

STATE QUESTION 788 - OUBCC BUILDING CODE INFORMATION

The OUBCC is the state agency charged with establishing the minimum building and construction code for all residential and commercial construction in the State of Oklahoma. However, the OUBCC does not have any statutory enforcement authority. That authority is reserved to each local jurisdiction in the state. In rural areas where there is no local jurisdictional authority, for commercial structures, the enforcement authority remains in the Oklahoma State Fire Marshal. When the OUBCC adopts a model building code through its permanent or emergency rulemaking process, the OUBCC does so "by reference" with only our legislatively-approved and/or gubernatorially-approved modifications showing in the OUBCC's rules. Any section of a model building code that the OUBCC adopts, through its permanent or emergency rulemaking process, that is not OUBCC modified, stands as published and all OUBCC modifications supersede the published model building code document.

The OUBCC has adopted the following seven building codes that have requirements that could apply to a commercial structure, the 2015 Editions of the International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, International Plumbing Code®, (collectively referred to as the "I-codes"), and the 2014 Edition of the National Electrical Code® (the "NEC®"). And as stated in the Department of Health's adopted emergency rules related to this issue, you must also follow any "local electrical, fire, plumbing, waste and building specifications codes" that apply. Each jurisdiction may have ordinances, regulations, or orders related to any number of these that the OUBCC would not have knowledge of.

All the I-codes are available for review (without the OUBCC modifications) by the ICC® as the publisher at this link: <https://codes.iccsafe.org/public/collections/I-Codes>.

The NEC® is published by a different model code provider, and they have an online version open for free public viewing at: www.nfpa.org/NEC (without OUBCC modifications). Please note to utilize the free online version of the NEC®, the publisher, National Fire Protection Association® (NFPA®), will require you to set up an account with them.

The OUBCC modifications to each code are available at this link: <https://www.ok.gov/oubcc/Codes & Rules/Adopted Building Codes/>.

The statutory and code requirements to build a commercial structure are too numerous to provide information on a case-by-case basis, but if you have a specific question on a specific item, the OUBCC staff is available during regular business hours to help point to the location of that requirement in the applicable building code as modified and adopted. If your intention is to grow marijuana commercially, the OUBCC recommends that you contact an Oklahoma licensed architect or Oklahoma registered professional engineer, and/or work with the local jurisdiction in which the commercial structure will be located, so that they can walk you through the process step-by-step to make sure all the requirements within the OUBCC adopted building codes and any other state law or local ordinances, regulations, or orders (if any), are met.

This statement is not intended to offer any legal advice as the OUBCC staff are not licensed as attorneys. You may wish to consult with an attorney as to any legal questions you may have.

This statement is further not intended to offer any architectural, engineering, or construction advice as the OUBCC staff are not licensed as architects or registered professional engineers.