ORDINANCE NO. N.C. 522

AN ORDINANCE CREATING, ADOPTING AND ESTABLISHING, WITHIN EXISTING PART FIVE (5) (BUILDING REGULATIONS AND CODES) OF THE ATOKA CITY CODE, A NEW CHAPTER TEN (10) THEREOF, ENTITLED "FIRE, STRUCTURE, CONSTRUCTION, AND RELATED SAFETY CODES"; ESTABLISHING, PROVIDING AND ADOPTING, WITH CERTAIN EXCEPTIONS AND REVISIONS, CERTAIN 2006 INTERNATIONAL CODE COUNCIL (ICC) CODES; INCLUDING THE: (1) INTERNATIONAL FIRE CODE (IFC), (2) INTERNATIONAL EXISTING BUILDING CODE (IEBC), (3) INTERNATIONAL BUILDING CODE (IBC); (4) INTERNATIONAL RESIDENTIAL CODE (IRC), (5) INTERNATIONAL ELECTRICAL CODE – ADMINISTRATIVE PROVISIONS (IECAF), (6) INTERNATIONAL PLUMBING CODE (IPC), (7) INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE (IPSP), (8) INTERNATIONAL MECHANICAL CODE (IMC), (9) INTERNATIONAL FUEL GAS CODE (IFGC); (10) INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), (11) INTERNATIONAL ENERGY CONSERVATION CODE (IECC), AND (12) INTERNATIONAL WILDLANDS-URBAN INTERFACE CODE (IWOIC); PROVIDING AND ESTABLISHING GENERAL PROVISIONS; PROVIDING FOR INTEGRATION WITH EXISTING CITY CODE AND OTHER LAWS; PROVIDING DEFINITIONS AND EXCEPTIONS; PROVIDING FOR COPIES OF ADOPTED CODES TO BE MAINTAINED AND MADE AVAILABLE; PROVIDING FOR FEES AND CHARGES, PENALTIES FOR VIOLATIONS; ESTABLISHING A BOARD OF APPEALS AND PROVISIONS REGARDING APPEALS; SETTING FORTH RELATED MATTERS AND PROVISIONS; PROVIDING FOR SEVERABILITY AND SAVINGS; AND DECLARING AN EMERGENCY.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATOKA:

ORDINANCE SECTION ONE (1): ADOPTION, AND RELATED POLICY AND GENERAL DESCRIPTION OF CHAPTER ENACTED AND CODES ADOPTED

As more fully set forth in the attached new and hereby adopted Chapter Ten (10) of Part 5 of the Atoka City Code (entitled "Fire, Structure, Construction, and Related Safety Codes"), the City Council finds that it would be in the best interests of the City and inhabitants thereof to adopt, and it does hereby adopt, said Chapter 10, containing various

provisions as below described, and further, hereby and thereby, adopting the hereinbelow described International Code Council Codes (ICC Codes).

Each of such ICC Codes including, in addition to the more specific maters or provisions below indicated, provisions regarding and/or providing for penalties for violations, appeals and appeal procedures, the issuance of permits and collections of fees, charges and other assessments, general provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as adopted therewith; with such deletions, additions, insertions, specifications, or other modifications thereto as set forth in said Chapter 10.

Such ICC Codes so hereby and thereby adopted (subject to limitations, exclusions and modifications more fully set forth in said attached Chapter 10) being summarily more particularly described as follows:

(1) The ICC International Fire Code, 2006 edition (IFC) as a part of the Atoka Fire Code, regulating and governing the safeguarding of life and property from fire and explosions hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises;

(2) The International Existing Building Code, 2006 edition (IEBC) as the Atoka Existing Building Code, for regulating and governing the repair, alternation, change of occupancy, addition and relocation of existing buildings, including historic buildings;

(3) The ICC International Building Code, 2006 edition (IBC) as the Atoka Building Code, for regulating and governing the condition and maintenance of all property, buildings and structures; for providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use;

(4) The ICC International Residential Code, 2006 edition (IRC) as the Atoka Residential Code, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one and two family dwellings and multiple single family dwellings not more than three stories in height with separate means of egress:

(5) The ICC International Electrical Code – Administrative Provisions, 2006 edition (IECAP) as the Atoka Electrical Code – Administrative Provisions, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems;

(6) The ICC International Plumbing Code, 2006 edition, (IPC) as the Atoka Plumbing Code, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems;

(7) The ICC International Private Sewage Disposal Code, 2006 edition (IPSDC) as the Atoka Private Sewage Disposal Code, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of individual sewage disposal systems;

(8) The ICC International Mechanical Code, 2006 edition (IMC) as the Atoka Mechanical Code, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems;

(9) The ICC International Fuel Gas Code, 2006 edition (IFGC) as the Atoka Fuel Gas Code, for regulating and governing fuel gas systems and gas fired appliances;

(10) The ICC International Property Maintenance Code, 2006 edition (IPMC) as a part of the Atoka Property Maintenance Code, for regulating and governing the condition and maintenance of all property, buildings, and structures; by supplying the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures;

(11) The ICC International Energy Conservation Code, 2006 edition (IECC) as the Atoka Energy Conservation Code, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems; and

(12) The ICC International Wildland-Urban Interface Code, 2006 edition (IWUIC) as the Atoka Wildland-Urban Interface Code, for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from agacent structures, and prevention of structure fires from spreading to wildland fuels.

