

ORDINANCE NO. 2760 NS

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING CHAPTER 7, "BUILDINGS AND BUILDING REGULATIONS"; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER.

WHEREAS, the Code of Ordinances of the City of Shawnee must be amended from time to time to comply with the laws of the State of Oklahoma and the Charter of the City of Shawnee; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, STATE OF OKLAHOMA AS FOLLOWS:

Section 1: Section 7-32 is hereby amended to read as follows:

The building code adopted in Section 7-31 is amended as follows:

Section 101.1 Insert: City of Shawnee, Oklahoma.

Section 105.5 is amended to read: Unless otherwise provided for, any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit or after the work is started, the authorized work is suspended or abandoned for a period of six months. Following suspension of a permit, the owner or contractor may apply for an extension to the permit and new permit fees shall be charged. There shall be a one-time-only six-month extension of a permit. If upon expiration of the permit extension the structure is not completed, the building official shall proceed to have the structure declared a public nuisance.

Section 109.2 is amended by inserting the following:

- (a) No building permit shall be issued until the following fees shall have been paid to the building permit clerk or agent thereof:
 - 1. *New construction*: For a permit for the new construction of a room addition, building or structure, a fee amount provided by the city fee schedule shall be paid.
 - 2. *Remodel or alteration of structure*: For a permit for the remodeling or alteration of an existing building or structure, a fee amount provided by the city fee schedule shall be paid.
 - 3. *Accessory structure construction*: For a permit to construct an accessory structure up to 400 square feet, but no less than 200 square feet, a fee amount provided by the city fee schedule shall be paid.
 - 4. *Plan check fee*: A plan check fee for the building plan review of building construction shall be 25 percent of the building permit fee.
 - 5. *Removal of a structure to another location*: The permit fee for the removal of a building or structure from one lot to an adjacent lot shall be provided by the city fee schedule.
 - 6. *Demolition*: For a permit for the demolition of a building or structure or parts thereof, a fee amount provided by the city fee schedule shall be paid. The fee is credited back if a construction starts within 30 days on the vacant lot.
 - 7. *Swimming pool permits*: A fee in the amount provided by the city fee schedule shall be charged per permit. This is required for both in-ground and above-ground pools with a diameter greater than ten feet and a water depth greater than 40 inches.
 - 8. *Driveway permits*: A fee in the amount provided by the city fee schedule shall be charged per driveway.
 - 9. *Minimum permit fee*: A minimum permit fee in the amount provided by the city fee schedule is established for any construction permit.
 - 10. *Construction without a permit*: The permit fee shall triple if any person commences construction prior to obtaining a permit.
 - 11. *Re-inspection*. For re-inspection made necessary because of defective work, a fee provided by the city fee schedule based on the number of occurrences.
 - 12. The building official shall collect fees for each individual permit which is part of the annual permit once the detailed records are submitted and remit such fees to the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000. 25. A processing fee shall be charged in the amount provided by the city fee schedule.

Section 111.0 Certificate of occupancy is amended by inserting the following:

- (a) Certificate of occupancy; fee. No change shall be made in the use or occupancy of any commercial or industrial building until a certificate of occupancy is obtained from the building inspector certifying that all the provisions of this Code are met. The fee for a certificate of occupancy is provided by the city fee schedule.
- (b) Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall be required prior to occupancy. Fees are provided by the city fee schedule.
- (c) Temporary certificates of occupancy for a change in use of any land or tenancy or existing building or structure or for a new building or structure may be approved at the discretion of the building official, but at no time shall a temporary certificate of occupancy be approved if any life, safety or health requirements do not meet the ordinances of the city as determined by the building official. Should a final commercial or industrial certificate of occupancy not be approved by the building official, a temporary commercial or industrial certificate of occupancy may be approved for 60 days at the discretion of the building official. At the end of the first 60 days, the building official shall have the authority to extend the temporary commercial or industrial certificate of occupancy in 30-day increments. It shall be the responsibility of the applicant to apply for a renewal at the end of the date of expiration of the temporary certificate of occupancy. No renewal of the temporary certificate of occupancy shall be issued until an additional fee is paid. Such fee is provided by the city fee schedule. The building official shall have the authority to deny applications for renewal of temporary certificates of occupancy. Upon denial of the application for renewal of a temporary certificate of occupancy, the building official shall give written notice to the applicant that the utility services to the premises shall be disconnected if operations have not ceased within ten days after receipt of the notice of denial of the temporary certificate of occupancy. Notice shall be delivered in person or by certified mail, return receipt, within ten days of the denial.
- (d) One- and two-family residences are exempt from the requirements of this section.

Section 114.4 is amended by inserting the following:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine represented in the city fee schedule, or punishable by imprisonment not exceeding 60 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be a separate offense.

Section 115.3 is amended by inserting the following:

Unlawful continuance: Any person who shall continue any work in or about the structure 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 liable to a fine established in the city fee schedule.

Section 1612.3 Insert: City of Shawnee, the adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section, and at all times henceforth, the most current version of the FEMA map and documentation shall be automatically adopted and shall take precedent over previous maps.

Section 3412.2 is amended by inserting the following: Compliance alternatives: Structures existing prior to February 3, 1983 in which there is work involving rehabilitation.

Section 2: Section 7-160 is hereby amended to read as follows:

- (a) In order to secure a permit for the installation of electric wiring, any licensed electrical contractor, before beginning any electrical work, will make application to the electrical

inspector accompanied by the applicable permit and inspection fees in the amount provided in the city fee schedule.

