CITY OF MOORE
ORDINANCE NO. 1038.23

AN ORDINANCE AMENDING PART 5, CHAPTER 1, ARTICLE B, SECTION 5-120; ARTICLE C, SECTION 5-136 THROUGH 5-141; AND ARTICLE D, SECTION 5-150 THROUGH 5-163; AMENDED AND MODIFIED GENERAL REQUIREMENTS FOR THE BUILDING REGULATIONS AND CONSTRUCTION CODES GOVERNING THE DESIGN, INSTALLATION AND CONSTRUCTION WITHIN MOORE, OKLAHOMA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER.

BE IT ORDAINED BY THE CITY COUNICL OF THE CITY OF MOORE, OKLAHOMA THAT PART 5, CHAPTER 1, ARTICLE B, SECTION 5-120; ARTICLE C, SECTION 5-136 THROUGH 5-141; AND ARTICLE D, SECTION 5-150 THROUGH 5-163 ARE HEREBY AMENDED TO READ AS FOLLOWS:

PART 5 BUILDING REGULATIONS AND CONSTRUCTION CODES

CHAPTER 5-1 GENERAL, LICENSES AND FEES, PERMITS, BOND AND INSURANCE
CHAPTER 5-2 BUILDING CODE AND REGULATIONS
CHAPTER 5-3 PLUMBING CODE AND REGULATIONS
CHAPTER 5-4 ELECTRIC CODE
CHAPTER 5-5 MECHANICAL CODE
CHAPTER 5-6 GAS CODE AND PIPELINES
CHAPTER 5-7 FAIR HOUSING
CHAPTER 5-8 OUTDOOR LIGHT FIXTURES
CHAPTER 5-9 FUEL GAS CODE
CHAPTER 5-10 ROOFING CONTRACTORS
CHAPTER 5-11 STORM SHELTERS
CHAPTER 5-12 EXISTING BUILDING CODE

CHAPTER 5-1 GENERAL, LICENSES AND FEES, PERMITS, BOND AND INSURANCE

ARTICLE 5-1A LICENSES AND FEES, PERMITS, BOND AND INSURANCE
ARTICLE 5-1B PERMITS AND INSPECTIONS
ARTICLE 5-1C OTHER REGULATIONS
ARTICLE 5-1D BOARD OF APPEALS

ARTICLE 5-1B PERMITS AND INSPECTIONS

Sec 5-111 Building Permits
Sec 5-112 Expiration Of Permits
Sec 5-113 Plumbing, Electrical, Mechanical And Other Permits
Sec 5-114 Applicability Of Permit Requirements To Federal And State Agencies
Sec 5-115 Schedule Of Permit And Inspection Fees
Sec 5-116 Prepayment For Fees Required
Sec 5-117 Plans, Application
Sec 5-118 Display Of Permits

Sec 5-119 Revocation
~~Sec 5-120 Exceptions From Permit Requirements~~

~~Sec 5-120 Exceptions From Permit Requirements~~

~~Ordinary repairs of buildings or structures, or the plumbing drainage, or piping thereof, the cost of which shall not exceed $500.00, may be made without notice to the city, but such repairs shall not be construed to include the removal of any stone, concrete or brick wall, or any portion thereof; the removal or cutting of any beams or supports, or the removal, change or closing of any stairway, or opening in the exterior wall; the alteration or removal of any house sewer, or drainage system, or soil waste or vent pipe or water or gas service line; or repairs or alterations of light or power wiring.~~

(Prior Code, § 5-55, in part; Code 1999, § 5-130)

ARTICLE 5-1C OTHER REGULATIONS
Sec 5-131 Right To Enforce And Stop Construction
Sec 5-132 Cases Of Urgency
Sec 5-133 Power To Make Rulings
Sec 5-134 Power To Call Upon Police Or Fire Department
Sec 5-135 Power To Enter
Sec 5-136 Work without a permit
Sec 5-137 Unauthorized cover up
Sec 5-13~~6~~8 Penalty
Sec 5-13~~7~~9 Relief In The Courts
Sec 5-13~~8~~40 Effect Of Violation By Corporate Officers And Agents
Sec 5-13~~9~~41 Conviction To Be Deemed Cause For Revocation Of Licenses, Certificates

Sec 5-136 Work without a permit

(a) Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

(b) Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

Sec 5-137 Unauthorized cover up

Any work concealed without first obtaining the required inspection is unauthorized. An additional unauthorized covering fee shall be added when work is concealed from it's proper inspection. In addition to the permit or any other fee, the unauthorized covering fee shall be collected, prior to any construction activity to continue. The unauthorized covering fee amount shall be listed in the adopted city fee schedule. The payment of such fee shall not exempt the applicant from compliance with all other provisions of either this code or the construction codes, nor from a penalty prescribed by law.

