

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2260

By: Fields

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 2001, Section 14-107, which relates to publication of certain codes and ordinances; adding certain code for adoption; providing option to adopt certain additional codes; amending 74 O.S. 2001, Sections 324.8 and 324.11, which relate to uniform force and effect of building standards and to construction or alteration of certain structures; replacing construction and alteration standard; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 14-107, is amended to read as follows:

Section 14-107. A. If a municipal governing body enacts or adopts by reference ordinances which are compilations or codes of law or regulations relating to traffic, building, plumbing, electrical installations, fire prevention, inflammable liquids, milk and milk products, protection of the public health, or any other matters which the municipality has the power to regulate, such ordinances are not required to be published in full. Legal publication of such ordinances may be by publishing the title and a summary of their contents in the manner provided by Section 14-106 of this title. At least one copy of such ordinances shall be kept in the office of the municipal clerk for public use, inspection, and examination. The municipal clerk shall keep copies of the ordinances, codes, or compilations for distribution or sale at a reasonable price.

B. A municipality which adopts building standards shall adopt and enforce one of the following codes:

1. The BOCA Basic Building Code of the Building Officials and Code Administrators International, Incorporated; or

2. The Uniform Building Code of the International Conference of Building Officials; or

3. The Southern Standard Building Code of the Southern Building Code Congress, International, Incorporated; or

4. The Code for Energy Conservation in New Building Construction prepared by the National Conference of States on Building Codes and Standards, Inc. (NCSBCS); or

5. Any other code which the governing body of the municipality deems desirable to promote safety, energy efficiency, health, and welfare within the municipality.

C. As of November 1, 2002, all municipalities which adopt building standards shall adopt and enforce the International Code of the International Code Council (ICC). Any other code that increases the minimum requirements of the International Code may be adopted and enforced if the governing body of the municipality deems the code to be desirable to promote safety, energy efficiency, health, and welfare within the municipality. This subsection shall not affect the adoption of codes for any projects or contracts entered into prior to November 1, 2002.

D. Ordinances which are passed by the governing body with an emergency clause attached are not required to be published in full, but may be published by title only in the manner provided by Section 14-106 of this title.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 324.8, is amended to read as follows:

Section 324.8 The rules promulgated pursuant to Section 324.1 et seq. of this title shall have uniform force and effect throughout the state and no municipality or subdivision shall enact or enforce

any ordinances, rules for construction of or major alterations to buildings with standards other than the ~~Building Officials and Code Administrators (BOCA) National Building Code~~ International Code of the International Code Council, as last adopted by the State Fire Marshal Commission, ~~except that a municipality or subdivision which requires permits for construction of or major alterations to buildings may elect to adopt, by ordinance, a renovation code for existing buildings approved by the Office of the State Fire Marshal as an equivalent code to the existing building provisions of the state-adopted building code, or any other recognized national building code, in lieu of the Building Officials and Code Administrators (BOCA) National Building Code.~~ Provided, nothing in this act shall prevent or take away from any city, town or county, the authority to enact and enforce rules containing higher standards and requirements than those provided herein nor prevent or take away from any city, town or county the authority to amend such adopted codes to make changes necessary to accommodate local conditions. And provided further, that nothing in this act shall in any way impair the power of any municipality, county or subdivision to regulate the use of land by zoning, building codes or restricted fire district regulations.

SECTION 3. AMENDATORY 74 O.S. 2001, 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, except as limited herein as to governmental agencies, shall be obtained from the city, town or county 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), the Uniform Building Code (ICBO), or the International Building Code~~ of the International Code Council, 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 prior to November 1, 2002, as 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 in whose jurisdiction the construction or alteration is planned. The city, town or county 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 building code. In all geographical areas wherein no such permit is required by local authorities such permit must be obtained from the State Fire Marshal, who may require the submission of plans and specifications covering the proposed construction or alteration, and 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), the Uniform Building Code (ICBO), or the International Building Code~~ of the International Code Council.

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 requested to issue any such permit to any city, town, school district, county or other subdivision of government shall charge, assess or collect any fee or other charge for such permit except the regular and customary inspection fees fixed by ordinance 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 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), the Uniform Building Code (UBC), or the International Building Code~~ of the International Code Council.

SECTION 4. This act shall become effective November 1, 2002.

48-2-7775 MD 6/12/15