ORDINANCE SECTION TWO (2): NEW LAW.

There is hereby adopted, as new law, new Chapter Ten (10) of Part 5 of the Atoka City Code entitled "Fire, Structure, Construction, and Related Safety Codes", as more fully set forth in the attachment thereof hereto, such attachment being incorporated herein by reference, as though herein and hereat set forth in full.

ORDINANCE SECTION THREE (3) EFFECTIVE DATE, AND PRESERVATION OF EXISTING RIGHTS AND CIRCUMSTANCES

This Ordinance, said Chapter 10, and the ICC Codes hereby and thereby adopted, shall be effective January 1, 2009, or as soon thereafter as the same may be legally effective by the passage hereof; and, nothing in this Ordinance or in any portion of the Chapter 10, or one or more of the ICC Codes adopted thereby and hereby shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing prior to January 1, 2009, (or subsequent effective date) under any Ordinance or Code provision deemed superseded or repealed by implication herefrom, nor otherwise shall any just or legal right or remedy of any character accrued prior to such date be lost, impaired or effected hereby.

ORDINANCE SECTION FOUR (4) - SAVINGS PROVISION

In the event that any section, subsection, sentence, clause or phrase of this Ordinance and/or Chapter 10 and/or any ICC Codes adopted hereby or herewith, or any combination thereof is, for any reason, held to be unconstitutional or otherwise void, such decision shall not affect the validity of the remaining portions of such Ordinance, Chapter and/or ICC Codes; it being the express declaration of the Atoka City Council that it would have passed such Ordinance, enacted such Chapter, and Adopted such ICC Codes, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more thereof be so declared.

ORDINANCE SECTION FIVE (5): EMERGENCY.

It being necessary for the preservation of the peace, health, welfare and safety of the City of Atoka and inhabitants thereof, an emergency is hereby declared to exist, and by

reason of which this ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

ORDINANCE PASSAGE AND APPROVAL

SO PASSED, ADOPTED AND APPROVED as an agenda item upon and at the regularly scheduled Meeting of the Atoka City Council held on the 5th day of January, 2009, upon motion made by Councilperson Frederick and duly second by Councilperson McGue, and upon voice vote duly carried as follows:

Councilman:	Recorded Vote:		
Ron McGue	✓ Aye	___ Nay	___ Abstain
Bob Frederick	✓ Aye	___ Nay	___ Abstain
Charles McCall	✓ Aye	___ Nay	___ Abstain
Elisabeth Frazier	✓ Aye	___ Nay	___ Abstain
Randy Daniel	✓ Aye	___ Nay	___ Abstain

WITNESS THEREFORE OUR HANDS THIS 5th DAY OF January, 2009.

Charles McCall, III, Mayor

ATTEST:

Joye Angle, City Clerk

(SEAL)

Approved as to form and content this 5th day of January 2009.

Richard E. Mayfield, City Attorney

CHAPTER TEN (10) OF PART FIVE (5) OF THE ATOKA CITY CODE

FIRE, STRUCTURE, CONSTRUCTION, AND RELATED SAFETY CODES

Section 5-1001 GENERAL DEFINITIONS:

(1) As used in this Chapter 10, the following terms, phrases or expressions (and multiples, singles or other derivatives thereof) shall be deemed, construed and/or interpreted as having the meanings as hereinbelow designated:

(a) "ICC" means: the International Code Council;

(b) "ICC Code Enforcement Officer": means:

(1) as to the IFC (International Fire Code) - the Atoka Fire Inspector, or other person(s) (including the City Manager) designated by the City Manager and/or the City Council to serve as such; and

(2) as to all other ICC Codes, means: the Atoka Code Enforcement Officer, or other person(s) (including the City Manager) designated by the City Manager and/or the City Council to serve as such;

(c) "ICC Codes" means: any one or more of the following identified Fire, Structure, Construction or Related Safety Codes established by the ICC which have been or are hereinafter adopted by the City of Atoka; including (but not limited to) the following ICC Codes: the –

(1) IFC – International Fire Code (c.f. Section 5-1050 et seq.);

(2) IEBC - International Existing Building Code (c.f. Section 5-1060 et seq.):

(3) IBC - International Building Code (c.f. Section 5-1070 et seq.):

(4) IRC - International Residential Code (c.f. Section 5-1080 et seq.):

(5) IECAF - International Electrical Code – Administrative Provisions (c.f. Section 5-1090 et seq.):

(6) IPC - International Plumbing Code (c.f. Section 5-1100 et seq.):

(7) IPSP - International Private Sewage Disposal Code (c.f. Section 5-1110 et seq.):

(8) IMC - International Mechanical Code (c.f. Section 5-1120 et seq.):

(9) IFGC - International Fuel Gas Code (c.f. Section 5-1130 et seq.):

(10) IPMC - International Property Maintenance Code (c.f. Section 5-1140 et seq.):

(11) IECC - International Energy Conservation Code (c.f. Section 5-1150 et seq.): and

(12) IWOIC - International Wildlands-Urban Interface Code (c.f. Section 5-1160 et seq.).

