

Chapter 18

BUILDINGS AND BUILDING REGULATIONS*

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ARTICLE I. IN GENERAL**Sec. 18-1. Permit requirements for construction of buildings outside city when connected to city utilities.**

All persons who build a dwelling or other building outside the city limits and who make connections to city utilities are hereby required, prior to connecting to such utilities, to obtain a building permit, plumbing permit and electrical permit from the city and to comply with such permits as adopted by the city.

(Code 1974, § 7-2)

Sec. 18-2. Improperly built, altered, etc., buildings deemed nuisances.

All buildings and structures, or parts thereof, built, enlarged, altered or moved in violation of this chapter or any other ordinance of the city are hereby declared to be public nuisances and subject to abatement in accord with chapter 46, article II of this Code.

(Code 1974, § 7-3)

Secs. 18-3—18-25. Reserved.**ARTICLE II. DEPARTMENT OF CODE ADMINISTRATION*****Sec. 18-26. Created; code administrator generally.**

There is hereby created the department of code administration, the head of which shall be the code administrator appointed by the city manager. The code administrator shall have supervision and control of the department, including the building inspector, the plumbing inspector, the electrical inspector and other inspectors of the building trades.

(Code 1974, § 7-15)

Charter reference—Authority of council to create offices, departments and agencies of city government, §§ 2-4(7), 3-3.

***Cross references**—Departments, § 2-106 et seq.; employee benefits, § 2-206 et seq.

Sec. 18-27. General powers and duties—Department and inspectors.

The department of code administration shall see that all laws, ordinances and other regulations relating to building, plumbing and electrical installations are properly enforced, except as may be otherwise provided by applicable law or ordinance. The building inspector, the plumbing inspector, the electrical inspector and other inspectors of the building trades, under the supervision and control of the code administrator, shall have such powers, duties and functions as may be prescribed by applicable law or ordinance or by the city manager.

(Code 1974, § 7-16)

Sec. 18-28. Same—Code administrator.

The code administrator shall have the powers, duties and functions prescribed for the building official by any code adopted by this chapter; provided that such powers, duties and functions may be performed by authorized representatives of the code administrator and under his supervision and control. Such authorized representatives may bear such titles as "building inspector," "gas inspector," "plumbing inspector," "electrical inspector," and the like, as may be deemed appropriate to indicate their respective area of concern. When any ordinance provision or provision of any code adopted by this chapter prescribes any power, duty or function for any of such authorized representatives of the code administrator, the administrator himself shall also have such power, duty or function in the absence of his designated representative.

(Code 1974, § 7-17)

Sec. 18-29. Officers' and employees' conflicts of interest.

No officer or employee connected with the department of code administration, except one whose only connection is as a member of any advisory board, shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, or in the making of plans or of specifications therefor, unless he is the owner/occupant of such

building. No such officer or employee shall engage in any work which is inconsistent with his duties or with the interests of the department.

(Code 1974, § 7-18)

Sec. 18-30. Records.

The code administrator shall keep, or cause to be kept, a record of the business of the department of code administration. The records of the department shall be open to public inspection.

(Code 1974, § 7-19)

Secs. 18-31—18-50. Reserved.

ARTICLE III. BUILDING CODE

Sec. 18-51. Adopted.

There is hereby adopted, for the purpose of establishing rules and regulations for the construction, alteration, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, that certain building codes known as the International Building Code, 2009 edition and the International Residential Code, 2009 edition, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three copies are on file in the office of the code administrator; and the same is hereby incorporated as a part hereof as fully as if set out at length in this article. The provisions of such code shall be controlling in the construction, alteration, demolition, equipment, use and occupancy, location and maintenance of all buildings and other structures within the corporate limits of the city.

(Code 1974, § 7-31; Ord. No. 2055, § 1, 10-8-96; Ord. No. 2145, § 1, 2-26-02; Ord. No. 2188, § 1, 12-14-04; Ord. No. 2416, § 1, 3-13-12)

Charter reference—Authority to adopt building code by reference, § 2-15.

State law reference—Adoption by reference, 11 O.S. § 14-107.

Sec. 18-52. Definitions.

Wherever the terms "department of building inspection" and "building official" are used in the code adopted by this article they shall mean the department of code administration and the code

administrator, or his duly authorized representative, respectively. The term "chief appointing authority," as used in such code, shall mean the city manager.

(Code 1974, § 7-32)

Cross reference—Definitions generally, § 1-2.

Sec. 18-53. Amendments.

The International Building Code, 2009 edition is hereby amended to provide for submission requirements and fees for permits as follows:

(1) *New construction and additions to existing structures:*

- a. An architectural set of construction plans which must include at a minimum - floor plan, electrical plan, plumbing locations, mechanical plan along with footing, stem wall and slab details.
- b. A plot plan, drawn to scale with all dimensions figured. The plot plan must show the exact size of lot and the location of the proposed and or existing building(s) on the lot. It must also include the exact locations and size of all driveways and parking spaces. The plot plan may be placed on the survey required in subsection (c) below.
- c. A survey with existing topography, any radical ground breaks, corners and all existing easements. The survey must be tied to a mean sea level bench mark as identified on FIRM Map 400170005C, Revised 7/3/90, for Zone A and Zone B encroachments. Bench Marks known to Registered Land Surveyors may be applied to Zone C and Zone D as it is identified by FIRM 400170005C, Revised 7/3/90. Assumed bench marks will not be allowed.

A lowest finished floor elevation must be provided for all proposed structures.

This survey must be stamped and signed by a registered land surveyor.

- d. A drainage plan of the proposed site in a form specified by the engineering department. The finished floor elevations can be shown on this drainage plan or on the construction plans.
- (2) *Fees.* The fees for the permit required by this code shall be in accord with the following schedule:
- a. The applicant for a permit to construct, remodel, repair, or add to any residential building shall pay a fee of \$0.17 per square foot of total construction area covered by roof, with a minimum fee of \$30.00.
 - b. The applicant for a permit to construct, remodel, repair, or add to any commercial or industrial building shall pay a fee of \$0.17 per square foot of total construction area covered by roof, with a minimum fee of \$40.00, plus \$0.02 per square foot for fire inspection, administration and plan review to assure compliance with fire codes.
 - c. All structures of more than 2,500 square feet of construction area covered by roof, requiring a detailed plan review by the engineering, code and fire department[s], shall be charged \$25.00 per hour per actual time for such plan examination, recommendation or approval.
 - d. The building inspector shall make the five normal and necessary inspections required for the fees: footing, slab/steel, framing, insulation and final. Any additional inspections required shall be charged at the standard \$30.00 per inspection for residential and \$40.00 per inspection for commercial as provided for in electrical and plumbing sections.
 - e. For the moving any building or structure, the fee shall be \$100.00 and [as] prescribed in section 18-348.
 - f. For the demolition of any building or structure, the fee shall be \$30.00 for each issuance.
 - g. All building permit fees and related fees may be waived with a memorandum of understand[ing] (MOU) initiated by the city manager and approved by the city council. All related fees will be refunded on a reimbursement basis upon receipt of a written request for the same from any city commercial or industrial business that intends to expand locally, and through which said expansion provides a minimum of 25 jobs or more to the city.
 - h. Applicant for a permit to construct a residential swimming pool shall pay a fee of \$50.00.
 - i. Applicant for a permit to construct a water well shall pay a fee of \$50.00.
- (3) *Violation.* Any person who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, repair, demolish or move, or has erected, constructed, altered, repaired, demolished or moved a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined as prescribed by section 1-8 of this Code. Each day upon which a violation continues shall be deemed a separate offense. (Code 1974, § 7-33; Ord. No. 2145, § 2, 2-26-02; Ord. No. 2188, § 2, 12-14-04; Ord. No. 2208, § 1, 9-27-05; Ord. No. 2346, § 1, 2-9-10; Ord. No. 2416, § 2, 3-13-12)

Sec. 18-54. Rights of inspectors.

(a) *Right of entry.* In the discharge of duties, the building official or authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the jurisdiction to enforce the provisions of this code.

(b) *Relief from personal responsibility.* The building official, officer or employee charged with the enforcement of this code, while acting for the

jurisdiction, shall not thereby be rendered liable personally, and the building official, officer or employee is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that person in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(Code 1974, § 7-32.1)

Sec. 18-55. Violations.

