

(Published in the Journal Record _____, 2024)

ORDINANCE NO. _____

ORDINANCE RELATING TO FIRE PREVENTION AND PROTECTION REGULATIONS REPEALING ARTICLE II, DIVISION I, SECTIONS 20-20 THROUGH 20-22, OF CHAPTER 20, OF THE OKLAHOMA CITY MUNICIPAL CODE 2020 IN ITS ENTIRETY; ENACTING A NEW ARTICLE II, DIVISION 1, SECTIONS 20-20 THROUGH 20-22, OF CHAPTER 20, OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2018 EDITION, WITH CERTAIN LOCAL AMENDMENTS AND DELETIONS MADE THERETO BY RESOLUTION, AS THE OFFICIAL FIRE PREVENTION CODE OF THE CITY OF OKLAHOMA CITY; PROVIDING FOR PUBLICATION BY SUMMARY; AMENDING DIVISION 7, SECTIONS 20-111 THROUGH 20-150, OF CHAPTER 20, ADDING A NEW PART A. – MEMBERSHIP, POWERS, AND DUTIES, ETC., BY ADDING A NEW PART B. – APPEALS PROCEDURE, PROVIDING FOR A FIRE CODE APPEALS BOARD, ESTABLISHING THE APPEAL PROCESS; AMENDING CHAPTER 60, GENERAL SCHEDULE OF FEES, TITLE 20, BY CREATING ARTICLE II, SECTION 60-20-42, FEE FOR FIRE CODE APPEALS BOARD MATTERS; 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 Chapter 20, Article II, Division 1, Sections 20-20 through 20-22 of the Oklahoma City Municipal Code, 2020, are hereby repealed in their entirety.

SECTION 2. That Chapter 20 of the Oklahoma City Municipal Code, 2020, is hereby amended by enacting a new Article II, Division 1, Sections 20-20 through 20-22, to read as follows:

**CHAPTER 20
FIRE PREVENTION AND PROTECTION**

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**ARTICLE II. FIRE PREVENTION CODE
DIVISION 1. GENERALLY**

§20-20. General

This Article in its entirety, including all codes and standards adopted in this article shall be known as the "Oklahoma City Fire Prevention Code," "Fire Code" or "this Code."

§ 20-21. Adoption of the International Fire Code 2018, as amended.

For the purpose of prescribing rules and regulations affecting or relating to structures, processes and premises and safeguards from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises from fire hazards in the structure or on the premises from occupancy or operation; and, matters related to the construction, extension, repair, alteration or removal of fire suppression and alarm systems, that a certain fire code known as the International Fire Code 2018, published by the International Code Council, Inc., with certain amendments thereto and deletions there from, heretofore made by Resolution of the Council, duly adopted and signed by the Mayor on the _____ day of _____ 2024, and as may be further amended from time to time by Resolution of Council, and the same as so amended and changed is hereby adopted and incorporated and considered as a part of the Fire Prevention Code, three copies of which, each together with said Resolution, have been and are now filed in the Office of the City Clerk, and same so amended and changed is hereby adopted and incorporated as a part of this Code, as amended.

§ 20-22. 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 Fire Code as amended are hereby ordered published in conformance 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 (as amended).
Chapter 3.	General Requirements (as amended).
Chapter 4.	Emergency Planning and Preparedness (as amended).
Chapter 5.	Fire Service Features (as amended).
Chapter 6.	Building Services and Systems (as amended).
Chapter 7.	Fire and Smoke Protection Features.
Chapter 8.	Interior Finish, Decorative Materials and Furnishings (as amended).
Chapter 9.	Fire Protection and Life Safety Systems (as amended).
Chapter 10.	Means of Egress (as amended).