Sec 5-1368 Penalty

Any person who shall engage in any business, trade, or vocation for which a license, permit, certificate, or registration is required by this part, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of this part or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense, and, upon conviction thereof, shall be subject to punishment as provided in section 1-108.

(Prior Code, § 5-5; Code 1999, § 5-146)

Sec 5-1379 Relief In The Courts

No penalty imposed by and pursuant to this part shall interfere with the right of the city also to apply to the proper courts of the state for a mandamus, an injunction, or other appropriate action against the person violating this part.

(Prior Code, § 5-6; Code 1999, § 5-147)

Sec 5-13840 Effect Of Violation By Corporate Officers And Agents

Violation of any of the terms or provisions of this part by any corporation or association shall subject the officers and agents in charge of the business of such corporation or association to the penalty provided in this part.

(Prior Code, § 5-7; Code 1999, § 5-148)

Sec 5-13941 Conviction To Be Deemed Cause For Revocation Of Licenses, Certificates

Conviction under the provisions of this part shall be deemed just cause for the revocation of any certificate or license which a person may have or hold under the provisions of this part.

ARTICLE 5-1D BOARD OF APPEALS

Sec 5-150 General
Sec 5-151 Limitations of authority
Sec 5-152 Application for appeal
Sec 5-153 Membership of board
Sec 5-154 Qualifications
Sec 5-155 Alternative members
Sec 5-156 Chairman
Sec 5-157 Disqualification of member
Sec 5-158 Secretary
Sec 5-159 Notice of meeting
Sec 5-160 Open hearing
Sec 5-161 Procedure
Sec 5-162 Postponed hearing
Sec 5-163 Board decision
Sec 5-164 Court review

Sec 5-150 General

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the construction codes, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by City Council.

Sec 5-151 Limitations on authority

An application for appeal shall be based on a claim that the true intent of the construction codes or the rules legally adopted thereunder have been incorrectly interpreted, the provision of the construction codes do not fully apply or an equally good or better form of construction is proposed. The board shall not have the authority to waive requirements of the construction codes.

Sec 5-152 Application for appeal

Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

Sec 5-153 Membership of board

The board of appeals shall consist of five members appointed by the mayor and confirmed by the city council as follows: Positions 1, 3 and 5 for two years and positions 2 and 4 for three years. Thereafter, each new member shall serve for 3 years or until a successor has been appointed. The appointive members may be removed for cause. Vacancies shall be filled by appointment for the unexpired term. All members of the board cannot be with a common employer or a joint business partnership. All members must be from a separate entity of business.

Sec 5-154 Qualifications

The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

(a) Registered Oklahoma design professional who is a registered architect for 3 consecutive years; or a builder or superintendent of building construction with not less than 10 years' experience, 5 years of which shall have been responsible charge of work.

(b) Registered Oklahoma design professional with structural engineering or architectural with no less than 3 years of design or project management experience.

(c) Registered Oklahoma design professional with mechanical and plumbing engineering for 3 consecutive years; or an Oklahoma mechanical and plumbing contractor with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work in the State of Oklahoma.

(d) Registered Oklahoma design professional with electrical engineering for 3 consecutive years, or an Oklahoma electrical contractor with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work in the State of Oklahoma.

(e) Registered Oklahoma design professional with fire protection engineering for 3 consecutive years; or an Oklahoma fire protection contractor with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work in the State of Oklahoma.

Sec 5-155 Alternative Members

The mayor and confirmed by the city council shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 3 years or until a successor has been appointed. All members of the board cannot be with a common employer or a joint business partnership. All members must be from a separate entity of business.

Sec 5-156 Chairman

The Board shall annually select one of its members to serve as chairman.

Sec 5-157 Disqualification of member

A member shall not hear an appeal in which that member has any personal, professional or financial interest.

Sec 5-158 Secretary

The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the city clerk

Sec 5-159 Notice of meeting

The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal or at stated periodic meetings.

Sec 5-160 Open hearing

Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interest are affected shall be given an opportunity to be heard.

Sec 5-161 Procedure

The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

Sec 5-162 Postponed hearing

When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

Sec 5-163 Board decision

The board shall modify or reverse the decision of the code official by a concurring vote of three members.

(a) Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

(b) Administration. The code official shall take immediate action in accordance with the decision of the board.

Severability. If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

Repealer. Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 18TH DAY OF DECEMBER, 2023.

MELISSA HUNT, Vice-Mayor

ATTEST: *(Seal)*

VANESSA KEMP, City Clerk

CITY OF MOORE
CORPORATE
SEAL
MOORE, OKLAHOMA

APPROVED AS TO FORM AND LEGALITY:

Brian K. Miller, City Attorney