

ORDINANCE NO. 25,054

AN ORDINANCE RELATING TO PLUMBING; REPEALING ARTICLE I, SECTIONS 42-1 THROUGH 42-124, ARTICLE I THROUGH ARTICLE IV OF CHAPTER 42 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010 IN ITS ENTIRETY; ENACTING NEW SECTIONS 42-1 THROUGH 42-124, ARTICLES I THROUGH V PROVIDING FOR THE ADOPTION OF THE 2009 EDITION OF THE INTERNATIONAL PLUMBING CODE, AS AMENDED BY RESOLUTION OF COUNCIL; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE CODES; PROVIDING FOR THE APPOINTMENT AND DUTIES OF THE CHIEF PLUMBING INSPECTOR AND ASSISTANTS; PROVIDING FOR INSPECTIONS; SETTING FOR THE REQUIREMENTS FOR PERMITS; ESTABLISHING FEES; CREATING THE PLUMBING CODE COMMISSION; CREATING THE PLUMBING APPEALS BOARD; SETTING FORTH THE MEMBERSHIP, POWERS AND DUTIES OF THE PLUMBING APPEALS BOARD; SETTING FORTH THE APPEALS PROCEDURE; AND PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Sections 42-1 through 42-124, Article I thru Article IV of Chapter 42 of the Oklahoma City Municipal Code, 2010, are hereby repealed in its entirety.

SECTION 2. That Chapter 42 of the Oklahoma City Municipal Code, 2010, is hereby amended by enacting new Sections 42-1 through 42-124, Article I thru Article IV to read as follows:

CHAPTER 42

PLUMBING

ARTICLE I. IN GENERAL

DIVISION 1. TITLE

Sec. 42.1. Title. The provisions of this chapter shall be known and may be cited as the "Oklahoma City Plumbing Code", "Plumbing Code", or "this Code".

DIVISION 2. INTERNATIONAL PLUMBING CODE

Sec. 42-2. Intent. International Plumbing Code adopted. For the purpose of providing for basic minimum provisions considered necessary to protect the health, safety and general welfare of the citizens of the City, a plumbing code known as the International Plumbing Code, being more

specifically the 2009 Edition thereof, as amended by Resolution of the Council of the City, duly adopted and signed by the Mayor on _____ 2014, three copies of which, each together with said resolution, having been and now filed in the office of the City Clerk, and the same as so amended and changed is hereby adopted and incorporated and considered as a part of the Code.

Section 42-3. Summary. Pursuant to the authority granted by Section 26, Article II of the Charter of the City of Oklahoma City, the title and a brief gist or summary of the provisions of the International Plumbing Code as amended are hereby ordered published in conformity with the provisions of said Section 26, Article II of the Charter, and for the purpose of such publication a summary of the provisions of said Code is hereby given as follows:

- Chapter 1. Scope and Administration (as amended).
- Chapter 2. Definitions.
- Chapter 3. General Regulations (as amended).
- Chapter 4. Fixtures, Faucets and Fixture Fittings (as amended).
- Chapter 5. Water Heaters (as amended).
- Chapter 6. Water Supply and Distribution (as amended).
- Chapter 7. Sanitary Drainage (as amended).
- Chapter 8. Indirect/Special Waste.
- Chapter 9. Vents (as amended).
- Chapter 10. Traps, Interceptors and Separators (as amended).
- Chapter 11. Storm Drainage (as amended).
- Chapter 12. Special Piping and Storage Systems.
- Chapter 13. Referenced Standards
- Appendix A. Plumbing Permit Fee Schedule is deleted in favor of Chapter 60 of the Oklahoma City Municipal Code, 2010.
- Appendix B. Rates of Rainfall for Various Cities
- Appendix C. Gray Water Recycling Systems.
- Appendix D. Degree Day and Design Temperatures
- Appendix E. Sizing of Water Piping System
- Appendix F. Structural Safety
- Appendix G. Vacuum Drainage System

Secs. 42-4 - 42-20. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT
DIVISION 1. ADMINISTRATION

Sec. 42-21. Generally. The administration and enforcement of this chapter shall be the responsibility of the Chief Plumbing Inspector, who is supervised by the Development Services Director, or his designated representative.

42-22. Appointments; Chief Plumbing Inspector and assistants.

