

AGENDA ITEM # 5-8 Important

APR 01 2010

STATE BOARD OF ARCHITECTS



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OKLAHOMA  
BOARD OF ARCHITECTS

**Oklahoma Uniform  
Building Code Commission**

David Timberlake, P.E.  
Chairman

Brad Henry  
Governor

March 8, 2010

To: Each Jurisdictional Entity That Collects Construction Permit Fees in the State of Oklahoma

A new state law was passed in June of 2009 creating the Uniform Building Code Commission. The purpose of the new Uniform Building Code Commission is to establish a set of minimum building code standards that would be enforced throughout the State of Oklahoma.

It will take some time in order to establish all of the procedural rules and policies of the Uniform Building Code Commission and set up the Technical Committees required to review and adopt the minimum building code standards. A website address has been established, but at the present time the website will be "under construction".

The law also established that a fee would be collected on all construction or building permits to be paid into the Oklahoma Uniform Building Code Commission Revolving Fund by any jurisdictional entity within the State of Oklahoma issuing construction or building permits. A letter from the State Treasurer authorizing the OUBCC to collect these funds is also attached.

Pursuant to State Statute 59 O.S. SS 1000.23 and 1000.25 also known as the Uniform Building Code Commission Act; and in accordance to the Emergency Rules Title 748 of the Uniform Building Code Commission (UBCC) signed into effect by Governor Brad Henry on January 12, 2010, you are required to collect a \$4.00 (four dollars) fee for each construction or building permit issued by your office as defined in the attached draft of the UBCC Emergency Rules.

You are to begin collection of this fee for each permit issued after April 1, 2010. Beginning May 1, 2010 you are to remit the monies collected for the preceding month to the address listed below:

Oklahoma Uniform Building Code Commission  
P.O. Box 268946, Oklahoma City, OK 73126-8946  
(Note: This address is different from normal mailing address)  
Telephone: (405) 271-1595

Payments to the Oklahoma Uniform Building Code Commission Revolving Fund shall be due on the twentieth (20<sup>th</sup>) day of each month for the fees collected during the preceding calendar month. There shall be a late fee imposed for failure to make timely payments. The late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the late fee reaches one hundred percent (100%) of the principal amount due.

As established in the State Statute, each jurisdictional entity is allowed to collect up to an additional \$.50 (fifty cents) as an administrative fee on each permit reported.

The attached Jurisdictional Entity Permit Fee Report (or an electronic digital form as may be created) will accompany your check or money order for fees collected every month. This form shall be sent every month even if no monies were collected for the preceding month.

Also attached, are examples indicating permit fee calculations in some hypothetical situations.

Sincerely,

A handwritten signature in black ink, appearing to read "David Timberlake".

David Timberlake, Chairman



SCOTT MEACHAM  
OKLAHOMA STATE TREASURER

March 5, 2010

Mr. David Timberlake, Chairman  
Oklahoma Uniform Building Code Commission  
P. O. Box 268946  
Oklahoma City, OK 73126-8946

Dear Chairman Timberlake:

The Uniform Building Code Commission is directed and authorized to receive funds on behalf of the Oklahoma State Treasurer pursuant to 59 O.S. § 1000.25 and to deposit those funds into a State Treasury account for credit to the Oklahoma Uniform Building Code Commission Revolving Fund.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Meacham", written in black ink.

Scott Meacham  
State Treasurer

**Title 748 Uniform Building Code Commission**  
**Chapter 1 – Administrative Operations**

**748:1-1-1.**

The employees of the Commission shall be organized and divided into such divisions or units, as the Commission deems desirable for efficiency. Such organization and division may be revised by the Commission as it finds necessary or expedient. Copies of the organizational chart are available upon request to the Chairman of the Commission.

**748:1-1-2.**

The principal office of the Oklahoma Uniform Building Code Commission shall be at the Construction Industries Board, 2401 NW 23<sup>rd</sup> Street, Suite 5, Oklahoma City, Oklahoma 73107.

**748:1-1-3.**

(a) The Commission shall elect from its membership a Chairman and a Vice-Chairman.

(b) Officers of the Commission shall be elected annually, at the last meeting of each calendar year. In the event an officer's position becomes vacant, a replacement shall be elected to complete the unexpired term at the following meeting of the Commission.

(c) The Chairman shall preside over all Commission meetings and rule on all questions of procedures and order. He shall call a special meeting when requested by four members, in writing, to do so. The chairman shall determine the agenda of each meeting.

(d) The Vice-Chairman shall assume the duties of the Chairman during the chairman's absence or incapacity.

**748:1-1-4.**

(a) The Commission shall hold such meetings, as it deems necessary, with a regular meeting once during each quarter of the calendar year. Special meetings may be called by the Chairman in his discretion, and shall be called when four (4) members of the Commission of the Commission request of the Chairman, in writing, that such a meeting be called.

