

The City Clerk of the City of Tulsa, OK,
a Municipal Corporation, hereby certifies
that the foregoing is a true and correct
copy of attachment herewith set out as
appears of record in the City Clerk's Office,
175 E 2nd Street, Suite 260, Tulsa, OK,
this 28th day of FEBRUARY, 2014

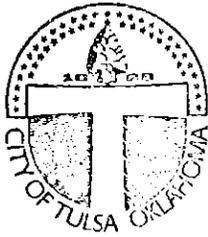
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by Arnold K. ... (Published in the Tulsa Business
Deputy City Clerk and Legal News,

JAN. 17, 2014

Ordinance No. 22999



AN ORDINANCE AMENDING TITLE 51, TULSA REVISED ORDINANCES,
THE BUILDING CODE OF THE CITY OF TULSA, OKLAHOMA, CHAPTER
1; AMENDING SECTIONS 113.1 THROUGH 113.1.11 BY REPLACING THE
BUILDING, HOUSING & FIRE PREVENTION APPEALS BOARD AND
VESTING AUTHORITY IN THE BOARD OF APPEALS TO HEAR AND
DECIDE APPEALS OF DECISIONS BY CODE OFFICIALS PURSUANT TO
TULSA REVISED ORDINANCES, TITLES 14, 51, 52, 56 AND 59;
PROVIDING THE COMPOSITION OF THE BOARD, THE ORGANIZATION
AND OPERATION OF THE BOARD; THE PROCEDURES TO BE
FOLLOWED BY THE BOARD; THE POWERS AND DUTIES OF THE
BOARD; PROVIDING DECISION MAKING AUTHORITY FOR THE
BOARD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
IN CONFLICT HEREWITH; PRESERVING AND PROTECTING EXISTING
RIGHTS AND REMEDIES; PROVIDING FOR SEVERABILITY; AND
DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 51, Tulsa Revised Ordinances, Chapter 1, be and the same is hereby amended to read as follows:

"TITLE 51 BUILDING CODE

- Chapter 1. ICC International Building Code, 2009 Edition, Adopted**
- Chapter 2. ICC International Residential Code for One and Two-Family Dwellings, 2009 Edition, Adopted**
- Chapter 3. Mobile Homes, Modular Structures, Recreational Vehicles and Mobile Home Parks**
- Chapter 4. ICC International Existing Building Code, 2009 Edition, Adopted**

CHAPTER 1. ICC INTERNATIONAL BUILDING CODE, 2009 EDITION, ADOPTED

- Section 100. Adoption of the ICC International Building Code, 2009 Edition.
- Section 101. Amendments to the ICC International Building Code, 2009 Edition.

Section 100. Adoption of the ICC International Building Code, 2009 Edition

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Tulsa, Oklahoma, being marked and designated as the *ICC International Building Code, 2009 Edition*, as published by the International Code Council, Inc., hereinafter the "Building Code" is hereby adopted for the control of buildings and structures other than detached one- and two-family dwellings and townhouses, as herein provided. Each and all of the regulations, provisions, penalties, terms and conditions of the *ICC International Building Code, 2009 Edition*, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter with the amendments thereto, prescribed in Section 101 of this chapter.

Ord. Nos. 18094, 19117, 20828, 21782

Section 101. Amendments to the ICC International Building Code, 2009 Edition

The following sections of the *ICC International Building Code, 2009 Edition* are hereby added, deleted or amended to read as follows:

101.1 Title-Amendatory. These regulations shall be known and may be cited as the "Building Code of the City of Tulsa, Oklahoma," hereinafter referred to as the "Building Code" or "this code."

101.2 Scope-Amendatory. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code for One and Two Family Dwellings* of the City of Tulsa, Oklahoma, Title 51, Tulsa Revised Ordinances, Chapter 2. One- and two-family dwellings or townhouses relocated or moved inside the corporate limits of the City shall comply with the provisions of the Building Code of the City of Tulsa Title 51, Tulsa Revised Ordinances, Chapter 1, Section 3410.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the *International Existing Building Code* of the City of Tulsa, Oklahoma, Title 51, Tulsa Revised Ordinances, Chapter 4.

101.4.3 Plumbing-Amendatory. The provisions of the *International Plumbing Code*, as adopted in the Plumbing Code of the City of Tulsa, Oklahoma, Title 56, Tulsa Revised Ordinances shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system, and all aspects of a medical gas system. Regulations

promulgated by the Oklahoma Department of Environmental Quality (ODEQ) and published in Oklahoma Administrative Code (OAC), Title 252, Chapter 641, entitled "Individual and Small Public On-site Sewage Disposal Systems" shall apply to private sewage disposal systems.

101.4.7 Electrical-Added. The provisions of the *National Electrical Code* (NEC), as adopted in the Electrical Code of the City of Tulsa, Oklahoma, Title 52, Tulsa Revised Ordinances shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto and shall supersede and replace all references to *NFPA 70* throughout this code.

