

(Published in the Tulsa Daily Commerce
& Legal News

July 27, 2010)

ORDINANCE NO. 22270

AN ORDINANCE REPEALING TITLE 55 TULSA REVISED ORDINANCES, TITLED "EXISTING STRUCTURES CODE"; ADOPTING A NEW TITLE 55, TULSA REVISED ORDINANCES, TITLED "PROPERTY MAINTENANCE CODE"; ADOPTING THE 2003 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. (ICC), AS AMENDED BY THIS ORDINANCE; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES, BY PROVIDING STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES AS HEREIN PROVIDED; PROVIDING FOR THE ISSUANCE OF PERMITS THEREFOR; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 55 Tulsa Revised Ordinances, titled the "Existing Structures Code", be and the same is hereby especially repealed.

Section 2. That a new Title 55, Tulsa Revised Ordinances, titled the "Property Maintenance Code" be and the same is hereby enacted to read as follows:

"CHAPTER 1

ICC INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION ADOPTED

- Section 100. Adoption of the ICC International Property Maintenance Code, 2003 Edition
- Section 101. Amendments to the ICC International Property Maintenance Code, 2003 Edition

SECTION 100. ADOPTION OF THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION

A certain document, three (3) copies of which are on file in the Office of the City Clerk, being marked and designated as the *ICC International Property Maintenance Code, 2003 Edition*, as published by the International Code Council, hereinafter the "Property Maintenance Code", is hereby adopted as a part of the Tulsa Revised Ordinances of the City of Tulsa, Oklahoma, regulating and governing the conditions and maintenance of all property, buildings and structures, by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, providing for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided. Consistent with the adoption of this *ICC International Property Maintenance Code, 2003 Edition*, there is hereby provided for the related issuance of permits. Each and all of the terms, conditions, regulations, and provisions of the *ICC International Property Maintenance Code, 2003 Edition*, published by the ICC, as supplemented and amended, on file in the Office of the City Clerk of the City of Tulsa are hereby referred to, adopted and made a part of the Tulsa Revised Ordinances, as if fully set out in this Chapter, with its amendments, as prescribed in Section 101 of this Chapter and, as used in this Chapter 1, may be referred to as the "code."

SECTION 101. AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION

The following provisions of the *ICC International Property Maintenance Code, 2003 Edition*, are hereby added, deleted or amended to read as follows:

101.1 Title-Amendatory. These provisions shall be known and may be cited as the "Property Maintenance Code of the City of Tulsa" or as the "Tulsa Property Maintenance Code."

103.1 Enforcement Agency-Amendatory. The term "department of property maintenance inspection," as used within the *ICC International Property Maintenance Code, 2003 Edition* shall mean the Working in Neighborhoods (WIN) Department of the City of Tulsa, any other department, division or section of the City of Tulsa authorized and directed to enforce the provisions of this code and the Tulsa City-County Health Department.

103.2 Appointment-Amendatory. The "code official," as used in this chapter and the *ICC International Property Maintenance Code, 2003 Edition*, as adopted by the City of Tulsa, shall be the Director of the Working in Neighborhoods (WIN) Department, the Director of any other department, division or section of the City of Tulsa authorized and directed to enforce this code, the Director of the Tulsa City-County Health Department and such assistants as may be duly qualified, appointed and employed under the supervision of such directors to serve in the capacity of a code official..

103.3 Deputies-Deleted. Section 103.3 of the *ICC International Property Maintenance Code*, 2003 Edition is intentionally deleted from this code.

103.5 Fees-Deleted. Section 103.5 of the *ICC International Property Maintenance Code*, 2003 Edition is intentionally deleted from this code.

SECTION 111 APPEALS FROM THE CODE OFFICIAL-AMENDATORY

111.1 Right of Appeal-Amendatory. An appeal to the City Council may be taken by any person aggrieved where it is alleged there is error in any order, requirement, decision or determination made by the code official.

111.2 Notice of Appeal-Amendatory. An appeal from the code official shall be taken within ten (10) days from the date of the determination complained of, by filing with the code official and with the City Clerk a Notice of Appeal, specifying the name and mailing address of the Appellant and specifying the error alleged as grounds for appeal. The code official, upon receipt of Appellant's notice, shall transmit to the City Council a summary of the matter and copies of all evidence and papers constituting the record of the code official's determination. A hearing on the appeal shall be commenced by the City Council no later than thirty (30) days from the date the Notice of Appeal was filed with the City Clerk. Notice of the date, time and place of the hearing shall be mailed by first class mail to the Appellant at the address shown in the Notice of Appeal.

111.3 Stay of Proceedings-Amendatory. An appeal stays all proceedings in furtherance of the action appealed from, unless the code official from whom the appeal is taken certifies to the City Council, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by order of the City Council.

111.4 City Council Action-Amendatory. Upon completion of a hearing on any matter appealed from the code official, the City Council may affirm, modify, reverse, or remand the action of the code official, in whole or in part. The concurring vote of a majority of the members of the City Council present shall be necessary to reverse any action of the code official.

111.5 Appeals 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.

111.6 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.

111.7 Court Review-Deleted. Section 111.7 of the *ICC International Property Maintenance Code*, 2003 Edition is intentionally deleted from this code.

111.8 Stays of Enforcement-Deleted. Section 111.8 of the *ICC International Property Maintenance Code*, 2003 Edition is intentionally deleted from this code.

113.7 Violations-Penalties-Added. 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 to occupy, maintain, erect, construct, alter, or repair any building or structure in violation 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 Five Hundred Dollars (\$500.00), excluding costs, fees, and assessments, or by imprisonment in the City Jail 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.

