

ORDINANCE NO. 1373

AN ORDINANCE OF THE CITY OF DEL CITY, OKLAHOMA MAKING CERTAIN FINDINGS OF FACT; AMENDING CHAPTER 5 (BUILDINGS AND BUILDING REGULATIONS) OF THE DEL CITY CODE OF ORDINANCES; ADOPTING CODES AND STANDARDS FOR DEVELOPMENT CONSTRUCTION, USE, OPERATION AND MAINTENANCE OF PROPERTY WITHIN THE CITY AND SETTING FORTH SUPPLEMENTAL REGULATIONS THEREFOR; ADOPTING REGULATIONS FOR LICENSING OF CONTRACTORS AND OTHER CONSTRUCTION WORKERS; ESTABLISHING STANDARDS AND PROCEDURES FOR APPEALS AND VARIANCES; DEFINING VIOLATIONS, ESTABLISHING RESPONSIBILITY AND PENALTIES THERFOR AND PROVIDING FOR ABATEMENT THEROF; PROMUGATING A FEE SCHEDULE; AMENDING CHAPTER 7 (FIRE PROTECTION AND PREVENTION) OF THE DEL CITY CODE OF ORDINANCES; ADOPTING CODES AND STANDARDS FOR FIRE PROTECTION AND PREVENTION; AMENDING OTHER PORTIONS OF THE CODE OF ORDINANCES TO CONFORM TO THESE REGULATIONS, DECLARING REPLEALER, PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEL CITY, OKLAHOMA:

Section 1: FINDINGS OF FACT.

The following findings of fact are hereby made:

1. The regulations contained within this ordinance, including the adopted codes, serve to promote the health, safety morals and general welfare of the community and serve to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence and other purposes.
2. The regulations contained within this ordinance, including the adopted codes, exceed the minimum standards currently adopted by the Oklahoma Uniform Building Code Commission for residential and commercial construction in the state.
3. The regulations contained within this ordinance represent higher standards and requirements than the codes adopted pursuant to the Oklahoma Uniform Building Code Commission Act.

4. The enactment of this ordinance is an exercise of the City's full authority to provide for the enactment of codes and rules in such form as the City may determine and prescribe.

Section 2: REVISION OF CHAPTER 5 (BUILDINGS AND BUILDING REGULATIONS). Chapter 5 (Buildings and Building Regulations) is amended to read as follows:

Chapter 5. Buildings and Building Regulations.

Article 1. Administration.

Section 5-1. Scope.

The provisions contained within this chapter, including those found within the adopted and referenced codes, shall apply to all structures and properties within the City of Del City, regardless of construction date, unless otherwise specified.

Section 5-2. Definitions.

When applicable, terms shall have definitions as set forth in the adopted codes.

Section 5-3. Building official.

The Building Official shall be designated by the City Manager. The Building Official shall be removed at any time, based on the needs of the city, by the City Manager. The Building Official shall have the responsibilities of a building official, code official, authority having jurisdiction, and/or inspector as designated by state or federal law or by adopted code. The City Manager may, at any time and for any reason, delegate some or all of the responsibilities of the Building Official to any individual deemed to be qualified. Any such individual shall enjoy the same rights and responsibilities as the Building Official, subject to limitation imposed by the scope of the delegation. The City Manager retains final authority over all matters relating to administrative procedures, policy interpretations, and regarding other questions or issues that may arise.

Section 5-4. Right of entry.

The Building Official, in the discharge of his duties, which include enforcement of the provisions found in the building code, in any referenced codes, or elsewhere in this chapter, may enter any building or premises at any time during business hours or at any reasonable hour, and upon the refusal of any owner, agent or occupant to allow such inspection, said owner, agent or occupant shall be deemed guilty of an offense. The Building Official may take any action authorized by statute, ordinance or code to enforce this right of entry.

Section 5-5. Administrative procedures and requirements.

The Building Official, when necessary to ensure the efficient operation of permitting, licensing and inspection processes, shall promulgate administrative procedures and requirements not in conflict with these regulations.

Section 5-6. Permit required.

A permit is required for all work done to a new or existing structure unless a specific exemption has been granted within this chapter or within an adopted code. No permit shall be issued unless the proposed project complies with all provisions contained within this building code and within this chapter, unless a variance has been granted as set forth herein. In order to determine said conformity, the Building Official may develop permit application forms and may require the submission of plans, specifications and supporting data as is needed.

The Building Official has the authority to refuse a permit applied for under this article in the following instances:

- (a) When the work proposed to be done is unsafe or not in accordance with the provisions of this chapter, or when the applicant has failed to submit documentation necessary to demonstrate safety or compliance;
- (b) When the permit applicant has failed to promptly correct any defect in work previously done, provided that the applicant has been informed of that violation and has been given reasonable time to cure the violation, and provided that once the violation has been cured the application must be processed without prejudice; or
- (c) When the applicant does not hold the required city or state license.

Section 5-7. Permit and inspection fees.

The fees for plan reviews, permits and inspections are set forth on the fee schedule(s) contained in this chapter and elsewhere within the code of ordinances. The City Manager shall have the authority to waive permitting fees, regardless of fee amount, when such a waiver would be in the public interest.

Section 5-8. Suspension, revocation and expiration of permits.

The Building Official may suspend or revoke a permit based on the following grounds:

- (a) Failure to pay the required permit fee or required inspection fees.
- (b) Permit issued in error or on the basis of incorrect, inaccurate or incomplete information or in violation of any ordinance or regulation or any provision of an adopted code.
- (c) Significant or habitual noncompliance with any ordinance or regulation or any provision of an adopted code, including performing work in a nonworkmanlike manner or failing to obtain and maintain other required permits or regulatory approvals.

- (d) Suspension or revocation of the permit holder's license when such a license is required to obtain the permit.

Unless otherwise specified, permits are valid for one hundred eighty (180) days and may be extended only with the approval of the Building Official and only after payment of any required fee.

Section 5-9. Stop work orders.

Whenever, in the opinion of the Building Official, one of the following conditions exists, the Building Official is authorized to issue a stop work order. These conditions include:

- (a) Work being performed in a manner that is contrary to any provision found within the building code or this chapter;
- (b) Work being performed in a manner that is dangerous or unsafe;
- (c) Work being performed without required permits or licenses;
- (d) Work being performed in a manner that is actually or potentially injurious to the surrounding environment.

The order shall be in writing and shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Once delivered to the owner of the property, the owner's agent, or the person doing the work, or once affixed to the job site in a prominent location, the cited work should immediately cease. Continuance of work after issuance of a stop work order, except for that work being performed to cure a violation or unsafe condition, shall be considered an offense and all parties involved shall be deemed guilty as provided for herein. Failure to comply with a stop work order is grounds for cancellation of all permits for the jobsite, removal of temporary utilities, and revocation of licenses for those individuals involved.

Section 5-10. Deferral of enforcement.

In the event that a state agency authorized to adopt codes alters, modifies or deletes a provision of a model code, the Building Official may, at the direction of the City Manager, defer enforcement of those provisions in a manner consistent with the intent of the rulemaking action taken by the state agency.

Section 5-11. Required state fees.

A fee, in the amount required by the regulations of the Uniform Building Code Commission ("regulations"), is to be collected on all permits issued by the City, provided that collection of the fee is required for that particular type of permit pursuant to the regulations. As provided for in the regulations, a certain portion of this fee is designated for retention by the City and shall be retained.

Any fees collected pursuant to prior ordinance, except for that portion of the fees designated to be retained by the City, are to be remitted to the Uniform Building

Code Commission, provided that any portion not accepted by the Uniform Building Code Commission shall be retained by the City for its general use.

Section 5-12. Conflicts and effect on existing regulations.

In general, any conflict between a provision contained within an adopted code or elsewhere within this chapter and a provision found elsewhere within the Code of Ordinances or within state or federal laws or regulations shall be resolved by enforcing the more restrictive provision. Where conflict exists between a general provision and a more specific provision, the more specific provision shall control.

The adoption of the regulations contained in this chapter shall in no way lessen the restrictive impact of provisions previously adopted contained in other sections within this Code of Ordinances or within the Del City Planning and Zoning Ordinance.

Section 5-13. Savings clause.

No provision contained within this chapter shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed or superseded, nor shall any legal right or remedy of any character be lost, impaired, or affected by these provisions.

Section 5-14 to 5-19. Reserved.

Article 2. Building and Residential Codes.

Section 5-20. Building Code.

The document known as the 2012 International Building Code, a copy of which is on file in the office of the Building Official, shall serve as the Building Code of the City of Del City.

The following appendices are adopted:

- a. Appendix C is adopted to govern the installation and modification of agricultural buildings.
- b. Appendix E is adopted to provide supplemental accessibility requirements. Together with the requirements contained in the adopted codes and referenced standards, including ICC A117.1, Appendix E forms the basis for regulation of accessibility. Owners and occupants of all properties are responsible for compliance with all laws and regulations regarding accessibility, including the Americans with Disabilities Act, the provisions of which may be stricter than those contained in these regulations.

- c. Appendix F is adopted to provide standards for rodentproofing. Unless more specific standards exist, these standards shall apply to all structures within the City, regardless of whether that structure is governed by Building Code.
- d. Appendix I is adopted to govern installation and modification of patio covers in addition to the supplemental regulations for accessory structures contained in this Chapter.
- e. Appendix J is adopted to provide standards for grading and earth disturbance but in no way shall lessen the application of applicable regulations regarding grading, drainage, floodplain management and stormwater quality contained elsewhere in this code.

That code is amended as follows:

- 1. Section 101.1 is amended by inserting "*The City of Del City*" where indicated.
- 2. Section 105.2 is amended by deleting the following exceptions:
Building 1, 2, 3, 5, 6
- 3. Section 113 is deleted.
- 4. Section 114 is amended by adding Section 114.5 to read:
Section 114.5. Prosecution without prior notice. The Building Official may initiate prosecution of violations before service notice and affording an opportunity for correction if the violation is willful or egregious or if it is impractical to serve such notice prior to initiating prosecution.
- 5. Section 308.6.1 is deleted.
- 6. Section 1612.3 is amended to insert "*The City of Del City*" and "*December 18, 2009*" where appropriate.
- 7. Section 3412.2 is amended to insert "*October 9, 1948*" where appropriate.
- 8. All sections pertaining to construction in areas of special flood hazard are deemed to be supplemental in nature and shall not serve to lessen the requirements contained within the City's Flood Damage Prevention Ordinance.

Section 5-21. Residential Code.

The document known as the 2012 International Residential Code, a copy of which is on file in the office of the Building Official, shall serve as the Residential Code of the City of Del City.

The following appendices are adopted:

- a. Appendix E is adopted to govern the installation and modification of manufactured homes used as dwellings, provided that these regulations are supplemental in nature and do not authorize placement of a manufactured home on a city lot in violation of other regulations

- b. Appendix F is adopted to govern radon control methods.
- c. Appendix H is adopted to govern the installation and modification of patio covers, provided that these regulations are supplemental in nature.
- d. Appendix I is adopted to govern the installation, modification and maintenance of private sewage disposal systems.
- e. Appendix K is adopted to govern sound transmission.