(a) *Unlawful acts.* It shall be unlawful for any person to erect, construct, alter, extend, repair, remove, demolish, use or occupy any building or structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

(b) *Notice of violation.* The building official shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(c) *Prosecution of violation.* If the notice of violation is not complied with promptly, the building official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termi-

nation of the unlawful use of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

(d) *Penalties.* Any person who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, repair, demolish or move, or has erected, constructed, altered, repaired, demolished or moved a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined as prescribed by section 1-8. Each day upon which a violation continues shall be deemed a separate offense.

(Code 1974, § 7-32.2)

Secs. 18-56—18-70. Reserved.

ARTICLE IV. ELECTRICAL CODE*

DIVISION 1. GENERALLY

Sec. 18-71. Title.

This article shall be known and may be cited as the "Electrical Code of the City of McAlester."
(Code 1974, § 7-59)

Sec. 18-72. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice electrician means any person over 16 years of age who, as his principal occupation, is engaged in learning and assisting in the installation of electrical equipment and under the direct supervision of a registered journeyman electrician or registered electrical contractor.

Electrical appeals board means the state health department. All appeals concerning technical disputes, interpretations, opinions, or electrical rules

*State law reference—Municipal regulation of electrical installations, 59 O.S. § 1693.

and regulations shall be heard by the state electrical investigator and any final decision shall be rendered by that specific department.

Electrical contractor means a person engaged in the general electrical contracting business covering all features of the electrical industry.

Electrical equipment means electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus and any electrical material of any nature, kind or description, to be installed within or on any building or structure.

Electrical sign contractor means a person engaged in the business of manufacturing, assembling, wiring, rewiring, installing, erecting or repairing interior or exterior electrical signs, but not installing any building wiring or connecting signs to the building wiring.

Electrician's examining board means the state board of health electrical examining board. All electrician's examinations will be conducted by this board and held in Oklahoma City. Permits cannot be issued by the city for electrical work without a current state electrical license.

Journeyman electrician means a person actually engaged in the work of installing or repairing electrical equipment.

(Code 1974, § 7-60)

Cross reference—Definitions generally, § 1-2.

Sec. 18-73. Article does not affect liability for damages.

This article shall not be construed to affect the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or to property caused by any defect therein, nor shall the city or any officer or employee of the city be held as assuming such liability by reason of the inspections provided for in this article or by reason of the approval or disapproval of any equipment under the provisions of this article.

(Code 1974, § 7-72)

Secs. 18-74—18-80. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Subdivision I. General Provisions

Sec. 18-81. Relief from personal responsibility.

(a) The electrical official, officer or employee charged with the enforcement of this article, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties.

(b) Any suit instituted against any officer or employee because of an act performed in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The electrical official or any subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this article. Any officer of the department of electrical inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(Code 1974, § 7-67.1)

Sec. 18-82. Electrical inspector's right of entry.

The electrical inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises at any reasonable hour, for the purpose of making any electrical inspection, reinspection or test of the electrical equipment contained therein or its installation, and when any electrical installations are found to be in an unsafe or hazardous condition, the electrical inspector shall notify the person where such installations exist to correct the same and place them in a safe condition. Any person failing or refusing to make corrections of hazardous or unsafe electrical installations, after having been notified by the electrical inspector, within a des-

ignated time to be determined by the electrical inspector, shall be guilty of an offense and each day after the expiration of the time designated to make corrections shall constitute a separate offense. When hazardous or unsafe electrical conditions exist and any person fails to make corrections after having been notified, the electrical inspector shall have the authority to discontinue the electrical service. Any person interfering with the electrical inspector shall be guilty of an offense.

(Code 1974, § 7-70)

Sec. 18-83. Special rulings by electrical inspector.

The electrical inspector shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations, but in all cases persons engaged in installing electrical equipment and holding a license under this article must be notified by letter of such rulings.

(Code 1974, § 7-71)

Secs. 18-84—18-95. Reserved.

Subdivision II. Permits and Inspections

Sec. 18-96. Work permit.

(a) It shall be unlawful for any person to install any electrical wiring, fixtures or apparatus in or on any building or structure in the city, or make extensions to any existing electrical installations, without first securing a permit from the department of code administration; provided, that extensions may be made to existing circuits in accordance with the provisions of this article, without a permit. Permits shall be issued to registered electrical contractors only.

(b) The electrical contractor shall, prior to proceeding to do any work requiring a permit under this section, call the office of the department of code administration and give the name of the electrical contractor who is to do such work and

the address where the work is to be done. He shall then make written application to the department for the issuance of the permit.

(Code 1974, § 7-65)

State law reference—Authority to require permit, 59 O.S. § 1693.

Sec. 18-97. Inspection and approval of new installations—Generally.

(a) It shall be the duty of the electrical inspector to inspect all electrical equipment installed within the city.

(b) New or old work roughed in shall include all electrical equipment to make the installation complete, and shall be free from unintentional grounds, with joints properly made up, ready for attachment of fixtures, droplights and appliances, before it is inspected. After making inspection of work roughed in, the electrical inspector shall leave a tag or notice in the switch cabinet or attached to the service equipment, plainly indicating whether the work has been approved and is ready to conceal, or that the installation is not standard and must not be covered until approved by the electrical inspector.

(c) It shall be unlawful for any person to conceal or cause to be concealed any electrical equipment used for electric light, heat or power until the installation has been approved by the electrical inspector. A tag in the switch cabinet or attached to the service equipment, properly signed and dated, so stating, will be sufficient notice of such approval.

(d) It shall be unlawful for any public service corporation, individual or light, heat or power company to connect or cause to be connected any service or building, for the supply of electric current for light, heat or power, until he or it has been notified, in writing, by the electrical inspector that the electrical work has been inspected and approved and is ready for electric service.

(Code 1974, § 7-66)

Sec. 18-98. Electrical inspections and permit fees.

The following charges shall be assessed for permits and inspections and shall be paid to the city treasurer.

- (1) *Residential*: \$0.06 per square foot of construction.

- (2) *Commercial*: \$0.06 per square foot of construction.
 - (3) *Remodeling/general inspection fees*:
 - Residential*: \$30.00.
 - Commercial*: \$40.00.
 - (4) *Required reinspection*:
 - Residential*: \$30.00.
 - Commercial*: \$40.00.
- (Code 1974, § 7-67; Ord. No. 2145, § 3, 2-26-02; Ord. No. 2188, § 3, 12-14-04; Ord. No. 2208, § 2, 9-27-05; Ord. No. 2346, § 2, 2-9-10)

Secs. 18-99—18-110. Reserved.

DIVISION 3. ELECTRICIANS*

*Subdivision I. General Provisions***Sec. 18-111. Apprentices.**

Apprentice electricians must be registered with the state as provided by 59 O.S. § 1686. Apprentices shall not perform electrical work except under the direct on-the-job supervision of a registered electrical contractor or registered journeyman electrician. Each electrical contractor or journeyman electrician shall be allowed no more than three apprentices under his direct supervision. (Code 1974, § 7-64)

Secs. 18-112—18-120. Reserved.*Subdivision II. Registration***Sec. 18-121. Required.**

It shall be unlawful for any person to engage in the business or work of an electrical contractor, electrical sign contractor, journeyman electrician or apprentice electrician, as defined in this article, unless he has a current and valid registration authorizing him to do so, and issued in accord with this division.

(Code 1974, §§ 7-64, 7-79)

State law reference—Local registration of electrician authorized, 59 O.S. § 1696.

Sec. 18-122. Exceptions.

No registration shall be required under this division for the installation of bell, telephone or signal systems not using over 50 volts, but the installation of the same must comply with all other requirements of this article and other ordinances of the city.

(Code 1974, § 7-80)

***Cross reference**—Businesses, ch. 22.

State law reference—State regulation of electricians, 59 O.S. § 1680 et seq.

Sec. 18-123. Registration and fees.

(a) No person shall be registered under the division unless he holds a valid state license or certificate, authorizing him to engage in the field in which he seeks registration.

(b) Before the issuance or renewal of a registration under this division, the applicant shall pay the following fees to the city treasurer:

| <i>Type of registration</i> | <i>Initial fee</i> | <i>Renewal fee</i> |
|-----------------------------|--------------------|--------------------|
| Electrical contractor | \$200.00 | \$80.00 |
| Electrical journeyman | 25.00 | 15.00 |
| Electrical sign contractor | 80.00 | 80.00 |
| Apprentice electrician | 5.00 | 5.00 |

(c) The fees required by this section shall not be prorated.

(Code 1974, §§ 7-64, 7-84; Ord. No. 2145, § 4, 2-26-02; Ord. No. 2188, § 4, 12-14-04)

Sec. 18-124. Effect of issuance.