(2) As used in this Chapter 10 and/or in any ICC Codes now or hereafter adopted by the City, the following terms, phrases and/or expressions (and multiples, singles or other

derivatives thereof and/or equivalents thereto, unless the context clearly indicates to the contrary), shall be deemed, construed and/or interpreted as having the meanings as hereinbelow designated:

(a) "Appeal" means: requested review of a application, decision, determination, conclusion or other similar action of an ICC Code Enforcement Officer, and/or the request for a variance or other exception to the literal application of the provisions if an ICC Code;

(b) "Appeal Board" means: the Board established and otherwise set forth in Sections 5-1030 et seq. hereof;

(c) "Appropriate Schedule" means: the "Fee Schedule";

(d) "Building Official" means: "ICC Code Enforcement Officer";

(e) "Code Official" and/or "Code Officer" means: "ICC Code Enforcement Officer";

(f) "Dollar Amount In Two Locations" means: the penalty prescribed for a violation of one or more ICC Code provisions, as more fully set forth in Section 5-1020 et seq. hereof;

(g) "Fee Schedule" means: the appropriate schedule or other identification of fees, charges, assessments and the like as more fully set forth in Section 5-1010 et seq. hereof

(h) "Fire Code Official" means: - the Atoka Fire Inspector, or other person(s) (including the City Manager) designated by the City Manager and/or the City Council to serve as such;

(i) "Inspector" means: "ICC Code Enforcement Officer";

(j) "Keeper of the Records" means: the City Clerk;

(k) "Name of Jurisdiction" means: the City of Atoka, Oklahoma;

(l) "Offense, Dollar Amount, Number of Days" means: the penalty prescribed for a violation of more or more ICC Code provisions, as more fully set forth in Section 5-1020 et seq. hereof;

(m) "Schedule of Fees" and/or "Schedule of Fees and Charges" or similar reference means: the "Fee Schedule";

(n) "Specify Offense, Amount, Number of Days" means: the penalty prescribed for a violation of more or more ICC Code provisions, as more fully set forth in Section 5-1020 et seq. hereof;

(3) Other words, phrases or expressions which are defined in any ICC Code shall be so interpreted, construed and applied as though herein and hereat set forth in full, and are accordingly so incorporated herein.

(4) Definitions contained and/or referenced in this Chapter 10 shall be deemed to likewise apply to other related provisions of the City Code, unless the context thereof clearly indicates an alternate and/or contrary meaning or usage.

Section 5-1002 SUPERSEDING APPLICATION: Except as otherwise set forth in Section 5-1003 and/or in subparagraphs (a), (b) or (c) of this Section 5-1002, the provisions of the ICC Codes now or hereafter adopted shall supersede and control over any conflicting provisions of the Atoka City Code in effect prior to January 1, 2009, regulating the same subject matter (including previously adopted codes), and shall otherwise be deemed to be in augmentation thereof, and the adoption thereof shall not constitute a repeal by implication. Provided further, however:

(1) nevertheless, the provisions of the IFC (International Fire Code) shall be deemed and construed as being in augmentation, only, to the City's Fire Code in effect on and prior to January 1, 2009; and

(2) the provisions of the IMPC (International Property Maintenance Code) shall be deemed and construed as being in augmentation, only, to the Code provisions relating to like matters in effect on and prior to January 1, 2009; and

(3) provided further that no provisions in any such ICC Code shall be deemed to modify any provisions of this City Code relating to nuisances or zoning;

(4) and, nothing in this Chapter 10 or in any ICC Codes hereby or herewith adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing prior to January 1, 2009, under any Ordinance or Code provision deemed superseded or repealed by implication hereby, nor otherwise shall any just or legal right or remedy of any character accrued prior to such date be lost, impaired or effected hereby; and

(5) The provisions hereof shall be subject to, and/or limited by, any conflicting provisions of the Oklahoma Constitution or State statutes now or hereafter coming into effect, except and unless to the extent that the same is nevertheless inapplicable to this Charter Municipality, by operation of the applicable law, as being "a matter of purely local concern".

Section 5-1003 CERTAIN ICC CODE PROVISIONS SUPERSEDED BY SPECIFIC PROVISIONS OF THIS CHAPTER. Any provisions of any ICC Code now or hereafter adopted by the City which appears to be in conflict with any of the provisions below set out in this Section 5-1003 shall be deemed to be subordinate thereto, and lieu thereof, said provisions hereinbelow set forth shall control over such ICC code provisions; namely:

(1) definitions set forth in Section 5-1001 hereof;

(2) the limitations set forth in Section 5-1002 hereof;

(3) the provisions regarding fees, charges and/or other assessments hereinbelow set forth in Sections 5-1010 through 1019 hereof;

(4) the provisions regarding penalties for offenses for violations of provisions of any ICC Code hereinbelow set forth in Sections 5-1020 through 1029 hereof;

(5) the provisions regarding Appeals hereinbelow set forth in Sections 5-1030 through 1039 hereof; and

(6) any other provisions of this Chapter specifically declaring ineffective, inserting specifications, amending, changing or otherwise specifically and directly modifying and/or limiting the application or any one or more provisions of any one or more ICC Code.