That code is amended as follows:

1. Section R101.1 is amended by inserting "*The City of Del City*" where indicated.
2. Section R105.2 is amended by deleting the following exceptions:
Building 1, 2, 4, 5
3. Section R112 is deleted.
4. Section R113 is amended by adding Section 114.5 to read:
Section R113.5. Prosecution without prior notice. The Building Official may initiate prosecution of violations before service notice and affording an opportunity for correction if the violation is willful or egregious or if it is impractical to serve such notice prior to initiating prosecution.
5. All sections pertaining to construction in areas of special flood hazard are deemed to be supplemental in nature and shall not serve to lessen the requirements contained within the City's Flood Damage Prevention Ordinance.
6. Table R301.2(1) is to be completed as needed on a project-specific basis by a registered design professional and submitted with construction documents.
7. Section P2603.5.1 is amended by inserting "36" in two places as indicated.

Section 5-22. Existing Building Code.

The document known as the 2012 International Existing Building Code, a copy of which is on file in the office of the Building Official, shall serve as the Existing Building Code of the City of Del City.

All appendices are adopted.

That code is amended as follows:

1. Section 101.1 is amended by inserting "*The City of Del City*" where indicated.
2. Section 1401.2 is amended to insert "*October 9, 1948*" where appropriate.
3. Section 105.2 is amended by deleting the following exceptions:
Building 1
4. Section 112 is deleted.

5. Section 117 is deleted.

Sections 5-23 to 5-29. Reserved.

Article 3. Mechanical, Plumbing and Fuel Gas Codes.

Section 5-30. Mechanical Code.

The document known as the 2012 International Mechanical Code, a copy of which is on file in the office of the Building Official, shall serve as the Mechanical Code of the City of Del City.

That code is amended as follows:

1. Section 101.1 is amended by inserting "*The City of Del City*" where indicated.
2. Section 106.5, 106.5.1, 106.5.2 and 106.5.3 are deleted.
3. Section 108.4 is deleted.
4. Section 108.5 is deleted.
5. Section 109 is deleted.

Section 5-31. Fuel Gas Code.

The document known as the 2012 International Fuel Gas Code, a copy of which is on file in the office of the Building Official, shall serve as the Fuel Gas Code of the City of Del City.

That code is amended as follows:

1. Section 101.1 is amended by inserting "*The City of Del City*" where indicated.
2. Section 106.6, 106.6.1, 106.6.2 and 106.6.3 are deleted.
3. Section 108.4 is deleted.
4. Section 108.5 is deleted.
5. Section 109 is deleted.

Section 5-32. Plumbing Code.

The document known as the 2012 International Plumbing Code, a copy of which is on file in the office of the Building Official, shall serve as the Plumbing Code of the City of Del City.

That code is amended as follows:

1. Section 101.1 is amended by inserting "*The City of Del City*" where indicated.
2. Section 106.6, 106.6.1, 106.6.2 and 106.6.3 are deleted.
3. Section 108.4 is deleted.
4. Section 108.5 is deleted.

5. Section 109 is deleted.

Section 5-33. Private Sewage Disposal Code.

The document known as the 2012 International Private Sewage Disposal Code, a copy of which is on file in the office of the Building Official, shall serve as the Private Sewage Disposal Code of the City of Del City.

All appendices are adopted.

That code is amended as follows:

1. Section 101.1 is amended by inserting "*The City of Del City*" where indicated.
2. Section 106.4, 106.4.1, 106.4.2 and 106.4.3 are deleted.
3. Section 108.4 is deleted.
4. Section 108.5 is deleted.
5. Section 109 is deleted.
6. Section 405.2.5 is amended by inserting "*March 1*", "*November 1*" and "*November 1*" where appropriate.
7. Section 405.2.6 is amended by inserting "*for at least one year prior*" in two locations.

Section 5-34. Pool and Spa Code.

The document known as the 2012 International Pool and Spa Code, a copy of which is on file in the office of the Building Official, shall serve as the Pool and Spa Code of the City of Del City.

That code is amended as follows:

1. Section 101.1 is amended by inserting "*The City of Del City*" where indicated.
2. Section 105.6, 105.6.1, 105.6.2 and 105.6.3 are deleted.
3. Section 107.4 is deleted.
4. Section 107.5 is deleted.
5. Section 108 is deleted.

Section 5-35 to 5-39. Reserved.

Article 4. Electrical Code.

Section 5-40. Electrical Code.

The document known as NFPA 70: The National Electrical Code, 2014 Edition, a copy of which is on file in the office of the Building Official, shall serve as the Electrical Code of the City of Del City.

All appendices are adopted.

The provisions in this chapter related to administration, enforcement appeals and variances shall govern the application of the Electrical Code.

Appendix K of the 2012 International Building Code is adopted to serve as additional administrative provisions to allow proper coordination between the Electrical Code and other adopted codes.

Section 5-41. Electrical installations not subject to NEC.

Electrical installations outside the scope of the adopted electrical code shall be subject to approval by the Building Official and shall bear the seal of a registered professional engineer.

Section 5-42 to 5-49. Reserved.

Article 5. Property Maintenance Code.

Section 5-50. Property Maintenance Code.

The document known as the 2012 International Property Maintenance Code, a copy of which is on file in the office of the Building Official, shall serve as the Property Maintenance Code of the City of Del City.

That code is amended as follows:

1. Section 101.1 is amended by inserting "*The City of Del City*" where indicated.
2. Section 106 is amended by adding Section 106.6 to read:
Section 106.6. Prosecution without prior notice. The code official may initiate prosecution of violations before service notice and affording an opportunity for correction if the violation is willful or egregious or if it is impractical to serve such notice prior to initiating prosecution.
3. Section 110.2 through Section 110.4 are deleted.
4. Section 111 is deleted.

Section 5-51. Repair of structures ordered demolished.

Should the owner of a structure ordered demolished pursuant to Section 110 of this code wish to repair the structure, an application for building permit must be submitted and approved before the permit deadline set forth in the demolition order. This permit application must contain detailed repair estimates showing all work that is required in order to bring the structure into compliance with all adopted codes. The application must be accompanied by a bond in favor of the City to cover the costs of demolishing the structure and a written authorization allowing the City to demolish the structure if approved repairs are not made

prior to the expiration or revocation of the remodel permit. Engineering reports or other testing reports may be required before such a submission will be accepted for review. Structures that have been ordered demolished that are subsequently repaired are required to comply with all codes and regulations as if they were new construction, subject to reasonable deviations for site limitations that are approved by the Building Official. Issuance of a permit to remodel a structure previously ordered demolished stays the enforcement of the demolition order until such a time as the permit is terminated or the work is completed and a Certificate of Occupancy is issued. Any property owner attempting to repair a structure previously ordered demolished proceeds on an own risk basis, as failure to complete all work necessary to obtain a Certificate of Occupancy before the expiration or termination of the permit is grounds for the demolition of the structure.

Section 5-53. Relationship to the city's ability to raze and remove.

The provisions in this code related to demolition serve to require a property owner to take action to bring a structure into compliance with this code, whether through repair or demolition. These provisions are separate and distinct from the City's ability to take action to order demolished and then raze and remove a dilapidated structure pursuant to state statute.

Section 5-54. Boarding and securing of structures ordered demolished and other vacant structures.

Structures ordered demolished may be boarded and secured and reserved for later repair pursuant to Section 110 of this code. Vacant structures not under demolition orders may be boarded and secured at the option of the property owner at any time. In no case shall a property remain boarded and secured for a period longer than one (1) year.

The property owner shall apply for a permit to board the structure. When boarding is being used as an option following issuance of a demolition order, the permit application must be submitted and approved before the permit deadline set forth in the demolition order. Boarding shall be accomplished using approved materials, which will be at minimum clear polycarbonate materials. Plywood, fiberboard, strandboard, and other opaque materials are not generally permissible for long-term boarding of structures. Property owners are required to monitor the property weekly for unsecured entryways, signs of vandalism, or other code violations. Failure to maintain a property that has been boarded and secured is grounds for revocation of the boarding permit, which may lead to immediate enforcement of the demolition order.

Section 5-55. Boarding and securing of structures following damage.

A damaged structure may be temporarily secured by boarding for up to sixty (60) days without a permit or use of required polycarbonate materials.

Section 5-55. Completion bond.

When a property owner elects to repair or board a structure that has been ordered demolished pursuant to Section 110 of this code, the Building Official may require the owner to submit a performance bond in favor of the City. This bond must make monies adequate to fund the demolition of the structure available to the City in the event that repairs to the structure are not completed and approved by the expiration of the building permit (or in the case of boarding, that a permit has not been approved within one (1) year of the demolition order and all work approved before the subsequent expiration of that permit). The Building Official shall determine the amount of the bond that will be required based on the prevailing cost of demolition work at the time.

Section 5-56 to 5-59. Reserved.

Article 6. Fire Codes.

Section 5-60. The City's adopted Fire Codes are found in Chapter 7. These codes share certain administrative provisions, found in this Chapter, with all adopted codes, including provisions related to administration, enforcement and appeals and variances.

Article 7. Energy Conservation Code.

Section 5-70. Energy Conservation Code.

The document known as the 2012 International Energy Conservation Code, a copy of which is on file in the office of the Building Official, shall serve as the Energy Conservation Code of the City of Del City.

That code is amended as follows:

1. Sections C101.1 and R101.1 are amended by inserting "*The City of Del City*" where indicated.
2. Sections C107 and R107 are deleted.
3. Sections C108 and R108 are deleted.
4. Sections C109 and R109 are deleted.

Article 8. Fences.

Section 5-80. In general.

Erection and maintenance of fences shall comply with all applicable zoning, design, drainage and floodplain management regulations, which may be more specific or restrictive than these regulations.

Section 5-81. Construction.

Every fence must be constructed in a workmanlike manner of material commonly recognized in the industry as standard fence material and must be sound in structure and appearance.

Section 5-82. Location.

In addition to applicable zoning regulations, the following regulations govern the location of fences:

- (a) No person shall erect any fence of any size, kind or type on or across any property or easement belonging to the city, provided that fences are permitted to be placed across or on standard platted utility easements located on residential lots. The property owner is responsible for all costs related to removal of or damage to such a fence that occur in the course of maintaining utilities within that easement and for any damage occurring to utility lines caused by the installation or maintenance of the fence.
- (b) No person shall erect any fence of any size, kind or type on any residential property in the city between the front building line thereof and the street right-of-way, except on residential tracts located within the following described area: In the area bounded on the east by Sunnyslane Road, on the west by Scott Street, on the north by E. Reno Boulevard, and on the south by Interstate 40.
- (c) A fence erected or constructed within the city on commercial or industrial property may extend beyond the front building line thereof to the street right-of-way, provided, that said fence shall not exceed eight (8) feet in height, shall be of steel or wrought iron construction, shall not be sight-proof in design and shall not impede safe access to any street or driveway. Such a fence shall be decorative in nature and is subject to design approval by the building official.

Section 5-83. Inspection.

The Building Official shall inspect, at such times deemed necessary, each fence regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair.

Section 5-84. Repair and removal.

If the Building Official shall find that a fence is unsafe or insecure, is fallen down or otherwise dilapidated, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the owner thereof or to the person to whom the permit for such fence was issued declaring the fence to be a public nuisance subject to abatement and detailing the corrections required to bring the fence into compliance with this code. Such notice should be sent by certified mail and posted somewhere on the property on which the fence is located. If the permittee or owner fails to remove or repair the fence so as to comply with the required standards within ten (10) days of the mailing and posting of such notice, the building official may cause the fence or portion thereof to be removed or altered to achieve compliance. Such action will be at the expense of the permittee or owner of the property upon which it is located and shall be assessed against the property as an abatement. The Building Official may cause any fence which is an immediate peril to persons or property to be removed summarily and without notice, with the cost being assessed against the property as an abatement.

