

ORDINANCE NO. 1111

AN ORDINANCE OF THE CITY OF MUSTANG, OKLAHOMA, AMENDING CHAPTER 18, ARTICLE II, BY REPEALING IN THEIR ENTIRETY SECTIONS 18-31 THROUGH 18-33 AND: (1) ENACTING SECTION 18-31.A ADOPTING THE 2009 INTERNATIONAL BUILDING CODE, AS IT MAY FROM TIME TO TIME BE AMENDED; (2) ENACTING SECTION 18-31.B ADOPTING CITY AND STATE AMENDMENTS TO THE 2009 INTERNATIONAL BUILDING CODE; (3) ENACTING SECTION 18-32.A ADOPTING THE 2009 INTERNATIONAL EXISTING BUILDING CODE, AS IT MAY FROM TIME TO TIME BE AMENDED; (4) ENACTING SECTION 18-32.B ADOPTING CITY AND STATE AMENDMENTS TO THE 2009 INTERNATIONAL EXISTING BUILDING CODE; (5) ENACTING SECTION 18-33.A ADOPTING THE 2009 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, AS IT MAY FROM TIME TO TIME BE AMENDED; AND (6) ENACTING SECTION 18-33.B ADOPTING CITY AND STATE AMENDMENTS TO THE 2009 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS; ALL FOR THE PURPOSE OF REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES BY 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 OCCUPANCY AND USE, AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF MUSTANG, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR, AS HEREIN PROVIDED AND INCLUDING AMENDMENTS AS MAY FROM TIME TO TIME BE MADE TO SUCH CODES BY THE OKLAHOMA UNIFORM BUILDING CODE COMMISSION PURSUANT TO 59 O.S. § 1000.23; PROVIDING FOR REPEALER AND SEVERABILITY; ~~AND DECLARING AN EMERGENCY~~

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

SECTION 1. ENACTMENT.

That Chapter 18, Article II, Sections 18-31, 18-32 and 18-33 of the Code of Ordinances of the City of Mustang, are hereby repealed in their entirety.

SECTION 2. ENACTMENT.

That Chapter, 18, Article II, Section 18-31.A of the Code of Ordinances of the City of Mustang, is hereby enacted to read as follows:

Sec. 18-31.A – 2009 International Building Code adopted.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mustang, Oklahoma, being marked and designated as the International Building Code, 2009 edition, as published and may from time to time be amended by the International Code Council, as amended by the City of Mustang in Section 18-31.B herein, and as currently and from time to time may be amended by the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000.23, is hereby adopted as the Building Code of the City of Mustang, State of Oklahoma, for regulating and governing the conditions and maintenance of all property, buildings and structures, 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, and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided, and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes so adopted and amended in Section 18-31.B, are part of this code.

SECTION 3. ENACTMENT.

That Chapter, 18, Article II, Section 18-31.B of the Code of Ordinances of the City of Mustang, is hereby enacted to read as follows:

Sec. 18-31.B– City and State Amendments to the 2009 International Building Code.

The City of Mustang hereby adopts all amendments of the 2009 International Building Code (herein “IBC”) as prescribed by the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000.23, except as amended herein:

1. **IBC § 101.1 Title.** Insert “City of Mustang, Oklahoma” for name of jurisdiction.
2. **IBC § 102.4 Referenced codes and standards.** Add the following language to the end of the paragraph: “Where the City of Mustang has adopted a specific referenced code or standard different than those listed, the adopted code shall apply.”
3. **IBC § 103 Department of Building Safety** is hereby amended in its entirety and shall be titled as follows: “The City of Mustang Community Development Department.”