Section 5-1004 ADOPTION OF AN ICC CODE NOT DEEMED TO BE AUTOMATIC ADOPTION OF ALL APPENDICES THEREOF . The Adoption of an ICC Code shall not be deemed to automatically also adopt the Appendixes thereof or thereto, but rather any such Appendices to be also so adopted shall be separately indicated.

Section 5-1005 COPIES OF ADOPTED ICC CODES TO BE MAINTAINED; AT LEAST ONE TO BE MADE AVAILABLE FOR OUTSIDE USE - SECURITY DEPOSIT REQUIRED - APPLICATION OF DEPOSIT. The City Clerk shall obtain and maintain at least four (4) complete and full copies of any ICC Codes now or hereafter adopted by the City. One (1) set thereof shall be held in reserve (archived); One (1) set thereof shall be for the primary use of the ICC Code Enforcement Officer; One (1) set thereof shall be available for inspection within the City hall as regulated by the City Clerk; and, One (1) set thereof shall be available for being "loaned out" to contractors, builders, engineers and other like persons for their use and examination, upon provision that the same must be returned without damage or markings within three (3) business days, and upon the posting of a cash security deposit of twice the purchase price thereof (rounded up to the nearest five dollars); provided further, if the same is not timely returned to the City Clerk in an appropriate condition, the clerk may apply the security deposit to secure the purchase of a replacement therefor (including shipping and miscellaneous expenses), and refund any remaining balance to the depositor. The City Clerk may consider the use of "c.d." or other like computer media for one or more sets thereof, and shall be allowed a reasonable period of time within which to acquire and assemble such sets.

Section 5-1006 SAVINGS PROVISION: In the event that any section, subsection, sentence, clause or phrase of this Chapter, the Ordinance adopting the same and/or any ICC Codes adopted hereby or herewith, or hereafter adopted, or any combination thereof, is, for any reason, held to be unconstitutional or otherwise void, such decision shall not affect the

validity of the remaining portions of such Ordinance, Chapter and/or ICC Codes; it being the express declaration of the Atoka City Council that it would have passed such Ordinance, enacted such Chapter, and Adopted such ICC Code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more thereof be so declared.

Section 5-1007 to Section 5-1011 Reserved

Section 5-1010 FEE SCHEDULES. The provisions regarding fees, charges and/or other assessments hereinbelow set forth in Sections 5-1010 through 1019 hereof shall apply and control in lieu of and in the place of and/or in specification to any and all references thereto contained in any provision of any ICC Codes now or hereafter adopted by the City.

Section 5-1011 BASE (EXISTING) FEE SCHEDULES. Except as otherwise specifically provided in Sections 5-1012 through 5-1019 hereof, any and all Fee Schedules in effect prior to January 1, 2009, shall continue in effect until subsequently modified; and, any and all applicable fees, charges, assessments and the like shall be as is set, in relation thereto, elsewhere in this City Code and/or in Appendices One (1) through Four (4), inclusive, of the City Code, as the same now, or may hereafter, read and/or provide.

Section 5-1012 to Section 5-1019 Reserved

Section 5-1020 PENALTIES FOR CODE VIOLATIONS. The provisions regarding penalties for violations set forth in Sections 5-1020 through 5-1029 hereof shall apply and control in lieu of and in the place of and/or in specification to any and all references thereto contained in any provision of any ICC Codes now or hereafter adopted by the City.

Section 5-1021 PENALTY AMOUNTS LIMITED BY STATE LAW – BAIL AMOUNTS. If any provision of this Code provides for the assessment of a penalty in an amount in excess of any limits thereupon imposed by state law, then such penalty shall be deemed to be not more than such limitation, regardless of any other specific dollar amount hereinbelow set forth. Subject to the authority and discretion of the City Judge and City Attorney, and subject further to the provisions of Appendix Four (4) of the City Code (which shall be deemed to control in the event of any conflict herewith), bail for a person accused of the violation of any provision of an ICC Code shall be the amount which is equal to the sum of: Fifty Dollars ($50.00), plus the minimum fine provided for penalty upon a conviction therefor.

Section 5-1022 GENERAL PENALTY PROVISION. Except as otherwise provided in Sections 5-1023 to 5-1029 hereof, any person who violates a provision of the ICC Codes shall, upon deferment or conviction, be accessed a fine or assessment of not less than Fifty Dollars ($50.00), and not more than Two Hundred Dollars ($200.00).

Section 5-1023 PENALTY PROVISIONS RELATING TO CERTAIN CEASE AND DESIST CIRCUMSTANCES. Any person who violates a provision of the ICC Codes by failing to comply with an directive to cease or desist and/or who otherwise violates any of the ICC Codes provisions hereinbelow enumerated in this Section 5-1023 shall, upon deferment or conviction, be accessed a fine or assessment of not less than Two Hundred Dollars ($200.00), and not more than Five Hundred Dollars ($500.00); such specified provisions being, to-wit:

(1) Section 111.4 of the IFC (International Fire Code);
(2) Section 108.5 of the IFGC (International Fuel Gas Code);
(3) Section 108.5 of the IMC (International Mechanical Code);
(4) Section 108.5 of the IPC (International Plumbing Code); and/or
(5) Section 108.5 of the IPSDC (International Private Sewage Disposal Code).