101.5 Conflict with Other Ordinances or Statutes-Added. No provisions of this code shall be held to deprive any federal or state agency or any municipal authority having jurisdiction, of any power or authority which it had on the effective date of this code or of any remedy then existing for the enforcement of its orders.

102.7 Buildings Owned by the City of Tulsa-Added. Buildings and structures owned by the City of Tulsa which are located inside or outside the corporate limits of the City, shall comply with the requirements of this code.

103.1 Enforcement Agency-Amendatory. The term "Department of Building Safety," as used within the *ICC International Building Code*, 2009 Edition shall mean the Development Services Division of the Planning and Economic Development Department of the City of Tulsa or other department, division or section of the City of Tulsa authorized and directed to enforce the provisions of this code.

103.2 Appointment-Amendatory. Pursuant to Title 11, Tulsa Revised Ordinances, Chapter 2, the Director of Planning and Economic Development, or the Director's designated representative, in charge of the supervision and direction of all building, mechanical, electrical, plumbing and associated site work permitting and inspection programs of the City, shall be the "building official" or "code official," as used in this chapter and *ICC International Building Code*, 2009 Edition, as adopted by the City of Tulsa.

103.4 Code of Ethics-Added. Staff members of the Development Services Division of the Planning and Economic Development Department of the City of Tulsa shall ascribe to and be guided in professional conduct as code officials and department representatives as stipulated within Title 12, Chapter 6 "Ethics Code," Tulsa Revised Ordinances.

103.5 Qualifications of Code Officials-Added. The building official and deputies, otherwise known as "code officials," shall have experience in commercial or residential building work, as determined by their job descriptions and responsibilities, and possess certification by the International Code Council, Inc. or other testing agencies, as approved by the Director of the Planning and Economic Development Department.

104.10.1 Areas Prone to Flooding-Added. The code official shall not grant modifications to any provision related to areas prone to flooding, as established by the current City of Tulsa Regulatory Floodplain Map Atlas, without the grant of a variance by the Stormwater Drainage Advisory Board, as provided in Title 11-A, Tulsa Revised Ordinances.

105.1.1 By Whom an Application is Made-Amendatory. An application for a permit shall be made by the owner or lessee of the building or structure, or the agent of either, or by the licensed architect or engineer employed in connection with the proposed work. If an application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the qualified applicant or a signed statement of the qualified applicant witnessed by the code official or the official's designee, informing that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and the responsible officers, if the owner or lessee is not a natural person, shall be stated on the application. The owner of the building or structure, or the owner's authorized agent(s), shall at all times retain ownership rights and authority for use and control of such application and any related subsequent permits issued pursuant to this code.

105.1.2 Annual Permit Records-Amendatory. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such permit, in accordance with Title 50, Tulsa Revised Ordinances, titled "Annual Permits." The code official shall have access to such records at all times or such records shall be filed with the code official as designated.

105.3.1.1 Bond Required-Added. The code official, or designated representative, shall not issue a permit for the demolition or destruction of a building or structure until a suitable bond has been provided, protecting the adjacent owners from damages. Such bond shall be in the minimum amount as provided in Title 49, Tulsa Revised Ordinances, Chapter 3, and may be increased if in the opinion of the code official the location of the building to be demolished or destroyed requires a larger bond. The code official, or designated representative, may waive the requirement of bond if the official is satisfied that the particular building or structure can be demolished or destroyed without damage to adjoining buildings or properties.

105.3.3 Payment of Permit Fees-Added. Upon acceptance of application for a permit, an application fee shall be paid. Upon approval, the applicant shall be notified the permit is ready and advised of what remaining fees are due. In order for the permit to be valid, all fees shall have been paid in full and the permit posted at the job site prior to beginning construction. Payments for permits are due upon notification to the applicant that the permit is approved and is ready for issuance. Any permit not paid for within thirty (30) days after notification may be deemed void by the code official and the application fee shall then be forfeited.

105.3.4 Eating or Drinking Establishments-Added. Each applicant for a permit for a structure to be used as an eating or drinking establishment shall provide two (2) additional copies of the plans and specifications for the proposed structure. The Tulsa City-County Health Department shall review the documents for compliance with the Food Code of the City of Tulsa, as provided in the Tulsa Revised Ordinances.

105.3.5 Zoning Clearance Permit Required-Added. The code official shall not issue a building permit for any building or structure until and unless the code official is furnished a zoning clearance permit stating that the use or occupancy of such building or structure complies with, or, upon completion, will comply with applicable zoning ordinances of the City of Tulsa.

105.3.6 Alarm Industry Act Adopted and Incorporated by Reference-Added. The Alarm Industry Act, Title 59 O.S. Section 1800.1 *et seq.* as amended is hereby adopted by reference and incorporated into this code as if set out at-length here, save and except any portions which may be added, deleted or amended in this title.