302.4 Weeds-Deleted. Section 302.4 of the *ICC International Property Maintenance Code*, 2003 Edition is intentionally deleted from this code.

302.8 Motor Vehicles-Deleted. Section 302.8 of the *ICC International Property Maintenance Code*, 2003 Edition is intentionally deleted from this code.

303.3 Swimming Pool Anti-Entrapment Safety Drain-Added. Every pool and spa containing a single drain shall be equipped with a retrofit anti-entrapment safety drain cover which complies with *American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) Reference Number A112.19.8* or the subject pool or spa shall be shut down until the installation is completed.

304.14 Insect Screens-Amendatory. During the period from March 31st to September 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be

supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

305.7 Lead-Based Paint-Added. Lead-based paint with a lead content of more than one-half percent (0.5%) shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of one-half percent (0.5%) lead shall be removed or covered with paneling or other suitable covering approved by the code official. All paint known to be over one-half percent (0.5%) lead content shall be handled using lead safe work practices by a certified renovation firm in accordance with United States Environmental Protection Agency (EPA) requirements for renovation activities, Title 40 Code of Federal Regulations (CFR) Part 745.

403.3 Cooking Facilities-Amendatory. Unless approved through a certificate of occupancy, cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.

602.3 Heat Supply-Amendatory. Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st to April 1st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable Work Spaces-Amendatory. Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to April 1st to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

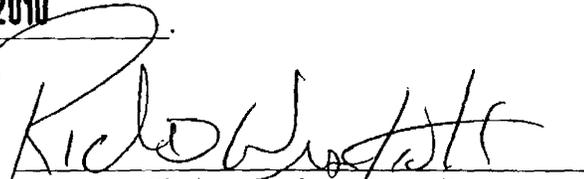
Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

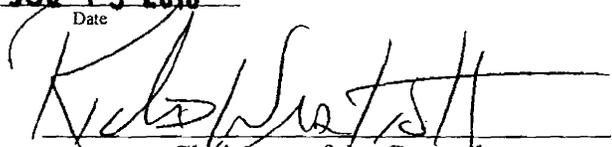
Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

ADOPTED by the Council: JUL 15 2010
Date


Chairman of the Council

ADOPTED as an emergency measure: JUL 15 2010
Date


Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

Dewey F. Bartlett Jr., Mayor

By _____
Secretary



APPROVED by the Mayor of the City of Tulsa, Oklahoma:

7/19/2010
Date

at

Time

4:07 PM

Alvin Z. Daulton
Mayor



Bennett

City Clerk

DEPUTY

APPROVED:

Heardra Q. Dwyer
City Attorney

18

REQUEST FOR ACTION: ORDINANCE

Version: 02/27/2009

AGENDA FOR: MAYOR COUNCIL AUTHORITY: DATE: June 18, 2010
 Tulsa City Clerk's Office: 596-7513 or 596-7514

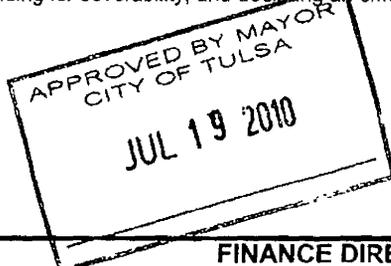
FOR INFORMATION CONTACT:

DEPARTMENT: WORKING IN NEIGHBORHOODS CONTACT NAME: Dwain E. Midget
 ADDRESS: 175 E. 2nd St. Suite 580 Tulsa, OK 74103 TELEPHONE: 918-7130

SUBJECT: Title 55- Property Maintenance Code
 ORDINANCE TYPE: AMENDING PREVIOUS ORDINANCE BA or CT #: _____
 AMENDMENT OF ORD#: _____ TRO TITLE: _____ TRO SUBTITLE: _____ PLANNING DISTRICT: _____
 ZONING #: _____ SSID: _____ PUD #: _____ PROP/NON-PROP: P COUNCIL DISTRICT: _____

SUMMARY:

The Working in Neighborhoods Department is requesting Mayoral approval to repeal Title 55 Tulsa Revised Ordinances, titled "Existing Structures Code"; adopting a new Title 55, Tulsa Revised Ordinances, titled "Property Maintenance Code"; adopting the 2003 ICC International Property Maintenance Code, published by the International Code Council, Inc. (ICC), as amended by this ordinance; regulating and governing the conditions and maintenance of all property, buildings and structures, by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits therefor; providing penalties for the violation thereof; providing for severability; and declaring an emergency.



**Approved By
 City Council On
 JUL 15 2010**

BUDGET: _____ FINANCE DIRECTOR APPROVAL: _____

FUNDING SOURCE: N/A

REQUEST FOR ACTION: All department items requiring Council approval must be submitted through the Mayor's Office.

Request the Mayor and Council to approve this ordinance as submitted

DEPARTMENT HEAD APPROVAL: [Signature] DATE: 6-18-10
 CITY ATTORNEY APPROVAL: [Signature] 6-18-2010
 BOARD APPROVAL: _____
 MAYORAL APPROVAL: [Signature] 6-22-10
 OTHER: _____

FOR CITY COUNCIL OFFICE USE ONLY: 10-499-1 DATE RECEIVED: 6-24-10
 COMMITTEE: PW COMMITTEE DATE(S): 7-19-10 FIRST AGENDA DATE: 7-1-10
 HEARING DATE: _____ SECOND AGENDA DATE: 7-15-10 APPROVED: _____

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #; Dept #, Item #, Sub-Item #, Status: S=Synopsis):

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