Section 5-1024 PENALTY PROVISIONS RELATING TO CERTAIN OTHER VIOLATIONS OF CERTAIN CODE PROVISIONS. Except as otherwise provided in Section 5-1023 hereof, any person who violates any other provision contained in any of the specific ICC Codes below set out in this Section 5-1024 shall, upon deferment or conviction, be accessed a fine or assessment of not less than Fifty Dollars ($50.00), and not more than Five Hundred Dollars ($500.00); such specified ICC Codes being, to-wit:

1) the IFC (International Fire Code);
(2) the IFGC (International Fuel Gas Code);
(3) the IMC (International Mechanical Code);
(4) the IPC (International Plumbing Code); and/or
(5) the IPSDC (International Private Sewage Disposal Code).

Section 5-1025 to Section 5-1029 Reserved

Section 5-1030 APPEALS; INITIATION, PROCEDURES. Any person aggrieved by a application, decision, determination, conclusion or other similar action of an ICC Code Enforcement Officer, and/or who seeks a variance or other exception to the literal application of the provisions if an ICC Code not granted by the such ICC Code Enforcement Officer, may have an administrative appeal, as provided herein. The first step of the appeals process will be

an informal appeal to the City Manager; the Appellant shall give notice to the City clerk and the Code Enforcement Officer of his desire to appeal to the City Manager within Ten (10) calendar days of the occurrence of the event or matter from which relief by appeal is being sought. The appeal to the City manager shall be informal and, except in unusual circumstances, shall be disposed of thereby within five (5) business days of the Appellant's filing of his notice to Appeal. If Appellant is not satisfied with the determinations made by the City Manager, the Appellant may appeal the City Manager's decision to the Board of Appeals. Such an appeal must be made upon notice of Appeal, upon a form(s) supplied by the City Clerk, and be filed with the office of the City Clerk within Ten (10) calendar days of the City Manager's decision.

Section 5-1031 BOARD OF APPEALS – GENERAL; MEMBERSHIP; APPOINTMENT AND VACANCIES; DESIRED QUALIFICATIONS. There is hereby established a Board of Appeals to hear and determine appeals from the decision of the City Manager as provided in Section 5-1030 hereof; more particularly as follows:

(1) The Appeals Board shall consist of Seven (7) voting members (which shall be in addition to ex-officio and alternate members thereof, as below set forth in Section 5-1033 hereof), which shall be nominated by the ICC Code Enforcement Officer, subject to, and being deemed appointed upon, confirmation by a majority vote of the City Council.

(2) To the extent that the same are, from time to time available and willing to so serve, it is the intention that the Board Members, as nearly as possible, have the qualifications set forth in Section 5-1032 hereof.

(3) Members shall serve at the pleasure of the City Counsel, without remuneration or compensation; however, upon application of the Chairman thereof, and approval of the City Manager, the Board members may be reimbursed actual out of pocket expenses necessarily incurred in carrying out their designated duties.

(4) Members may be removed by the City Council, upon majority vote, at the discretion thereof.

(4) Vacancies in the Membership, regardless of howsoever occurring, shall be filled in the same manner as provided for initial appointment of Members, as set forth in Subparagraph (1) of this Section, with the goal of retaining the balance of composition of the Members, as set forth in Section 5-1032 hereof.

Section 5-1032 BOARD OF APPEALS – DESIRED QUALIFICATIONS. To the extent that the same are reasonably or practicably available in the local community and willing to so serve, the sitting, voting Members of the Board should have the following qualifications:

(1) One member should be a qualified engineer, technologist, technician or safety

professional trained in fire protection engineering, fire science or fire technology. Qualified representatives in this category could include fire protection contractors and certified technicians engaged in fire protection system design.

(2) One member should be an industrial or chemical engineer, certified hygienist, certified safety professional, certified hazardous materials manager or comparably qualified specialist experienced in chemical process safety or industrial safety.

(3) One member should be a contractor regularly engaged in the construction, alteration, maintenance, repair or remodeling of buildings or building services and systems regulated by the code.

(4) One member should be a person skilled and/or regularly engaged in areas requiring a Mechanical License.

(5) One member should be a person skilled and/or regularly engaged in areas requiring a Plumbing License.

(6) One member should be a person skilled and/or regularly engaged in areas requiring an Electricians' License.

(7) One member should be representative of business or industry not represented by a member from one of the other categories of board members described above.