105.3.6.1 Fire Extinguisher Industry Act Adopted and Incorporated by Reference-Added. The Fire Extinguisher Industry Act, Title 59 O.S. Supp. 2007, Section 1820.1 *et seq.* as amended is hereby adopted by reference and incorporated into this code as if set out at-length here, save and except any portions which may be added, deleted or amended in this title.

105.3.6.2 Fire Sprinkler Permits-Added. The code official shall not issue a permit for the installation, alteration or repair, of fire sprinkler systems, and related equipment, including standpipes, and hose connections to fire sprinkler systems, air line systems used in connection with fire sprinkler systems, and to connect tanks and pumps, until the person, firm, corporation or limited liability company installing the same shall have on file with the City of Tulsa a surety bond in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). Such bond shall be on a form satisfactory to the City, guaranteeing payment of all obligations and guaranteeing the work to be installed in accordance with the provisions of this code. No person, firm, corporation or limited liability company shall install automatic fire sprinkler systems unless licensed as provided in Title 59 O.S. Section 1800.1 *et seq.*, as amended, and related rules and regulations.

105.3.6.3 Licensing-Added. All fire protection equipment and systems governed by this code shall be installed, inspected and repaired by licensed firms and technicians in compliance with occupational licensing laws and regulations promulgated by the Oklahoma Department of Health, and published in the Oklahoma Administrative Code (OAC), Section 310 Chapters 205 and 451.

107.2.2 Fire Protection System Shop Drawings-Amendatory. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents. An application for a permit shall be submitted prior to the start of system installation. Any applicant for a permit that begins construction activities prior to an approved permit being issued shall be proceeding at their own risk. Regardless, a permit shall be required before a rough-in inspection may be requested for the system(s) and prior to the system(s) being concealed. Shop drawings shall contain all information required by installation standards referenced in Chapter 9 of this code.

107.3.5 Approval of Water and Sewer Plans-Added. If the property is not served by an adequate public water supply or public sanitary sewer system, each applicant for a permit for a

structure requiring a water supply and sewage disposal shall develop the site in accordance with adopted City ordinances.

108.3 Temporary Power-Amendatory. The building official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final inspection has been approved. The part covered by the temporary permit shall comply with the requirements specified for temporary lighting, heat, or power in the Electrical Code of the City of Tulsa, Title 52, Tulsa Revised Ordinances.

109.2 Schedule of permit fees-Amendatory. All permit and inspection fees for work encompassed in this chapter shall be paid in accordance with the schedule established in Title 49, Tulsa Revised Ordinances Chapters 1 and 3.

109.3 Building Permit Valuations-Amendatory. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be (1) denied, or (2) approved using an adjusted valuation substituted by the building official, or (3) approved using a valuation submitted by the applicant based upon detailed estimates meeting the approval of the code official. Final building permit valuation shall be set by the building official.

110.3.3 Lowest Finished Floor Elevation-Amendatory. When a minimum finished floor elevation is specified in a permit, no further vertical construction shall be performed after approval of the slab or floor, until an elevation certificate, verifying the floor elevation, has been received and approved by the code official. The elevation certificate shall be prepared by a land surveyor or engineer who is licensed by the State of Oklahoma, using an appropriate form provided by the code official.

110.3.3.1 Final Floodplain Elevation Certificate-Added. Prior to the final inspection, a final elevation certificate shall be required for structures located in areas prone to flooding, as established by the current City of Tulsa Regulatory Floodplain Map Atlas. The final elevation certificate shall be prepared by a land surveyor or engineer licensed by the State of Oklahoma, using an appropriate form provided by the code official. The certificate shall confirm the finished floor elevation and verify the lowest elevation of mechanical equipment. A certificate of occupancy shall not be issued unless the final elevation certificate is approved by the code official.

110.3.3.2 Flood-proofing Certificate-Added. In lieu of elevating an existing structure to a certified minimum finished floor elevation as provided in Sections 110.3.3 and 110.3.3.1 of this code, an existing structure located in an area prone to flooding, as established by the current City of Tulsa Regulatory Floodplain Map Atlas, undergoing substantial improvement as defined by FEMA, may be flood-proofed in accordance with other sections of this code. A land surveyor, engineer, or architect licensed by the State of Oklahoma shall prepare a certificate of flood-

proofing and submit it to the code official for approval prior to the final inspection. The certificate shall be in an appropriate form provided by the code official.

110.3.7 Energy Efficiency Inspection-Deleted. Section 110.3.7 of the *ICC International Building Code*, 2009 Edition is intentionally deleted from this code.

110.6 Approval required-Amendatory. No work shall be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. Upon notification, the code official shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or an agent of the permit holder where it fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered, concealed or occupied until authorized by the code official. Work that is covered or concealed, or occupied without approval of the code official shall be in violation of this code and shall be penalized by the imposition of a civil fine as provided in Title 49, Tulsa Revised Ordinances, Chapter 3, for each occurrence and may result in a hearing before the Building, Housing & Fire Prevention Appeals Board. Each day, or portion thereof, during which a violation is committed, continued or permitted shall be deemed a separate offense. The assessment or payment of this penalty shall not relieve any person from fully complying with all requirements of this code nor shall such payment exempt the person from further penalty provided by law.