4. **IBC § 103.1 Creation of an enforcement agency** is amended in its entirety to read as follows: “The Community Development Department is in charge of administering all International Code Council Codes except the International Fire Code. The community development director shall serve as the *building official*.”
5. **IBC § 103.2 Appointment** is amended in its entirety to read as follows: “The city manager shall appoint the community development director who shall serve as the chief building official unless this duty is otherwise delegated to a deputy.”
6. **IBC § 103.3 Deputies** is amended in its entirety to read as follows: “In accordance with the prescribed procedures of the City of Mustang, Oklahoma, and with the concurrence of the city manager, the community development director shall have the authority to appoint a chief building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.”
7. **IBC § 105.2 Work exempt from permit (Building only)** is amended in its entirety to read as follows:
 1. “One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses are exempt provided it adheres to the following conditions:
 1. Its floor area does not exceed 100 square feet (9.2903 m²)
 2. Its height is 10 feet (3048 mm) above grade or less.
 3. It is not attached to a permanent foundation
 4. It is not permanently served by any utility service.
 2. Oil derricks.
 3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18925 L) and the ratio of height to diameter or width does not exceed 2:1.
 4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 5. Temporary motion picture, television and theater stage sets and scenery.
 6. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep.
 7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
 8. Swings and other playground equipment accessory to detached one- and two-family dwellings.
 9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.
 10. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
8. **IBC § 107.2.1 Information on construction documents.** The following requirements are added to the end of the paragraph: “The seal and signature of an Oklahoma licensed engineer or architect shall be required on plans featuring any of the following elements:

1. Where such certification is required by the State of Oklahoma.
 2. Plans with any clear span greater than 10 feet (3048 mm). An alternative to an engineer's certification is available for spans greater than 10 feet but less than 24 feet (7315 mm). In such instances the Owner may use Glu Lams, LVLs or similar products provided they have been certified by the manufacturer for the proposed live and dead loads and are approved by the Chief Building Inspector. Calculations and written approval shall accompany construction documents and shall be placed in the permit file.
 3. Structures with habitable space that is below grade.
 4. Any anchoring system, pier or footing design that is not approved by the Chief Building Inspector.”
9. **IBC § 108.2 Schedule of permit fees** is amended in its entirety to read as follows: “Fees will be set by the Mustang City Council as described in Chapter 42 of the Code of Ordinances of the City of Mustang, Oklahoma.”
 10. **IBC § 114.4 Violation penalties** is hereby amended in its entirety to read as follows: “Any person who violates any of the provisions of this article or who fails to comply therewith, or who violates or fails to comply with any order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed therein, shall severally, for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in the Code of Ordinances of the City of Mustang, Oklahoma §1-8. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and, when not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense. The application of the penalty in this section shall not be held to prevent the enforced removal of prohibited conditions.”
 11. **IBC § 1612.3** Insert “City of Mustang, Oklahoma” for the name of the jurisdiction.
 12. **IBC § 1612.3** Insert “September 26, 2008” for the required date.
 13. **IBC § 3412.2** Insert “June 6, 2006” for the required date.

SECTION 4. ENACTMENT.

That Chapter, 18, Article II, Section 18-32.A of the Code of Ordinances of the City of Mustang, is hereby enacted to read as follows:

Sec. 18-32.A – 2009 International Existing Building Code adopted.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mustang, Oklahoma, being marked and designated as the International Existing

Building Code, 2009 edition, as published from time to time may be amended by the International Code Council, as amended by the City of Mustang in Section 18-32.B herein, and as currently and from time to time may be amended by the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000.23, is hereby adopted as the Existing Building Code of the City of Mustang, State of Oklahoma, for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided, and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes so adopted and amended in Section 18-32.B herein, are part of this code.

SECTION 5. ENACTMENT.

That Chapter, 18, Article II, Section 18-32.A of the Code of Ordinances of the City of Mustang, is hereby enacted to read as follows:

Sec. 18-32.B – City and State Amendments to the 2009 International Existing Building Code.

The City of Mustang hereby adopts all amendments of the 2009 International Existing Building Code (herein “IEBC”) as prescribed by the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. §1000.23 except as amended herein:

1. **IEBC § 101.1 Title.** Insert “City of Mustang, Oklahoma” for name of jurisdiction.
2. **IEBC § 102.4 Referenced codes and standards.** Add the following language to the end of the paragraph: “Where the City of Mustang has adopted a specific referenced code or standard different than those listed, the adopted code shall apply.”
3. **IEBC § 103 Department of Building Safety** is hereby amended in its entirety and shall be titled as follows: “The City of Mustang Community Development Department”.
4. **IEBC § 103.1 Creation of an enforcement agency** is amended in its entirety to read as follows: “The Community Development Department is in charge of administering all International Code Council Codes except the International Fire Code. The community development director shall serve as the *building official*.”
5. **IEBC § 103.2 Appointment** is amended in its entirety to read as follows: “The city manager shall appoint the community development director who shall serve as the chief building official unless this duty is otherwise delegated to a deputy.”
6. **IEBC § 103.3 Deputies** is amended in its entirety to read as follows: “In accordance with the prescribed procedures of the City of Mustang, Oklahoma, and with the concurrence of the city manager, the community development director shall have the authority to appoint a chief

building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.”