- (a) There is hereby created the office of Chief Plumbing Inspector.
- (b) The Chief Plumbing Inspector shall be a resident of the State of Oklahoma and shall have at least five years experience as a licensed Plumbing contractor in a municipality of 20,000 or larger population or have at least five years experience as a Plumbing inspector in a municipality of 20,000 or larger population. The Chief Plumbing Inspector shall hold a current State of Oklahoma Plumbing contractor license. The holding of such State Plumbing license shall not be construed as authorization to perform plumbing work within the City of Oklahoma City. The Chief Plumbing

Inspector shall possess a current State of Oklahoma Plumbing inspector license. The Chief Plumbing Inspector shall not be interested directly or indirectly in any way with any contractor engaged in the plumbing business within the City. The Chief Plumbing Inspector shall not perform any plumbing work within the City.

(c) Assistant Plumbing Inspectors, as may be necessary to carry out the duties of this office, may be assigned. Assistant Plumbing Inspectors shall have at least five years experience as a licensed journeymen plumber, a licensed plumbing contractor, or have at least five years experience as an plumbing inspector in a municipality of 20,000 or larger population. Assistant Plumbing Inspectors shall hold a current State of Oklahoma Plumbing journeyman license a journeyman gas piping certificate of registration, and possess a current State Plumbing Inspector license. Assistant Plumbing Inspectors shall not be interested directly or indirectly in any plumbing business within the City. Assistant Plumbing Inspectors shall not perform any plumbing work within the City.

(d) With prior approval of the Development Services Director or the Development Center Manager, the Chief Plumbing Inspector and assistants shall be reimbursed all monies expended to obtain, renew or maintain their State Plumbing contractor, journeyman, inspector licenses and national certification in plumbing plan review.

Sec. 42-23. Duties of the Chief Plumbing Inspector.

(a) The Chief Plumbing Inspector shall be charged with the duty of enforcing all sections of this Code relating to any installation of plumbing systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, appurtenances and maintenance of plumbing systems including inspections. The Chief Plumbing Inspector or assistants shall inspect, or reinspect as authorized in this code, all plumbing and other installations within the City or outside the City that is regulated by this code in either new or existing buildings, to ensure that the terms and provisions of this code, and any amendments are complied with in full.

(b) The Chief Plumbing Inspector shall institute by and with the advice of the Municipal Counselor, or delegated assistants, such prosecution as may be necessary against any violators of any ordinance with the enforcement for which he is charged. In the event the violation pertains to a defective installation of plumbing or piping on which a permit may or may not have been obtained by the responsible party and the same fails to commence proper corrections within 48 hours and/or complete the necessary corrections within a timely manner after receiving notice from the Chief Plumbing Inspector, the Chief Plumbing Inspector shall issue a citation and/or order the disconnection of the utilities. The Chief Plumbing Inspector shall maintain files on violations of any provisions of this code.

(c) The Chief Plumbing Inspector shall notify, in writing the service company, firm or individual furnishing the water or fuel gas to disconnect when such plumbing or piping systems are found to be unsafe or hazardous to life or property. Upon receipt of such notice, the service company, firm or individual furnishing water or fuel gas to such defective plumbing or piping systems shall, within 24 hours disconnect the utility services to cease supply of the water or fuel gas to the defective installation until the Chief Plumbing Inspector shall give notice that the defects have been corrected. The Chief Plumbing Inspector shall notify in writing, the person, firm or corporation owning, using or operating the same to place them in a safe condition before utilities will be restored.

(d) The Chief Plumbing Inspector or assistants shall inspect for unsafe or hazardous conditions as may be necessary for public safety relative to any plumbing system in or on any building or structure used for public, educational, religious, entertainment, and commercial purposes. Said categories of buildings include but are not limited to, auditorium buildings, schools, churches, theaters, private clubs and nightclubs, motels, hotels, apartment buildings, hospitals, assisted living centers, rest homes, office buildings, stores and shops, garages and service stations, restaurants and cafeterias, factories and processing or fabricating plants, warehouses and storage buildings or a building having a combination of two or more of said categories.

(e) The Chief Plumbing Inspector or assistant shall check the workers performing electrical, mechanical, gas, boiler, and plumbing work to assure that each worker possess a valid license and/or registration.

(f) Copies of notices of violations, refusals of permits or refusals of certificates of inspections shall be filed in the office of the Chief Plumbing Inspector.