113.1 Board of Appeals Created-Amendatory. In order to hear and decide appeals of orders, decisions, or determinations made by the building, fire, or other code officials relative to the application and interpretation of Tulsa Revised Ordinances Titles 14, 51, 52, 56, or 59, there shall be and is hereby created a Board of Appeals."

113.1.1 Membership of Board-Added. The Board shall be composed of the following thirteen (13) members and two (2) alternates, appointed by the Mayor and confirmed by the City Council:

Thirteen (13) Members:

- One (1) electrical contractor
- One (1) mechanical or plumbing contractor
- One (1) mechanical stationary engineer
- One (1) fire protection contractor
- One (1) commercial building contractor
- One (1) residential building contractor
- One (1) structural engineer
- One (1) mechanical, electrical, or plumbing consultant engineer
- One (1) fire protection engineer
- One (1) architect
- One (1) member of the Home Builders Association of Greater Tulsa
- One (1) member of the Building Owners and Managers Association of Tulsa
- One (1) mayoral designee

Two (2) Alternates of similar qualification as any Member:

Alternates may be called upon to ensure quorum of the board during times when a sufficient number of regular members is not available. Alternates shall receive notices and all meeting materials and may attend all meetings. They will serve as voting members only when needed to provide a quorum.

Appointments shall be for terms of three (3) years and shall commence on July 1. Upon death, removal, or resignation of any member, a new member shall be appointed to serve out the unexpired term. Members shall serve until their successors are duly appointed and qualified.

113.1.2 Election of Officers-Added. At the July meeting of each year, the Board shall elect one of its members as chairman and one as vice-chairman, both to serve for the ensuing year. The code official shall serve, *ex-officio*, as a non-voting secretary of the Board. The fire code official shall serve, *ex-officio*, as a non-voting member of the Board.

113.1.3 Meetings of Board-Added. The Board shall meet at the call of the chairman or three (3) members of the Board. Seven (7) members of the Board shall constitute a quorum. Insofar as possible, all business meetings shall be conducted in accordance with the parliamentary rules set forth in *Robert's Rules of Order*. The Office of Building Inspection shall maintain records of all proceedings of Board meetings. Prior to each meeting, a complete agenda and the minutes of the previous meeting shall be provided to all Board members.

113.1.4 Attendance-Added. Each member of the Board shall attend all Board meetings except for reasons beyond the member's control. Any member who misses three (3) consecutive meetings of the Board shall be recommended to the Mayor for removal and replacement.

113.1.5 Powers and Duties of the Board-Added.

1. The Board shall hear all appeals from decisions of the building, fire, or other code officials and shall interpret the provisions of the applicable code whenever a dispute arises as to the meaning or intent of any provision. In the event of a dispute between interested parties, the code official may, as necessary, order part or all of the construction work to cease; provided that within twenty (20) days after an order from the code official has been issued, the appellant may file a written notice of appeal with the Board. Thereafter the appellant may proceed with the work at the appellant's own risk, pending determination of the dispute.
2. The Board shall serve as an advisory board to the Council with respect to technological advances in equipment standards, in installation and performance, and other matters related to buildings and structures.
3. The Board shall adopt rules of procedure for the transaction of its business. The Board shall have the authority to establish ad hoc committees and select appropriate representatives

with technical expertise and experience to provide guidance and recommendations on specific and focused issues as may be desired.

4. The Board may suspend, revoke, or cancel any License or Certificate of Registration issued pursuant to the City of Tulsa Electrical, Mechanical, or Plumbing Codes (Titles 52, 56 or 59) if it has reason to believe or finds that the holder of the License or Certificate has:
 - a. Made a material misstatement in the application for any License or Certificate or renewal thereof; or
 - b. Loaned or illegally used the License or Certificate; or
 - c. Violated any provisions of the City's applicable codes.

113.1.6 Initiation of an Appeal-Added. Any person aggrieved by a decision of the building, fire, or other code officials may appeal the decision to the Board of Appeals. The initiation of such an appeal shall be in writing and shall be filed with the City Clerk and the Code Official whose decision is being appealed no later than twenty (20) days after the code official's decision was made known to the aggrieved person. The notice of appeal shall:

1. Set forth in detail the precise decision or requirement being appealed;
2. State precisely why the decision or requirement is in error;
3. Designate the section(s) of the code, other ordinances or statute(s) which support(s) the appellant's position; and
4. Be accompanied by a fee as provided in Title 49, Tulsa Revised Ordinances, Chapter 1.