Section 5-84. Permit.

No person shall install or modify a fence without first obtaining a fence permit, the fee for which is set forth in this chapter.

Section 5-85 to 5-89. Reserved.

Article 9. Safe Rooms.

Section 5-90. In general.

Above and below ground safe rooms shall comply with standards promulgated by the Federal Emergency Management Agency (FEMA) for residential or commercial safe rooms. All plans and specifications submitted for approval must bear the signature and seal of a registered professional engineer along with a statement that the structure meets the design requirements currently promulgated by FEMA.

Section 5-91. Permit.

No person shall install or modify a safe room without first obtaining a safe room permit, the fee for which is set forth in this chapter.

Section 5-92. Supplemental design standards.

All safe rooms located entirely or partially below grade shall be designed with sufficient mass to resist flotation after being properly backfilled.

All safe rooms shall be adequately waterproofed to prevent infiltration of groundwater or intrusion of rainwater. Any shelter found to be holding water shall be pumped immediately and suitably waterproofed.

Entranceways shall be constructed with suitable hinges and hardware capable of supporting installation of a locking device.

Section 5-93. Location.

Front yard locations are not permitted except when location in the rear or side yard is not practical. Safe rooms installed in front of the front building line shall comply with the following restrictions:

- a) The top of the structure shall not extend more than three (3) inches above finished grade.
- b) Vent pipes and entrance ways shall not extend more than twelve (12) inches above finished grade.
- c) Entrance ways must be provided with an external locking device, such as a hasp and padlock.
- d) Additional mitigation, including landscaping, may be required.

Section 5-94 to 5-99. Reserved.

Article 10. Driveways and Paving.

Section 5-100. Driveways and paving.

The construction of paving for the purpose of accessing a public way or private street, parking, loading and pedestrian conveyance shall be regulated by these adopted codes and by the specific regulations set forth in Chapter 19 of the Code of Ordinances.

Section 5-101 to 5-109. Reserved.

Article 11. Accessory Structures.

Section 5-110. Permit. A permit is required to construct, install or modify any sort of accessory structure. The fees for these permits are set forth in this chapter.

Section 5-111. Residential storage buildings.

In addition to other applicable regulations, the following basic standards apply for residential accessory buildings:

- (a) Residential accessory buildings, such as detached garages, workshops and storage buildings, that are to have three hundred fifty (350) square feet or

larger shall have a floor of concrete with a foundation which complies with the building code.

- (b) Accessory structures shall not exceed eight (8) feet above the ground in height at the wall, and the roof of said structure shall have a minimum of 5/12 and a maximum of 12/12 roof pitch. These pitch requirements may be waived for very small buildings that are prefabricated and intended as temporary improvements.
- (c) Accessory, temporary, and portable buildings, not including detached garages, that do not exceed two hundred fifty (250) square feet in area, shall be exempt from requirements regarding footings and floors, but shall be anchored in a manner approved by the building official that is at least equivalent to using thirty-inch-long, double-helix anchors with steel bands spaced sixteen (16) inches on center or at each end of the building.

Section 5-112. Portable storage containers.

Portable storage containers are not to be used as permanent accessory structures. Placement of portable storage containers is permissible for up to thirty (30) days, provided that an appropriate permit has been obtained. Extension of this time is permissible only in case of significant remodeling to the primary structure, in which case the Building Official may extend the time to match the expiration of the permit. Container placement shall not cause damage to landscaping. No container shall be placed within the street right-of-way.

Section 5-113. Awnings, carports and patio covers.

The following shall apply to the construction of awnings, carports, and patio covers:

- (a) For the purposes of this article, "awnings," "carports" and "patio covers," individually or in combination, are defined as all structures, whether attached to an existing structure or freestanding, which are constructed for the purpose of providing a roof-type cover only for shelter from the sun, rain, snow, sleet or hail.
- (b) In the event of any conflict between the provisions of this article and the provisions of chapter 18 of this Code, the provisions of this article shall govern.
- (c) This article shall not repeal or otherwise affect the zoning ordinance, except only as it allows the construction of an awning, carport or patio cover beyond the building lines.
- (d) It shall be unlawful for any person to construct or install any awning, carport or patio cover within the City, without first obtaining a permit so to do from the Building Official. An application for a permit under this section shall be in writing, on forms provided for that purpose. Such application shall contain the address of the applicant, along with a detailed drawing showing the desired specifications for the proposed

awning, carport or patio cover and showing on such drawing compliance with this article and other applicable ordinances in all particulars. The application shall contain such other information as is deemed necessary by the building official.

- (e) Awnings, carports and patio covers which extend beyond the front building line toward the street, or beyond the side building line on side streets, may be constructed, if they:
 - 1. Do not extend more than twenty (20) feet beyond the front building line, and in no instance beyond the front property line of interior lots;
 - 2. Do not extend more than twenty (20) feet beyond the side building line, and in no case beyond the side property line of corner lots; and
 - 3. Are not, at any point on the structure, closer than five (5) feet to an adjacent property line.
- (f) All awnings, carports and patio covers must be designed to support a load of twenty (20) pounds per square foot in addition to the weight of the structure.
- (g) All bolts and screws used in the structure shall be cadmium-plated or equal.
- (h) Awnings, carports and patio covers which are attached to an existing structure shall be attached with one-quarter-inch or larger lag screws in a substantial manner and shall be anchored to each wall stud or to a masonry wall. One (1) side of attached awnings, carports or patio cover structures shall be supported by one-and-one-half-inch diameter by fourteen-gauge steel columns, or columns of equivalent strength, set in concrete footings not less than twelve (12) inches deep nor less than twelve (12) inches in diameter.
- (i) Freestanding carports or patio covers shall be supported by two-and-one-half-inch diameter by fourteen-gauge steel columns or columns of equivalent strength, set in concrete footings not less than twenty-four (24) inches deep nor less than twelve (12) inches in diameter.
- (j) All concrete in footings for awnings, carports and patio covers shall be two thousand (2,000) pounds per square inch quality.
- (k) The roof slope for awnings, carports and patio covers shall be at least three-sixteenths ($3/16$) inch per foot.
- (l) Carports and patio covers that are to be visible from the street are to be of traditional roof on fixed support construction or are to be designed in such a way to be complimentary to the architecture of the house. Such a design is subject to approval by the Building Official. No carport or patio cover that is visible from the street shall be of a type commonly understood to be portable, temporary or prefabricated in nature. No carport or patio cover that is visible from the street shall be of a type having features such as curved ribs, sheathing material that wraps from

roof to side, or curved peak unless such a design as been approved as complimentary to the architecture of the house pursuant to this section.

Section 5-114. Garage conversions.

No garage conversion shall be permitted that causes the structure to be less compliant with regulations contained within this chapter or within the Planning and Zoning Ordinance, provided that a detached garage with proper paving shall be permitted to substitute for the required attached garage. When garage conversions are permitted due to the construction of a new attached or detached garage, all applicable regulations, including but not limited to those related to light, ventilation, occupancy, egress and waterproofing shall be followed.

Section 5-115. Structures for temporary or seasonal vending.

Structures for temporary or seasonal vending shall be approved by the Building Official and shall be permitted as accessory structures subject to requirements for anchoring. These structures shall be permitted to be placed on a lot for the duration of the approved vending period and shall be removed once that period has completed. Connections to the public water supply shall either be a permanent connection meeting all standards for a commercial structure or shall be by means of a connection to a frost free hydrant equipped with appropriate backflow protection. Sanitary drainage shall be by means of an approved holding tank or a connection to the public sewer system compliant with all applicable regulations. Electrical connections shall be by means of a temporary service equipped with proper grounding and ground fault protection or by means of a permanent service compliant with all applicable codes. Parking must be on an approved surface with appropriate drive approaches.

Article 12. Moving of Buildings.

Section 5-120. Permits.

It shall be unlawful for any person to move any building or structure along or across any street, road, public ground or thoroughfare within the City without first filing an application for and obtaining a permit so to do. After the City Manager has approved the application, the City Clerk may issue the permit, subject to the provisions of this article. A permit issued under this article shall state the time when it is contemplated that the moving will terminate. The fee for such a permit shall be as set in this Chapter.

Section 5-121. Route.

No permit for the moving of any building or structure shall be issued until the route to be taken in such moving and the time when such structure shall start moving on the street or public ground have been approved in writing by the Chief of Police and proper arrangements made with the Chief of Police to

provide a police escort for the purpose of regulating traffic along the route to be followed, if same is determined necessary by the Chief of Police. The Chief of Police shall have authority to refuse to approve the proposed route for the moving of a building or structure if, in his judgment, the moving would cause irreparable damage to trees or shrubbery, or until written permission of the utility company has been obtained if it is necessary to change the height of any overhead utility wire to allow the passage of the structure, or until written permission is obtained from the city manager when it is necessary to change the height of the wires used in connection with overhead electric signal lights in order to move the structure.

Section 5-122. Travel.

No permit shall be issued under this article unless the moving wheels upon the structure to be moved are surrounded with pneumatic tires and unless the wheels travel upon that portion of the street between curb and curb. All moves authorized by a permit issued under this article shall continue with diligence in a good and workmanlike manner from the time they are started until time of completion, except when due to matters beyond the control of the mover.

Section 5-123. Safety.

In the event that it is necessary to leave a structure being moved on the street or public land or any part thereof, due to mechanical failures or otherwise, the same shall at all times be attended by a watchman, who shall signal with a red flag to oncoming traffic, and during the hours of twilight or darkness, the watchman shall also signal with an electric light. In addition, suitable flares shall be placed on either side of the structure for a distance of seventy-five (75) feet.

Section 5-124 to 5-129. Reserved.

Article 13. Occupancy.

Section 5-130. Housing Inspection Program.

In order to protect the safety and well-being of city residents, a Housing Inspection Program is hereby created. Implementation of this program will be at the discretion of the City Manager or his designee, provided that the following elements are included in the implementation:

- a) All one and two family dwellings within the city will be subject to inspection at the following times:
 - a. each time the primary occupant of the dwelling changes;
 - b. after a property has been vacant for a period of time exceeding one hundred and eighty (180) days;

- c. after utility service to the dwelling is terminated for non-payment or for other reasons as provided for by city code and the utility account is closed;
 - d. when application is made for reoccupancy after a structure is condemned under the provisions of adopted codes, provided that the Building Official may also require additional or more detailed inspections before reoccupancy is approved.
- b) Pursuant to the city's adopted codes, each dwelling will require a valid Certificate of Occupancy before the dwelling is occupied and city utility services are initiated.
 - c) Application for a Certificate of Occupancy may be made by the property owner or his designee, or may be made by a potential tenant with endorsement by the property owner or his designee.
 - d) Application for a Certificate of Occupancy will necessitate an inspection under this program.
 - e) Inspections will be conducted by city personnel, as designated by the City Manager, under the supervision of the Building Official.
 - f) Inspections performed as part of this program will be conducted according to an established inspection checklist approved by the City Manager or his designee and based on the city's adopted codes. In the case of a newly constructed or remodeled dwelling, or of a dwelling that was recently inspected by the Building Official, the required inspection may be abbreviated as appropriate.
 - g) In the event a property is found not to be compliant with the city's adopted codes, notice of the violations shall be given to the property owner along with a deadline for corrections to be made;
 - h) Dwellings found to be in such a condition as to be dangerous or unsafe will be referred to the Building Official for further inspection and enforcement action, up to and including condemnation and demolition as provided for by the city's adopted codes.
 - i) The application fee for a Certificate of Occupancy shall be forty (40) dollars. In the event violations are found, there shall be no charge for the first reinspection. The fee for subsequent reinspections shall be one hundred (100) dollars per reinspection, provided that the fee may be waived by the City Manager in the event significant progress is being made toward compliance.
 - j) The City Manager or his designee shall establish a mechanism ("pre-clearance") by which property owners or their designees can apply for a Certificate of Occupancy in anticipation of future occupancy. This "pre-clearance" shall be valid until the structure is occupied, provided that the period of vacancy after the Certificate of Occupancy is issued does not exceed one hundred and eighty (180) days.