A registration issued under this division shall authorize the holder thereof to engage only in the business or work of an electrical contractor, electrical sign contractor, journeyman electrician or apprentice electrician, as the case may be. In addition, a journeyman electrician's registration shall authorize the holder thereof to engage in such work only while working for a registered electrical contractor; and an apprentice electrician's registration shall authorize the holder thereof to engage in such work only while directly supervised by a registered journeyman electrician or electrical contractor.

(Code 1974, § 7-85)

Sec. 18-125. Bond and insurance requirements for electrical contractors.

(a) Every person receiving registration as an electrical contractor under the provisions of this article shall file with the city clerk a bond in the sum of \$2,000.00, executed with a surety company authorized to do business in the state. Such bond shall be conditioned that the principal will install all electrical wiring, fixtures and equipment in accordance with the laws of the state and the ordinances and other regulations of the city

relating to electrical installations, and that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or nonstandard material. Such bond shall be conditioned further that the principal shall indemnify and save harmless the city from any and all loss, expense, cost, damage, action or liability of any kind whatever, including reasonable attorney's fees, which the city may suffer, or be required to pay, or which may accrue against it, or be recovered from it by reason of any loss, damage or injury sustained, suffered or incurred by any person on account of or by reason of the doing of any electrical work by the principal, his agents, subcontractors or employees, in the making of any electrical connections, alterations, repairs, extensions or renovations, or by reason of the neglect, failure or refusal of the principal, his agents, subcontractors or employees, until such time as the work is fully completed and approved by the electrical inspector.

(b) Each electrical contractor shall further protect his employees and the public against loss by purchasing and maintaining the following insurance:

- (1) Standard workers' compensation and employer's liability insurance in a minimum amount of \$50,000.00 if he has an employee.
- (2) Contractor's liability insurance providing bodily injury coverage of \$25,000.00/\$50,000.00/\$50,000.00 for each person, each occurrence, each property damage and aggregate.

(c) No work shall be performed by or for any electrical contractor, unless the bond and insurance required by this section are in full force and effect and an electrical contractor's registration shall be valid only while such bond and insurance are in effect.

(d) The bond required by this section must be received no later than April 1 and shall run for one year after its approval, and shall be renewed at its expiration. No permit shall be issued to any electrical contractor until the bond provided for in

this section has been filed and approved and any such permit issued shall be valid only while the bond is in effect.

(Code 1974, § 7-63)

Sec. 18-126. Expiration and renewal.

All registrations issued under this division shall expire on June 30 next following the date of issuance, and may be renewed by paying the renewal fee prescribed by section 18-123. However, if a journeyman or electrical contractor fails to renew his registration within 30 days after its expiration he shall be required to pay the initial registration fee. No city registration shall be valid after the termination or expiration of the holder's state license or certificate.

(Code 1974, §§ 7-64, 7-87)

Sec. 18-127. Transfer to or use by another.

It shall be unlawful for any person holding a registration under this division to transfer the same or allow the use of the same, directly or indirectly, by any other person for the purpose of obtaining a permit to do any of the electrical work governed by this article.

(Code 1974, § 7-86)

Sec. 18-128. Revocation.

The city council, upon at least ten days' notice and adequate opportunity for a public hearing, may revoke the city registration of any electrical contractor or journeyman electrician for violation of any provision of this article or regulations of the city relating to the operation of electrical trade or business.

(Code 1974, § 7-88)

Secs. 18-129—18-140. Reserved.

DIVISION 4. TECHNICAL STANDARDS

Sec. 18-141. National Electrical Code adopted.

There is hereby adopted, for the purpose of establishing rules and regulations for the installation and use of electrical equipment in buildings and structures, that certain electrical code known

as the National Electrical Code, 2008 edition, and all subsequent editions and amendments, recommended by the American Insurance Association; and the whole thereof, and the same is hereby incorporated as fully as if set out at length in this division. The provisions of such code shall be controlling in the installation and use of electrical equipment in buildings and structures within the corporate limits of the city; provided, however, that if any provision of such code conflicts with any other provision of this article the latter shall govern.

(Code 1974, § 7-96; Ord. No. 2055, § 2, 10-8-96; Ord. No. 2145, § 5, 2-26-02; Ord. No. 2188, § 5, 12-14-04; Ord. No. 2416, § 3, 3-13-12)

Charter reference—Authority to adopt electrical code by reference, § 2-15.

State law reference—Adoption by reference, 11 O.S. § 14-107.

Sec. 18-142. Amendments to electrical code.

The National Electrical Code as adopted by the city is amended in the following particulars:

Chapter 3, article 300, paragraph 300-4(a)(1) is amended to read as follows:

(a) (1) Bored holes. In both exposed and concealed locations, where a cable or raceway type wiring method is installed through bored holes in joist, rafters, or similar structural wood members, holes shall be bored at the approximate center of the face of the member. Holes in studs for cable-type wiring methods shall be bored at the approximate center of the face of the member but not less than 1½ inches from the nearest edge. Where this distance cannot be maintained, the cable or raceway shall be protected from penetration by screws or nails by a steel plate or bushing at least ¼ inch (1.59 mm) thick, and of appropriate length and width installed to cover the area of the wiring.

(Code 1974, § 7-96.1)

Sec. 18-143. General equipment standards.

All electrical equipment installed or used by the city shall be in conformity with the provisions of this article, the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards

for safety to persons or to property. Unless by this article, a statute of the state or any order, rule or regulation issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters' Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to persons and property.

(Code 1974, § 7-97)

Sec. 18-144. Special requirements for wiring in commercial buildings and places of public assembly.

(a) For the purposes of this section the following definitions shall apply:

Electrical nonmetallic tubing (ENMT) means a pliable corrugated raceway of circular cross-section with integral or associated couplings, connectors and fittings listed for the installation of electric conductors. It is composed of a material that is resistant to moisture, chemical atmospheres and is flame retardant. Because of the corrugations, the raceway can be bent by hand with a reasonable force, but without other assistance.

Rigid nonmetallic conduit (RNMC) means a type of conduit and fittings of suitable nonmetallic material that is resistant to moisture and chemical atmospheres. For use aboveground it shall also be flame retardant, resistant to impact and crushing, resistant to distortion from heat under conditions likely to be encountered in service, and resistant to low temperature and sunlight effects. For use underground, the material shall be acceptably resistant to moisture and corrosive agents and shall be of sufficient strength to withstand abuse, such as by impact and by crushing, in handling and during installation. Where intended for direct burial, without encasement in concrete, the material shall also be capable of withstanding continued loading that is likely to be encountered after installation. Materials recognized as having suitable physical characteristics when properly formed and treated include: fiber, asbestos cement, soapstone, rigid polyvinyl chloride (sched-

ule 40 and schedule 80), fiberglass epoxy, high-density polyethylene for underground use and rigid PVC for aboveground.

(b) All wiring installed in commercial buildings must be placed in metallic raceways or in rigid nonmetallic conduit. Armored cable or flexible conduit shall be used only when, in the judgement of the electrical inspector, it is impractical to install other metallic raceways. Existing wiring in a safe condition, according to the judgement of the electrical inspector, may be retained. Any extensions shall be in compliance with this section.

(c) Wiring installed in churches, schools, lodges and all other places of public assembly may be installed in rigid nonmetallic conduits if it is in compliance with applicable provisions and requirements of the National Electrical Code as adopted by the city.
(Code 1974, § 7-98)

Sec. 18-145. Branch circuits; type C lamp cords prohibited in certain places.

In residential and mercantile occupancies, lighting branch circuits shall be confined to 1,000 watts, and not more than eight outlets per circuit will be allowed in the fire zone or fire limits. Branch circuit conductors shall not be smaller than No. 12. Type C lamp cord will not be permitted in the kitchen of restaurants or like places where grease accumulates, nor in part of a building where live poultry is confined.
(Code 1974, § 7-101)

Sec. 18-146. Ground connections prohibited in certain locations.

Ground connections shall not be made in toilets, adjacent to salt storage or acid vapors or in any location where the grounding conductor and fitting is likely to become corroded.
(Code 1974, § 7-102)

Sec. 18-147. Trailer hookups; electrical inspection required.

Before a trailer (mobile home) can be hooked up in a trailer park or lot, an electrical inspection

must be made by the codes department electrical inspector, to ensure that the trailer is in good working order and that the trailer park equipment is adequate to safely accommodate the trailer, and is in good working condition. Manufactured trailers (housing) free of axles shall be treated in a like manner. If deficiencies are found in either the trailer, or the park, by the inspector, no hookup or water service shall be allowed until the unsafe or hazardous conditions have been repaired or eliminated to the inspector's satisfaction.

