

ORDINANCE NO. 1113

AN ORDINANCE OF THE CITY OF MUSTANG, OKLAHOMA, AMENDING CHAPTER 18, SECTION IV, DIVISION 1 OF THE CODE OF ORDINANCES OF THE CITY OF MUSTANG, BY (1) REPEALING EXISTING SECTION 18-171 AND ENACTING NEW SECTION 18-171 ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION, AND AS IT FROM TIME TO TIME MAY BE AMENDED, 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 HEREIN PROVIDED, AND AS CURRENTLY AND AS IT FROM TIME TO TIME MAY BE AMENDED BY THE OKLAHOMA UNIFORM BUILDING CODE COMMISSION PURSUANT TO 59 O.S. §1000.23, AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND (2) REPEALING EXISTING SECTION 18-172 AND ENACTING NEW SECTION 18-172 TO IDENTIFY AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION, AS ADOPTED BY THE CITY OF MUSTANG, OKLAHOMA; 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Article IV, Division 1, existing Section 18-171 of the Code of Ordinances of the City of Mustang, Oklahoma is hereby repealed in its entirety, and new Section §18 – 171 is enacted to read as follows:

Sec. 18-171. 2009 International Mechanical Code adopted

That a certain document, three (3) copies of which are file in the office of the City Clerk of the City of Mustang, Oklahoma, being marked and designated as the International Mechanical Code, 2009 edition, as it may from time to time be amended (the “2009 IMC”), as published by the International Code Council, as amended by the City of Mustang in Section 18-172, and as it currently and from time to time may be amended by the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. §1000.23, be and is hereby adopted as the Mechanical Code of the City of Mustang, State of Oklahoma 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 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 Mechanical Code, as currently and may from time to time be amended, 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, are part of this code.

SECTION 2. ENACTMENT

That Chapter, 18, Article IV, Division 1, existing Section 18-172 of the Code of Ordinances of the City of Mustang, Oklahoma is hereby repealed in its entirety, and new Section §18 – 171 is enacted to read as follows:

Sec. 18-172. Amendments to the 2009 International Mechanical Code

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

1. **IMC § 101.1 Title.** Insert “City of Mustang, Oklahoma”
2. **IMC § 106.5.2 Fee schedule** 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.”
3. **IMC § 106.5.3 Fee refunds** is amended in its entirety to read as follows: “In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made, and the portion of the fee for uncompleted work returned to the permit holder if requested in writing. Such refund shall be made at the discretion of the City Manager or his designee, provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of permit, a similar adjustment and return may be made; provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made no work shall be resumed until a new application has been made and a new permit has been issued.”
4. **IMC § 108.4 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 Section 1-8 of the Code of Ordinances of the City of Mustang, Oklahoma. 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 (10) 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.”

5. **IMC § 108.5 Stop work orders.** The last sentence of this section is amended as follows:
“Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed to be in violation and subject to the penalties outlined in IMC § 108.4 as noted above.”

SECTION 3. REPEALER.

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

SECTION 4. EXISTING RIGHTS UNIMPAIRED.

That nothing in this ordinance or in the Mechanical Code 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 5. PUBLICATION ORDERED.

That the City Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper of general circulation.

SECTION 6. SEVERABILITY.

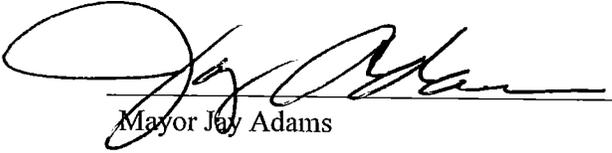
That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Mustang City Council hereby declares that it would have passed this ordinance, and 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 7. 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.~~

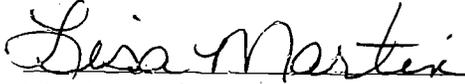
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~~PASSED AND APPROVED and Emergency Clause voted upon separately and passed and approved~~ this 4th day of November, 2014.



Mayor Jay Adams

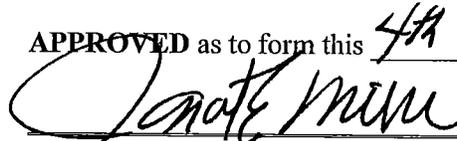
ATTEST:



Lisa Martin, City Clerk



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



Jonathan E. Miller, City Attorney