- k) Violations arising out of this program will be addressed pursuant to the provisions of this chapter.
- l) Appeals of decisions of the Building Official or his designee arising out of this program will be addressed pursuant to the provisions of this chapter.

Section 5-131. Multifamily occupancy.
Reserved.

Section 5-132. Nonresidential occupancy.
Occupancy of commercial and industrial structures and portions thereof shall be governed by applicable codes. A valid Certificate of Occupancy is required before such a structure or portion thereof may be occupied, unless temporary approval has been granted by the Building Official. A new Certificate of Occupancy shall be required each time a change in occupancy or occupant changes or when the use of the structure or portion thereof is changed or an additional use is added or after a cessation of business activities or vacancy for a period exceeding ninety (90) days.

Section 5-133. Initiation or continuation of utility services.
It shall be unlawful for any utility to initiate or continue services to a structure lacking a valid Certificate of Occupancy, provided that the Building Official may authorize provision of utility services, either on a temporary or ongoing basis, to a structure undergoing construction under a valid permit. Utility service to a vacant structure need not be discontinued unless ordered so by the Building Official due to a violation of the city's adopted codes or existence of an unsafe condition, but a new Certificate of Occupancy will be required before the structure is reoccupied, subject to the provisions of this chapter.

Section 5-133. Condemnation for occupancy.
When conditions warrant, the Building Official may declare a structure (or portion thereof) to be Condemned for Occupancy and order it to be vacated and secured as provided for in the adopted codes. It shall be unlawful for any person to enter a structure that is Condemned for Occupancy for any reason without the written permission of the Building Official. The determination that a structure should be Condemned for Occupancy is made in the sole discretion of the Building Official and is based on the criteria set forth in the applicable adopted code. This determination relates only to the lawful entry into and occupancy of a structure or portion thereof and has relation neither to the concept of condemnation as used in the context of acquisition of property nor to the process by which a municipality can take action to clear and remove a dilapidated structure that is set forth by state statute. Condemnation for Occupancy can be administratively withdrawn in the sole discretion of the Building Official at any

time, provided that such withdrawal serves to further compliance with the provisions of this Chapter.

Section 5-134. Reoccupancy after condemnation.

The owner of a structure that has been Condemned for Occupancy seeking to remove that condemnation shall file an application for reoccupancy and pay the reoccupancy fee set forth in this Chapter. Once the application has been received, a reoccupancy inspection will be scheduled and a correction notice generated by the Building Official. Depending on the condition of the structure, multiple inspections may be required and corrections may be issued in phases. The correction notice may include permission to enter the structure for the purpose of completing corrections and may restrict time and nature of entry into the structure and may include authorization for construction utility services. Reoccupancy will not be approved until the structure is compliant with applicable codes, however, the Building Official may grant provisional or temporary occupancy once repairs have been substantially completed.

In the event a structure is Condemned for Occupancy solely for lack of required utilities, facilities or appliances, the Building Official may waive the requirement for a reoccupancy inspection upon submission of proof that the defect preventing lawful occupancy has been cured. In this case, a reduced Reoccupancy Fee will apply as set forth in this Chapter.

Obtaining a reoccupancy inspection does not remove the requirement to obtain any necessary permits and inspections as required by the provisions of this Chapter.

Section 5-135 to 5-139. Reserved.

Article 14. Supplemental Regulations.

Section 5-140. Additional minimum standards for residential dwellings.

No person or other entity shall construct, remodel or move any building or structure, or portion thereof to be used as a residential dwelling unless such residential dwelling specifically conforms to the following basic standards, provided that these standards shall only apply to remodeled structures or portions thereof when the cost of the improvement exceeds fifty (50) percent of the value of the existing structure:

- (a) Each residential dwelling structure shall have all exterior wall areas, excluding gables, eaves, doors and windows, constructed of or covered with brick, stone, or masonry material, pursuant to the following guidelines:

- (1) Quality of material and installation of brick, stone, or masonry material must be to a standard commonly accepted as good workmanship, as determined by the building official.
 - (2) Color, texture, pattern, and appearance of brick, stone, or masonry material must be natural and consistent with commonly accepted design principles.
- (b) For multiple-level construction, a minimum of one thousand (1,000) square feet of living area is required on the first-floor level, and a single-story residence shall have a minimum of one thousand (1,000) square feet.
 - (c) Each residential dwelling structure shall have a minimum of 5/12 roof pitch and a maximum 12/12 roof pitch.
 - (d) Each residential dwelling structure is required to have an attached garage and a minimum of a sixteen-foot wide driveway. A garage attached by common roof is considered an attached garage.
 - (e) An existing residential structure and any factory-manufactured residential structure shall comply with the requirements above and shall have approval of the city council before being placed upon any lot in Del City. The residential structures listed in this paragraph may be placed on lots which are designated in the R-MH-1, mobile home subdivision zoning district and the R-MH-2, mobile home park zoning district without City Council approval.

Section 5-141. Standards for non-residential building exteriors.

Each non-residential structure within the city shall have a minimum of seventy (70) percent of the exterior wall area, excluding gables, eaves, windows, and doors, constructed of or covered with brick, stone, or masonry material, pursuant to the following guidelines:

- (a) Quality of material and installation of brick, stone, or masonry material must be to a standard commonly accepted as good workmanship, as determined by the building official.
- (b) Color, texture, pattern, and appearance of brick, stone, or masonry material must be natural and consistent with commonly accepted design principles.
- (c) Synthetic masonry-like materials may be substituted for a portion of the required masonry material, provided that such a substitution have no detrimental effect on the overall aesthetic appeal of the structure. In no case may such synthetic materials comprise more than fifty (50) percent of the required covering under this section.
- (d) The requirements of this section shall not apply to the following structures:
 - (1) Existing structures, unless they are improved such that the cost of improvement exceeds fifty (50) percent of the value of the existing structure.

- (2) Additions to existing structures, unless the total enclosed area of the addition exceeds fifty (50) percent of the total enclosed area of the existing structure or unless the cost of the addition exceeds fifty (50) percent of the value of the existing structure, in which case these regulations will apply to the entire structure.
- (3) Structures built for industrial uses that are located north of N.E. 4th Street.
- (4) Structures built by the City of Del City, the Del City Municipal Services Authority, or any other public entity or utility so long as those structures serve a purpose related to the provision of utility services.

Section 5-142. Standards for buildings for secondhand businesses.

Any person desiring to establish, keep, operate, run, work at or in or otherwise maintain any business, or any place of business, which keeps, secures, sells or offers for sale any used, secondhand, junked or salvaged articles, materials, things or merchandise shall first place all of such used, secondhand, junked or salvaged articles, things, materials or merchandise within a building or other solid structure, or within a permanent enclosure, and shall at all times keep and maintain the same so enclosed in such a manner that none of it is visible to persons passing by on the street, highway or alley, or to persons upon other property. All such buildings, structures and enclosures shall fully comply with the building code and other ordinances of the city and the general laws of the State of Oklahoma.

Section 5-143. Wind-energy conversion systems.

Wind-energy conversion systems are not permitted except by application to the Board of Adjustment in the form of a variance. Applicants will be required to provide proof that the proposed structure will have no impact on aviation or avigation and will not violation any federal or state regulations related to airport environs. Wind-energy conversion systems will be considered engineered structures and that applicant must provide an engineer's analysis showing compliance with all applicable regulations and industry standards. Noise levels produced by such systems may not exceed fifty-five (55) decibels.

The permit fee for a wind-energy conversion system is set forth in this chapter and is in addition to the cost of review by an outside engineer chosen by the Building Official, with that cost paid directly by the applicant.

Section 5-144. Mold and moisture damage remediation.

No person or entity shall repair or cause to be repaired any structure or portion thereof infested or impregnated by mold or otherwise damaged by long-term or repeated exposure to moisture such that structural or finish materials (including but not limited to studs, joists, top/bottom plates, headers, rafters, gypsum

board, plaster, roofing materials, carpet, plywood and/or compressed fiber board) have become damaged or deteriorated, unless the person or entity first obtains a mold and moisture damage remediation permit from the City.

- (a) When making application for a mold and moisture damage remediation permit, the applicant must provide a Mold and Moisture Damage Remediation Plan ("Plan"). The Plan must be prepared and sealed by a registered professional engineer ("supervising engineer") qualified to determine the repairs necessary to ensure that a structure will be made safe for human habitation or occupancy, both in terms of structural integrity and environmental safety. The Plan must provide that the supervising engineer will oversee and inspect construction activities to ensure compliance with the requirements of the Plan. The Plan must provide detailed cost estimates for all remediation activities. The Plan must include an analysis of the causes for mold and/or moisture damage and must provide detailed measures to address these causes. All aspects of the Plan must conform to the provisions of the City's adopted codes and other ordinances, including those related to flood damage prevention.
- (b) The fee for a mold and moisture damage remediation permit shall be one-hundred (100) dollars. A mold and moisture damage remediation permit shall be valid for a period of one hundred and eighty (180) days, unless the period of validity is reduced by the Building Official or designee at the time of issuance.
- (c) The Building Official may revoke a mold and moisture damage remediation permit upon observation of any of the following circumstances:
 - i. Covering or destruction of pre-remediation or remediated conditions without obtaining a required inspection.
 - ii. Cessation of construction activities for a period exceeding thirty (30) days.
 - iii. Failure to observe proper safety procedures, including but not limited to failure to utilize personal protection equipment or failure to secure the jobsite against unauthorized entry.
- (d) A permit may be obtained for an entire structure or for an individual dwelling unit or partitioned space, provided that:
 - i. Should a permit be obtained for an entire structure, all dwelling units or partitioned spaces within that structure must be vacated until remediation and any other associated construction is complete and certified and reoccupancy is granted.
- (e) During the construction process, the applicant must provide access to the jobsite to the City's Building Official or designee. City inspections must be made at the following stages, before any work is allowed to progress:
 - i. Before any construction or demolition activities.