Chapter 11.	Construction Requirements for Existing Buildings (as amended).
Chapter 12.	Energy Systems.
Chapter 13-19.	Reserved.
Chapter 20.	Aviation Facilities.
Chapter 21.	Dry Cleaning.
Chapter 22.	Combustible Dust-producing Operations.
Chapter 23.	Motor Fuel-dispensing Facilities and Repair Garages.
Chapter 24.	Flammable Finishes.
Chapter 25.	Fruit and Crop Ripening.
Chapter 26.	Fumigation and Insecticidal Fogging.
Chapter 27.	Semiconductor Fabrication Facilities.
Chapter 28.	Lumber Yards and Agro-industrial, Solid Biomass and Woodworking Facilities.
Chapter 29.	Manufacture of Organic Coatings.
Chapter 30.	Industrial Ovens.
Chapter 31.	Tents, Temporary Structures and Other Membrane Structures (as amended).
Chapter 32.	High-piled Combustible Storage.
Chapter 33.	Fire Safety during Construction and Demolition.
Chapter 34.	Tire Rebuilding and Tire Storage.
Chapter 35.	Welding and Other Hot Work.
Chapter 36.	Marinas.
Chapter 37.	Combustible Fibers.
Chapter 38.	Higher Education Laboratories.
Chapter 39.	Processing and Extraction Facilities (as amended).
Chapter 40-49.	Reserved.
Chapter 50.	Hazardous Materials-General Provisions.
Chapter 51.	Aerosols.
Chapter 52.	Reserved.
Chapter 53.	Compressed Gases.
Chapter 54.	Corrosive Materials.
Chapter 55.	Cryogenic Fluids.
Chapter 56.	Explosives and Fireworks (as amended).
Chapter 57.	Flammable and Combustible Liquids (as amended).
Chapter 58.	Flammable Gases and Flammable Cryogenic Fluids.
Chapter 59.	Flammable Solids.

Chapter 60.	Highly Toxic and Toxic Materials.
Chapter 61.	Liquified Petroleum Gases (as amended).
Chapter 62.	Organic Peroxides.
Chapter 63.	Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids.
Chapter 64.	Pyrophoric Materials.
Chapter 65.	Pyroxylin (Cellulose Nitrate) Plastics.
Chapter 66.	Unstable (Reactive) Materials.
Chapter 67.	Water-reactive Solids and Liquids.
Chapter 68-79.	Reserved.
Chapter 80.	Referenced Standards.
Appendix D.	Fire Apparatus Access Roads (as amended).

SECTION 3. That Chapter 20 of the Oklahoma City Municipal Code 2020, is hereby amended by enacting a new Article II, Division 7, Sections 20-111 through 20-131, to read as follows:

**CHAPTER 20
FIRE PREVENTION AND PROTECTION**

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ARTICLE II. FIRE PREVENTION CODE

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DIVISION 7. FIRE CODE APPEALS BOARD

PART A. - MEMBERSHIP, POWERS, AND DUTIES, ETC.

§ 20-111. Created.

There is hereby created within and for the City a Fire Code Appeals Board, with the powers and duties as hereinafter set forth.

§ 20-112. Membership.

The Fire Code Appeals Board shall consist of five members, 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 municipal office. Such board shall consist of one professional engineer or architect, duly licensed by the State, two citizen members who are qualified by occupation, experience, or training to pass upon matters pertaining to fire and life safety, and two citizen members who have no direct or indirect financial interest in any industry regulated by the City's Fire Code.

§ 20-113. Term of office.

The term of office for each member of the Fire Code Appeals Board shall be for three years or until a successor is appointed.

§ 20-114. Vacancies.

Vacancies on the Fire Code Appeals Board shall be filled for the remainder of the unexpired terms in the manner in which the original appointments were made.

§ 20-115. Consecutive absences.

A member of the Fire Code Appeals Board shall be considered to have resigned if they fail to attend three consecutive meetings unless the other members of the Board notify the Mayor in writing that they believe the member to have been absent for a good cause and recommend the appointment be continued.

§ 20-116. Removal from office.

Members of the Fire Code Appeals Board may be removed by the Mayor with the consent of the Council after notice to the member and a public hearing.

§ 20-117. Alternate members.

The Mayor may appoint two alternate members to the Fire Code Appeals Board with the approval of the Council, who shall be called by the Board Chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall be residents of the State who have no direct or indirect financial interest in any industry regulated by the City's Fire Code and shall be appointed for three years or until a successor has been appointed.

§ 20-118. Meetings.

The Fire Code Appeals Board shall adopt rules in accordance with the provisions of this Code. The Board shall have at least one meeting annually at the call of the Chairperson or Fire Marshal and at such other times as the Board may determine. At the first meeting and annually thereafter the Board shall elect a Chairperson and a Vice-Chairperson to serve for a period of one year or until their successor is elected. All meetings of the Board shall be open to the public. The Board shall keep minutes of its meetings showing the vote of each member upon each question or, if a member is 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 Fire Marshal, and shall be a public record.

