

**SPECIAL NOTICE: MUNICIPALITIES
AND OTHER POLITICAL SUBDIVISIONS**

According to the Act § 1000.23 (C), Oklahoma **"Municipalities and other political subdivisions shall abide by such minimum standards and requirements."** (emphasis added). In § 1000.24 (A)(3), the Act provides that any codes adopted by municipalities or other political subdivisions of the state prior to uniform codes being adopted by OUBCC, pursuant to the provisions of or rules promulgated pursuant to the Act, "...shall be considered valid and in effect **until uniform codes are adopted by the Oklahoma Uniform Building Code Commission.**" (emphasis added).

SPECIAL NOTICE: ALL PUBLIC PROJECTS IN OKLAHOMA

According to the Act § 1000.23 (B), **"All public projects shall abide by such minimum standards and requirements."** (emphasis added).

PROMULGATED PERMANENT RULES APPROVED BY GOVERNOR AND LEGISLATURE

The Act §1000.24(A)(1) provides that OUBCC shall have the power to adopt, amend, repeal and promulgate rules as may be necessary to perform the duties required under the Act. Subsequent to the enactment of the Act, the OUBCC engaged in the rulemaking process for permanent rules to promulgate its first set of code-adopting permanent rules in order to adopt the International Residential Code® for One- and Two-Family Dwellings 2009 Edition (IRC 2009) as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-5-1 to 20-5-23. As part of the rulemaking process for permanent rules, these Code-adopting permanent rules were subject to and successfully completed the Gubernatorial and Legislative review process resulting in approval by both Governor Mary Fallin and the 2011 Oklahoma Legislature. Subsequent to such required approvals, the Oklahoma Administrative Code (OAC) 748: 20-5-1 to 20-5-23 was published in the Oklahoma Register on July 1, 2011, with an effective date of July 15, 2011.

Further, the OUBCC engaged in the rulemaking process for permanent rules to promulgate its Code-adopting permanent rules in order to adopt the International Codes® for commercial structures, the International Building Code®, 2009, the International Fire Code®, 2009, the International Existing Building Code®, 2009, the National Electrical Code®, 2011, the International Fuel Gas Code®, 2009, the International Mechanical Code®, 2009, and the International Plumbing Code®, 2009 as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-5-1 to 20-5-23. As part of the rulemaking process for permanent rules, these Code-adopting permanent rules were subject to and successfully completed the Gubernatorial and Legislative review process resulting in approval by both Governor Mary Fallin and the 2011 Oklahoma Legislature. Subsequent to such required approvals, the Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 was published in the Oklahoma Register on July 2, 2012, with an effective date of November 1, 2012.

SUGGESTED ACTIONS FOR MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS

As previously mentioned above, § 1000.24 (A)(3) of the Act provides that any codes adopted by municipalities or other political subdivisions of the state prior to uniform codes being adopted by OUBCC, pursuant to the provisions of or rules promulgated pursuant to the Act, "...shall be considered valid and in effect **until uniform codes are adopted by the Oklahoma Uniform Building Code**

Commission.” (emphasis added).

Effective July 15, 2011, the Oklahoma Uniform Building Code Commission has adopted the International Residential Code® for One- and Two-Family Dwellings 2009 Edition (IRC 2009) as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-5-1 to 20-5-23, and effective November 1, 2012, the International Building Code®, 2009, the International Fire Code®, 2009, the International Existing Building Code®, 2009, the National Electrical Code®, 2011, the International Fuel Gas Code®, 2009, the International Mechanical Code®, 2009, and the International Plumbing Code®, 2009 as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 20-15-16.

Accordingly, in order for Oklahoma municipalities and other political subdivisions to have valid residential and commercial codes in effect, such local governmental entities need to begin to take certain steps towards compliance with Oklahoma law.

1. Oklahoma municipalities and other political subdivisions, if they have not done so or have not done so recently, should familiarize themselves with the Act, OAC 748: 20-5-1 to 20-5-23 and IRC 2009 as amended and modified in OAC 748: 20-5-1 to 20-5-23, and the International Building Code®, 2009, the International Fire Code®, 2009, the International Existing Building Code®, 2009, the National Electrical Code®, 2011, the International Fuel Gas Code®, 2009, the International Mechanical Code®, 2009, and the International Plumbing Code®, 2009 as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 20-15-16 through their respective Elected Officials, Officers, Attorneys, Building Officials and municipal staffs as well as reviewing their own previously adopted residential and/or commercial building codes.

(Please Note: Local jurisdictions that have previously adopted building codes in some form may need to amend such previous versions so as, at a minimum, to match or exceed the codes as amended and modified in OAC 748: 20-5-1 to 20-5-23 and 748: 20-1-1 to 20-15-16 as adopted by OUBCC.)

2. While Oklahoma municipalities and other political subdivisions are required to abide by the minimum standards for residential and commercial construction as adopted by OUBCC, nothing in the Act prevents or takes away from such municipalities and other political subdivisions the authority to enact and enforce requirements containing **higher standards and requirements** than those minimum standards for residential and commercial construction as adopted by OUBCC. *See* 59 O.S. Supp.2010, § 1000.23(C).

3. Oklahoma municipalities and other political subdivisions may wish to consult their own Attorney(s) as to the best way for their jurisdiction to adopt these codes as amended and modified in OAC 748: 20-5-1 to 20-5-23 and &748: 20-1-1 to 20-15-16.

4. Sample Ordinances that Oklahoma municipalities and other political subdivisions may wish to review, follow and/or modify for individual use are available on the OUBCC Web site under the Forms tab:
<http://www.ok.gov/oubcc/>

5. Oklahoma municipalities and other political subdivisions should take action to adopt the codes as amended and modified in OAC 748: 20-5-1 to 20-5-23 and 748: 20-1-1 to 20-15-16 in order to comply with the requirements of 59 O.S. Supp.2010, § 1000.23 (C).

6. Oklahoma municipalities and other political subdivisions shall send all amendments for **higher standards and requirements** to their adoption immediately to the OUBCC along with documentation for publication on the website.

Adopted codes, a certification letter and a copy of the relevant meeting minutes shall be sent to the Oklahoma Uniform Building Code Commission by electronic mail, facsimile or regular mail.

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Refer to the OUBCC website, <http://www.ok.gov/oubcc>, for FAQs. For additional questions, contact the OUBCC, at (405) 521-6401.