Section 5-1033 EX-OFFICIO AND ALTERNATE MEMBERS. The Atoka Fire Inspector, the Atoka Code Enforcement Officer, and the Atoka Public Works Director shall be Ex-Officio, non voting members, of the Board, to assist the Board in its procedures. Such Ex-Officio members shall not be entitled to vote upon any Appeal being determined by the Board, neither shall their presence or absence be considered in determining the existence of a quorum. As appropriate, the City Manager may designate alternates for such Ex-Officio members. The City Council shall, likewise, designate not less than Three (3) persons to serve as alternate Board members, to serve as voting Board members in the event of the absence or disqualification of a setting Board member. Alternate members shall, to the extent reasonably practical, have qualifications similar to those of the Board Members, and have the same responsibilities, and likewise serve at the pleasure of the City Council. Further, they shall be nominated and confirmed (selected) in a manner similar to that established for sitting voting Board Members. Any alternate serving in the place of an otherwise sitting voting Board Member shall have the full authority thereof.

Section 5-1034 CHAIRMAN OF THE BOARD; ALTERNATIVE AUTHORITY; MAJORITY VOTES; SECRETARY OF THE BOARD; OTHER OFFICIALS; RULES OF PROCEDURES

(1) The voting Members of the Board, at least annually, shall meet and select one of

their number to serve as its Chairman, and another as Vice Chairman. The Vice-Chairman shall have all the responsibility and authority of the Chairman, in the absence of the Chairman.

(2) The voting Members of the Board, at least annually, shall select one of their number to serve as Secretary for the board, who shall keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member and any failure of a member to vote.

(3) In the absence of such designations having been made, or in the absence of taking the necessary action by those so selected, the ICC Code Enforcement Officer shall be empowered to function as such Secretary, and/or call and schedule meetings, and nominate proposed Chairman, Vice-Chairman and Secretary from the members, to advance the functioning of the board.

(4) Additionally, the Board shall meet within Ten (10) Calendar days of the proper and timely lodging of any Appeal therewith, and on such other occasions as called by the Chairman or substitute authority.

(5) Four (4) voting members of the Board shall constitute a quorum.

(6) The actions or other decisions of the Board shall be by the affirmative votes of the majority of voting members present; but not less than the affirmative vote of Three (3) voting members shall be required to overturn any decision by the City Manager.

(7) Members with a material or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matters; and, in such instances, an Alternate Member shall be designated to sit in the place of such disqualified Member.

(8) The Board shall have the authority to establish, from time to time, its own rules of governing their meetings and matters before it, so long as the same are not inconsistent with the provisions hereof.

Section 5-1035 HEARINGS - APPEALS. In processing and hearing any Appeals from a decision of the City Manager brought before it, the Board shall not be bound by, nor require then application of, the Evidence code, but shall and may consider such information and materials as will enable it, in its judgment, to reach a quick and appropriate determination. Attorneys shall be allowed to appear before the Board on behalf of either Party to such appeal, but only for the purpose of facilitating the Board in carrying out its functions and responsibilities. To the extent reasonably practical, hearings shall be conducted in an informal, friendly and casual method and atmosphere in order to accomplish the intended purposes. Decisions shall be promptly filed in writing in the office of the City Clerk, with a copy to the ICC Code Enforcement Officer, and shall be open to public inspection. A certified copy shall be sent

by mail or otherwise to the appellant.

Section 5-1036 DECISION BINDING – EXCEPTIONS. The decision of the Board of Appeals shall be conclusive and binding on the Parties before it, unless the City Council, in its discretion, grants an application or request from either Party to review the decision of the Board. If such a request is made, by filing for the same with the City Clerk within ten (10) days of the Board's decision, the City Council may, in it's discretion, determine to review or not review the matter; and, if it determines to review the same, may conduct such re-examinations, hearings, or summary procedures as it may, from time to time, find appropriate and just under the apparent circumstances.

Section 5-1037 to Section 5-1049, Reserved

Section 5-1050 IFC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IFC" means: The ICC International Fire Code, 2006 edition.

Section 5-1051 IFC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IFC as the Atoka Fire Code, regulating and governing the safeguarding of life and property from fire and explosions hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises, as therein provided; further providing for the issuance of permits and collections of fees, and related provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1052 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1053 hereof.

Section 5-1052 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IFC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) Appendix B, Fire Flow Requirements For Buildings;

(2) Appendix C, Fire Hydrant Locations And Distributions;

(3) Appendix D, Fire Apparatus Access Roads;

(4) Appendix E, Hazardous Categories;

(5) Appendix F, Hazardous Rankings; and

(6) Appendix G, Cryogenic Fluids – Weight And Volume Equivalents.

Section 5-1053 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IFC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) IFC Section 3204.3.1.1, the referenced prohibition shall be: prohibited in any area zoned C-3, and prohibited in any area zoned R, except for portions thereof occupied by hospitals, convalescent centers, pharmacies, and other like medical facilities;

(2) IFC Section 3404.2.9.5.1, the referenced prohibition shall be: prohibited in any area zoned C-3; provided further that propane tanks shall be limited as follows: Propane tanks of 500 gallons, or less, shall be allowed in any zoned area other than C-3; Propane tanks of more than 500 gallons shall be prohibited in any area zoned C-3, and shall be prohibited in any area zoned R, except that Propane tanks of more than 500 gallons, but less than 6,000 gallons may be allowed for portions thereof occupied by hospitals, convalescent centers, pharmacies, and other like medical facilities; Propane tanks of more than 6,000 gallons shall be prohibited in any area other than an area zoned industrial.

