

THE HOUSE OF REPRESENTATIVES  
Thursday, February 5, 2009

House Bill No. 1031

HOUSE BILL NO. 1031 - By: MURPHEY of the House.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 14-107, as amended by Section 1, Chapter 407, O.S.L. 2002 (11 O.S. Supp. 2008, Section 14-107), which relates to the Oklahoma Municipal Code; modifying the list of codes a municipality may adopt; amending 74 O.S. 2001, Section 324.8, as amended by Section 1, Chapter 119, O.S.L. 2005 (74 O.S. Supp. 2008, Section 324.8), which relates to the State Fire Marshal; modifying code that municipalities and subdivisions may adopt for certain purposes; and providing an effective date.

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

1           SECTION 1.    AMENDATORY    11 O.S. 2001, Section 14-107, as amended by  
2    Section 1, Chapter 407, O.S.L. 2002 (11 O.S. Supp. 2008, Section 14-107), is amended to  
3    read as follows:  
4           Section 14-107.  A.  If a municipal governing body enacts or adopts by reference  
5    ordinances which are compilations or codes of law or regulations relating to traffic,  
6    building, plumbing, electrical installations, fire prevention, inflammable liquids, milk  
7    and milk products, protection of the public health, or any other matters which the  
8    municipality has the power to regulate, such ordinances are not required to be published  
9    in full.  Legal publication of such ordinances may be by publishing the title and a  
10   summary of their contents in the manner provided by Section 14-106 of this title.  At  
11   least one copy of such ordinances shall be kept in the office of the municipal clerk for

1 public use, inspection, and examination. The municipal clerk shall keep copies of the  
2 ordinances, codes, or compilations for distribution or sale at a reasonable price.

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

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

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

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

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

13 5. The code of the International Code Council; or

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

16 C. Municipalities may adopt the “New Jersey Smart Code” building standard for  
17 purposes of rehabilitation to existing structures that were completed prior to November  
18 1, 1985.

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

1 SECTION 2. AMENDATORY 74 O.S. 2001, Section 324.8, as amended by  
2 Section 1, Chapter 119, O.S.L. 2005 (74 O.S. Supp. 2008, Section 324.8), is amended to  
3 read as follows:

4 Section 324.8 The rules promulgated pursuant to Section 324.1 et seq. of this title  
5 shall have uniform force and effect throughout the state and no municipality or  
6 subdivision shall enact or enforce any ordinances, rules for construction of or major  
7 alterations to buildings with standards other than the ~~Building Officials and Code~~  
8 ~~Administrators (BOCA) National~~ International Building Code, as last adopted by the  
9 State Fire Marshal Commission, except that a municipality or subdivision which requires  
10 permits for construction of or major alterations to buildings may elect to adopt, by  
11 ordinance, a renovation code for existing buildings approved by the Office of the State  
12 Fire Marshal as an equivalent code to the existing building provisions of the state-  
13 adopted building code, or any other recognized national building code, in lieu of the  
14 ~~Building Officials and Code Administrators (BOCA) National~~ International Building  
15 Code. Provided, nothing in this act shall prevent or take away from any city, town or  
16 county, the authority to enact and enforce rules containing higher standards and  
17 requirements than those provided herein nor prevent or take away from any city, town or  
18 county the authority to amend such adopted codes to make changes necessary to  
19 accommodate local conditions. And provided further, that nothing in this act shall in any  
20 way impair the power of any municipality, county or subdivision to regulate the use of  
21 land by zoning, building codes or restricted fire district regulations. And provided

1 further, that this act shall not apply to municipalities that have adopted a national  
2 building code recognized in Section 14-107 of Title 11 of the Oklahoma Statutes.

3 SECTION 3. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated  
5 02-04-09 - DO PASS.