Sec. 42-24. Notices and orders. The Chief Plumbing Inspector shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require necessary safeguards during construction, and to ensure compliance with all code requirements for the safety, health, and general welfare of the public.

Sec. 42-25. Penalties.

(a) Any person who shall violate any of the provisions of this chapter shall severally, for each and every such violation, be deemed guilty of a Class "a" offense. Each day that a violation continues shall be deemed a separate offense. The imposition of a penalty for any violation shall not excuse the violation nor permit it to continue. The application of such penalty shall not be held to prevent the removal of prohibited conditions. For any second or subsequent offense and upon proof of prior conviction, said person shall be guilty of a Class "b" offense against the City. Any person who is required by any provision of this chapter or by any other law to obtain a license or to register with a City department or official prior to engaging in conduct that is regulated by this chapter, and who fails to obtain such a license or registration, or who fails to exhibit such a license or registration upon request by a City official, shall be guilty of a Class "b" offense against the City.

(b) Failure of owner to correct defects; violations; penalty. Any owner of any premises who shall fail to promptly cause any defective plumbing system, equipment or work to be corrected after having been notified of such defect shall be deemed guilty of a violation of this chapter, and shall be subject to the penalty specified in Section 42-25(a) of this chapter.

Sec. 42-26. Inspections. The Chief Plumbing Inspector or his assistants shall make all required inspections, or may accept reports of inspections by authorized and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the Director of Development Services, or designated representative. After inspecting

any Plumbing work, the Plumbing inspector shall leave notice in the form of a sticker, tag or label attached to the plumbing work. It shall be unlawful for any person other than an Oklahoma City inspector to remove, alter or damage any sticker, tag, label or notice left by the Plumbing inspector. The notice shall state whether the Plumbing work is approved or what corrections need to be made. No person shall seal or in any manner conceal any Plumbing work until such work has been approved. Proper conveniences such as ladders shall be provided for inspectors on work to be inspected for the firm, corporation, LLC, or individual desiring inspection. The Chief Plumbing Inspector and his assistants shall be responsible to ensure that all inspections are made as needed. The plumbing contractor or authorized representative shall call for the final inspection within ten (10) days after completion of plumbing work performed under any plumbing permit. No structure shall be occupied prior to the final Plumbing inspection without approval by the authority having jurisdiction.

(1) In all cases, on completion of the “rough-in”, a final “rough-in” inspection must be called for.

(2) Address listed on the permit must be posted on all building sites for location purposes.

Sec. 42- 27-28. Reserved.

Sec. 42-29. Credentials. The Chief Plumbing Inspector and assistants shall carry proper credentials City ID and current State inspector and trade licenses of the office for the purpose of inspecting any and all buildings, structures and premises in the performance of their duties.

Sec. 42-30. Records. The Development Services Director or his designated representative, shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued under this Code. Such records shall be retained as the public records as required by state law.

§ 42-31 – 42-34 Reserved

**ARTICLE III. PERMITS AND FEES
DIVISION 1. PERMITS**

Section 42-35. Applications and permits. The Development Services Department shall receive applications and issue permits for plumbing installations and/or alterations. The Chief Plumbing Inspector or his assistants shall inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

Sec. 42-36. Permits required. No permit shall be issued under this article except in the name of the building/property owner through a State licensed, City registered plumbing contractor by whom such plumbing work is to be performed. Permits shall be required for maintenance work or for repair work where plumbing is altered or rearranged. Prior to commencement of any plumbing installation the plumbing contractor shall contact the Development Services Department and obtain a permit. The permit shall be numbered, listing the name of the contractor, job address, building permit number, and scope of the plumbing installation proposed. When the permit is requested electronically, the contractor's copy shall be sent electronically or mailed to the business address. The permit covers only that work listed thereon. Any additions or changes shall be reported to the Development Services Department and additional inspection fees may be assessed prior to requesting final inspection. Plumbing permits are transferable upon approval by the Development Services Department.

- (1) Third party inspections. Prior to the approval of a prefabricated construction assembly having concealed plumbing work and the issuance of a plumbing permit, the Chief Plumbing Inspector shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the plumbing system, including a description of the system and its components, the basis upon which the system is being evaluated, test results, and other data as necessary for the Chief Plumbing Inspector or assistants to determine conformance with this Code.

Sec 42-37. Permit not required for certain work. Permits shall not be required under this article for maintenance work or for repair work if the maintenance and repair work does not require alteration or rearrangement of the plumbing installation.