(3) IFC Section 3406.2.4.4, the referenced prohibition shall be: the same as above set forth for Section 3404.2.9.5.1

(4) IFC Section 3804.2 the referenced prohibition shall be: LPG tanks of 500 gallons, or less, shall be allowed in any zoned area other than C-3; LPG tanks of more than 500 gallons shall be prohibited in any area zoned C-3, and shall be prohibited in any area zoned R, except that LPG tanks of more than 500 gallons, but less than 6,000 gallons may be allowed for portions thereof occupied by hospitals, convalescent centers, pharmacies, and other like medical facilities; LPG tanks of more than 6,000 gallons shall be prohibited in any area other than an area zoned industrial.

Section 5-1054 to Section 5-1059 Reserved

Section 5-1060 IEBC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IEBC" means: The ICC International Existing Building Code, 2006 edition.

Section 5-1061 IEBC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IEBC as the Atoka Existing Building Code For regulating and governing the repair, alternation, change of occupancy, addition and relocation of existing buildings, including historic buildings, as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1062 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1063 hereof.

Section 5-1062 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IEBC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) None

Section 5-1063 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IEBC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) in IEBC Section 1301.2, the date referenced is: January 1, 1009.

Section 5-1064 to Section 5-1069 Reserved

Section 5-1070 IBC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IBC" means: The ICC International Building Code, 2006 edition.

Section 5-1071 IBC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IBC as the Atoka Building Code for regulating and governing the condition and maintenance of all property, buildings and structures; for providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications,

regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1072 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1073 hereof.

Section 5-1072 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IBC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) Appendix C, Agricultural Buildings;
(2) Appendix F, Rodent-proofing;
(3) Appendix G, Flood Resistant Construction;
(4) Appendix I, Patio Covers;
(5) Appendix J, Grading; and
(6) Appendix K, ICC Electrical Code.

Section 5-1073 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IBC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) IBC Section 1612.3 shall be deemed and construed as not being mandatory upon the City, but rather discretionary, and to reference provision of such maps as may, from time to time, be possessed thereby.

(2) IBC Section 3410.2, the date reference shall be January 1, 2009

Section 5-1074 to Section 5-1079 Reserved

Section 5-1080 IRC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IRC" means: The ICC International Residential Code, 2006 edition.

Section 5-1081 IRC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IRC as the Atoka Residential Code for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one and two family dwellings and multiple single family dwellings not more than three stories in height with separate means

of egress as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1082 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1083 hereof.

Section 5-1082 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IRC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) Appendix A, Sizing and capacity of Gas Piping;

(2) Appendix B, Sizing of venting systems serving appliances equipped with draft hoods, category 1 appliances, and appliances listed for use with type B vents;

(3) Appendix C, Exit terminals of Mechanical draft and direct vent venting systems;

(4) Appendix D, Recommended procedure for safety inspection of an existing appliance installation;

(5) Appendix E, Manufactured Homes used as dwellings;

(6) Appendix G, Swimming pools, spas, and hot tubs;

(7) Appendix H, Patio Covers;

(8) Appendix J, Existing Buildings and Structures;

(9) Appendix M, Home Day Care – R3 Occupancy;

(10) Appendix N, Venting Methods; and

(11) Appendix Q, ICC International Code Electrical Provisions / National Electric Code Cross Reference.

Section 5-1083 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IRC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) IRC Table R301.2(1), shall be designated as: the minimum design loads for buildings and other structures (ASCE-7);

(2) IRC Section P2603.6.1, the reference dimension shall be, for both (each) of the inserts (number of inches): 12 inches (305mm);

(3) IRC Section P3103.1, the reference dimension shall be, for both (each) of the inserts (number of inches): 12 inches (305mm);

Section 5-1084 to Section 5-1089 Reserved

Section 5-1090 IECAP DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IECAP" means: The ICC International Electrical Code – Administrative Provisions, 2006 edition.

Section 5-1091 IECAP ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IECAP as the Atoka Electrical Code – Administrative Provisions Code for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1092 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1093 hereof.

Section 5-1092 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IECAP are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) None

Section 5-1093 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IECAP are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) none

Section 5-1094 to Section 5-1099 Reserved

Section 5-1100 IPC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IPC" means: The ICC International Plumbing Code, 2006 edition.

Section 5-1101 IPC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IPC as the Atoka Plumbing Code for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1102 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1103 hereof.

Section 5-1102 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IPC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) Appendix E, Sizing of water piping systems; and

(2) Appendix F, Structural safety.

Section 5-1103 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IPC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) IPC Section 106.6.3, the percentages to be utilized shall be 80%, for each reference thereto;

(2) IPC Section 305.6.1, the reference dimension shall be, for both (each) of the inserts (number of inches): 12 inches (305mm);

(3) IPC Section 904.1, the reference dimension shall be (number of inches): 12 inches (305mm).

Section 5-1104 to Section 5-1109 Reserved

Section 5-1110 IPSDC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IPSDC" means: The ICC International Private Sewage Disposal Code, 2006 edition.

Section 5-1111 IPSDC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IPSDC as the Atoka Private Sewage Disposal Code for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of individual sewage disposal systems as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1112 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1113 hereof.