(Code 1974, § 7-104)

Secs. 18-148—18-170. Reserved.

ARTICLE V. PLUMBING CODE*

DIVISION 1. GENERALLY

Sec. 18-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Generally. The definitions found in 59 O.S. § 1003 referencing the business, trade or occupation of a plumbing contractor, journeyman plumber or apprentice plumber, and/or the plumbing board or committee are hereby included in the city plumbing ordinances.

Apprentice or plumber's apprentice means any person 16 years of age or over who, as his principal occupation, is engaged in learning and assisting in the installation of plumbing under the direct supervision of a registered journeyman plumber or plumbing contractor.

Board means the state board of health.

Commissioner means the state commissioner of health.

***Cross references**—Water supply system, § 106-26 et seq.; sewers and sewage disposal, § 106-201 et seq.

State law references—Plumbing and plumbing contractors, 59 O.S. § 1001 et seq.; duty of city to prescribe plumbing regulations, 59 O.S. § 1015.

Committee means the state committee of plumbing examiners appointed by the state commissioner of health.

Journeyman plumber means, and is hereby defined to be, any person other than a master plumber or plumbing contractor who engages in or works at the actual installation, alteration, repair and/or renovation of plumbing.

Master plumber means a plumbing contractor as defined in this section.

Plumber's appeals board means that board comprising the commissioner of health from the state board of health and the commission of plumbing examiners, which shall constitute the plumbing hearing board who shall investigate complaints, conduct hearings and suspend or revoke plumbing licenses. All appeals concerning technical disputes, interpretations, opinions, plumbing rules or regulations shall be heard by this board.

Plumber's examining board means the examining board for issuing state licenses, which shall consist of the state commission of plumbing examiners from the state board of health, and can conduct examinations of applicants for licenses for plumbing contractors, journeyman plumbers and apprentices. City permits cannot be issued without a current state plumbing license.

Plumbing means and includes:

- (1) All piping, fixtures, appurtenances and appliances for, and in connection with, a supply of water within or adjacent to any building, structure, or conveyance on the premises and to the connection with a water main or other source of supply.
- (2) All piping, fixtures, appurtenances and appliances for sanitary drainage or storm drainage facilities, including venting systems for such facilities, within or adjacent to any building, structure, or conveyance on the premises and to the connection with a public disposal system or other acceptable terminal.
- (3) The installation, repair, maintenance and renovation of all piping, fixtures, appurtenances and appliances for a supply of

water, or for the disposal of wastewater, liquid waste, or sewage within or adjacent to any building, structure, or conveyance on the premises and to the source of supply of water or point of disposal of wastes.

Plumbing contractor means any person who is skilled in the planning, superintending and practical installation of plumbing and is familiar with the laws, rules and regulations governing same. This definition may be construed to mean any person who has qualified and is registered under this article as a plumbing contractor, who may operate as an individual, firm, partnership or corporation to engage in the business of plumbing, or the business of contracting to do, or furnish labor and/or labor and materials for, the installation, repair, maintenance or renovation of plumbing, according to the requirements of this article.

Plumbing hearing board means the state plumbing hearing board. It consists of the state commissioner of health as chairman, and the members of the state committee of plumbing examiners. (Code 1974, §§ 7-115, 7-115.1)

Cross reference—Definitions generally, § 1-2.

Sec. 18-172. Relief from personal responsibility.

(a) The plumbing official, officer or employee charged with the enforcement of this article, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties.

(b) Any suit instituted against any officer or employee because of an act performed in the lawful discharge of duties and under the provisions of this article shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The plumbing official or any subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this article. Any officer of the department of plumbing inspection, acting in good faith and without malice, shall be free from liability for acts performed

under any of its provisions or by reason of any act of omission in the performance of official duties in connection therewith.
(Code 1974, § 7-124.1)

Sec. 18-173. Plumbing inspector's right of entry.

The plumbing inspector, while in the discharge of his official duty, or his authorized representative, shall have the authority to enter any building, structure or premises at any reasonable hour to enforce the provisions of this article. When any plumbing or sanitary installation is found to be in an unsafe or hazardous condition, the plumbing inspector shall notify the person where such condition exists to correct the same and to make it safe. Any person failing or refusing to make correction of a hazardous or unsafe condition, after having been notified by the plumbing inspector, within a designated time to be determined by the plumbing inspector, shall be guilty of an offense and each day after the expiration of the designated time shall constitute a separate offense. When these hazardous conditions exist and the notified person fails to make corrections, the plumbing inspector shall have the authority to immediately discontinue the water supply to the structure. Any person interfering with the plumbing inspector shall be guilty of an offense.
(Code 1974, § 7-124)

Sec. 18-174. Plumbing inspections and permit fees.

The following charges shall be assessed for the permits and inspections required.

- (1) *New construction / general permit fees:*
Residential: \$0.06 per square foot of construction, including inspection.
Commercial: \$0.06 per square foot of construction, including inspection.
- (2) *Remodeling / general inspection fees:*
Residential: \$30.00
Commercial: \$40.00
- (3) *Required reinspection:*
Residential: \$30.00

Commercial: \$40.00
(Code 1974, § 7-122; Ord. No. 2145, § 6, 2-26-02; Ord. No. 2188, § 6, 12-14-04; Ord. No. 2208, § 3, 9-27-05; Ord. No. 2346, § 3, 2-9-10)

State law reference—Authority to charge fees for plumbing permits and inspections, 59 O.S. § 1020.

Sec. 18-175. Backflow prevention devices.

All sanitary drainage piping shall have backflow prevention devices installed as approved by the plumbing inspector prior to connection to the public disposal system.
(Ord. No. 2228, § 1, 4-11-06)

Secs. 18-176—18-185. Reserved.

DIVISION 2. PLUMBERS*

Subdivision I. General Provisions

Sec. 18-186. Apprentices.

Apprentice plumbers must be registered with the state as required by 59 O.S. § 1013. Apprentices shall not perform plumbing work except under the direct on-the-job supervision of a registered plumbing contractor or registered journeyman plumber. Each plumbing contractor or journeyman plumber shall be allowed no more than two apprentices under his direct supervision.
(Code 1974, § 7-116.5)

Secs. 18-187—18-195. Reserved.

Subdivision II. Registration

Sec. 18-196. Required.

It shall be unlawful for any person to engage in the business, trade or occupation of a plumbing contractor, journeyman plumber or apprentice plumber, as those terms are defined in 59 O.S. § 1003, and in section 18-171 of this Code, in this

***Cross reference**—Businesses, ch. 22.

city unless he has a current and valid registration authorizing him to do so, and issued in accord with this division.

(Code 1974, § 7-116(a))

State law reference-Authority of city relative to registration of plumbers, 59 O.S. § 1020.

Sec. 18-197. Fees.

(a) Before the issuance or renewal of a registration under this section, the applicant shall pay the following fees to the city treasurer:

| <i>Type of registration</i> | <i>Initial fee</i> | <i>Renewal fee</i> |
|-----------------------------|--------------------|--------------------|
| Plumbing contractor | \$200.00 | \$80.00 |
| Plumbing journeyman | 25.00 | 15.00 |
| Plumbing apprentice | 5.00 | 5.00 |

(b) The fee required by this section shall not be prorated.

(Code 1974, § 7-116(b), (c); Ord. No. 2145, § 7, 2-26-02; Ord. No. 2188, § 7, 12-14-04)

Sec. 18-198. Bond for plumbing contractors.

(a) Every person registering as a plumbing contractor under the provisions of section 18-196 shall, before engaging in the practice of plumbing, file with the city clerk a bond in the sum of \$2,000.00, executed with a surety company licensed to do business in the state. Such bond shall be payable to the city and shall be conditioned that the principal will restore, with the same material and in the same manner, all streets, alleys, sidewalks and other public places in any way disturbed by him, his agents, subcontractors or employees. Such bond shall be conditioned further that the principal shall indemnify and save harmless the city from any and all loss, expense, cost, damage, action or liability of any kind whatever, including reasonable attorney's fees, which the city may suffer or be required to pay or which may accrue against it or be recovered from it by reason of any loss, damage or injury sustained, suffered or incurred by any person on account of or by reason of the doing of any plumbing by the principal, his agents, subcontractors or employees, in the use of the streets, alleys and public property of the city, or in making any connections, alterations, repairs, extensions or renovations to any pipe or pipes or mains or connections belonging to the water or sewer system of the city, or by reason of the neglect, failure or refusal of the principal, his agents, subcontractors or employees, to erect, place and maintain proper and adequate safety devices, warning signals, lights and barricades about such work until such time as the work is fully completed and approved by the plumbing inspector. Such bond shall be conditioned further that the principal will comply with the rules, regulations and ordinances relating to the turning on or off of the city

water supply. Such bond shall be conditioned further that the principal shall do all plumbing in strict accordance with the ordinances and regulations of the city and the laws of the state, and in a good and workmanlike manner.