113.1.7 Board Investigation and Hearing-Added. Upon receipt by the Board of a written notice of appeal filed by the code official or any aggrieved person, or upon the Board's own motion, the Board shall make such investigation into the complaint which it may deem necessary and hold a hearing upon the appeal.

113.1.8 Notice of Hearing-Added. The Board shall meet upon notice from the chairman within twenty (20) days of the filing of an appeal or at a stated periodic meeting. The appellant shall be notified by regular mail of the date, time and place of the hearing which shall include:

1. A statement of the date, time, place and nature of the hearing.
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular section(s) of the code and rules involved;

4. A short, plain statement of the complaint or appeal and a statement of the issues before the Board;
5. A statement that the nature of the proceeding before the Board will be an informal inquiry into the complaint at which time an opportunity will be afforded for the individual to respond to the allegations in the notice of appeal by the presentation of testimony or documentary evidence; and
6. A statement that the individual has a right to be represented by legal counsel.

113.1.9 Board Decision Upon Hearing an Appeal-Added.

1. At the conclusion of a hearing on an appeal, the Board shall affirm, modify, or reverse the decision of the code official by a concurring vote of a majority present.
2. A decision of the Board on a technical dispute shall be *res judicata* and the Board may, in its discretion, refuse to hear appeals involving interpretation of codes, statutes or ordinance provisions upon which a decision by the Board has been previously made. When the Board determines that a decision made by it has industry-wide implications, the Board may direct its secretary to advise all registered contractors by letter of such decision.
3. Any rulings, requirements, decisions or interpretations of the Board shall be final and binding upon all parties, unless appealed to the City Council.

113.1.10 Suspension or Revocation of Certificates of Registration--Added.

1. **Written Complaint-Added.** Upon receipt of a written complaint to the Board, filed by the code official or any aggrieved person, or upon the Board's own motion, the Board shall make any investigation into the complaint which it may deem necessary and thereafter shall conduct a hearing upon such complaint.
2. **Notice of Hearing-Added.** Within ten (10) days after the filing of a written complaint, the Board shall serve written notice of the complaint upon the Certificate holder. The notice shall be served either personally or by certified mail, return receipt requested, at least ten (10) days prior to any scheduled hearing and shall include:
 - 2.1. A statement of the time, place, and nature of the hearing;
 - 2.2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - 2.3. A reference to the particular section(s) of the code and rules involved;
 - 2.4. A short, plain statement of the complaint and a statement of the issues before the Board;
 - 2.5. A statement that the nature of the proceeding before the Board will be an informal inquiry into the complaint, at which time an opportunity will be afforded the

individual to respond to the allegations in the complaint by the testimony of witnesses, or by documentary evidence;

- 2.6. A statement that the individual has a right to be represented by legal counsel; and
- 2.7. A statement that, based upon the evidence presented at the hearing, the Board may deny, suspend, revoke, or cancel the individual's Certificate of Registration.

3. **Determining Vote.** A decision to deny, suspend, revoke, or cancel a Certificate of Registration shall require the concurring vote of a majority present.

113.1.11 Enforcement of Board Action Stayed-Added. If any ruling, requirement, decision or interpretation of the Board is appealed to the City Council, the enforcement of the Board's action shall automatically be stayed until the Council has rendered a final decision.

113.4 Appeals to the City Council from the Board-Added

1. Any person(s) aggrieved by a decision of the Board may perfect an appeal to the City Council by filing a written notice of appeal with the City Clerk and with the Secretary of the City Council within ten (10) days from the date of the action by the Board. Such notice shall specify the grounds for the appeal. A hearing on the appeal shall be commenced by the Council no later than thirty (30) days from the date the notice of appeal was filed with the City Clerk.
2. The City Council shall have jurisdiction to affirm, modify, reverse, or remand the action of the Board. Where practical difficulties or an unnecessary hardship will result from the strict application of this code, the Council shall have the power, in a specific case, to grant a variance from any provision, in accordance with the general purpose and intent of the code, so that the public health, safety, convenience, prosperity, and general welfare may be secured and substantial justice done. Any such variance shall not be construed as an amendment or a general waiver of any provision of this code.

113.5 Appeal from City Council Action-Added. Any rulings, requirements, decisions or interpretations of the City Council shall be final and binding upon all parties, provided that any right of appeal to the courts shall not be abrogated.

113.6 Computation of Time-Added. In computing any period of time prescribed or allowed by this title, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period computed shall be included, unless it is a legal holiday as recognized by the City of Tulsa, or any other day when the office of the City Clerk does not remain open for public business until its regularly scheduled closing time, in which event the period shall run until the end of the next day which is not a legal holiday or a day when the office of the City Clerk does not remain open for public business until its regularly scheduled closing time. Unless the context of a period of time clearly indicates otherwise, a period of time prescribed in days shall be calendar days, including holidays and any other day

when the office of the City Clerk is not open for public business until its regularly scheduled closing time.

