

ORDINANCE NO 1325

AN ORDINANCE OF THE CITY OF DEL CITY, OKLAHOMA, REVISING CHAPTER 5, BUILDINGS AND BUILDING CODE; DELINIATING REGULATIONS FOR REMEDIATION OF MOLD AND MOISTURE DAMAGE; CREATING A PERMIT FOR MOLD AND MOISTURE DAMAGE REMEDIATION; ESTABLISHING A PERMIT FEE; DECLARING REPEALER; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

Section 1: Chapter 5, Building and Building Code, of the City of Del City Code of Ordinances, is hereby amended as follows:

Article VII, Section 5-78 is added to read as follows:

Sec. 5-78. 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.

Section 2: REPEALER. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3: 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 4: 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 6th day of OCTOBER, 2008.

Brian E. Linley
MAYOR

ATTEST:

Carol Noble
Carol Noble, City Clerk

Approved as to form this 6 of October, 2008.

Jack B. Fried
Jack B. Fried, City Attorney

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PUBLIC NOTICE

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PASSED AND APPROVED and the Emergency Clause voted upon separately and passed and approved this 6th day of October, 2008.

/s/ Brian E. Linley, Mayor

Attest:

/s/ Carol Noble, City Clerk
(Published October 12, 2008)

Proof of Publication

The Sun
P.O. Box 30338
Midwest City, OK 73140

City of Del City

Affidavit of Publication

I, Aaron Wright of lawful age, being duly sworn upon oath, deposes and states that I am the Editor of The Sun, a "legal newspaper" of the County of Oklahoma, State of Oklahoma, as provided in Section 106 of Title 25, Oklahoma Statutes 1971; that this newspaper maintains a known office of publication in Midwest City, Oklahoma; that said newspaper is published biweekly on Sunday as The Sunday Sun and on Wednesday as The Sun; that said newspaper has general circulation in the municipalities of Midwest City, Del City, Choctaw, Nicoma Park, Spencer, Jones, Luther, Harrah and Newalla, and that attached hereto is a true and correct copy of a public notice published in said newspaper in consecutive issues on the following dates:

Publication Date: October 12, 2008
Publication Fee: \$15.00

Aaron Wright

Aaron Wright, Editor

State of Oklahoma
County of Oklahoma

Signed and sworn before me on the 14th day of October 2008

Diana McKinney

My Commission Expires November 28, 2011 Notary Public

Commission #07010836



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