(b) Each plumbing contractor shall further protect his employees and the public against loss by purchasing and maintaining the following insurance:

- (1) Standard workers' compensation and employer's liability insurance in a minimum amount of \$50,000.00 if he has an employee.
- (2) Contractor's liability insurance providing bodily injury coverage of \$25,000.00/\$50,000.00/\$50,000.00 for each person, each occurrence, each property damage and aggregate.

(c) No work shall be performed by or for any plumbing contractor, unless the bond and insurance required by this section are in full force and effect and a plumbing contractor's registration shall be valid only while such bond and insurance are in effect.

(d) The bond required by this section must be received no later than April 1 and shall run for one year after its approval, and shall be renewed at its expiration. No permit shall be issued to any plumbing contractor until the bond provided for in this section has been filed and approved and any such permit issued shall be valid only while the bond is in effect.

(Code 1974, § 7-117)

Sec. 18-199. Expiration and renewal.

All registrations issued under this division shall expire on June 30 each year, and may be renewed by paying the renewal fee prescribed by section 18-197. However, if an apprentice, journeyman or plumbing contractor fails to renew his registration within 30 days after its expiration date, he shall be required to pay the initial registration fee. No city registration shall be valid after the termination or expiration of the holder's state license or certificate.

(Code 1974, § 7-116.2)

Sec. 18-200. Effect of issuance.

A registration issued under this article shall authorize the holder thereof to engage only in the business or work of a plumbing contractor, journeyman plumber, or plumber's apprentice, as the case may be. In addition, a journeyman plumber's registration shall authorize the holder thereof to engage in such work only while working for a registered plumbing contractor; and an apprentice plumber's registration shall authorize the holder thereof to engage in work only while working for a registered plumbing contractor or journeyman plumber.

(Code 1974, § 7-116.4)

Sec. 18-201. Transfer to or use by another.

It shall be unlawful for any person holding a registration under this article to transfer the same or allow the use of the same, directly or indirectly, by any other person for the purpose of obtaining a permit to do any of the plumbing work governed by this article.

(Code 1974, § 7-116.1)

Sec. 18-202. Revocation.

The city council, upon at least ten days' notice and adequate opportunity for a public hearing, may revoke the city registration of any plumbing contractor or journeyman plumber for violating any provision of the ordinances or regulations of the city relating to the installation of plumbing or for any other cause specified in 59 O.S. § 1010.

(Code 1974, § 7-116.3)

Secs. 18-203—18-215. Reserved.

DIVISION 3. TECHNICAL STANDARDS

Sec. 18-216. Plumbing code adopted.

Except as may be otherwise specifically provided by law or ordinance or rules fully promulgated by the code administrator, the plumbing and drainage system of a building or structure shall be installed in conformity with the 2003 International Plumbing Code, which is hereby adopted for the purpose of establishing rules and regulations for the installation of the plumbing

and drainage system of a building structure, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three copies have been and now are filed in the office of the code administrator; and the same is hereby adopted and incorporated as fully as if set out at length in this division. From the date on which this section shall take effect, the provisions of such code, as herein modified, shall be controlling in the installation of the plumbing and drainage system of the building and structures within the corporate limits of the city. Whenever the term "plumbing inspection department" is used in the plumbing code adopted by this section, it shall mean the code administration department of the city. The term "plumbing official" as used in such code, shall mean the code administrator or the plumbing inspector or other duly authorized representative of the code administrator. Whenever reference is made in such code to a "master plumber", it shall mean a plumbing contractor registered in accord with this article.

(Code 1974, § 7-118; Ord. No. 2055, § 3, 10-8-96; Ord. No. 2145, § 8, 2-26-02; Ord. No. 2188, § 8, 12-14-04)

Charter reference—Authority to adopt plumbing code by reference, § 2-15.

State law reference—Adoption by reference, 11 O.S. § 14-107.

Sec. 18-217. PVC plastic drain and vent pipe and fittings; PVC plastic water services.

The use of polyvinyl chloride (PVC) plastic drain and vent pipe and fittings, and all water services will be governed by the edition of the 2009 International Plumbing Code, as adopted and amended in this article.

(Code 1974, § 7-123; Ord. No. 2416, § 4, 3-13-12)

Secs. 18-218—18-240. Reserved.

ARTICLE VI. MECHANICAL CODE

DIVISION 1. GENERALLY

Sec. 18-241. Title.

This article shall be known as the "Mechanical Code of the City of McAlester" and is referred to as the mechanical code.
(Code 1974, § 7-126(a))

Sec. 18-242. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air conditioning or *air conditioning space* means the process of treating air by controlling its temperature, humidity and cleanliness to meet the requirements of a designated area.

Board means the state board of health of the state department of health.

Chief appointing authority as used in the code adopted by this article shall mean the city manager.

Department of building inspection and *building official*, as used in the code adopted by this article, shall mean the department of building administration and the code administrator, or his duly authorized inspectors, respectively.

Examining board means the local committee or board of mechanical examiners.

Gas piping means and includes all natural gas piping within or adjacent to any building, structure, or conveyance on the premises and to the connection with a natural gas meter, regulator or other source of supply.

Heating systems means and includes systems consisting of air heating appliances from which the heated air is distributed and shall include any accessory apparatus and equipment installed in connection therewith.

Mechanical apprentice or *apprentice* means any person 16 years of age or older whose principal

occupation is learning mechanical work on the job under the direct supervision of a journeyman or contractor.

Mechanical contractor or *contractor* means any person engaged in the business of planning, contracting, supervising or furnishing labor, or labor and materials for mechanical work.

Mechanical firm means any corporation, partnership, association, proprietorship or other business entity which plans or engages, or offers to engage, in mechanical work for another within this state.

Mechanical journeyman or *journeyman* means any person other than a contractor or apprentice who engages in mechanical work.

Mechanical work means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, cooling system, mechanical refrigeration system or ventilation system or any equipment or piping carrying chilled water, air for ventilation purposes, or natural gas, or the installation, maintenance, repair or renovation of process piping used to carry any liquid, substance or material, including steam and hot water used for space heating purposes not under the jurisdiction of the department of labor, provided that minor repairs to such systems are excluded.

Minimum standards means meeting the nationally recognized and recommended industry standards for mechanical work and installation, referenced by codes published by BOCA, Southern Building Code Congress International (SBCCI) or the Uniform Building Code (UBC).

Refrigeration system means the erection, installation, repairing, and servicing of a system employing a fluid which normally is vaporized and liquefied in an air conditioning system, food preservation measure or manufacturing process.

Sheet metal means the erection, installation and repairing of all ferrous or nonferrous duct work and all other materials used in all air-conveyor systems, flues, combustion air and air handling systems in all air conditioning.
(Code 1974, § 7-128)

Cross reference-Definitions generally, § 1-2.
State law reference-Similar provisions, 59 O.S. § 1850.2.

Sec. 18-243. Penalty.

Any person who fails to comply with the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined as prescribed by section 1-8. Each day upon which a violation continues shall be deemed a separate offense.

(Code 1974, § 7-127.1)

Sec. 18-244. Intent.

This article shall be construed liberally and justly to ensure public health, safety and welfare insofar as they are affected by the installation and maintenance of mechanical systems.

(Code 1974, § 7-126(b))

Sec. 18-245. Applicability.

The provisions of this article shall apply to the mechanical installations in all buildings and structures and their appurtenant constructions. Installations of plumbing systems, as defined in the plumbing code, are not covered by the provisions of this article.

(Code 1974, § 7-126(a), (c))

Sec. 18-246. Matters not provided for.

Any requirements essential for the safe operation of any appliance or mechanical system not specifically provided for by this article shall be determined by the mechanical official.

(Code 1974, § 7-126(d))

Sec. 18-247. Conflicting provisions.

(a) This article shall not be construed to prevent the enforcement of other regulations or ordinances which prescribe mechanical standards other than are provided in this article.

(b) Where differences occur between provisions of this article and referenced standards, the provisions of this article shall apply.