Sec. 42-38. Form of application. Before installing any plumbing installation, alterations, additions to existing plumbing, plumbing fixtures, or appliances, except as specifically exempt in this Code, an authorized contractor shall apply for a permit with the Development Services Department either in person, or (if he has qualified for contractor's option), electronically, and provide the following information: street address of the premises where plumbing work is to be done; building permit number; name of plumbing contractor; kind of building; etc.; list of work to be done; and any other information specified by the Director of Development Services or designated representative.

Sec. 42-39. Plans and specifications. The Chief Plumbing Inspector is authorized to require the submission and approval of plans and specifications in duplicate showing the nature and extent of the proposed work before a permit is issued under this division. If, in the course of the work, it is found necessary to make any change from the approved plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted, and if approved, a supplementary permit shall be issued to cover the change after the same conditions required to secure the original permit have been satisfied.

Sec. 42-40. Action on application.

The Chief Plumbing Inspector, or designated representative, shall examine or cause to be examined all applications for permits under this division, and amendments thereto, within a reasonable time after filing. If the application or the plans do not conform to the requirements of all pertinent laws, such application shall be rejected. If the Chief Plumbing Inspector, or designated representative, is satisfied that the proposed work conforms to the requirements of this chapter and all laws and ordinances applicable thereto, a permit shall be issued as soon as practicable.

Sec. 42-41. Permits required in advance.

Prior to commencement of any plumbing installation, the plumbing contractor shall secure a permit and pay the City Treasurer the inspection fee in full. Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to a penalty as established in Sec. 42-25. At times when the City offices are not open, permit requests may be delayed until the City's offices are reopened.

Sec. 42-42. Prepaid Account.

Contractors shall have the option of establishing a prepaid permit account for permits required by this division or applying for permits on an individual basis with the Development Services Department.

Sec. 42-43. Payment in advance.

A prepaid permit account as provided for in Section 42-42 may be established by making application to the Development Services Department and the payment, in advance, of a minimum sum to the City Treasurer of not less than \$40.00 with all future deposits to be at least the sum of \$40.00. There is no minimum balance required.

Sec. 42-44. Electronic Telephone request.

With the establishment of a prepaid account, as provided for in this division the individual contractor may then request by telephone or electronically for a specific permit and will not be required to appear at the office of the Director of Development Services, or designated representative, personally, provided that sufficient funds are on hand in the contractor's prepaid account to cover the cost of the permit.

Sec. 42-45. Reserved

Sec. 42-46. Signature on permit.

The signature of the Chief Plumbing Inspector or an authorized representative shall be attached to every permit issued under this division.

Sec. 42-47. Revocation of permit.

The Chief Plumbing Inspector, Development Services Director or designated representative shall revoke a permit or approval issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application or plans on which the permit or approval was based. Any person aggrieved by said decision may appeal pursuant with Sec. 42-121 of this chapter.

Sec. 42-48. Refusal to issue permit.

The Chief Plumbing Inspector may refuse to issue a permit for the installation of plumbing, as herein provided, or for any additions or extensions to any plumbing in or on any building where, in his/her judgment, the plumbing done or proposed to be done is unsafe or not in accordance with the provisions of this Code. Any person aggrieved by said decision may appeal pursuant to section 42-121 of this chapter.

Sec. 42-49. Unlawful continuance of work.

No person shall continue any plumbing work in or about a structure after having been served with a stop work order, except such work as that person shall be directed to perform by the Chief Plumbing Inspector or assistant in order to correct a violation or unsafe condition.

Sec. 42-50. Time limit for commencing work; suspension of work.

Every permit issued by the code official under the provisions of this code shall expire and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained.

Secs. 42-51 – 42-65. Reserved.

DIVISION 2. FEES

Sec. 42-66. Fee Required. No permit to begin work for new construction or alteration shall be issued under this division until the application and permit fees prescribed have been paid.

Sec. 42-67. Fee schedule. The schedule of fees for the permits and inspections required herein shall be as established in Chapter 60, the General Schedule of Fees.

Secs. 42-68 and 42-74. Reserved.

