

EHB 1031

THE STATE SENATE  
Thursday, March 26, 2009

ENGROSSED

House Bill No. 1031

ENGROSSED HOUSE BILL NO. 1031 - By: Murphey of the House and Coates of the Senate.

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:

SECTION 1. AMENDATORY 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), 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

1 summary of their contents in the manner provided by Section 14-106  
2 of this title. At least one copy of such ordinances shall be kept  
3 in the office of the municipal clerk for public use, inspection, and  
4 examination. The municipal clerk shall keep copies of the  
5 ordinances, codes, or compilations for distribution or sale at a  
6 reasonable price.

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

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

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

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

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

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

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

1 C. Municipalities may adopt the "New Jersey Smart Code"  
2 building standard for purposes of rehabilitation to existing  
3 structures that were completed prior to November 1, 1985.

4 D. Ordinances which are passed by the governing body with an  
5 emergency clause attached are not required to be published in full,  
6 but may be published by title only in the manner provided by Section  
7 14-106 of this title.

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

11 Section 324.8 The rules promulgated pursuant to Section 324.1  
12 et seq. of this title shall have uniform force and effect throughout  
13 the state and no municipality or subdivision shall enact or enforce  
14 any ordinances, rules for construction of or major alterations to  
15 buildings with standards other than the ~~Building Officials and Code~~  
16 ~~Administrators (BOCA) National~~ International Building Code, as last  
17 adopted by the State Fire Marshal Commission, except that a  
18 municipality or subdivision which requires permits for construction  
19 of or major alterations to buildings may elect to adopt, by  
20 ordinance, a renovation code for existing buildings approved by the  
21 Office of the State Fire Marshal as an equivalent code to the  
22 existing building provisions of the state-adopted building code, or  
23 any other recognized national building code, in lieu of the ~~Building~~

1 ~~Officials and Code Administrators (BOCA) National~~ International  
2 Building Code. Provided, nothing in this act shall prevent or take  
3 away from any city, town or county, the authority to enact and  
4 enforce rules containing higher standards and requirements than  
5 those provided herein nor prevent or take away from any city, town  
6 or county the authority to amend such adopted codes to make changes  
7 necessary to accommodate local conditions. And provided further,  
8 that nothing in this act shall in any way impair the power of any  
9 municipality, county or subdivision to regulate the use of land by  
10 zoning, building codes or restricted fire district regulations. And  
11 provided further, that this act shall not apply to municipalities  
12 that have adopted a national building code recognized in Section 14-  
13 107 of Title 11 of the Oklahoma Statutes.

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

15 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-23-09 -  
16 DO PASS.