- (b) Any structure having more than one electrical service meter located on the same structure shall number each meter consecutively and concurrent with each unit to which electrical service is provided.
- (c) New construction, single-family residence. For new construction in a single-family residence, the fee shall be included in the building permit fee.
- (d) New construction, commercial or multiple-occupancy. For new construction in a commercial or multiple-occupancy, the fee shall be included in the building permit fee.
- (e) Change of an existing service. For modification of an existing service in a residential, commercial or multiple-occupancy, the fee is provided by the city fee schedule.
- (f) Re-inspection. For re-inspection made necessary because of defective work, a fee provided by the city fee schedule based on the number of occurrences.
- (g) Miscellaneous work shall be charged a permit fee as established in the city fee schedule.
- (h) Construction without a permit. The permit fee shall triple if any person commences construction prior to obtaining a permit.
- (i) The building official shall collect fees for each individual permit which is part of the annual permit once the detailed records are submitted and remit such fees to the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000. 25. A processing fee shall be charged in the amount provided by the city fee schedule.

Section 3: Section 7-267 is hereby amended to read as follows:

The fuel gas code adopted in section 7-266 is amended as follows:

Section IFGC-101.1 is amended by inserting the following: City of Shawnee, Oklahoma.

Section IFGC-106.6.2 is amended by inserting the following:

- (a) *New construction, single-family residence.* For new construction in a single-family residence, the fee shall be included in the building permit fee.
- (b) *New construction, commercial or multiple occupancy.* For new construction in a commercial or multiple occupancy, the fee shall be included in the building permit fee.
- (c) *Change of an existing service.* For modification of an existing service in a residential, commercial or multiple-occupancy, the fee is provided by the city fee schedule.
- (d) *Re-inspection.* For re-inspection made necessary because of defective work, a fee provided by the city fee schedule based on the number of occurrences.
- (e) *Boring.* The fee for boring in the public right-of-way shall be as established in the city fee schedule.
- (f) *Construction without a permit.* The permit fee shall triple if any person commences construction prior to obtaining a permit.
- (g) The building official shall collect fees for each individual permit which is part of the annual permit once the detailed records are submitted and remit such fees to the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000. 25. A processing fee shall be charged in the amount provided by the city fee schedule.

Section IFGC-106.6.3.2 is hereby deleted.

Section IFGC-106.6.3.3 is hereby deleted.

Section 4: Section 7-331 is hereby amended to read as follows:

The mechanical code adopted in section 7-297 is amended as follows:

Section IMC-101.1 is amended by inserting the following: City of Shawnee, Oklahoma.

Section IMC-106.5.2 is amended by inserting the following:

- (a) *New construction, single-family residence.* For new construction in a single-family residence, the fee shall be included in the building permit fee.
- (b) *New construction, commercial or multiple-occupancy.* For new construction in a commercial or multiple-occupancy, the fee shall be included in the building permit fee.

- (c) *Change of an existing service.* For modification of an existing service in a residential, commercial or multiple-occupancy, the fee is provided by the city fee schedule.
- (d) *Re-inspection.* For re-inspection made necessary because of defective work, a fee provided by the city fee schedule based on the number of occurrences.
- (e) *Construction without a permit.* The permit fee shall triple if any person commences construction prior to obtaining a permit.
- (f) *New or change of existing equipment.* A permit fee in the amount provided by the city fee schedule shall be charged for new or change of existing equipment.
- (g) *Commercial refrigeration.* A permit fee shall be charged in the amount provided by the city fee schedule for commercial refrigeration.
- (h) *Chilled water cooling system.* a permit fee in the amount provided by the city fee schedule shall be charged for a chilled water cooling system.
- (i) *Boilers.* A permit fee shall be charged in the amount provided by the city fee schedule for boilers.
- (j) The building official shall collect fees for each individual permit which is part of the annual permit once the detailed records are submitted and remit such fees to the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000. 25. A processing fee shall be charged in the amount provided by the city fee schedule.

Section IMC-106.5.3(2) is hereby deleted.

Section IMC-106.5.3(3) is hereby deleted.

Section 5: Section 7-362 is hereby amended to read as follows:

The plumbing code adopted in section 7-361 is amended as follows:

Section 101.1 is amended by inserting the following: City of Shawnee, Oklahoma.

Section 106.6.2 is amended by inserting the following:

- (a) New construction, single-family residence. For new construction in a single-family residence, the fee shall be included in the building permit fee.
- (b) New construction, commercial or multiple-occupancy. For new construction in a commercial or multiple-occupancy, the fee shall be included in the building permit fee.
- (c) Change of an existing service. For modification of an existing service in a residential, commercial or multiple-occupancy, the fee is provided by the city fee schedule.
- (d) Re-inspection. For re-inspection made necessary because of defective work, a fee provided by the city fee schedule based on the number of occurrences.
- (e) Boring. The fee for boring in the public right-of-way shall be as established in the city fee schedule.
- (f) Construction without a permit. The permit fee shall triple if any person commences construction prior to obtaining a permit.
- (g) The building official shall collect fees for each individual permit which is part of the annual permit once the detailed records are submitted and remit such fees to the Oklahoma Uniform Building Code Commission pursuant to 59 O.S. § 1000. 25. A processing fee shall be charged in the amount provided by the city fee schedule.

Section IPC-106.5.3(2) is hereby deleted.

Section IPC-106.5.3(3) is hereby deleted.

Section 305.4.1 shall read, insert: 18 inches; 18 inches.

Section 903.1 shall read, insert: 6 inches.

Section 6: REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

Section 7: CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

Section 8: SEVERABILITY. The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

PASSED AND APPROVED this ____ day of _____, 2022

ED BOLT, MAYOR

ATTEST:

(SEAL)

LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this ____ day of _____, 2022.

JOSEPH M. VORNDRAN
CITY ATTORNEY