(Code 1974, § 7-126(f), (g))

Sec. 18-248. Continuation of unlawful use.

It shall be unlawful to install, extend, alter, repair or maintain mechanical systems in or adjacent to buildings except in conformity with this article.

(Code 1974, § 7-126(e))

Sec. 18-249. Mechanical code adopted; purpose and scope.

(a) It is the purpose and scope of this article to establish minimum standards in terms of performance objectives, implemented by specific requirements, which will provide reasonable safeguards to protect the public health and safety against the hazards of inadequate, defective or unsafe mechanical installation. The code sets forth comprehensive regulation for the safe installation and maintenance of mechanical facilities, where great reliance was previously placed on accepted practice and engineering standards. It accepts nationally recognized standards as the criteria for determining the performance of materials and systems of construction.

(b) Except as may be otherwise specifically provided by law or ordinance or rules fully promulgated by the code administrator, the design, installation, maintenance, alteration and inspection of mechanical systems, including:

- (1) Heating systems;
- (2) Ventilating systems;
- (3) Air distribution systems;
- (4) Cooling systems;
- (5) Steam and hot water heating systems;
- (6) Process piping;
- (7) Boilers and pressure vessels;
- (8) Appliances utilizing gas, liquid or solid fuel;
- (9) Chimneys and vents;
- (10) Mechanical refrigeration systems;
- (11) Fireplaces;
- (12) Barbecues;
- (13) Incinerators;
- (14) Crematories;

- (15) Fire protection systems;
- (16) Air pollution control systems;
- (17) Solar heating and cooling systems;
- (18) Gas, fuel oil and hydronic piping;
- (19) Gas appliances;

and all other gas installation except liquefied petroleum gas installations shall comply with the requirements of the International Mechanical Code, 2003 edition and the International Fuel Gas Code, 2003 edition which is hereby adopted in whole by the city.

(Code 1974, § 7-125; Ord. No. 2055, § 4, 10-8-96; Ord. No. 2145, § 9, 2-26-02; Ord. No. 2188, § 9, 12-14-04)

Charter reference—Authority to adopt by reference, § 2-15.

State law reference—Adoption by reference, 11 O.S. § 14-107.

Sec. 18-250. Annual license, permit and inspection fees.

(a) Before receiving a mechanical license, each applicant shall pay an annual fee as follows:

| <i>Type of registration</i> | <i>Initial fee</i> | <i>Renewal fee</i> |
|-----------------------------|--------------------|--------------------|
| Corporation or firm | \$300.00 | \$100.00 |
| Mechanical contractor | 200.00 | 80.00 |
| Mechanical journeyman | 25.00 | 15.00 |
| Mechanical apprentice | 5.00 | 5.00 |

(b) The fees required by this section shall not be prorated. All corporations, firms, or mechanical contractors shall also show proof of the state required sales tax certificate issued by the state tax commission prior to a license being issued.

(c) Mechanical inspections and permit fees. The following fees shall be assessed for permits and inspections.

- (1) *Residential*: \$0.04 per square foot of construction new/additions).
- (2) *Commercial*: \$0.04 per square foot of construction.
- (3) *Single inspection*:
Residential: \$30.00
Commercial: \$40.00

(4) *Required reinspection*:

Residential: \$30.00.

Commercial: \$40.00.

(Code 1974, § 7-130; Ord. No. 2145, § 10, 2-26-02; Ord. No. 2188, § 10, 12-14-04; Ord. No. 2208, § 4, 9-27-05; Ord. No. 2346, § 4, 2-9-10)

Sec. 18-251. Rights of inspection.

(a) *Right of entry*. In the discharge of duties, the building official or authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the jurisdiction to enforce the provisions of this article.

(b) *Relief from personal responsibility*. The building official, officer or employee charged with the enforcement of this article while acting for the jurisdiction, shall not thereby be rendered liable personally, and the building official, officer or employee is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that person in the lawful discharge of duties and under the provisions of this article shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(Code 1974, § 7-128.1)

Sec. 18-252. Appeals board.

(a) A mechanical appeals board shall be established consisting of three members to be appointed by the city manager; one mechanical contractor, one licensed architect and one knowledgeable citizen of the community. Such members shall be appointed for a term of two years and/or until their successors are appointed and qualified.

(b) The mechanical appeals board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any mechanical contractors, mechanical journeyman, mechanical apprentices, or mechanical firms. The appeals board shall have additional duties to:

- (1) Hear appeals on technical disputes arising between mechanical contractors and inspections or property owners, as to the interpretation and effect of the codes governing the installation of heat and/or air equipment.
- (2) Prepare and issue interpretive opinions relative to the technical aspects of the mechanical code, but only in connection with a real dispute between interested parties.
- (3) Formulate its own rules and regulations pertaining to proceedings within the limits of this article.

(Code 1974, § 7-133)

Cross reference—Boards and commissions, § 2-166 et seq.

Sec. 18-253. Examining board.

(a) There is hereby created a mechanical examining board which shall consist of the plumbing inspector as ex officio member and secretary, the building official or his appointee as chairman and four additional members, appointed by the city manager for two-year terms, who shall all be heating, ventilation, or air conditioning contractors engaged in the mechanical business in the city. Only those persons who have had a minimum of four years of professional experience in installation, servicing and/or repairing heat and air systems and who are still active in the trade

shall be eligible for appointment to the examining board. Any board member may be removed for misconduct, incompetency or neglect of duty. The board shall be responsible for determining the time and place of its regular meetings and the chairman shall call the meetings.

(b) The board may assist and advise the department of building inspectors on all matters pertaining to the licensing of mechanical contractors and mechanical journeymen, and the registering of mechanical apprentices; conduct investigations into the qualification of applicants for licensure and registration; conduct investigations and proceedings for alleged violations of the mechanical code and/or licensing ordinance; and shall be responsible for developing and administering the examinations for applicants for license as mechanical contractors or journeymen.
(Code 1974, § 7-129(a), (b))

Crossreference-Boards and commissions, § 2-166 et seq.

Secs. 18-254-18-265. Reserved.

DIVISION 2. MECHANICAL CONTRACTORS, JOURNEYMEN AND APPRENTICES*

Subdivision 1. General Provisions

Sec. 18-266. Exemptions.

The provisions of this division shall not apply to:

- (1) A person who is the property owner of record, or his authorized representative, when performing minor repair which shall include but not be limited to cleaning, adjusting, calibrating and repair of mechanical system parts and the replacement of fuses and room thermostats, and other minor repairs which shall not include any repair which could violate the safe operation of the equipment.
- (2) The installation of portable, self-contained, ductless air conditioners or heaters.

.Cross reference-Businesses, ch. 22.
State law reference-Mechanical Licensing Act, 59 O.S. § 1850.1 et seq.

(3) The setting or connecting of detached air conditioning units which utilize flexible ductwork on a manufactured home. The term manufactured home shall have the same definition as such term is defined in 470.8. § 1102.

(4) Any permanent employee of a manufacturing facility, whether owned or leased, while performing mechanical work on the premises of such facility. The performance of such mechanical work authorized by this subsection shall not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations.

(5) The service, repair and installation of boilers, pressure vessels and welded steam lines which are subject to the jurisdiction of the commissioner of labor pursuant to the provisions of 40 O.S. §§ 141.1-141.18.

(6) Employees of state-owned institutions doing maintenance to state-owned facilities which does not violate manufacturer specifications nor compromise health or safety standards and practices.

(7) Persons licensed under the Mechanical Licensing Act (59 O.S. § 1850.1 et seq.).
State law reference-Similar provisions, 59 O.S. § 1850.10(B).

Secs. 18-267-18-275. Reserved.

Subdivision II. License

Sec. 18-276. Required.

It shall hereafter be unlawful for any person working within the corporate limits of the city to engage in the installation and/or servicing business or work of a HVAC (heating, ventilation, air conditioning) mechanical contractor, journeyman or apprentice, as defined in section 18-242 or as defined in the National Mechanical Code as adopted by the city, unless he has a current license authorizing him to do so issued in accordance with this division.
(Code 1974, § 7-127)

Sec. 18-277. Application; examination and fee.

(a) Before any license shall be issued to any person under this division such person shall file an application with the plumbing inspector at least 15 days prior to the quarterly examination date. A passing grade of at least 75 percent of a possible 100 percent must be achieved from the mechanical examining board before being entitled to receive a mechanical license. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of 30 days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of 90 days.