7. **IEBC § 1301.2 Applicability.** Insert “May 6, 2006” for the required date.

SECTION 6. ENACTMENT.

That Chapter, 18, Article II, Section 18-33.A of the Code of Ordinances of the City of Mustang, is hereby enacted to read as follows:

Sec. 18-33.A – 2009 International Residential Code for One and Two-Family Dwellings Adopted

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Mustang, Oklahoma, being marked and designated as the International Residential Code, 2009 edition, as published and from time to time may be amended by the International Code Council, as amended by the City of Mustang in Section 18-33.B herein, and as currently and from time to time may be amended by the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000.23, is hereby adopted as the Residential Code of the City of Mustang, State of Oklahoma, 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 (townhouses) not more than three stories in height with separate means of egress as herein provided, and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said 2009 International Residential Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes so adopted and amended in Section 18-33.B herein, are part of this code.

SECTION 7. ENACTMENT.

That Chapter, 18, Article II, Section 18-33.B of the Code of Ordinances of the City of Mustang, is hereby enacted to read as follows:

Sec. 18-33.B – City and State Amendments to the 2009 International Residential Code for One and Two-Family Dwellings.

The City of Mustang hereby adopts all amendments of the 2009 International Residential Code for one and two-family dwellings (herein “IRC”) as prescribed by the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000.23 except as amended herein:

1. **IRC § R101.1 Title.** Insert “City of Mustang, Oklahoma” for name of jurisdiction.
2. **IRC § R102.4 Referenced codes and standards.** Add the following language to the end of the paragraph: “Where the City of Mustang has adopted a specific referenced code or standard different than those listed, the adopted code shall apply.”

3. **IRC § R103 Department of Building Safety** is hereby amended in its entirety and shall be titled as follows: “The City of Mustang Community Development Department”.
4. **IRC § R103.1 Creation of an enforcement agency** is amended in its entirety to read as follows: “The Community Development Department is in charge of administering all International Code Council Codes except the International Fire Code. The community development director shall serve as the building official.”
5. **IRC § R103.2 Appointment** is amended in its entirety as follows: “The city manager shall appoint the community development director who shall serve as the chief building official unless this duty is otherwise delegated to a deputy.”
6. **IRC § R103.3 Deputies** is amended in its entirety to read as follows: “In accordance with the prescribed procedures of the City of Mustang, Oklahoma, and with the concurrence of the city manager, the community development director shall have the authority to appoint a chief building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.”
7. **IRC § R105.2 Work exempt from permit (Building only)** is amended in its entirety to read as follows:
 1. “One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses are exempt provided it adheres to the following conditions:
 1. Its floor area does not exceed 100 square feet (9.2903 m²)
 2. Its height is 10 feet (3048 mm) above grade or less.
 3. It is not attached to a permanent foundation
 2. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18925 L) and the ratio of height to diameter or width does not exceed 2:1.
 3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 4. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
 5. Swings and other playground equipment.
 6. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
 7. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

NOTE: Electrical, gas and mechanical exemptions shall remain intact as provided for in the IRC.

8. **IRC § R108.2 Schedule of permit fees** is amended in its entirety to read as follows: “Fees will be set by the Mustang City Council as described in Chapter 42 of the Code of Ordinances of the City of Mustang, Oklahoma.”