- ii. After removal of finish materials (e.g., gypsum board or plaster).
 - iii. After repairs to correct causes of mold or moisture damage.
 - iv. After repair of structural members.
 - v. After installation of finish materials.
 - vi. At any other time as directed by the Building Inspector or his designee. Should a condition exist such that a reinspection is necessary, a reinspection fee shall be charged in accordance with the provisions of this Chapter.
- (f) Before a mold and moisture damage permit is closed and a structure or portion thereof is allowed to be reoccupied, the supervising engineer must submit a certificate of completion indicating that the mold and/or moisture damage has been remediated and that the structure, or portion thereof, is structurally sound and safe for reoccupancy. This certification must accompany an application for reoccupancy, which must be approved by the Building Official before the structure, or portion thereof, is reoccupied.
- (g) Before granting a reoccupancy application, the Building Official will ensure that any repairs necessary to cause the structure or portion thereof to comply with life-safety and property maintenance provisions of the City's adopted codes and other regulations are completed and any required permits and inspections related to these repairs are obtained.
- (h) Violations of these regulations related to mold and moisture damage remediation shall be addressed as provided for in this Chapter. Appeals related to these regulations shall be addressed as provided for in this Chapter.
- (i) Nothing contained within these regulations related to mold and moisture damage remediation shall prevent the City from exercising its powers to abate a public nuisance, remove a dilapidated structure, condemn a structure pursuant to adopted codes, or take any other action pursuant to other provisions of this Code of Ordinances.

Article 15. Construction Licensing.

Section 5-150. In general.

It shall be a violation for any person to perform electrical, mechanical, plumbing, fencing, concrete, storm shelter or residential contracting work without a city license or registration. This requirement does not apply to work done by or for any telephone, telegraph or other communication company.

Section 5-151. Permit to be issued to licensed contractor.

When work is to be performed by a licensed contractor, the permit for this work must be applied for by and issued to the licensed contractor. Nothing contained in this section shall prevent a contractor's agent or employee from making

application for a permit or from accepting delivery of an issued permit, however, a property owner, property manager or occupant shall not serve as agent of a contractor for these purposes.

Section 5-152. Exception for residential construction by owner-occupants.

In accordance with longstanding practice, the Building Official may approve issuance of a permit to an owner-occupant of a single-family residential structure for work normally required to be undertaken by a licensed contractor. Such issuance shall only be considered after demonstration of the owner-occupant's ability to complete all work in a workmanlike manner and within a reasonable period of time. Such issuance shall be in the sole and exclusive discretion of the Building Official. In the event that work undertaken by an owner-occupant is unable to be approved, the Building Official shall require the use of a licensed contractor to complete the work.

Section 5-153. Registration of residential contractors.

Residential contractors shall be registered with the Building Official before obtaining a residential building permit. Registration shall be subject to the approval of the Building Official and a Certificate of Registration shall not be issued until the contractor has provided proof of general liability insurance coverage in the amount required by the State of Oklahoma for licensed contractors and proof of workers compensation insurance coverage or exemption thereof.

Registrations shall be valid for up to one year and shall expire on June 30 of each year.

Registrations may be suspended or revoked by the Building Official for the same reasons and in the same manner as for contractor licenses as provided for in this chapter.

A residential building permit shall not be issued to a person other than a registered residential contractor who has provided evidence of general liability and workers compensation insurance coverage or exemption as required in this article, unless the person seeking the permit is the owner and occupant of the residential structure and is personally completing the work.

For the purposes of this provision, a residential building permit shall refer to any permit for new construction, renovation, reconstruction, remodeling or addition to any one- or two-family structure, specifically excluding carports, patio covers, storage buildings, accessory buildings, pools and/or fences but including attached garages. Nothing contained within this section shall serve to supersede

or lessen the application of any provisions related to residential construction set forth within the city's adopted building codes.

The fee for residential contractor initial registration and renewal shall be the lesser of the city licensing fees for electrical, mechanical and/or plumbing contractors. Fees shall not be pro-rated for registrations issued throughout the year.

Conducting work that requires a residential building permit without having registered as a residential contractor, except for owner/occupants who are actually completing the work, is a violation.

Section 5-154. License fees.

License fees for all construction licenses are set forth in this Chapter. License fees shall not be prorated.

Section 5-155. Plumbing, mechanical and electrical licenses.

Plumbing, mechanical and electrical licenses are subject to the following provisions:

- (a) It shall be unlawful for any person to engage in the business, trade or occupation of a plumbing, mechanical or electrical contractor or journeyman without holding a current license to do so, issued by the City.
- (b) It shall be unlawful for any person, including a licensed contractor, to employ any person to do any work for which a license is required by this section, or to permit any person in his employ to do such work, unless such employee is so licensed.
- (c) No corporation, partnership or business trust shall engage in the business of plumbing, mechanical or electrical contracting within the city, unless such corporation, partnership or business trust has, as an officer of the corporation or a member of the firm, a person who holds a contractor's license under this article. The name and address of such licensed contractor and the name and address of the corporation, partnership or business trust shall be certified by the latter and registered in the office of the building inspector. If the contractor associated with any partnership, firm or corporation under the provisions of subsection (b) resigns, withdraws from or is discharged from such partnership, firm or corporation, then such partnership, firm or corporation shall not engage in business for a longer period than ten (10) days without compliance with subsection (b).
- (d) Every applicant for a contractor's license under this article shall file with the Building Official a good and sufficient corporate surety bond, in the sum of five thousand dollars (\$5,000.00), in favor of the city. The conditions of such bond shall be that the principal shall save the city

harmless from any and all damage resulting from, or in any way growing out of, or any injury received by any person on account of, negligence or unskilled workmanship on the part of the principal, his agents or employees, and also that such principal will comply with and abide by all ordinances of the city, and rules and regulations made thereunder, relating to matters governed by this chapter. Such bond shall be maintained in full force and effect throughout the term of the license and must provide for at least a thirty (30) day cancellation notice. No license shall be issued or renewed unless this bond is in full force and effect.

- (e) Each applicant for a contractor's license under this article shall file with the Building Official a Certificate of Insurance for public liability and property damage. Such insurance shall indemnify the city, as its interest may appear, and the public in the amount of not less than \$50,000 for general liability arising out of work to be performed under the license. Such insurance shall be maintained in full force and effect throughout the term of the license, and no license shall be issued or renewed unless it is in full force and effect. The City shall be listed as the Certificate holder and shall be given notice before the policy's lapse, cancellation or non-renewal.
- (f) Licenses are obtained by making written application to the Building Official. The applicant must hold a valid state license, if required. The Building Official may require supporting documentation to demonstrate an applicant's fitness for licensure. Once these requirements are satisfied, the appropriate class of license will be issued.
- (g) Apprentices may perform work on a job site, provided that they are directly supervised by a contractor or journeyman. Apprentices must register with the building official. No more than two (2) apprentices may be supervised by one (1) contractor or journeyman at one time.

Section 5-156. Fence contractor licenses.

Fence contractor licenses are subject to the following provisions:

- (a) No person shall engage in the business of installing, repairing or altering fences within the city, unless he has a current fence contractor's license issued in accord with this division. Employees of a duly licensed fence contractor shall not be required to obtain such license in order to engage in the work of installing, constructing, erecting, repairing or servicing fences in the regular course of such employment.
- (b) No partnership, firm or corporation shall engage in the business of a fence contracting, unless a partner, officer or employee thereof is licensed in accord with this section. If such licensed person ceases, for any reason, to be employed by or associated with such partnership, firm or corporation, it shall not engage in the fence contracting business for a longer period than ten (10) days without complying with this section.

- (c) Written application for a license required by this section shall be filed with the Building Official. Such application shall be made on forms supplied and information furnished thereon shall include: name of applicant; address of applicant; number of years of experience in the fence business; and any other information deemed necessary to determine qualification for licensure.
- (d) No license shall be issued under this section, unless the applicant therefor is regularly engaged in the fence business and duly qualified, as determined by the building inspector.
- (e) No fence contractor's license shall be issued or renewed until the applicant therefor shall have deposited with the Building Official a surety bond in the sum of five thousand dollars (\$5,000.00), to be known as the fence contractor's bond. Such bond shall be executed by the fence contractor, and the surety thereon shall be a corporate surety company authorized to do business in this state. The bond shall be payable to the city and, as a condition, shall state that the fence contractor shall faithfully and properly conduct his business in compliance with all the ordinances of the city relating to fences and fence contractors, shall pay all fines and penalties imposed for the violation of such ordinances and shall protect and indemnify the city against all damages resulting directly or indirectly from any injury of persons or property on account of the negligence or unskilled work of the fence contractor or his employees. No person shall engage in the business of fence contracting unless a bond, as provided in this section, is on file with the city clerk and in full force.

Section 5-157. Safe room contractor licenses.

Safe room contractor licenses are subject to the following provisions:

- (a) No person shall engage in the business of installing, repairing or altering safe rooms within the city, unless he has a current safe room contractor's license issued in accord with this division. Employees of a duly licensed safe room contractor shall not be required to obtain such license in order to engage in the work of installing, constructing, erecting, repairing or servicing fences in the regular course of such employment.
- (b) No partnership, firm or corporation shall engage in the business of a safe room contracting, unless a partner, officer or employee thereof is licensed in accord with this section. If such licensed person ceases, for any reason, to be employed by or associated with such partnership, firm or corporation, it shall not engage in the fence contracting business for a longer period than ten (10) days without complying with this section.
- (c) Written application for a license required by this section shall be filed with the Building Official. Such application shall be made on forms supplied and information furnished thereon shall include: name of applicant; address of applicant; number of years of experience in the safe room

business; and any other information deemed necessary to determine qualification for licensure.

- (d) No license shall be issued under this section, unless the applicant therefor is regularly engaged in the safe room business and duly qualified, as determined by the Building Official.
- (e) No safe room contractor's license shall be issued or renewed until the applicant therefor shall have deposited with the Building Official a surety bond in the sum of five thousand dollars (\$5,000.00), to be known as the safe room contractor's bond. Such bond shall be executed by the safe room contractor, and the surety thereon shall be a corporate surety company authorized to do business in this state. The bond shall be payable to the city and, as a condition, shall state that the fence contractor shall faithfully and properly conduct his business in compliance with all the ordinances of the city relating to fences and fence contractors, shall pay all fines and penalties imposed for the violation of such ordinances and shall protect and indemnify the city against all damages resulting directly or indirectly from any injury of persons or property on account of the negligence or unskilled work of the safe room contractor or his employees. No person shall engage in the business of safe room contracting unless a bond, as provided in this section, is on file with the city clerk and in full force.

Section 5-158. Transfer, expiration and renewal.

Licenses issued under this article shall expire on June 30 of each year. Licenses that have been active within one (1) year may be renewed by paying the renewal fee and providing proof of state licensure, if required. Licenses lapsed for more than one (1) year will require a new application and initial fee. No license issued under this article shall be assigned or transferred to another person.

Section 5-159. Suspension and revocation.

In cases of gross misconduct, habitual noncompliance, or clear incompetence, the Building Official may suspend or revoke any license issued under this article. Suspensions bar a license holder from working within the city for a certain period of time, not to exceed one (1) year. Revocations bar a license holder from working within the city for an indefinite period of time, although an applicant may petition for the ability to reapply after a period of two (2) years has elapsed.

Article 16. Enforcement

Section 5-160. Violations.

Failure to comply with a provision of an adopted code or a regulation contained in this chapter, whether by action or omission, is a violation. Failure to comply with a notice or order issued pursuant to this ordinance is a separate violation. Each day a violation is allowed to persist is a new violation.

Any violation shall be considered a public nuisance subject to abatement consistent with the provisions of this chapter.