(b) Examinations for licenses as mechanical contractors or mechanical journeymen shall be uniform and practical in nature for each respective license and shall be sufficiently strict to test the qualifications and fitness of the applicants for licenses. Examinations shall be in whole or in part in writing. The examining board shall conduct examinations quarterly or at such times as it deems necessary.

(c) The examination fee shall be \$100.00 for companies, \$50.00 for contractors, and \$15.00 for journeymen. The fee shall be paid to the city and is nonrefundable. When the applicant passes the examination and is recommended for a license by the board, the examination fee shall be applied to the fee for license. If the applicant fails the examination, all fees are forfeited, and are not cumulative.

(Code 1974, § 7.129(c)-(e))

Sec. 18-278. Expiration.

All licenses issued under this division shall expire on June 30 next following the date of issuance, and may be renewed by paying the renewal fee within 30 days of the expiration date.

(Code 1974, §§ 7-127, 7-131)

Sec. 18-279. Bond and insurance requirements.

(a) Every person prior to receiving a license as a mechanical contractor under the provisions of this division shall file with the city clerk a bond

in the sum of \$2,000.00, executed with a surety company authorized to do business in the state. Such bond shall be conditioned so that the principal will install all heat and air equipment in accordance with all applicable laws of the state and city ordinances. The principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or nonstandard material. Failure to do so could cause revocation of the mechanical license.

(b) Each contractor shall protect the public against loss by purchasing and maintaining a contractor's liability insurance providing bodily injury coverage of \$25,000.00 for each person and \$50,000.00 for each occurrence and property damage of \$25,000.00 for each occurrence and \$25,000.00 aggregate.

(c) No work shall be performed by or for any heat and air contractor unless the bond and insurance required by this section are in full force and effect. The license shall be valid only while such bond and insurance are in effect.

(Code 1974, § 7-132)

Sec. 18-280. Transfer.

It shall be unlawful for any person holding a license under this division to transfer that license or allow the use of same, directly or indirectly, by any other person for the purpose of obtaining a permit, or to perform mechanical installation, repair or servicing. No person shall install, repair or replace gas piping in connection with HVAC work unless such person is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state; or is licensed under the mechanical license ordinance.

(Code 1974, § 7-130.1)

Sec. 18-281. Appeals board.

(a) The mechanical appeals board shall suspend or revoke, or may refuse to recommend renewal of any license or registration under the mechanical licensing ordinance for any of the following:

- (1) Making a material misstatement in the application for a license or registration, or the renewal of a license or registration.

- (2) Obtaining any license or registration by false or fraudulent representation.
- (3) Loaning or allowing the use of such license by any other person or illegally using a license.
- (4) Demonstrating incompetence to act as a mechanical journeyman or mechanical contractor.
- (5) Violating any provisions of the mechanical licensing ordinance, or any rule, regulation or order prescribed by the board pursuant to the provisions of the mechanical licensing ordinance.
- (6) Willfully failing to perform normal business obligations without justifiable cause.

(b) Any person whose license or registration has been revoked by the mechanical hearing board may apply for a new license one year from the date of such revocation.
(Code 1974, § 7.133(b)(4))

Secs. 18-282-18-300. Reserved.

ARTICLE VII. ENERGY CONSERVATION CODE

Sec. 18-301. Adopted; construction.

(a) It is the purpose and intent of this article to establish minimum standards in terms of the exterior envelopes and selection of heating, ventilating and air conditioning systems, service water heating, electrical distribution systems and equipment required for the purpose of effective use of energy and shall govern all buildings and structures, or portions thereof, hereafter erected that provide facilities or shelter for human occupancy, and except as may be otherwise specifically provided by law or ordinance or rules fully promulgated by the code administrator. The design and construction of the above items shall comply with the requirements of the BOCA National Energy Conservation Code, 1993 edition. This article shall be known as the energy conservation code of the city hereinafter referred to as the energy conservation code.

(b) This article shall be construed liberally and justly to ensure public health, safety and welfare insofar as they are affected by the installation and maintenance of systems covered therein, and the whole thereof is adopted.
(Code 1974, § 7-34)

Charter reference-Authority of council to adopt codes by reference, § 2-15.
State law reference-Adoption by reference, 11 O.S. § 14-107.

Sec. 18-302-18-320. Reserved.

ARTICLE VIII. MOVING OF BUILDINGS*

DIVISION 1. GENERALLY

Sec. 18-321. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure of not more than the following dimensions shall not fall within this definition: width eight feet; height 131/2 feet; length 35 feet.

(Code 1974, § 7-136)

Cross reference-Definitions generally, § 1-2.

Sec. 18-322. Enforcement.

At the direction of the city manager, the code administrator and the police department shall enforce and carry out the requirements of this article.

(Code 1974, § 7-137)

Sec. 18-323. Appeals.

Appeals to the city council may be taken by any person aggrieved by the decision of the city manager, the code administrator or the police department.

*Cross references-Streets, sidewalks and other public places, ch. 94; traffic and vehicles, ch. 102.

ment in enforcing this article. Such appeal shall be taken within ten days from the date of such decision, by filing with the city clerk a notice of appeal specifying the grounds thereof. The city clerk shall place the appeal on the next regular agenda of the city council.
(Code 1974, § 7-138)

Sec. 18-324. Compliance with other ordinances.

All persons moving a building under this article shall comply with the building code, the housing code, the zoning ordinance and all other applicable ordinances and laws upon relocating the building in the city.
(Code 1974, § 7-139)

Sec. 18-325. Mover's license.

No person shall move any building over, along or across any highway, street or alley in the city, unless he has a current building mover's license issued by the city treasurer. The annual fee for such license shall be \$50.00. The city treasurer shall receipt all persons paying such fee, when paid and accepted by the treasurer under the provisions of this article, and issue to such persons a building mover's license. Such license shall expire on June 30 next following its issuance.
(Code 1974, § 7-140)

Crossreference-Businesses, ch. 22.

Sec. 18-326. Route; use of streets.

The applicant shall submit the proposed route to be used in moving any structure. The proposed route must be approved by the public works director, the police chief, fire chief and all utility companies. In making their determinations, the public works director, police chief and fire chief shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets. Only the streets so designated shall be used in moving the building. During the months of June, July, August and September of any year, no building or structure shall be moved across any public street or highway paved with asphalt or oil covered without specific approval of the city manager.
(Code 1974, § 7-141)

Sec. 18-327. Limitation on occupancy of streets.

The person to whom a permit is issued under this article shall remove the building from the city streets after four days of such occupancy, unless an extension is granted from the city manager. Buildings or structures shall not be moved on, over, along or across streets, avenues or boulevards of the city before 8:30 a.m. or after 3:30 p.m. and shall not be moved on Sundays or legal holidays.
(Code 1974, § 7-142)

Sec. 18-328. Notice in change of proposed time of move.

Every permittee under this article shall notify the code administrator of a desired change in the moving date and hours as proposed in the application for his permit. Those changes must then be reapproved by the police chief and fire chief.
(Code 1974, § 7-143)

Sec. 18-329. Flagman or escort.

The permittee under this article shall pay the expense of a traffic officer ordered by the code administrator to accompany the movement of the building to protect the public from injury; provided, however that the foregoing shall not apply if the permittee furnishes his own flagman or escort.
(Code 1974, § 7-144)

Sec. 18-330. Lights, barricades.

Every permittee under this article shall cause red lights to be displayed, during the nighttime, on every side of the building being moved, while it is standing on a street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the moving of the building.
(Code 1974, § 7-145)

Sec. 18-331. Notice of damage to city property.

Every person holding a permit to move a building shall notify the code administrator, in

writing, of any and all damage done to property belonging to the city, within 24 hours after the damage or injury has occurred.
(Code 1974, § 7-146)

Sec. 18-332. Payment of expenses and damages incurred by city.

(a) After a building has been removed pursuant to a permit issued under this article, the code administrator shall furnish the city manager with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and of all material used in the making of the removal and replacement, together with a statement of all damage caused to or inflicted upon property belonging to the city; provided, however, that if any property is not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The city manager shall authorize the code administrator to demand of the permittee sufficient payment to cover such expenses and damages. Should the permittee refuse or fail to reimburse the city, the city manager shall take steps to collect on the applicant's cash deposits, surety bond or liability insurance, as the case may be.

(b) The permittee shall be liable for any expenses, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute any action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.
(Code 1974, § 7-147)

Sec. 18-333. Clearance, filling of original site.

(a) The person holding a permit under this article shall remove all rubbish and materials and fill all excavations to existing grade at the original building site, so that the premises are left in a safe and sanitary condition, within ten working days after removal of the building.