9. **IRC § R106.1.1 Information on construction documents.** The following requirements are added to the end of the paragraph: “The seal and signature of an Oklahoma licensed engineer or architect shall be required on plans featuring any of the following designs:
1. Plans with any clear span greater than 10 feet (3048 mm). An alternative to an engineer’s certification is available for spans greater than 10 feet but less than 24 feet (7315 mm). In such instances the Owner may use Glu Lams, LVLs or similar products provided they have been certified by the manufacturer for the proposed live and dead loads and are approved by the Chief Building Inspector. Calculations and written approval shall accompany construction documents and shall be placed in the permit file.
 2. A Structure with habitable space that is below grade.
 3. Any anchoring system, pier or footing design that is not approved by the Chief Building Inspector.”
10. **IRC § 113.4 Violation penalties** is amended in its entirety to read as follows: “Any person who violates any of the provisions of this article or who fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed therein, shall severally, for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in the Code of Ordinances of the City of Mustang, Oklahoma §1-8. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and, when not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense. The application of the penalty in this section shall not be held to prevent the enforced removal of prohibited conditions.”
11. **IRC § Table R301.2(1)** is amended to fill the table with the following: “ground snow load - 10 psf; wind speed - 90 mph; seismic design category - C; weathering - moderate; frost line depth - 18 inches; termite – yes; winter design temp. – 13°F; ice barrier underlayment required – no; flood hazards – See Chapter 50 of the Code of Ordinances of the City of Mustang, Oklahoma; air freezing index – 332; mean annual temp. – 60°F.”
12. **IRC § M1308.3** is created and shall read as follows:
M1308.3 Construction equipment. Construction equipment such as backhoes, other motorized earth moving equipment, etc., shall not travel within or over a stem wall area or foundation perimeter after plumbing, electrical or mechanical ducts, piping, equipment or materials has been installed.

Exception: Construction equipment shall be permitted within said prohibited areas where such equipment does not travel over or adjacent to any duct, piping, equipment or materials

subjecting them to physical damage, provided however that the code official shall be notified prior to the work and provided that the code official shall verify that no damage is done to the installation by such construction equipment.

13. **IRC § M1309** is created and shall read as follows:

“M1309.1 Construction Heat. Temporary construction heat shall be allowed in accordance with the following requirements:

1. An inspection shall be made for construction heat prior to placing the heating system in operation.
2. Filter or filters shall be installed over each return air opening. Filters shall be cleaned or replaced as they become loaded with dust and debris. Air-handling units, appliances, and equipment shall not be placed in operation without air filters that have been installed in accordance with this section or while the air filters are being changed or replaced.
3. The construction heat thermostat shall have a fixed, minimum set point of 55 degrees F.
4. Mechanical equipment and appliances shall be installed in accordance with all safety requirements and limitations of the appliance and equipment manufacturer’s installation instructions, relative to construction heat.
5. All conditioned construction areas served by the mechanical system shall be substantially enclosed. Mechanical and furnace rooms shall be separated and isolated from all construction areas. All combustion air shall be per the following listed sections of Chapter 24 of this Code (outdoor combustion air only):

G2407.6.1 - Outdoor Combustion Air (Two Opening Method)

G2407.6.2 - Outdoor Combustion Air (One Opening Method)

6. When combustible, flammable, explosive or corrosive materials in any state (solid, liquid, or gaseous) are being used in the construction process the mechanical system shall not be in use, except where approved by the Code Official. The construction area shall be thoroughly ventilated before the mechanical appliances, equipment or system is put back into service.
7. Failure to provide adequate filtering during construction shall be grounds for requiring ductwork, mechanical equipment, and appliances to be professionally cleaned or replaced before final approval.
8. Failure to comply with the above requirements shall also be grounds for ordering the immediate termination of gas service to a structure by the authority having jurisdiction.”

14. **IRC § P3008.1 Sewage Backflow** is amended in its entirety as follows: “Sanitary sewer backflow preventers are required on all new service installations and when repairing existing sewer service lines where practical as determined by the chief code official or his deputy.”

SECTION 8. EXISTING RIGHTS UNIMPAIRED.

That nothing in this ordinance or in the IBC, IEBC or IRC as hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of

action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 9. PUBLICATION ORDERED.

That the City Clerk of the City of Mustang, Oklahoma is hereby directed to have this ordinance published as may be required by law.

SECTION 10. REPEALER.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed

SECTION 11. SEVERABILITY.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Mustang City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 12. EMERGENCY.

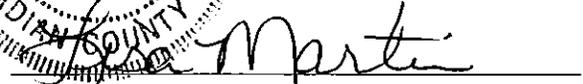
~~It being immediately necessary for the preservation of the public health, peace and safety of the City of Mustang and inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided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

~~PASSED AND APPROVED and Emergency Clause voted upon separately and passed and approved this~~
~~4th~~ day of November, 2014.

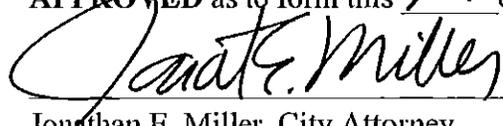




Mayor Jay Adams



Lisa Martin, City Clerk

APPROVED as to form this 4th day of November, 2014.


Jonathan E. Miller, City Attorney