ARTICLE IV. APPRENTICES, JOURNEYMEN, AND CONTRACTORS

Sec. 42-75. Apprentice plumbers. An apprentice plumber shall mean any person who is learning and working at the plumbing trade and who is competent to assist, under the supervision of a journeyman plumber, in the work of installing or repairing plumbing systems. Apprentice plumbers shall be registered with the Construction Industries Board of the state. An apprentice, at all times while working, shall be under the direct supervision of an appropriately licensed Plumbing journeyman or Plumbing contractor. No more than three apprentices shall work under the direction of a journeyman or contractor at any time.

Sec. 42-76. Journeyman Plumber's Certificate. An Oklahoma State licensed journeyman plumber shall, at all times while working, have on his/her person a valid State license in the appropriate categories, and be in the employment of a person who is licensed and registered under the terms of this Code as a Plumbing contractor.

Sec. 42-77. Prerequisites for engaging in plumbing work.

(a) No person shall engage in the business of plumbing contractor, or advertise any title or description tending to convey the impression that he/she is in said business within the City, unless that person possesses a State license as a Plumbing contractor as required by State law. Plumbing contractor's shall register the license with the Supervisor of Licenses and obtained the appropriate City registration.

(b) Anyone holding a Plumbing Journeyman license in the categories listed on their license who is a full-time employee of anyone owning any Plumbing equipment shall be permitted to maintain and repair such equipment without a Plumbing contractor's license; provided that any installation, alteration or changes made by the journeyman are such that permits and inspections would not be required under the terms of this Code.

(c) Only licensed Plumbing contractors shall be issued permits and receive inspections.

Sec. 42-78. Plumbing contractor defined. A Plumbing contractor shall mean any person who is skilled in the planning, superintending and practical installation of Plumbing systems, and who is licensed and otherwise qualified under the requirements of State laws and this Code, to engage in the plumbing business or act as a Plumbing contractor. A Plumbing contractor may operate as an individual, a firm, partnership, LLC or corporation and the term "Plumbing contractor" may apply jointly or separately to the Plumbing contractor and/or such firm, partnership, LLC or corporation engaged in the Plumbing business under the terms of this code.

(a) Contractor's shall have on his/her person a valid State license and City certificate of

registration, while performing plumbing work within the City of Oklahoma City.

(b) A City certificate of registration issued to a contractor shall be issued only in the same category as the State license possessed by the plumbing contractor. It shall further be subject to all limitations, conditions, or restrictions imposed on the State license possessed by the plumbing contractor. The categories of the City certificate of registration shall be indicated on the face of the certificate.

Sec. 42-79. Partnerships, firms, or corporations. A partnership, firm, corporation, LLC or business trust may only engage in the plumbing business within the City through one bona fide member of the partnership or firm, LLC or an officer of the corporation or business trust, who has legal authority to act for such partnership, firm, LLC, corporation or business trust and who carries and holds a license under State law as an Plumbing contractor and who has registered his license as required by this Code. If the person or member holding the license and registration should leave or sever connection with, or lose his/her status as a member or officer of the partnership, firm, LLC, corporation or business trust which is operating under the license and registration, the authority of the firm, partnership, corporation, LLC or business trust, of the plumbing business shall immediately cease and it must again fully qualify under and comply with the terms of this Code before any further business is conducted. If the holder of the license and registration dies or is serving in the armed forces of the United States, the firm, partnership, corporation, LLC or business trust may continue to engage in the plumbing business within the City for a period not to exceed six months from such death or call to service, provided that all fees required by this chapter shall be paid and kept in full force and provided that a duly registered Plumbing contractor assumes in writing the supervision of such work.

Sec. 42-80. Place of business. Every person engaged in the plumbing business and operating under a license and certificate of registration as a Plumbing contractor within the City shall maintain a regular place of business and shall maintain a telephone number listed with the telephone company as a business phone.

Sec. 42-81. Signs and license number on vehicles. All persons operating a plumbing business shall display the firm name and the State Plumbing contractor license number on all vehicles used in the operation of the business. The signs and license numbers shall be printed on both sides or in other conspicuous places on the vehicle in letters of not less than two inches in height.

Sec. 42-82. Workers employed to be licensed and registered. No Plumbing contractor shall employ any person to work in the plumbing trade unless the person employed is licensed or registered to do such work under the terms of this Code. Any journeyman employed by a Plumbing contractor shall only perform plumbing work in the category or categories listed on his/her valid State license.