114.4 Violation Penalties-Amendatory. It shall be unlawful and a misdemeanor offense for any person, firm, corporation or limited liability company to violate any of the provisions of this code, fail to comply with any of the requirements thereof, or erect, construct, repair, alter or change the occupancy of a building or structure in violation of approved construction documents, a directive of the code official, or of a permit or certificate issued under the provisions of this code. Any person, firm, corporation or limited liability company convicted of a violation of this code shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than \$500.00, excluding costs, fees and assessments, or by imprisonment for a period not exceeding 90 days, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued or permitted shall be deemed a separate offense.

114.5 Abatement of Violation-Added. The imposition of civil or criminal penalties prescribed in this code shall not preclude the City Attorney from instituting appropriate action to restrain or enjoin unlawful construction, the illegal occupancy of a building, or to stop an illegal act, conduct, business, or operation of systems, or to abate any such violation.

115.3 Unlawful Continuance-Amendatory. It shall be unlawful and a misdemeanor offense for any person, firm, corporation or limited liability company to continue any work 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. Any person, firm, corporation or limited liability company convicted of a violation of this section shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs, fees and assessments, or by imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued or permitted shall be deemed a separate offense.

Section 117 Emergency Measures-Added.

117.1 Imminent Danger-Added. When, in the opinion of the code official, there is an imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or imminent danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the code official is authorized and empowered to order and require the occupants to vacate the premises immediately. The code official shall then cause to be posted at each entrance to such structure a notice reading as follows: "THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." It shall then be unlawful and a misdemeanor offense for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or demolishing it.

117.2 Temporary Safeguards-Added. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, the unsafe condition of any building or structure creates an imminent peril to life or property, the code official shall order the necessary work to be done, including the boarding up of openings, to render the building or structure temporarily safe and shall cause such other action to be taken as the code official deems necessary to temporarily abate the unsafe condition.

117.3 Temporary Closure of Structures or Streets Due to Unsafe Condition-Added. When necessary for public safety, the code official shall be authorized to temporarily close any unsafe structure and any adjacent sidewalk, street, alley, public way, or place, and prohibit access until the unsafe condition of the structure is abated.

202 Definitions-Amendatory.

Repair. The reconstruction or renewal (or restoration to good or sound condition) of any part of any building for the purpose of its maintenance.

310.1 Residential Group R-Amendatory. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the International Residential Code in accordance with Section 101.2. Residential occupancies shall include the following:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature including:

Boarding houses (transient),

Hotels (transient),

Motels (transient),

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3, except as otherwise provided for in this code, or shall comply with the International Residential Code®, provided the building is protected by an automatic sprinkler system installed in accordance with Section 903.2.8.

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature including:

Apartment houses,

Boarding houses (non-transient),

Convents,

Dormitories,

Fraternities and sororities,

Hotels (non-transient),

Live/work units,

Monasteries,

Motels (non-transient),

Vacation time share properties and

Congregate living facilities with 16 or fewer occupants are permitted to comply with the construction requirements for Group R-3, except as provided for in this code, or shall comply with the International Residential Code®, provided the building is protected by an automatic sprinkler system installed in accordance with Section 903.2.8.

423.1 General-Amendatory. In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with ICC-500, FEMA 320, FEMA 361 or other equivalent approved engineered system.

423.2 Definitions-Amendatory.

STORM SHELTER. A building, structure, or portion(s) thereof, constructed in accordance with the standards listed in Section 423.1 and designated for use during a severe wind storm event, such as a hurricane or tornado.

803.1.4. Acceptance Criteria for Textile and Expanded Vinyl Wall or Ceiling Coverings Tested to ASTM E 84 or UL 723-Amendatory. Textile wall and ceiling covering and expanded vinyl wall and ceiling covering shall have a Class A flame spread index in accordance with either ASTM E 84 or UL 723 and be protected by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. Test specimen preparation and mounting shall be in accordance with ASTM E 2404.

[F] 903.2.1.2 Group A-2-Amendatory. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (465 m²);
2. The fire area has an occupant load of 100 or more;
3. The fire area is located on a floor other than the level of exit discharge; or
4. A fire area with nightclub occupancy regardless of occupant load, where the total overall occupant load density is denser than ten (10) square feet per occupant.
5. Existing nightclubs not undergoing a change in fire area in alteration work shall be sprinklered in accordance with Section 4603.4.3 of the ICC International Fire Code, 2009 Edition, as adopted by the City of Tulsa.

903.2.7 Group M-Amendatory. An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 12,000 square feet (1115 m²).
2. A Group M *fire area* is located more than three stories above grade plane.

3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group M occupancy where the cumulative area used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m²).