(b) The Commission may convene at any location within the state of Oklahoma as the Commission may specify; provided, that unless otherwise specified, meetings shall be conducted at the room provided for that purpose at the Construction Industries Board, 2401 NW 23<sup>rd</sup> Street, Suite 5, Oklahoma City, Oklahoma 73107.

**Title 748 Uniform Building Code Commission**  
**Chapter 3 – General Provisions**

**748:3-1-1. Context and Interpretation.**

- (a) Unless the context otherwise requires, singular words shall be deemed to include the plural, and masculine words to include the feminine, and vice versa.
- (b) These rules and the codes adopted herein are not intended to displace, inhibit or restrict the authority of permitting agencies or code enforcement jurisdictions from their administrative responsibilities to consider and interpret the spirit and intent of any adopted codes, including administrative sections of the adopted codes which address the duties and powers of building officials and administrative authorities. With respect to code provisions which are ministerial as opposed to those containing building or construction standards or requirements, the Commission adopts such provisions only to the extent that the Commission is authorized to do so and to the extent that any such provision is not contrary to any valid law of the State of Oklahoma or local ordinance.

**748:3-1-2. Definitions.**

**"Authority Having Jurisdiction"** means an organization, office, or individual responsible for enforcing the requirements of the State Adopted Building Codes, including the prior authorization or approval of any equipment, materials, installations or procedures used in all or part of the construction of a new, or the alteration or renovation of an existing, building or structure, including integral finishes, fixtures and building systems therein.

**"Building Code"** means a collection of required standards and practices intended to apply to all or part of the construction of new, or the alteration or renovation of existing, buildings or structures, including integral finishes, fixtures and building systems therein.

**"Building Permit"** means any written or verbal authorization or approval, issued by an authority having jurisdiction, which allows the holder or other persons to commence the construction, alteration or renovation of all or part of a residential or commercial building or structure subject to the requirements of the State Adopted Building Codes. For purposes of this Title, the term building permit includes any process wherein authorization, approval or registration is required prior to construction even though: 1) a permitting or registration document is not issued at that time; 2) the authority having jurisdiction refers to the authorization, approval or registration as something other than a "permit"; or 3) the only activities performed by the authority having jurisdiction are fee-based inspections of the work performed. For purposes of this Title, each segment of a multi-segment permit shall be considered a separate building permit if the segment meets each of the following conditions: 1) the authority having jurisdiction requires a separate, stand-alone building permit for the segment

work when said work is not performed as part of a multi-segment construction project; 2) the authority having jurisdiction charges a stand-alone building permit fee for the segment work when said work is not performed as part of a multi-segment construction project; and 3) the segment work is subject to the requirements of the State Adopted Building Codes.

"Construction Code" and "Construction Permit" shall have the same meaning as, and be respectively interchangeable and synonymous with, the terms "Building Code" and "Building Permit" as defined herein, respectively.

"Multi-Segment Permitting" is the administrative process of consolidating multiple building permit work authorizations, approvals and/or registrations and the payment of required permit fees for a multi-segment construction project into a single administrative process.

"State Adopted Building Codes" means any legally applicable building code currently in force and effect within the State or a governing jurisdiction until superseded by a code adopted by the Commission and all building codes adopted by the Oklahoma Uniform Building Code Commission.

Title 748 Uniform Building Code Commission  
Chapter 5 – Fees and Collection of Fees

Subchapter 1. Fees.

**748:5-1-1. Fee for initial permit and permit renewal.**

(a) Beginning the first day of the month 60 days following the Governor's approval of the emergency rules, the Commission shall charge a fee of \$4.00 on all building permits issued by any state agency, municipality, or other political subdivision of this state which authorizes work governed by the State Adopted Building Codes. Beginning the first day of the month 60 days following the Governor's approval of the emergency rules, the Commission shall charge a fee of \$0 on all renewal building permits issued by any state agency, municipality, or other political subdivision of this state which authorizes work governed by the State Adopted Building Codes.

(b) Such fees shall be collected by the state agency, municipality or other political subdivision issuing the building or construction permits within this state. The fees shall be deposited in an account created by the collecting entity for that purpose;

(c) The state agency, municipality or other political subdivision shall remit the monies in the account on a monthly basis directly to the State Treasury for deposit in the Oklahoma Uniform Building Code Commission Revolving Fund created pursuant to Section 1000.28 of Title 59 of the Oklahoma statutes.

(d) Any state agency, municipality or other political subdivision collecting and remitting fees pursuant to this section may levy a fee up to fifty cents (\$.50) for every building permit. Any state agency, municipality or other political subdivision collecting and remitting fees pursuant to this section may levy a fee of \$0 for any building renewal permit issued. These monies shall be deposited into an account for the sole use of the state agency, municipality or other political subdivision. The state agency, municipality or other political subdivision shall state the total amount of funds collected and the total number of fees imposed to the State Treasury in the report required by subparagraph (g) of this section.