§ 20-119. Three votes required.

A concurring vote of three members of the Board shall be necessary on any decision or determination of the Board.

§ 20-120. Exemption of members from voting.

A member of the Board shall abstain 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 personal interest.

§ 20-121. Powers and duties.

(a) Appeal of application of the Fire Code. Any person aggrieved may appeal to the Board a decision of the Fire Marshal interpreting any of the provisions of this Code concerning fire and life safety relating to structures, processes, premises and safeguards. Application for appeal may be made when it is claimed that the true intent of this Code 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 can be used.

(b) Other duties. The Board shall have such other powers and duties as are provided by ordinance.

§§ 20-122--20-131. Reserved.

SECTION 4. That Chapter 20 of the Oklahoma City Municipal Code, 2020, is hereby amended by enacting a new Article II, Division 7, Sections 20-132 through 20-150, to read as follows:

**CHAPTER 20
FIRE PREVENTION AND PROTECTION**

* * *

ARTICLE II. FIRE PREVENTION CODE

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DIVISION 7. FIRE CODE APPEALS BOARD

PART B. - APPEALS PROCEDURE

§ 20-132. Time, notice and effect.

(a) *Deadline for filing.* An appeal to the Fire Code Appeals Board shall be filed no later than 15 days after notice of any action of which they are aggrieved or no later than 15 days after the date of the decision or interpretation of the Fire Marshal, or designated representative, which the appellant wishes to appeal.

(b) *Notice of appeal; filing fee.* Written notice of an appeal must be given to the Fire Marshal or designated representative. Such notice shall specify the grounds for the appeal and shall be accompanied by a filing fee. The amount of such fee shall be \$100.00.

(c) *Records to be furnished.* The Fire Marshal or designated representative shall forward to the Board all the evidence constituting the record of the action from which the appeal was taken, including the report substantiating the position the Fire Marshal or designated representative has taken in the matter.

(d) *Effect of appeal.* An official appeal shall stay all proceedings in furtherance of the action appealed from, unless the Fire Marshal, or designated representative, certifies to the Board after a notice of appeal has been filed, that by reason of the facts stated in the certificate a stay would, in their opinion, cause imminent peril to life or property. The proceedings then shall not be stayed otherwise than by a restraining order granted by a court of record having jurisdiction or a restraining order granted by the Board.

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

§ 20-133. Action of Board.

The Board, when appealed to and after a public hearing, has the following powers:

(1) *Modification; reversal.* The Board may modify or reverse any decision or order of the Fire Marshal in the interpretation or enforcement of this Code 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 Code, or the public interest, or when it is determined that the true intent has been incorrectly interpreted. Mere economic 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) *Rulings to be accompanied by findings of fact; decision to be filed.* Every ruling upon any appeal to the Board shall be accompanied by a written finding of fact based upon the evidence and testimony received at the hearing by the Board. 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 Fire Marshal or designated representative and shall be open to public inspection.

§ 20-134. Fire Marshal to enforce decisions.

The Fire Marshal shall take immediate action in accordance with the decision of the Board.

§ 20-135. Appeal to District Court.

Any person aggrieved by a decision of the Board, 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.

§§ 20-136—20-150. Reserved.

SECTION 5. That Article II of Title 20 of Chapter 60 General Schedule of Fees, of the Oklahoma City Municipal Code, 2020, is created to read as follows:

CHAPTER 60

GENERAL SCHEDULE OF FEES

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ARTICLE II. FIRE PREVENTION CODE

§ 60-20-42. Fee for Fire Code Appeals Board matters.

Appeal from administrative decision \$100.00

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect on the 1ST day of MARCH, 2024.

SECTION 7. 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.

INTRODUCED AND READ in the open meeting of the Council of The City of Oklahoma City, Oklahoma, on the 13TH day of FEBRUARY, 2024.

PASSED by the Council of The City of Oklahoma City, Oklahoma on the _____ day of _____, 2024.

SIGNED by the Mayor of The City of Oklahoma City, Oklahoma on the _____ day of _____, 2024.

ATTEST:

CITY CLERK

MAYOR

REVIEWED for form and legality.

Brad Logan

ASSISTANT MUNICIPAL COUNSELOR