Section 5-161. Responsibility.

The existence of any violation of the codes and regulations adopted by this chapter shall be the joint responsibility of the owner, property manager, and occupant of a property. In the event a violation is caused by the occupant of a property without knowledge of the owner or property manager, the owner or property manager shall be held responsible only after having received notice of the violation, providing that the owner or property manager can provide proof that the property has been regularly inspected at least twice per year.

Section 5-162. Penalty.

The penalty for each violation of a provision of this chapter or any provision of an adopted code shall be a fine or deferral fee in lieu of fine not to exceed seven hundred fifty dollars (\$750.00) and/or imprisonment for a period not to exceed sixty (60) days, plus applicable costs.

Section 5-163. Abatement of violations.

The building official may act to abate a nuisance created by violation of a provision contained within this article. A minimum of ten (10) days written notice shall be given by mail and posting on the property, after which the violation may be abated by city employees or a private contractor. After assessment of the abatement costs by the city council, the actual costs of the abatement plus a fee representative of administrative costs shall be charged to the owner and, if not paid, shall become an assessment against the property having been abated. In the event that the same violation reoccurs within six (6) months, it may be abated with no further notice required. Unpaid abatement costs are grounds for immediate termination of city utility service and termination of any certificates of occupancy for the affected property.

Section 5-164. Emergency measures.

If any violation has the potential to cause imminent harm to any person or property, the building official may cause the violation to be abated immediately and by any means available. As soon as is practicable following the abatement action, notice of the abatement shall be given to the owner of the property. Procedures for assessment of costs and reabatement shall be as specified in this Chapter.

Section 5-165. Remedies not exclusive.

The remedies contained within this chapter are not exclusive and do not serve to impair the City's ability to prosecute violations or take action as authorized by any other state statute, city ordinance or adopted code.

Section 5-166. Penalty fee.

Any person who commences any work requiring a permit before obtaining such a permit shall be subject to a penalty fee equal to two times the actual permit fee, in addition to the require permit fee. The Building Official may waive or reduce the penalty fee if the error was made in good faith and was not habitual or fraudulent in nature.

Section 5-167. Reinspection fees.

When any requested or required inspection is not approved due to inadequate, incomplete, faulty or non-workmanlike work or due to the inspector being unable to access the work subject to inspection or due to the appointment not being kept, a reinspection fee may be assessed. The amount of this fee and any subsequent reinspection fees shall be set forth in this Chapter. The Building Official need not assess a reinspection fee in the event of an error or omission made in good faith. The Building Official may suspend assessment of a reinspection fee with the understanding that it will be assessed should any additional reinspection fees become necessary. All reinspection fees shall be documented on the inspection report.

Section 5-168 to 5-169. Reserved.

Article 17. Appeals and Variances.

Section 5-170. Designation of body to hear appeals and variances.

The Del City Board of Adjustment is hereby designated as the body authorized to hear appeals and variances. The Board shall hear testimony and review evidence necessary to make a decision. The Board shall have the power to subpoena witnesses and evidence. Failure of the applicant for appeal or variance to provide evidence or testimony requested by the Board, including detailed technical data, may be grounds for denial of the appeal or variance.

The Board of Adjustment shall designate an administrative officer to process applications for appeals and variances. This administrative officer shall ensure that applications are complete before being put forward to the Board for consideration. The administrative officer, after consultation with the Chair of the Board or at the Board's standing direction, may require submission of additional documentation or technical information before a case is put forward to the Board for hearing. The administrative officer shall carry out all directives of the Board,

including scheduling of hearings, publication and mailing of notices, issuance of subpoenas and delivery of final orders.

Section 5-171. Notice of appeal and stay of enforcement.

An aggrieved party (applicant) shall file notice of appeal with the Building Official within five (5) days of the issuance or communication of the order, decision or determination being appealed. This notice shall specifically state the order, decision or determination being appealed and the relief being requested. The notice of appeal shall be accompanied by the appeal filing fee, which is set forth in this Chapter.

The filing of a notice of appeal shall result in an automatic stay of enforcement proceedings until either the appeal is decided or the applicant fails to proceed with the appeal in a timely manner. If, in the opinion of the Building Official, such a stay has the potential to cause imminent harm to any person or property, the Building Official shall transmit a statement of imminent harm to the Chair of the Board of Adjustment. The administrative officer shall cause the statement of imminent harm to be mailed to the applicant and posted on the affected property, following which the automatic stay shall be immediately lifted. The applicant may respond within five (5) days to the statement of imminent harm by requesting that the Board hold a hearing to determine whether a stay of enforcement shall be granted and to what extent it shall apply; such a hearing shall be held as soon as practicable and, barring extraordinary circumstances, within five (5) days from the date requested.

Section 5-172. Application for appeals and variances.

The administrative officer shall create and publish application forms for appeals and variances related to the provisions of this Chapter and may determine what supplemental documentation is required to be submitted along with the application.

Application for appeal must be filed within ten (10) days of filing a notice of appeal. If all required documentation cannot be gathered within ten (10) days, the incomplete application must be submitted along with a statement indicating the expected filing date for the complete application. The administrative officer will review this information and may set a reasonable time for submission of the complete application.

Applications for variance may be filed at any time. Variance applications shall be accompanied by an application fee as set forth in this chapter. Applicants are encouraged to communicate with the Building Official and administrative officer prior to application submission to determine the supplemental documentation that will be required in order to complete the application. Variance applications

must specifically list the code section(s) or regulation(s) to be varied and the specific relief being sought. A variance application may seek relief related to multiple code sections or regulations appearing in this Chapter but may not seek relief from regulations found elsewhere in this Code of Ordinances or in the Planning and Zoning Ordinance, which have separate procedures for variances.

The administrative officer shall review all applications for completeness and to determine whether additional information will be required before the application can be set for hearing before the Board. The administrative officer may set reasonable time for submission of this required documentation.

Failure to submit a complete application or respond to a request for additional information within the set time period is grounds for rejection of the application and closure of the case.

Section 5-173. Appeals.

An application for appeal shall be based on a claim that the true intent of the regulations contained within this Chapter or within one of the adopted codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or, in the case of a question regarding construction practices regulated by an adopted code, that an equally good or better form of construction has been proposed and was not approved by the building official. The Board shall have no authority to waive requirements contained in this Chapter or the adopted codes.

Section 5-174. Variances.

In no case shall a variance be granted that would allow building or other development that is unsafe or nonworkmanlike in nature or that would cause injury or adverse impact to any property within the City.

Variances shall only be granted upon the Board making a determination that all of the following criteria have been met:

- a) Application of the regulation(s) in question would create a hardship that can only be resolved by granting the requested variance;
- b) The hardship is not the result of actions of the property owner or applicant;
- c) The hardship is not solely financial in nature;
- d) The relief requested is the minimum necessary to alleviate the hardship;
- e) Granting the requested relieve will not be contrary to the public interest.

No variance shall be effective until an instrument, to be effective in perpetuity and to run with the land, has been filed with the County Clerk stating that a

variance has been issued for development on the property and that improvements to the property may not comply with the City's effective regulations or adopted codes and indemnifying and holding harmless the City against and for any and all claims relating to damages arising to or from the development for which the variance was granted. The Board shall review a draft of this instrument before taking final action on a variance application.

Section 5-175. Board action.

The Board shall have the power to approve, approve with modifications or conditions, or deny all applications for appeals and variances arising out of this Chapter. The Board shall have broad discretion to require mitigation measures be taken by any applicant in the event a variance or appeal is approved. The Board shall be empowered to require a performance bond to secure completion of a project proceeding under a variance or appeal.

The concurring vote of at least three (3) members of the Board shall be required in order to approve an application for variance or appeal.

For any permit issued based on a variance or appeal, the Chair of the Board of Adjustment shall sign as issuing authority in place of the Building Official.

Section 5-176 to 5-179. Reserved.

Article 18. Fee Schedule

Section 5-170. Applicability.

This fee schedule sets forth the fees to be collected for the indicated work. This fee schedule applies to fees contained within this Chapter and any other Chapter this specifically references this fee schedule.

Section 5-171. Fees not listed.

In the event that a fee is required by a provision of this Chapter, a Chapter referencing this fee schedule, or an adopted code but the fee is not listed in this schedule, an appropriate fee shall be determined by the Building Official by using the most applicable listed fee as a guide. Should a dispute arise over this fee the City Manager will have final authority to set an appropriate fee for the work in question.

Section 5-172. Tiered fees for standard work.

The permit fee for plumbing, mechanical and electrical installations shall be tiered according to the complexity of the work being completed. The tiers shall be as follows:

- 1) Minor work associated with existing construction, up to and including a minor remodel (total project costs less than \$20,000, residential and non-residential).
- 2) Significant work associated existing construction, up to and including a complete residential remodel or a significant nonresidential remodel (total project cost less than \$50,000).
- 3) Significant work associated with new construction, including all new residential construction and smaller new non-residential construction (total project value less than \$100,000) or work associated with a complete nonresidential remodel.
- 4) Work in new non-residential construction with total project value exceeding \$100,000.

Section 5-174. Discretion to reduce or waive fees.

The City Manager, after making a determination that such action is in the best interest of the City, shall have authority to reduce or waive any fee listed herein.

Section 5-174. Fee schedule.

<u>Commercial Development Permits</u>		
Commercial Building	\$5.00 per \$1000 value	\$100 min
Industrial Building	\$5.00 per \$1000 value	\$250 min
Multifamily Building	\$5.00 per \$1000 value	\$500 min
Demolition	\$50 per structure	
Moving a Building	\$50 per structure	S
Fence	\$50	
Safe Room	\$25	
Pool or Spa (Public)	\$500	
Temporary Structure	\$50	
Radio Tower (Accessory)		
<u>Residential (One and Two Family) Development Permits</u>		
Residential Building	\$3.00 per \$1000 value	\$50 min
Demolition	\$50 per structure	
Moving a Building	\$50 per structure	S
Storage Building (Large)	\$50	
Storage Building (Small)	\$25	
Carport	\$20	
Patio Cover	\$20	

Patio Slab	\$15	
Deck	\$15	
Fence	\$10	
Safe Room	\$10	
Pool or Spa	\$50	
Wind Energy Conversion System	\$100	E
Radio Tower (Accessory)	\$50	
Temporary Structure	\$50	
<u>Plumbing Permits</u>		
Level 1 Installation or Replacement	\$20	
Level 2 Installation or Replacement	\$30	
Level 3 Installation or Replacement	\$50	
Level 4 Installation or Replacement	\$100	
Annual Permit for Facility Maintenance	\$500	
Hot Water Heater	\$25	
Water Service	\$25	
Sewer Service	\$25	
Private Sewage Disposal System, New	\$250	E
Private Sewage Disposal System, Repairs	\$50	E
FOG Separator/Interceptor/Trap	\$50	
Gas Meter Reset	\$20	
Fire Line	\$50	
Geothermal System (Hydronic)	\$100	E
Solar Energy System (Hydronic)	\$100	
CNG Charging System (Residential)	\$50	
CNG Charging System (Commercial)	\$100	
Irrigation System	\$25	
<u>Mechanical Permits</u>		
Level 1 Installation or Replacement	\$20	
Level 2 Installation or Replacement	\$30	
Level 3 Installation or Replacement	\$50	
Level 4 Installation or Replacement	\$100	
Annual Permit for Facility Maintenance	\$500	
Residential Furnaces	\$15	
Residential Air Conditioners	\$15	
Residential Package Units	\$20	
Commercial Furnaces	\$20	
Commercial Air Conditioners (under 5 ton)	\$20	
Commercial Air Conditioners (over 5 ton)	\$30	