Sec. 42-83. Compliance by Plumbing businesses. No person operating a plumbing business shall install, repair or replace plumbing, plumbing fixtures, or appliances, or shall install lawn sprinklers or fire sprinkling systems that are connected to the city water system, or shall make connections with the city water or sewer system until he has complied with applicable state laws and registered as a plumbing contractor with the Supervisor of Licenses, and has otherwise complied with this Code. Nothing in this Article shall be construed as regulating the sale of plumbing, plumbing fixtures or appliances.

(a) No Plumbing contractor shall hold a state license for more than one plumbing business at any one time, nor shall the City issue a registration to a license holder for another plumbing business

until the prior registration is returned to the Supervisor of Licenses. In the event a person, partnership, firm, LLC or corporation has two or more business locations and/or operates under two or more different firm names within Oklahoma City, each business location and/or firm name shall obtain a separate state license issued to separate holders.

Sec. 42-84. Eligibility for contractor's certificate; changes to certificate. A plumbing contractor's certificate of registration shall be issued only to an individual who holds a state plumbing contractor's license issued and in effect under state law, and who has registered the certificate of registration with the Supervisor of Licenses and who has paid the required fees and who has posted the required bond and otherwise complied with this chapter. The registration shall show on it the individual's business address, firm name and the connection with the firm. If the person holding a certificate of registration changes his address or his business connection, association or employment, he shall, within five days after the change, notify the Chief Plumbing Inspector of the change and present his certificate to the Chief Plumbing Inspector who shall write into the certificate any such change together with the date and note the changes in the records of the City.

Sec. 42-85. Transfer, assignment, loaning of certificate prohibited. No certificate of registration issued under this Chapter shall be transferred or assigned. No holder of a certificate of registration shall loan the certificate of registration, or shall obtain permits to do plumbing work for any other person.

Sec. 42-86. Suspension or revocation of registration.

(1) Action by Chief Plumbing Inspector. The Chief Plumbing Inspector may suspend or revoke any certificate of registration authorized by this Code if he/she finds that the certificate holder has failed to perform his/her work in accordance with the requirements of the Plumbing Code and such violation or violations are such that property and the public health, safety and welfare are in imminent peril. Notice of such action shall be given to the certificate holder by certified mail, return receipt requested. The notice will contain information on how such action may be appealed. The certificate of registration shall remain suspended until a hearing is held before the Plumbing Code Review and Appeals Commission. Such hearing shall be held in conformance with the provisions of this Code.

(2) Recommendation of the Chief Plumbing Inspector. If the Chief Plumbing Inspector finds that a certificate holder persistently fails to perform his/her work in accordance with the requirements of this Code, but such violations do not pose an imminent peril to property or the public health, safety and welfare, he/she may recommend to the Plumbing Code Review and Appeals Commission that said certificate of registration be suspended or revoked. The Chief Plumbing Inspector shall give notice of such action to the certificate holder by certified mail, return receipt requested. The certificate of registration shall remain in effect until a hearing before said Commission as provided in this Code.

Sec. 42-87. No work to be performed during suspension of registration. No person whose registration has been suspended or revoked under this Code shall, for the duration of the suspension, attempt to install, alter, or repair any plumbing system except as specifically authorized by the Chief Plumbing Inspector.

Sec. 42-88. Reinstatement of registration.

Unless otherwise ordered by the Plumbing Code Review and Appeals Commission, no registration, which has been revoked under the provisions of this Code, shall be reinstated for a period of six months after such revocation.

Sec. 42-89. Registration Fees.

Persons obtaining a city registration in accordance with the provisions of this Article shall pay to the City the fee established in Chapter 60, the General Schedule of Fees.

Sec. 42-90. Registration Renewal Fee.

A valid plumbing contractor certificate of registration may be renewed annually upon the payment of the fee required in Chapter 60, the General Schedule of Fees, and the presentation of a valid Oklahoma State plumbing contractor license. If said certificate of registration is not renewed within 30 days after its expiration, it is no longer valid.

Secs. 42-91 - 42-95. Reserved.

**ARTICLE V. PLUMBING CODE REVIEW AND
APPEALS COMMISSION**

DIVISION 1. MEMBERSHIP, POWERS, AND DUTIES, ETC.

Sec. 42-96. Created. There is hereby created within and for the City a Plumbing Code Review and Appeals Commission, with the powers and duties as hereinafter set forth.