(e) It shall be the responsibility of the state agency, municipality or other political subdivision to account for and ensure the correctness and accuracy of payments made to the State Treasury pursuant to Uniform Building Code Commission Act as found at 59 O.S. §1000.21 et seq.

(f) Funds collected by a state agency, municipality or other political subdivision and remitted to the State Treasury pursuant to the Oklahoma Uniform Building Code Commission Act shall be deposited in the Oklahoma Uniform Building Code Commission Revolving Fund and shall be used solely for the purposes of the Oklahoma Uniform Building Code Commission Act.

(g) Along with the deposits required by subparagraph (d), each state agency, municipality or other political subdivision shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding month. The report shall be made on computerized or manual disposition forms as prescribed by the Commission.

### Subchapter 3. Collection and Late Fee Assessment.

#### **748:5-3-1. Late Fee Assessment.**

Deposits of fees to the Oklahoma Uniform Building Code Commission Revolving Fund shall be due on the twentieth day of each month for the fees collected during the preceding calendar month. There shall be a late fee imposed for failure to make timely deposits. The Oklahoma Uniform Building Code Commission, in its discretion, may waive all or part of the late fee. Such late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the late fee reaches one hundred percent (100%) of the principal amount due.

**OKLAHOMA UNIFORM BUILDING CODE COMMISSION**

**EXAMPLES OF PERMIT FEE CALCULATION**

These are only examples of a few of the unlimited number of possible situations encountered.

1. New Single Family Residence:

Building permit	\$4.00
Plumbing permit	\$4.00
HVAC permit	\$4.00
<u>Electrical permit</u>	<u>\$4.00</u>
Total:	\$16.00 Fee

2. HVAC Replacement in an Existing Single Family Residence (requiring new electrical disconnect and installation of a floor drain for condensate):

Plumbing permit	\$4.00
HVAC permit	\$4.00
<u>Electrical permit</u>	<u>\$4.00</u>
Total:	\$12.00 Fee

3. Multi-Family Apartment Complex (consisting of 3 buildings – each with an automatic fire suppression system and separate utility metering for each of the 8 units in each building):

Building permits	\$4.00 x 3 = \$12.00
Plumbing permits	\$4.00 x 24 = \$96.00
HVAC permits	\$4.00 x 24 = \$96.00
Electrical permits	\$4.00 x 24 = \$96.00
<u>Fire protection permits</u>	<u>\$4.00 x 3 = \$12.00</u>
Total:	\$312.00 Fee

4. Commercial Office Building (with an automatic fire suppression system):

Building permit	\$4.00
Plumbing permit	\$4.00
HVAC permit	\$4.00
Electrical permit	\$4.00
<u>Fire protection permit</u>	<u>\$4.00</u>
Total:	\$20.00 Fee

5. Complete demolition and remodel of an existing retail tenant space in a strip shopping center:

Building permit	\$4.00
Plumbing permit	\$4.00
HVAC permit	\$4.00
<u>Electrical permit</u>	<u>\$4.00</u>
Total:	\$16.00 Fee

6. Public school in a jurisdiction with a fee waived for permits and inspections on public schools. In this example, the jurisdiction is collecting no money for permits or inspections on this construction project:

Total:	\$0.00 Fee
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(If the jurisdiction has an ordinance in place that certain construction permits will be “FEE WAIVED” on specific projects, then no permit fee will be assessed by the OUBCC).



David Timberlake, P.E.  
Chairman

## Oklahoma Uniform Building Code Commission

Brad Henry  
Governor

### JURISDICTIONAL ENTITY PERMIT FEE REPORT

FOR THE MONTHLY COLLECTION PERIOD OF \_\_\_\_\_

	NUMBER OF PERMITS	FEE	TOTAL FEE
Residential building permits		\$4.00	
Residential plumbing permits		\$4.00	
Residential mechanical permits		\$4.00	
Residential electrical permits		\$4.00	
Commercial building permits		\$4.00	
Commercial plumbing permits		\$4.00	
Commercial mechanical permits		\$4.00	
Commercial electrical permits		\$4.00	
Fire protection system permits		\$4.00	
Swimming pool permits		\$4.00	
Permit fees waived by jurisdiction		\$0.00	
<b>Total Permits Issued</b>		<b>Total Fee Remitted</b>	
<b>Total number of collection fees imposed</b>		<b>\$0.</b>	

*Monthly reports are required even if no fees were collected.*

Received From:

Jurisdiction: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Make check or money order (do **not** send cash) payable to:

Oklahoma Uniform Building Code Commission

P. O. Box 268946, Oklahoma City, OK 73126-8946

(Note: This address is different from normal mailing address)

Telephone: (405) 271-1595

Payments to the Oklahoma Uniform Building Code Commission shall be due on the twentieth (20<sup>th</sup>) day of each month for the fees collected during the preceding calendar month. There shall be a late fee imposed for failure to make timely payments. The late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the late fee reaches one hundred percent (100%) of the principal amount due.