(b) The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where the permittee does not comply with the requirements of subsection

(a), and the cost thereof shall be charged against the general deposit made by the permittee under section 18-349.
(Code 1974, § 7-148)

Sec. 18-334. Plugging of sewer at original site; notice regarding utility services.

The permittee under this article shall see that the sewer line at the original building site is plugged with a concrete stopper and that the city is notified to shut off the water and remove the water meter. The permittee shall also notify the gas and electric service companies to remove their services.
(Code 1974, § 7-149)

Secs. 18-335—18-345. Reserved.

DIVISION 2. PERMIT

Sec. 18-346. Required.

No person shall move any building over, along or across any highway, street or alley in the city, without first obtaining a permit from the code administrator.
(Code 1974, § 7-157)

Sec. 18-347. Application, accompanying documents.

(a) A person seeking issuance of a permit under this division shall file an application for such permit with the code administrator, on forms provided by the administrator. Such application shall set forth:

- (1) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior.
- (2) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the city.

- (3) A legal description of the lot to which such building is proposed to be moved, giving the lot, block and tract number, if located in the city.
- (4) The portion of the lot to be occupied by the building when moved.
- (5) The highways, streets and alleys over, along or across which the building is proposed to be moved.
- (6) The proposed moving date and hours.
- (7) Any additional information which the code administrator shall find necessary to a fair determination of whether a permit should be issued.

(b) The application for a permit under this division shall be accompanied by sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any city charges against the same have been paid in full.

(c) The applicant for a permit under this division, if other than the owner of the building, shall file with the application a written statement or bill of sale, signed by the owner, or other sufficient evidence, that he is entitled to move the building. (Code 1974, § 7-158)

Sec. 18-348. Fees.

The application for a permit under this division shall be accompanied by a permit fee in the amount of \$100.00, plus an inspection fee of \$50.00. Persons/contractors making an application for a permit to move a building or structure into the city limits from a location outside the city shall be required to post a \$5,000.00 bond as security to bring the building or structure up to standard. This bond is in addition to the permit and inspection fees. Buildings or structures to be moved into the city require inspection, prior to issuance of moving permit. A mileage charge of \$0.555 per mile, round trip, will be assessed from the nearest point of city limits to the location of the structure for inspection purposes. (Code 1974, § 7-159; Ord. No. 2416, § 5, 3-13-12)

Sec. 18-349. Applicant's general deposit, bond or insurance.

(a) An application for a permit under this division shall be accompanied by a cash deposit in the sum of \$10,000.00 as an indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street, alley, sidewalk, fire hydrant or other property of the city, which may be caused by or be incidental to the removal of the building over, along or across any street in the city, and to indemnify the city against any claim of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by or incidental to the moving of the building over, along or across any street in the city.

(b) Any person filing an application under this division may, in lieu of the general cash deposit required in subsection (a), file with the code administrator a bond, approved as to form by the city attorney, executed by a bonding or surety company authorized to do business in the state, in the amount of \$10,000.00, conditioned upon the assurance that this article and other applicable ordinances and laws will be complied with. Such bond shall run to the city for the use and benefit of any person intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damage or loss resulting from any malfeasance, misfeasance, nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

(c) Any person filing an application under this division may, in lieu of the general cash deposit required in subsection (a), file with the code administrator a liability insurance policy, issued by an insurance company authorized to do business in the state and approved as to form by the city attorney, in the same amount and providing the same protection as would be required for a bond under subsection (b) above. (Code 1974, § 7-160)

Sec. 18-350. Applicant to deposit amount of city's estimated expenses.

Upon receipt of an application for a permit under this division, it shall be the duty of the code

administrator to procure from the public works director an estimate of the expense that will be incurred in removing and replacing any property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals and replacements. The applicant shall deposit with the city treasurer the amount of such estimated expenses and costs, in addition to any other deposit required by this division.

(Code 1974, § 7-161)

Sec. 18-351. Inspection of building, applicant's equipment.

The code administrator shall inspect the building to be moved under a permit applied for pursuant to this division and the applicant's equipment, to determine whether the standards for issuance of a permit are met. This inspection shall be made within two working days after receipt of the application.

(Code 1974, § 7-162)

Sec. 18-352. Issuance to licensed mover only.

The permit required by this division shall be issued only to a person holding a current building mover's license issued pursuant to section 18-325.

(Code 1974, § 7-163)

Sec. 18-353. Denial.

(a) The code administrator shall refuse to issue a permit applied for under this division, if he finds that:

- (1) Any application requirement or any fee deposit requirement has not been complied with.
- (2) The building is too large to move without endangering persons or property in the city.
- (3) The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it does not meet standards of the housing code, and could not be moved without endangering persons and property in the city.

- (4) The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city.
- (5) The applicant's equipment is unsafe or fails to meet the requirements of this Code and that persons and property would be endangered by its use.
- (6) Zoning or other ordinances would be violated by the building in its new location.
- (7) For any other reason persons or property in the city would be endangered by the moving of the building.
- (8) If a building moving permit application shows a location within 600 feet of a new subdivision or a location where it will decrease property value, all residential property owners within 600 feet of the new location shall be required to sign a release before a permit is issued.
- (9) If the building is to be moved to a location in the city and is determined to not be economically feasible for rehabilitation or to a standard condition meeting minimum city housing codes.

(b) Upon his refusal to issue a permit applied for under this division, the code administrator shall return to the applicant the unapproved application.

(Code 1974, § 7-164)

Sec. 18-354. Deposit of money, bonds, etc., received under division.

The code administrator shall deposit all fees, deposits, bonds and insurance policies received by him under this division with the city treasurer.

(Code 1974, § 7-165)

Secs. 18-355—18-375. Reserved.

ARTICLE IX. DANGEROUS BUILDINGS*

Sec. 18-376. Duties of codes administrator.

The general duties to investigate and determine the present location and owner of those

*Cross reference—Nuisances, § 46-26 et seq.

State law reference—Condemnation or repair of dangerous or dilapidated buildings, 11 O.S. §§ 22-112, 22-112.1.

certain structures which are considered to be dilapidated or dangerous to the safety of inhabitants of the city is placed upon the codes administrator of the city. Any determination that a building is classed as dilapidated or dangerous will be by any one or several reasons, regarding dilapidation, deterioration, age or obsolescence, inadequate provision of ventilation, light, air or sanitation, neglect, need of repair, or accumulation of debris, where the same constitutes a danger to the safety of the neighborhood. Utility companies shall be notified by the codes department of the impending condemnation and location of the structure. Basis for enforcement is found in 11 O.S. § 22.112.

(Code 1974, §§ 7-178, 17-27)

Sec. 18-377. Designation of administrative officer; appeals.

The city council designates the codes administrator as the administrative officer responsible for carrying out the duties of the city council regarding dilapidated or dangerous structure determinations and removals. The property owner or mortgage holder shall have a right of appeal to the city council from any order of the administrative officer. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten days after the administrative order is rendered.

(Code 1974, § 17-29)

Sec. 18-378. Condemnation proceedings.

If a house or structure has been posted by the building inspector and subsequently condemned by the city council as being dangerous, unsafe, unsanitary or unfit for occupancy (as provided for in this article) and if the structure could be safely remodeled, the owner of the property must obtain a special remodeling permit. The permit shall specify that the structure has been previously condemned, but demolition proceedings have been stayed for 90 days. Prior to the special remodeling permit being issued, the permit applicant must post a \$2,500.00 cash deposit with the city. The structure must then be repaired to meet all current building, electrical, plumbing, and mechanical codes that could apply to new construction, and work must be completed within the 90-day

special permit period. Existing plumbing or wiring systems may be left in place with modifications at the inspector's discretion. At the completion of the 90-day special permit period, the structure shall be re-inspected by the city codes inspectors. No renewal or extension of the 90-day special remodel permit will be granted. If the code inspectors determine that the structure meets all applicable building, electrical, plumbing, and mechanical codes, the \$2,500.00 cash deposit shall be returned, without interest, to the permit applicant and the condemnation has been withdrawn. If the structure fails to meet all applicable codes, as determined by the city codes inspectors, the condemnation process will continue without further action by the city council and the \$2,500.00 cash deposit will be retained by the city and applied toward demolition costs, if any, incurred by the city. The \$2,500.00 cash deposit will be returned to the permit applicant if the owner has completed removal of the structure prior to the beginning of city demolition proceedings.

(Code 1974, § 7-48; Ord. No. 2262, § 1, 8-14-07)

Chapters 19-21

RESERVED