Commercial Package Units	\$30	
Commercial Refrigeration Units	\$50	
Commercial Kitchen Ductwork	\$100	
Gas Meter Reset	\$20	
Construction Heat	\$50	
Other Gas Appliances	\$15	
<u>Electrical Permits</u>		
Level 1 Installation or Replacement	\$20	
Level 2 Installation or Replacement	\$30	
Level 3 Installation or Replacement	\$50	
Level 4 Installation or Replacement	\$100	
Annual Permit for Facility Maintenance	\$100	
Services (100 amp and below)	\$50	
Services (100 amp to 200 amp)	\$75	
Services (above 200 amp)	\$100	E
Motors (over 20 hp)	\$20	
Generators (up to 30kw)	\$50	
Generators (above 30kw)	\$200	
Transfer Switches	\$50	
Electric Meter Reset	\$20	
Temporary Pole	\$25	
Solar Energy System (Electric)	\$100	
Electric Vehicle Charging System	\$50	
<u>Fire Permits</u>		
Automatic Fire Supression Systems	\$100	F
Fire Alarm System	\$50	F
<u>Fire Licenses (annual unless noted)</u>		
Aerosol Products	\$25	
Amusement Buildings	\$25	
Aviation Facilities	\$25	
Carnivals and Fairs (per event)	\$25	
Battery Systems	\$25	
Cellulose Nitrate Film	\$25	
Combustible Dust Production	\$25	
Combustible Fibers	\$25	
Compressed Gasses	\$25	
Covered Mall Buildings	\$25	
Cryogenic Fluids	\$25	

Exhibits and Trade Shows (per event)	\$25	
Explosives	\$25	
Private Fire Hydrants (each)	\$100	
Fruit and Crop Ripening	\$25	
Hazardous Materials	\$25	
Hazardous Materials Production	\$25	
High Piled Storage	\$25	
Hot Works Operations	\$25	
Industrial Ovens	\$25	
L/G Fueled Vehicles	\$25	
L-P Gas	\$25	
Magnesium	\$25	
Misc. Combustable Storage	\$25	
Open Burning (per event)	\$10	
Pyrotechnic Material (per event)	\$25	
Rooftop Heliport	\$25	
Storage of Scrap Tires	\$25	
Tire Rebuilding Plant	\$25	
<u>Occupancy and Reoccupancy Fees</u>		
Non-Residential Occupancy (all structures other than One and Two Family Residential)	\$50	
Non-Residential Reoccupancy (after Condemnation)	\$250	
Residential Occupancy	\$40	
Residential Re-Occupancy (after Condemnation)	\$200	
Residential Re-Occupancy (after Condemnation, Reduced)	\$100	
<u>Penalty Fees</u>		
Reinspection Fee (First Reinspection)	\$100	
Reinspection Fee (Subsequent Reinspections)	\$200	
Work Before Issuance of Permit	Two times permit fee plus permit fee	
<u>Appeal and Variance Fees</u>		
Appeal of Administrative Order or Determination	\$150	
Appeal of Demolition Order	\$250	
Variance	\$150	

<u>Construction Licenses</u>		
Residential Contractor	\$200 new / \$100 renewal	
Plumbing Contractor	\$200 new / \$100 renewal	
Plumbing Journeyman	\$25	
Plumbing Apprentice	\$0	
Mechanical Contractor	\$200 new / \$100 renewal	
Mechanical Journeyman	\$25	
Mechanical Apprentice	\$0	
Electrical Contractor	\$200 new / \$100 renewal	
Electrical Journeyman	\$25	
Electrical Apprentice	\$0	
Fence Contractor	\$25	
Safe Room Contractor	\$25	
Sign Contractor*		
S - Plus cost of police escort, if required		
E - Plus cost of review by registered professional engineer, if required		
F - Plus cost of review by Fire Protection Engineer		

Section 3: REVISION OF CHAPTER 7 (FIRE PREVENTION AND PROTECTION). Chapter 7 (Fire Prevention and Protection) is amended by deleting Article III and replacing to read as follows:

Article III. Fire Prevention Code

Section 7-40. Fire code.

The document known as the 2012 International Fire Code, a copy of which is on file in the office of the Building Official, shall serve as the Fire Code of the City of Del City.

All appendices are adopted.

That code is amended as follows:

1. Section 101.1 is amended by inserting "*The City of Del City*" where indicated.
2. Section 103.1 is amended by replacing "fire code official" with "*Fire Marshal*" where indicated.
3. Section 104.6 is amended by replacing "fire code official" with "*Building Official*".

4. Section 105.6 is amended by removing the following subsections: 105.6.12, 105.6.13, 105.6.16 (#5 #6 #8 #9 #10), 105.6.18, 105.6.20, 105.5.26.
5. Section 105.6.27 is amended by replacing the section to read:
Section 105.6.27. LP-gas. An operational permit is required for:
 1. *Storage and use of LP-gas for temporary and permanent installations in commercial and residential occupancies.*
Exception: A permit is not required for individual containers with 80-gallon (288L) water capacity or less serving occupancies in Group R-3.
 2. *Reserved.*
6. Section 105.6.30 is amended by replacing the section to read:
105.6.30 Open burning. A permit is required for all fires conducted outside of a building including bonfires and recreational fires. Permits will not be issued unless the burning operation complies with air pollution authority rules.
Exceptions:
 1. *Fires kindled for the instruction of personnel in methods of firefighting.*
 2. *Small fires kindled in barbecue pit, exterior fireplace, cookout device, or other similar out-of-doors eating or cooking device when required for entertainment or necessity.**105.6.30.1 Burn Permits. Request for burn permits shall be made to the Fire Department by phone, in person, or in writing, a Fire Department representative will conduct an inspection of the proposed burn site. When site is approved, a permit will be issued to the requesting party. The permit shall not be valid until the Fire Department representative receives the appropriate fee. After receipt of the required fee, the permit shall be valid for one (1) calendar day.*
7. Section 105.6 is amended by removing the following subsections: 105.6.32, 105.6.33, 105.6.34, 105.6.45, 105.6.38, 105.6.39, 105.6.40, 105.6.42, 105.6.44, 105.6.46, 105.6.47.
8. Section 105.7.15 is deleted.
9. Section 108 and all subsections are deleted and are replaced by the general provisions regarding appeals and variances contained within Chapter 5 of this Code of Ordinances.
10. Section 109.4 and Section 109.4.1 are deleted and replaced by the general provisions regarding violations, penalties and abatement contained within Chapter 5 of this Code of Ordinances.
11. Section 111.4 is amended by replacing the section to read:
Section 111.4 Failure to comply. Any person failing to comply with a stop work order shall be guilty of a violation.
12. Section 307.4 is amended by replacing the section to read:
Section 307.4 Location. The location for open burning, bonfires, or recreational fires shall not be less than 150 feet (45.7m) from residences or

other structures. Burning shall also be no less than 1000 feet (304.8m) from any oil and gas well locations or surface equipment. A Fire Department representative, prior to issuance of a permit, shall determine surrounding clear area around burn site.

13. Section 307.4.1 is amended by replacing the section to read:

Section 307.4.1 Materials. For all fires permitted by this section, materials to be burned shall be limited to vegetative materials only. No construction materials, oils, rubbers, and other similar materials, or any other materials which produce unreasonable amounts of air contaminants, shall be burned. Care shall be used to minimize the amount of dirt on the materials being burned.

14. Section 307.4.2 is deleted.

15. Section 307.5 is amended by replacing the section to read:

307.5 Attendance. All open burning shall be constantly attended until the fire is completely extinguished. Adequate fire protection, as approved by the Fire Department, shall be provided by permittee, including but not limited to water supply, hose and nozzle, earth moving equipment, and fire extinguishers.

16. Section 311.2.2 Exception 1 is deleted.

17. Section 503.1 Exception 3 is deleted.

18. Section 503 is amended by adding Section 503.3.1 to read as follows:

503.3.1 Marking. It shall be the responsibility of the property owner, or his representative, to permanently mark all fire lanes in the manner prescribed by the Fire Marshal. Fire lane markings shall consist of: 1) curb or street horizontal markings, 2) or vertical Fire Lane signs, 3) or a combination of both. Such markings shall delineate the exact limits of the fire lane and it shall be stated within those limits "Fire Lane, No Parking". The property owner, or his representative, shall further provide signs, as required by the Fire Marshal, at least every 40 feet along all fire lanes, at a height and location which may be easily seen by the public and acceptable to the Fire Marshal. Said signs shall state "No Parking, Fire Lane, Tow Away Zone".

Exception: When determined to be impractical by the Fire Marshal, the vertical or horizontal markings may be omitted.

19. Section 506 is amended by adding Section 506.3 to read as follows:

506.3 Requirement for emergency rapid access devices.

Emergency rapid access devices are required at building entrances, gates, and other locations as determined by the Fire Marshal, to include:

Commercial and Industrial properties:

For the purpose of this section, commercial and industrial properties shall include all storage, assembly, educational, health care, detention and correctional, business, industrial and mixed occupancies which have fences, gates and related barriers presently secured by a padlock, electronically operated or automatic gates, or other control circuits limiting ingress into and egress from the property.

Gated communities:

For the purpose of this section, gated communities shall include all housing developments, apartments and townhouse complexes, and all other residential communities which have fences, gates and related barriers presently secured by a padlock, electronically operated or automatic gates, or other control circuits limiting ingress into and egress from the community.

For purposes of this section, emergency rapid access devices include rapid access key boxes, switch control devices, security padlocks, and the locks and keys used in such devices, which shall be UL certified and approved by the Fire Marshal.

20. Section 507.5.1 is amended by replacing the section to read:

507.5.1 Where required.

- (1) Required for occupancies of all types and uses. The City Water Department shall approve fire hydrants of type and manufacture. Water mains and fire hydrants shall be installed and available to serve the building site prior to delivery of any combustible materials.*
- (2) The City shall approve no water mains supplying fire hydrants for occupancies listed in (1) of less than six (6) inches in diameter. On a dead end six (6) inch line there shall be only one (1) fire hydrant. On a looped six (6) inch line there shall be no more than three (3) fire hydrants. On a dead end eight (8) inch line there shall be no more than three (3) fire hydrants. On a looped eight (8) inch line there shall be no more than six (6) fire hydrants. On a dead end twelve (12) inch line there shall be no more than eight (8) fire hydrants. On a looped twelve (12) inch line there is an unlimited number of fire hydrants. Where possible, all mains shall be looped to provide at least a two-way feed into the area. A six-inch gate valve shall be installed on each water lead. Water mains shall be valved as designated by the City Water Department.*
- (3) Building plans for any new construction involving the occupancies listed in subsection (1) shall show the location of fire hydrants on both public and private property as approved by the Fire Marshal, or his designated representative, and the City Water Department, before a building permit is issued.*
- (4) Hydrants, location and standards:*
 - a. All fire hydrants are to be installed according to Del City standards as determined by the City Water Department. All fire hydrants shall have one (1) four and one-half-inch (4½") male steamer connection and two (2) and one-half-inch (2½") male hose connections. All hose threads shall be national standard. All fire hydrants shall be capable of delivering one thousand (1,000) gallons per minute at twenty (20) pounds residual pressure.*
 - b. No portion of any occupancy listed in subsection (1) shall be located more than three hundred (300) feet from a fire hydrant. A minimum of*

two (2) accessible fire hydrants shall be located within five hundred (500) feet of any building. Distances shall be determined by hose lay.

c. Fire hydrants shall be located apart from any building and fully accessible from paved driveways and fire lanes.

d. In setting fire hydrants, due regard should be given to final grade line; centers of hose outlets must be a minimum of eighteen (18) inches above the final grade of the ground. An occupancy permit will not be issued until all fire hydrants meet this requirement.

