

ORDINANCE NO. 1115

AN ORDINANCE OF THE CITY OF MUSTANG, OKLAHOMA AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF MUSTANG, BY (1) CREATING ARTICLE VII, FUEL GAS CODE, AND ADDING NEW SECTION 18-317 ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FUEL GAS CODE, AS IT MAY BE FROM TIME TO TIME BE AMENDED, 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, REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES, AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND (2) CREATING NEW SECTION 18-318 TO IDENTIFY AMENDMENTS TO THE INTERNATIONAL FUEL GAS 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 VII of the Code of Ordinances of the City of Mustang, Oklahoma is hereby created to be titled as follows, and Section 18-317 is enacted to read as follows:

**Article VII. – Fuel Gas Code**

**Sec. 18-317. 2009 International Fuel Gas 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 Fuel Gas Code, 2009 edition, without appendices, as published and may from time to time be amended by the International Code Council (the “2009 IFGC”), as amended by the City of Mustang in Section 18-318 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, is hereby adopted as the Fuel Gas Code of the City of Mustang, State of Oklahoma, for regulating and fuel gas systems and gas-fired appliances 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 International Fuel Gas 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 herein.

## **SECTION 2. ENACTMENT.**

That Chapter 18, Article VII of the Code of Ordinances of the City of Mustang, Oklahoma is hereby amended by adding Section 18-318 to read as follows:

### **Sec. 18-318 Amendments to the 2009 Fuel Gas Code**

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

1. **IFGC § 101.1 Title.** Insert "City of Mustang, Oklahoma"
2. **IFGC § 106.6.2 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. **IFGC § 106.6.3 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. **IFGC § 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. **IFGC § 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. EXISTING RIGHTS UNIMPAIRED.**

That nothing in this ordinance or in the International Plumbing 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 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 4. 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 5. REPEALER.**

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

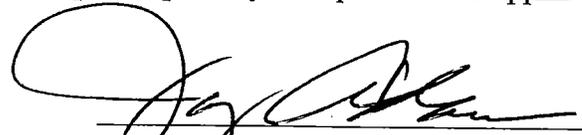
**SECTION 6. SEVERABILITY.**

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.**

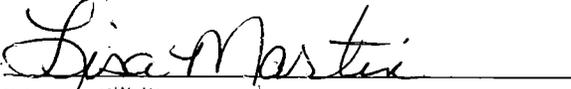
~~It being immediately necessary for the preservation of the public health, peace and safety of the City of Mustang and inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided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

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



Mayor Jay Adams

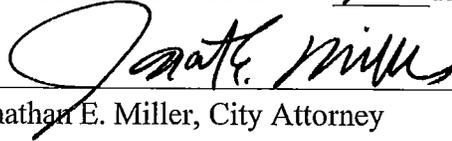
ATTEST:



Lisa Martin, City Clerk



APPROVED as to form this 4<sup>th</sup> day of November, 2014.



Jonathan E. Miller, City Attorney