is planned.

B. All such construction or alteration so planned shall conform to the applicable provisions of the BOCA National Building Code, as last revised, the Southern Standard Building Code Congress International (SBCCI), or the Uniform Building Code (ICBO), except that in the event any city, town or county having jurisdiction to issue such permit has adopted by ordinance one of the other building codes designated in Section 324.8 of this title, then such construction or alteration shall conform to such other code so adopted.

C. Application for such building permit shall be made to, and such building permit shall be issued by, any city, town ~~or~~, county, or State Fire Marshal in whose jurisdiction the construction or alteration is planned. The city, town ~~or~~, county, or State Fire Marshal may require the submission of plans and specifications covering the proposed construction or alteration and may refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of the city, town ~~or county's~~, county, or State Fire Marshal's building code. In all geographical areas wherein no such permit is required by local authorities such permit, except for one- and two-family dwellings and farm buildings, must be obtained from the State Fire Marshal, who may require the submission of plans and specifications covering the proposed construction or alteration, and he shall refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of said BOCA National Building Code, as last revised, ~~the Southern Standard Building Code Congress International (SBCCI), or the Uniform Building Code (UBC).~~ Except as specified in this subsection, the State Fire Marshal Commission may establish a system of fees to be charged for aboveground tank application, construction plans review and sprinkler plans review. These fees may be charged for plans review performed by the State Fire Marshal in jurisdictions where there is no lawfully established local program of building code enforcement. Except as specified in this subsection, the Commission shall base its fee schedule upon the reasonable costs of review services as the Commission shall determine. The Commission shall follow the procedures required by Sections 301 through 325 of Title 75 of the Oklahoma Statutes for adoption of rules in establishing or amending any such schedule of fees. A minimum fee of Fifty Dollars (\$50.00) shall be charged for a plan review/building permit for all new construction and remodeling of existing facilities at two thousand five hundred (2,500) square feet and under. A two-cent per

square foot fee shall be charged for new construction and remodeling of existing facilities from two thousand five hundred one (2,501) square feet to fifty thousand (50,000) square feet. A maximum charge of One Thousand Dollars (\$1,000.00) shall be charged for a plan review/building permit for all new construction and remodeling of existing facilities that are fifty thousand one (50,001) square feet and over. When fifty percent (50%) or more of an existing facility is being remodeled, a plan review/building permit will be required, not to include one- and two-family dwellings and all farm buildings. A thirty-five-dollar fee shall be charged for the review and approval of an aboveground fuel tank application for nonretail sales, excluding all farm aboveground fuel tank installations; and a fifty-dollar fee shall be charged for the review and approval of a fire sprinkler plan. All monies collected by the State Fire Marshal pursuant to this act shall be deposited in the Fire Marshal Fund, created in Section 50001 of Title 68 of the Oklahoma Statutes, and shall be used by the State Fire Marshal in administering this act. If a city, town or county requests the State Fire Marshal to review plans and specifications and issue a permit, a fee may be established by the State Fire Marshal Commission covering such service.

D. Nothing in this act shall be construed as repealing any ordinance of any city, town or county requiring the submission to the local authorities of plans and specifications and the obtaining of permits, but the power or authority of any such city, town or county to levy or assess any charge for such permit or to make and enforce requirements prerequisite to the issuance of such permit, other than requiring compliance with such building code, shall, as to governmental agencies, be limited as hereinafter set forth.

E. No city, town ~~or~~, county or state requested to issue any such permit to any city, town, school district, county or ~~other~~ political subdivision of ~~government~~ this state shall charge, assess

or collect any fee or other charge for such permit except the regular and customary inspection fees fixed by ordinance or by state statute or rule for inspection of the work to be done under such permit, and no other charge, fee or other conditions of any kind under the authority of this title shall be made a condition of or prerequisite to the obtaining of such permit by any such governmental agency.

F. No bids may be let for the construction or major alteration of any correctional facility as defined by Section 317 of this title until plans and specifications for such construction or alteration have been submitted to the State Fire Marshal for his approval. The State Fire Marshal shall approve said plans and specifications if the work so planned conforms with the applicable provisions of the BOCA National Building Code, as last revised, the Southern Standard Building Code Congress International (SBCCI), or the Uniform Building Code (ICBO).

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-1911

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