[F] 903.4.2 Alarms-Amendatory. Approved audible and visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the address side of the exterior of the building above the fire department connection (FDC) or in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

903.6 Pump and riser room size-Added. Fire pump and *automatic sprinkler system* riser rooms shall be designed with adequate space for all equipment necessary for the installation, as defined by the manufacturer, with sufficient working space around the stationary equipment. Clearances around equipment to elements of permanent construction, including other installed equipment and appliances, shall be sufficient to allow inspection, service, repair or replacement without removing such elements of permanent construction or disabling the function of a required fire resistance-rated assembly. Fire pump and *automatic sprinkler system* riser rooms shall be provided with a door(s) and unobstructed passageway large enough to allow removal of the largest piece of equipment.

911.1.3. Size – Amendatory. The room shall be a minimum of 200 square feet (19 square meters) with a minimum dimension of 10 feet (3048 mm).

Exception: When approved by the fire code official the fire command center can be reduced in size to not less than a minimum of 96 square feet (9 square meters) with a minimum dimension of 8 feet (2438 mm).

912.1 Installation-Amendatory. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.1.1 through 912.5.

912.1.1 Fire Department Connection Inlet Size-Added. The fire department connection shall be a 5" (130 mm) Quick-Connect Connection with a 30° angle elbow for risers larger than 3" (78 mm) in size. A single 2 ½" (65 mm) NH Standard Thread inlet is permitted for risers 3" and smaller. Fire department connections on NFPA 13R systems shall be a minimum of a single 2 ½" (65 mm) NH Standard Thread inlet.

1005.1 Minimum Required Egress Width – Amendatory. The *means of egress* width shall not be less than required by this section. The total width of *means of egress* in inches (mm) shall not be less than the total *occupant load* served by the *means of egress* multiplied by 0.3 inch (7.62

mm) per occupant for stairways and by 0.2 inch (5.08 mm) per occupant for other egress components. The width shall not be less than specified elsewhere in this code. Multiple *means of egress* shall be sized such that the loss of any one *means of egress* shall not reduce the available capacity to less than 50 percent of the required capacity. The maximum capacity required from any *story* of a building shall be maintained to the termination of the *means of egress*.

Exceptions:

1. Means of egress complying with Section 1028;
2. For other than H and I-2 occupancies, the capacity, in inches, of *means of egress stairways* shall be calculated multiplying the occupant load served by such stairway by a *means of egress* capacity factor of 0.2 inches (5.1 mm) per occupant in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2.
3. For other than H and I-2 occupancies, the capacity, in inches (mm), of *means of egress* components other than *stairways* shall be calculated multiplying the occupant load served by such component by a *means of egress* capacity factor of 0.15 inches (3.8 mm) per occupant in building equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2.

1008.1.9.3 Locks and latches-Amendatory. Locks and latches shall be permitted to prevent operation of doors where any of the following exists:

1. Places of detention or restraint.
2. In buildings in occupancy Group A having an occupant load of forty-nine (49) or less, Groups B, F, M and S, and in places of religious worship, the main exterior door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:
 - 2.1 The locking device is readily distinguishable as locked,
 - 2.2 A readily visible durable sign is posted on the egress side, on or adjacent to the door stating: "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED." The sign shall be in letters one (1) inch (25 mm) high capitalized letters, on a contrasting background, and
 - 2.3 The use of the key-operated locking device shall be revocable by the building official for due cause.

3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface-mounted hardware.
4. Doors from individual dwelling or sleeping units of Group R occupancies having an occupant load of ten (10) or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
5. *Fire doors* after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.

1008.1.9.7 Delayed Egress Locks-Amendatory. Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy except Group A, E and H occupancies, in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors unlock in accordance with items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
2. The doors unlock upon loss of power controlling the lock or lock mechanism.
3. The door locks shall have the capability of being unlocked by a signal from the fire command center.
4. The initiation of an irreversible process which will release the latch in not more than fifteen (15) seconds when a force of not more than fifteen (15) pounds (67 N) is applied for one (1) second to the release device. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.

Exceptions:

- 4.1 Where approved, a delay of not more than thirty (30) seconds shall be permitted.
- 4.2 The release of the latch is permitted to be reversed by manual over-ride either by security personnel, the tenant, or the command center to cause the latch to remain in a locked mode, provided the vicinity of the door that is locked out is equipped with both a 2-way audio and a 1-way video that are connected to the security personnel, the tenant, or the command center.

5. A sign shall be provided on the door located above and within twelve (12) inches (305 mm) of the release device reading: "PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS".
6. Emergency lighting shall be provided at the door.