Sec. 42-97. Membership. The Plumbing Code Review and Appeals Commission shall consist of five members to be appointed by the Mayor with the consent and approval of the City Council. All members shall be residents of the State of Oklahoma, and shall serve without compensation, and shall hold no other office. Each member shall have a minimum of ten years experience in the plumbing industry, and shall be familiar with this Code, as well as the State Plumbing Code. Nothing contained herein shall affect the present appointments or terms of appointment. The membership of the Commission shall be constituted as follows:

- (1) Two members shall be professional engineers registered to practice in the State of Oklahoma.
- (2) Two members shall be licensed plumbing contractors.
- (3) One member shall be a state- and city-licensed journeyman plumber.

Sec. 42-98. Term of office. The term of office for each commissioner shall be for three years or until a successor is appointed.

Sec. 42-99. Vacancies. Vacancies on the Commission shall be filled for the remainder of the unexpired terms in the manner in which the original appointments were made.

Sec. 42-100. Consecutive absences. A member of the Commission shall be considered to have resigned if he fails to attend three consecutive meetings unless the other members of the commission notify the Mayor in writing that they believe the member to have been absent for a good cause and recommend that his appointment be continued.

Sec. 42-101. Removal from office. Members of the Commission may be removed by the Mayor with the consent of the Council after notice to the member and a public hearing.

Sec. 42-102. Alternate members. The Mayor may appoint two alternate members with the approval of the Council, who shall be called by the commission Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for commission membership, and shall be appointed for three years or until a successor has been appointed.

Sec. 42-103. Meetings. The Commission shall have at least one meeting annually at the call of the Chairman or at such times as the Commission may determine. At the first meeting and annually thereafter the Commission shall elect a Chairman and a vice- Chairman to serve for a period of one year or until their successors are elected. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its meetings showing the vote of each member upon a question or, if absent or failing to vote, indicating such act and shall keep records of its official actions, all of which shall be immediately filed in the office of the Development Services Department and shall be a public record.

Sec. 42-104. Four votes required. A concurring vote of four members of the Commission shall be necessary to modify or reverse any order or interpretation of the Chief Plumbing Inspector or his assistants, or to decide any matter upon which it may pass.

Sec. 42-105. Exemption of members from voting. A member of the Commission shall not pass on any question in which that member is engaged as contractor or material dealer, or in the preparation of plans or specifications, or in which that member has a personal or any other conflict of interest.

Sec. 41-106. Powers and duties.

(a) *Review of Plumbing Code.* The Commission shall, from time to time, review the Plumbing Code and all resolutions and ordinances pertaining thereto and consider any changes which may be required due to the introduction of new materials, equipment or technology or which may be requested by the Chief Plumbing Inspector, members of technical trades, contractors or the general public. Such changes as the Commission deems appropriate shall be recommended to the Council in writing.

(b) *Appeal of application of the Plumbing Code.* Any person aggrieved may appeal to the Commission a decision of the Chief Plumbing Inspector interpreting any of the provisions of this Chapter covering the manner of construction or materials to be used in the erection, alteration or repair of a plumbing system. Application for appeal may be made when it is claimed that the true intent of this Chapter or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this Code do not fully apply, or that an equally good or better form of construction or materials can be used.

(c) *Appeal of denial of license.* The Commission shall hear appeals from any person whose application for a license was denied under the authority of this Code.

(d) *Appeal of revocation or suspension of license.* The Commission shall hear appeals from persons whose licenses have been suspended or revoked or recommended for suspension or revocation by the Chief Plumbing Inspector or his assistants.

(e) *Other duties.* The Commission shall have such other powers and duties as are provided by ordinance.

Secs. 42-107 - 42-120. Reserved.

DIVISION 2. APPEALS PROCEDURE

Sec. 42-121. Time, notice, and effect.

(a) *Deadline for filing.* An appeal to the Plumbing Code Review and Appeals Commission shall be filed no later than 15 days after notice of any order or interpretation of the Chief Plumbing Inspector or assistants of which he/she is aggrieved.

(b) *Notice of appeal; filing fee.* Written notice of an appeal must be given to the inspection services superintendent. Such notice shall specify the grounds for the appeal and shall be accompanied by a filing fee. The amount of such fee shall be as established in Chapter 60, the General Schedule of Fees.

(c) *Records to be furnished.* The Chief Plumbing Inspector shall forward to the Commission all the papers constituting the record of the action from which the appeal was taken, including the reports substantiating the position the Chief Plumbing Inspector has taken in the matter.

