

ORDINANCE NO. 1116

AN ORDINANCE OF THE CITY OF MUSTANG, OKLAHOMA, AMENDING CHAPTER 46, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF MUSTANG, BY (1) AMENDING SECTION 46-61 TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING APPENDIX CHAPTERS B AND C, AS IT MAY 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 THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF MUSTANG, OKLAHOMA, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; (2) AMENDING SECTION 18-62 TO IDENTIFY AMENDMENTS TO THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AS ADOPTED BY THE CITY OF MUSTANG, OKLAHOMA; (3) AMENDING SECTION 46-63 ADOPTING CERTAIN GEOGRAPHIC LIMITS FOR THE 2009 INTERNATIONAL FIRE CODE; (4) REPEALING CHAPTER 46, ARTICLE III, SECTION 46-64 IN ITS ENTIRETY; AND (5) RENUMBERING SECTION 46-65 TO SECTION 46-64; 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 46, Article III, Section 46-61 of the Code of Ordinances of the City of Mustang, is hereby amended in its entirety to read as follows:

Sec. 46-61. 2009 International Fire Code adopted

That a certain document, three (3) copies of which are on file in the office of the City Clerk's Office of the City of Mustang, Oklahoma, being marked and designated as the *International Fire Code*, 2009 edition, including commentaries and Appendix Chapters B and C (see *International Fire Code* Section 101.2.1, 2009 edition), as it may from time to time be amended, as published by the International Code Council (the "2009 IFC"), as

amended by the City of Mustang in Section 46-62 herein, and as currently and may 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 Fire Code of the City of Mustang, State of Oklahoma, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises 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 IFC Fire 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, if any, prescribed in Section 46-62.

SECTION 2. ENACTMENT.

That Chapter 46, Article III, Section 46-62 of the Code of Ordinances of the City of Mustang, is hereby amended in its entirety to read as follows:

Sec. 46-62. Amendments to the 2009 International Fire Code

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

1. **IFC § 101.1. Title** Insert: "**City of Mustang, Oklahoma**"
2. **IFC § 109.3. Violation Penalties** is replaced "As described in §46-64, Article III, Chapter 46 of the Code of Ordinances of the City of Mustang, Oklahoma."
3. **IFC § 111.4. Failure to comply** is replaced "As described in §46-64, Article III, Chapter 46 of the Code of Ordinances of the City of Mustang, Oklahoma."

SECTION 3. ENACTMENT.

That Chapter 46, Article III, Section 46-63 of the Code of Ordinances of the City of Mustang, is hereby amended in its entirety to read as follows:

Section 46-63. Geographic Limits Adopted for 2009 International Fire Code

That the geographic limits referred to in certain sections of the 2009 IFC are hereby established as follows:

1. **IFC § 3404.2.9.6.1 Locations where above-ground tanks are prohibited** is replaced with the following: "Storage of Class I and Class II liquids in above ground exterior tanks are only allowed in the Heavy Industrial (I-3) Zoning District."

2. **IFC § 3406.2.4.4 Locations where above-ground tanks are prohibited** is replaced with the following: “Storage of Class I and Class II liquids in above ground exterior tanks is only allowed in the Heavy Industrial (I-3) Zoning District.”

3. **IFC § 3506.2 Limitations** is replaced with the following: “Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited except as allowed in the Industrial (I-3) Zoning District.”

4. **IFC § 3804.2 Maximum capacity within established limits** is replaced with the following: “The storage of liquefied petroleum gas in total quantities exceeding 2000 gallons is prohibited except in the Heavy Industrial (I-3) Zoning District.”

SECTION 4. ENACTMENT.

That Chapter 46, Article III, Section 46-64 of the Code of Ordinances of the City of Mustang, is hereby repealed in its entirety.

SECTION 5. ENACTMENT.

That Chapter 46, Article III, Section 46-65 of the Code of Ordinances of the City of Mustang, is hereby renumbered as Section 46-64.

SECTION 6. REPEALER.

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

SECCTION 7. 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 8. EXISTING RIGHTS UNIMPAIRED.

That nothing in this ordinance or in the 2009 IFC 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 4 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 ordered and directed this ordinance to be published.

SECTION 10. 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.



Jay Adams

Mayor Jay Adams

ATTEST
Lisa Martin

Lisa Martin, City Clerk

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

Jonathan E. Miller

Jonathan E. Miller, City Attorney