Section 5-1112 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IPSDC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) Appendix A, system layout illustration; and

(2) Appendix B, Tables for pressure distribution systems.

Section 5-1113 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IPSDC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) IPSDC Section 106.4.3, the referenced percentages, in each referenced area, shall be 80%;

(2) IPSDC Section 405.2.5, in each of the 3 placers referencing a date or time period, the time period is 5 days;

(3) IPSDC Section 405.2.6, in each of the 2 placers referencing a date or time period, thedate is: date of initiation.

Section 5-1114 to Section 5-1119 Reserved

Section 5-1120 IMC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IMC" means: The ICC International Mechanical Code, 2006 edition.

Section 5-1121 IMC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IMC as the Atoka Mechanical Code for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1122 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1123 hereof.

Section 5-1122 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IMC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) Appendix A, Combustion air openings and chimney connector pass throughs.

Section 5-1123 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IMC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) IMC Section 106.5.3, the referenced percentages, in each referenced area, shall be 80%.

Section 5-1124 to Section 5-1129 Reserved

Section 5-1130 IFGC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IFGC" means: The ICC International Fuel Gas Code, 2006 edition.

Section 5-1131 IFGC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IFGC as the Atoka Fuel Gas Code for regulating and governing fuel gas systems and gas fired appliances as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1132 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1133 hereof.

Section 5-1132 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IFGC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) Appendix A, Sizing and capacity of Gas Piping;

(2) Appendix B, Sizing of venting systems serving appliances equipped with draft hoods, category 1 appliances, and appliances listed for use with type B vents;

(3) Appendix C, Exit terminals of Mechanical draft and direct vent venting systems; and

(4) Appendix D, Recommended procedure for safety inspection of an existing appliance installation.

Section 5-1133 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IFGC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) IFGC Section 106.503, the referenced percentages, in each referenced area, shall be 80%.

Section 5-1134 to Section 5-1139 Reserved

Section 5-1140 IPMC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IPMC" means: The ICC International Property Maintenance Code, 2006 edition.

Section 5-1141 IPMC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IPMC as the Atoka Property Maintenance Code for regulating and governing the condition and maintenance of all property, buildings, and structures; by supplying the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures, as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1142 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1143 hereof.

Section 5-1142 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IPMC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) None

Section 5-1143 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IPMC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) IPMC Section 302.4, the referenced plant height specification is 12 inches (305mm);

(2) IPMC Section 304.14, the referenced time period (2 references) is: from March, through November;

(3) IPMC Section 602.3, the referenced time period (2 references) is: from October, through May; and

(4) IPMC Section 602.4, the referenced time period (2 references) is: from November, through April.

Section 5-1144 to Section 5-1149 Reserved

Section 5-1150 IECC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IECC" means: The ICC International Energy Conservation Code, 2006 edition.

Section 5-1151 IECC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IECC as the Atoka Energy Conservation Code for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1152 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1153 hereof.

Section 5-1152 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IECC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) None

Section 5-1153 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IECC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) None

Section 5-1154 to Section 5-1159 Reserved

Section 5-1160 IWUIC DEFINED. As used in this Chapter 10 (and elsewhere in this City Code, unless the context clearly indicates otherwise), the term, phrase or expression "IWUIC" means: The ICC International Wildland-Urban Interface Code, 2006 edition.

Section 5-1161 IWUIC ADOPTED; EXCEPTIONS. Except as otherwise set forth in Section 5-1003, the City of Atoka hereby adopts the IWUIC as the Atoka Wildland-Urban Interface Code for regulating and governing the mitigation to hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures, and prevention of structure fires from spreading to wildland fuels as therein provided; providing for the issuance of permits and collections of fees therefor, and other provisions; and, each and all of the provisions, tables, specifications, regulations, prohibitions, conditions and other terms thereof are hereby accordingly referred to, adopted and made a part hereof by incorporation as if hereat and herein fully set forth, together with such Appendices thereof (if any) as may be set forth in Section 5-1162 hereof; and further with such additions, insertions, deletions, changes, specifications, amendments or modifications thereto (if any) as may be set forth in Section 5-1163 hereof.

Section 5-1162 INCLUDED APPENDICES ADOPTED. Subject to said same exceptions, additionally and as a part thereof, the following identified Appendices to said IWUIC are likewise and simultaneously adopted and made a part of said ICC Code by incorporation as if hereat and herein fully set forth, -to-wit:

(1) Appendix A, General requirements;

(2) Appendix B, Vegetation Management plan code official;;

(3) Appendix C, Fire hazard severity form;

(4) Appendix D, fire hazard rating system; and

(5) Appendix F, Characteristics of fire resistive vegetation

Section 5-1163 MODIFICATIONS AND/OR SPECIFICATIONS. Provided further, however, in addition to the provisions of Section 5-1003 hereof, the following identified sections or other provisions of said IWUIC are hereby modified, amended, or directed to be interpreted by insertion or application of specifications, as follows:

(1) The City reserves the occasion to develop, and change from time to time, designated wildland-Urban interface areas on a map for such purposes, to be used in conjunction herewith.

Section 5-1164 to Section 5-1169 Reserved