1008.1.9.7.1 Electrical Locking System-Added. Buildings permitted prior to 1999 that are not in compliance with Section 1008.1.9.7 of this code shall be permitted to utilize an electrical locking system with the following conditions, provided, the building is equipped throughout with an automatic sprinkler system in accordance with Section 903 of this code, and an approved automatic smoke or heat detection system installed in accordance with Section 907 of this code:

1. The electrical locking system shall be interconnected with the automatic sprinkler system and automatic fire detection system such that it unlocks upon actuation of the automatic sprinkler system or automatic fire detection system.
2. The electrical locking system shall unlock upon loss of power controlling the lock or locking mechanism. The door locks shall not be connected to an emergency power system.
3. A constantly and internally lit button with three-fourths inch (3/4") minimum surface dimension shall be provided forty-eight inches (48") above the floor and within twelve inches (12") of the door on the latch side, together with an immediately adjacent sign reading "PRESS BUTTON IF EMERGENCY DOOR OPERATION IS NEEDED" of two inch (2") high letters in contrasting color to the sign surface. Equivalent Braille signage shall be provided on the sign surface, mounted forty-eight inches (48") minimum from the floor to the bottom of Braille text. Activation of the button by pressing under a force not exceeding one-half (1/2) pound will immediately operate a voice communication system connected to a central control point that is constantly attended that is not required to be within the building, with the ability for the central control point to immediately contact another person to respond to the emergency.
4. Emergency lighting and exit light fixture shall be provided.
5. Electrical Locking System locks provided under this section shall be required to be tested annually by an Electronic Access Control Hardware company during the annual fire alarm inspection to assure they function as required in items 1 and 2 of this section.
6. An occupant within the building shall be provided with at least one (1) direct access to an exit without being required to pass through a door equipped with such electrical locking system.
7. An occupant within the building shall not be required to pass through more than one (1) door equipped with such electrical locking system before entering an exit.

1008.1.9.10 Stairway Doors-Amendatory. Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

Exceptions:

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.
2. This section shall not apply to doors arranged in accordance with Section 403.5.3 of the *International Building Code*, as adopted by the City of Tulsa.
3. In stairways serving not more than four (4) stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.
4. Doors on stair enclosures shall be permitted to be equipped with hardware that prevents re-entry into the interior of the building, provided that:
 - 4.1 There are at least two (2) levels where it is possible to leave the stair enclosure, and
 - 4.2 There shall be not more than four (4) floors intervening between floors where it is possible to leave the stair enclosure, and
 - 4.3 Re-entry is possible on the top or next to the top floor permitting access to another exit, and
 - 4.4 Doors permitting re-entry are identified as such on the stair side of the door.

1008.1.9.11 Fail-safe Electronic Locks-Added. Except for Group A, E and H occupancies, approved fail-safe electronic locks shall be permitted to be installed on doors serving any occupancy in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and an approved automatic smoke or heat detection system installed in elevator lobbies and machine rooms as required for elevators with recall capabilities, provided that the fail-safe electronic locks comply with all the conditions in paragraphs 1 through 6 below, to access a required exit other than the first required exit.

1. The fail-safe electronic lock shall unlock upon actuation of the automatic fire sprinkler system, or automatic smoke or heat detection system.
2. The fail-safe electronic lock shall unlock upon loss of power to the electronic locking system.

3. The fail-safe electronic lock shall unlock upon loss of power to the building.
4. The fail-safe electronic lock shall not be supplied with emergency and/or back-up power.
5. The fail-safe electronic lock when unlocked shall not be reset until after the emergency no longer exists.
6. Fail-safe electronic locks provided under this section shall be required to be tested annually by an Electronic Access Control Hardware company during the annual fire alarm inspection to assure they function as required in items 1 thru 5 of this section.

Exceptions:

1. In addition to the above requirements, where fail-safe electronic locks in accordance with this section are used to secure elevator or stair lobbies that are not provided with direct access to an exit, the lobbies shall be provided with a 2-way communication system with a central station that can be located anywhere inside or outside of the building, provided it is manned twenty-four (24) hours, seven (7) days a week. The communication system shall be tested monthly to ensure operational condition. The lobby shall also be provided with a location sign that indicates its location in the building. Direction to exits shall be provided with exit lights as required by this code.
2. In addition to the above requirements, where fail-safe electronic locks in accordance with this section are used to secure elevator or stair lobbies that are not provided with direct access to an exit in buildings that are not equipped with a sprinkler system in accordance with Section 903.3.1.1 of this code, the lobbies shall have a manual fire alarm pull station tied into the building fire alarm system, in addition to a 2-way communication system with a central station that can be located anywhere inside or outside of the building. The central station shall also be manned twenty-four (24) hours, seven (7) days a week, and shall be tested monthly to ensure operational condition. The lobby shall also be provided with a location sign that indicates its location in the building. Direction to exits shall be provided with exit lights as required by this code. An informational sign is not required for the manual fire alarm pull station.
3. In addition to the above requirements, where fail-safe electronic locks in accordance with this section are installed on stairway doors and its operation requires a primary release from the egress side to release the locking mechanism which is not integral to the latch, a secondary push-button release shall be required to be installed on the egress side, as a back-up unlocking operation, in the event of failure of the primary release mechanism.

1009.1 General-Amendatory. Stairways serving occupied portions of a building, and exterior stairways traversed by human traffic, shall comply with the requirements of this section, notwithstanding the general scoping provisions of Section 1001.1. These requirements shall not