(d) *Effect of appeal.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Chief Plumbing Inspector certifies to the Commission after a notice of appeal has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The proceedings then shall not be stayed otherwise than by a restraining order issued by a court of record of competent jurisdiction or a restraining order granted by the Commission.

(e) *Notice and date of appeals; who may appear.* On application and notice to the Chief Plumbing Inspector and upon good cause shown, the Commission shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, and shall decide the matter within a reasonable time. The appellant, his representative, and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard.

Sec. 42-122. Action of Commission. The Commission, when appealed to and after a public hearing, has the following powers:

(1) *Modification, reversal.* The Commission may modify or reverse any decision or order of

the Chief Plumbing Inspector or his assistants in the interpretation or enforcement of this Chapter in any particular case, when, and only when, in its opinion strict application and enforcement would result in peculiar and exceptional practical difficulties to, or exceptional undue hardships upon, or manifest injustice to, an appellant, and would be contrary to the spirit and purpose of this chapter, or the public interest, or when it is determined that the true intent has been incorrectly interpreted. Mere economical hardship or a hardship which is self created shall not be considered a valid or sufficient basis for granting a reversal or modification of the decision or order.

- (2) **Affirm.** The Commission may affirm any decision or order of the Chief Mechanical Inspector or assistants in the interpretation or enforcement of this Code.
- (3) *Suspension or revocation of certificate; hearing.* The Commission is empowered to suspend or revoke a certificate. A license holder against whom a complaint has been filed or whose certificate has been suspended or revoked by the Chief Plumbing Inspector shall be given not less than ten days notice of the date, time and place of the hearing and shall have the right to be present and represented by counsel. The Commission shall have available the services of the Municipal Counselor or his designated representative at the hearing and shall have the authority to swear witnesses, administer oaths and conduct a hearing as deemed proper.
- (4) *Grounds for suspension and revocation of license or certificate.* The following facts shall be sufficient reason to justify suspension or revocation of a license or certificate of registration by the Commission.
 - a. Making a material misstatement in the application for such license or certificate or renewal;
 - b. Loaning or illegally using a license or registration;
 - c. Demonstrating incompetency to act as a journeyman, plumber or plumbing contractor as the case may be;
 - d. Failing to properly correct plumbing which is found to be defective or inadequate due to acts of the certificate holder.
 - e. Violating a second time any provision of the plumbing code;
 - f. Failing to perform normal business obligations for which he is licensed and registered without justifiable cause;
 - g. Having ten or more complaints within a 12-month period, provided any alleged violations overruled by the Commission shall not be counted.
 - h. The grounds listed above shall not be considered to be an exclusive or exhaustive list and other grounds may be considered sufficient for suspension or revocation.
- (5) *Re-instatement of registration..* No registration which has been revoked under the provision of this division shall be reinstated for a period of six months after such revocation. The Commission may reinstate the registration which has been revoked only after a hearing. The rules and conditions of this hearing shall be the same as those for the hearing on the revocation of the registration.
- (6) *Rulings to be accompanied by findings of fact; decision to be filed.* Every ruling upon any appeal to the Commission shall be accompanied by a written finding of fact based upon the evidence and testimony received at the hearing by the Commission. The ruling shall specify

the reason for granting, denying, or modifying the appeal and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Chief Plumbing Inspector and shall be open to public inspection.

Sec. 42-123. Chief Plumbing Inspector to enforce decisions. The Chief Plumbing Inspector shall take immediate action in accordance with the decision of the Commission.

Sec. 42-124. Appeal to District Court. Any person aggrieved by a decision of the Commission, whether or not a previous party to the decision, or any officer or official board of the jurisdiction, may appeal to the district court as provided by state statute.

SECTION 4. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of peace, health, safety, and public good of The City of Oklahoma City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after the effective date provided herein, as provided by law.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect on the 16th day of March 2015.

INTRODUCED and CONSIDERED in open meeting of the Council of The City of Oklahoma City on the 18th day of November, 2014.

PASSED by the Council of The City of Oklahoma City on this 16th day of December, 2014.

SIGNED by the Mayor of The City of Oklahoma City this 16th day of December, 2014.

ATTEST: (seal)

Frances Kersey

CITY CLERK

s/b Mick Cornett

MAYOR