(5) No unauthorized person shall use, operate, conceal or in any manner hinder the accessibility or reduce the effectiveness or any fire hydrant within the City of Del City.

21. Section 901.7 is amended by inserting the following at the end of the section:

Fire Watch.

Purpose:

The purpose of a Fire Watch is to provide minimum temporary substitution for inoperable fire protection equipment or in temporary circumstances for events or situations where code compliance is not feasible. Primary purpose is to allow for early detection of a fire or emergency and notifying the Fire Department.

Fire Watch Requirements:

1. Number of person(s) necessary for a Fire Watch to be determined by Del City Fire Marshal's Office based on circumstances requiring the Fire Watch.

2. Person(s) performing in the capacity of a designated Fire Watch shall meet the following criteria, which will be verified by the Del City Fire Marshal's Office.

a. Must be Oklahoma State certified Firefighter (OSU-FST) and physically capable of performing the duties of a firefighter.

b. Have immediate means of contact with the emergency services – 911. (i.e. cell phone or two-way radio)

c. Trained in operations of and have access to fire extinguishers with ratings appropriate for circumstances requiring the Fire Watch.

d. Knowledge of exact address of the building where Fire Watch is required.

e. Knowledge of the building, fire protection systems and fire evacuation plans where Fire Watch is required.

f. Be appropriately identified while performing the Fire Watch.

3. Person(s) performing in the capacity of a designated Fire Watch shall have no other duties during time period required above for the Fire Watch.

4. The person(s) performing the Fire Watch shall carry one copy of approved/signed Fire Watch authorization.

5. *Where Fire Watch is required for temporary inoperative fire protection systems, the Fire Marshal's Office shall be notified immediately when systems become operational.*

Fire Watch Guidelines:

1. *The Del City Fire Marshal's Office will maintain a list of authorized person(s) to perform Fire Watch activities. This list will be provided to any person or representative who may request and receive approval from the Fire Marshal's Office for a Fire Watch.*
2. *A Fire Watch must be approved by the Del City Fire Marshal's Office as an acceptable alternative.*
3. *Any person(s) accepting off-duty employment to serve in capacity of a Fire Watch shall be compensated by agency/event offering the Fire Watch employment opportunity. No compensation will be paid by the City of Del City for Fire Watch activities.*
4. *Verification of Fire Watch requirements will be conducted by Fire Marshal's Office personnel.*
5. *Proper identification of the person(s) serving in a Fire Watch capacity shall be the responsibility of the agency/event and shall be approved by the Fire Marshal's Office.*

Fire Watch Procedures:

1. *Inoperative Fire Protection Systems.*
 - a. *A physical survey of all accessible areas of the structure on a regular basis (to be determined by the Fire Marshal's Office) attempting to observe any conditions that may lead to or indicate a fire or other emergency.*
 - b. *Upon detection of a potential fire or other emergency, to notify the Del City Fire Department, the building occupants, facilitate evacuation if necessary, and attempt to extinguish any incipient stage fire.*
 - c. *Any action taken shall be documented in writing to the Fire Marshal's Office within 48 hours of the occurrence. Fire Marshal's Office personnel will conduct follow-up if necessary.*
2. *Temporary Event/Situation/Process.*
 - a. *Constant watch of the event/situation/process where the Fire Watch is required to observe any condition that may lead to or indicate a fire or other emergency.*
 - b. *Upon detection of a potential fire or other emergency, to notify the Del City Fire Department, the building occupants, facilitate evacuation if necessary, and attempt to extinguish any incipient stage fire.*
 - c. *Any action taken shall be documented in writing to the Fire Marshal's Office within 48 hours of the occurrence. Fire Marshal's Office personnel will conduct follow-up if necessary.*

22. *Section 903.3.7 is amended by replacing the section to read:*

903.3.7 Fire department connections. The location of fire department connections shall be approved by the Fire Marshal. A strobe alarm shall be

installed above the Fire Department connection and activated by flow in the sprinkler system.

23. Section 906.1 is deleted.

24. Section 906.3 is amended by replacing the section to read:

906.3 Size and distribution. For occupancies that involve primarily Class A fire hazards, the minimum sizes and distribution shall comply with Table 906.3(1). Fire extinguishers for occupancies involving flammable or combustible liquids with depths of less than or equal to 0.25-inch (6.35 mm) shall be selected and placed in accordance with Table 906.3(2). Fire extinguishers for occupancies involving flammable or combustible liquids with a depth of greater than 0.25-inch (6.35 mm) or involving combustible metals shall be selected and placed in accordance with NFPA 10. Extinguishers for Class C fire hazards shall be selected and placed on the basis of the anticipated Class A or Class B hazard.

Minimum requirements. One (1) – ten (10) lb. ABC fire extinguisher tagged and properly mounted. Fire extinguisher inspections and new tag placed on extinguisher shall not exceed 1 and shall be performed by trained personnel from a fire extinguisher company. Travel distance to any extinguisher shall not exceed 75 ft.

25. Section 907 is amended by adding Section 907.1.4 to read:

Section 907.1.4 Battery operated smoke detectors. Any space not otherwise required to have a fire alarm system by virtue of its occupancy or use shall be protected by battery powered smoke detectors installed in a manner, number and location approved by the Fire Marshal.

26. Section 1011.1 is amended by deleting exceptions 1 and 2.

27. Section 2101.2 is deleted.

28. Section 2301.2 is deleted.

29. Section 2401.3 is deleted.

30. Section 2601.2 is deleted.

31. Section 2801.2 is deleted.

32. Section 2901.2 is deleted.

33. Section 3103.4 is deleted.

34. Section 3501.2 is deleted.

35. Section 5601.1 is amended by replacing the section to read:

5601.1 Scope. The provisions of this chapter shall govern the possession, storage, handling, and use of explosives, explosive materials, fireworks, and small arms ammunition. Manufacture and sale of fireworks in the City of Del City shall be prohibited. Any reference to "manufacture" or "sale" of fireworks in this chapter shall be deleted.

36. Section 5601.2.2 is amended by replacing the section to read:

5601.2.2 Sale, retail display, use and possession.

(a) It shall be unlawful for any person to sell, store or have in his possession for the purpose of sale any firecrackers of any size, type or description, sky rockets, torpedoes, Roman candles, flash salutes, flash crackers or other

fireworks or substances designed and intended for pyrotechnic display, or small display ground pieces, cannons or other appliances using caps containing chlorate of potash mixtures.

(b) It shall be unlawful for any person to discharge, ignite or assist in discharging or igniting fireworks of any type, and it shall be unlawful for any person to store or have in his possession fireworks and related items as set forth in subsection (a).

37. Section 5605 is amended by removing the words “and fireworks” from the section title.

38. Section 6101.3 is amended by replacing the section to read:

6101.3 Construction documents. Construction documents shall be submitted for all LP-Gas installations requiring permits as per Section 105.6 and 105.7 of this code.

39. Section 6501.2 is deleted.

Section 5-61. Wildland-Urban Interface Code.

The document known as the 2012 Wildland-Urban Interface Code, a copy of which is on file in the office of the Building Official, shall serve as the Wildland-Urban Interface Code of the City of Del City.

All appendices are adopted as part of the code.

That code is amended as follows:

5. Section 101.1 is amended by inserting “*The City of Del City*” where indicated.

6. Section 103.1 is amended by replacing the section to read as follows:

Section 103.1 Enforcement agency. This code shall be enforced by the Department of Community Services and the Fire Department.

7. Section 106 is deleted.

8. Section 107 is deleted.

9. Section 302.1 is amended by replacing the section to read as follows:

Section 302.1 Declaration. The Building Official shall prepare maps documenting the wildland-urban interface areas within the jurisdiction. These maps shall be updated from time to time as necessary and shall constitute the official wildland-interface once filed with the City Clerk. When possible, wild-land interface boundaries should follow established natural or man-made features.

10. Section 302.2 and Section 302.3 are deleted.

Section 7-42. Life Safety Code.

The document known as the 2012 NFPA 101 Life Safety Code, a copy of which is on file in the office of the Building Official, shall serve as the Life Safety Code of the City of Del City.

This code is adopted for voluntary use at the request of certain property owners whose needs require coverage by a life safety code. Nothing contained herein shall be mandatory unless such coverage is requested by the property owner and memorialized in a written agreement or as a condition to a permit or Certificate of Occupancy. Once such coverage is extended, the provisions of this code become mandatory and violations are subject to the remedies contained in this chapter, including prosecution and abatement.

Responsibility for enforcement of this code shall lie with the Building Official and the Fire Marshal.

All appendices are adopted as part of the code.

Section 7-44. Administration of these codes.

For the purpose of administering the codes adopted in this article, certain administrative procedures and provisions set forth in Chapter 5 are adopted by reference and incorporated into the codes. These procedures include the entirety of Article 1 (Administration), Article 16 (Enforcement) and Article 17 (Appeals and Variances). The sections contained therein, including but not limited to those related to violations, penalties, nuisances and penalties shall substitute for any conflicting language contained within these codes. The Fire Marshal or designee, as Fire Code Official, shall have the powers and responsibilities of the Building Official with regard to the application of these sections to the codes adopted in this article.

Section 7-45. Fees.

Each fee required by a provision of a code adopted in this article shall be set forth in the fee schedule found in Chapter 5.

Section 7-46 to 7-49. Reserved.

Section 4: CONFORMING AMENDMENTS TO OTHER CHAPTERS.

Chapter 6, Article III, Division 1 is amended to remove "and storm".

Chapter 6, Article III, Division 1, Section 6-41 is amended to remove reference to storm shelters, to read:

Section 6-41. Bond Required.

Prior to the issuance of a permit to construct a fallout shelter in the city, a contractor or other person seeking to install same shall execute a bond, which shall be renewed annually in the sum of five thousand dollars (\$5,000.00), in

favor of the city. The bond shall be conditioned on the faithful and proper conduct of the business in compliance with all ordinances of the city relating to fallout shelters, and all rules and regulations made thereunder, and for the protection and indemnification of the city against all damages resulting from or in any way growing out of an injury to person or property received by any person on account of negligence or unskilled work on the part of such principal, his agents or employees installing a fallout shelter.

Chapter 6, Article III, Division II is deleted and the section number is reserved.

Section 5: REPEALER. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7: EMERGENCY. It being immediately necessary for the preservation of public health, peace and safety of the City of Del City and the inhabitants thereof, and emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED and the emergency clause voted upon separately and passed and approved, this ___ day of _____, 2014.

Mayor

ATTEST:

City Clerk

Reviewed this _____ of _____, 2014.

City Attorney