



**ORDINANCE NO. 1363-2023**

**AN ORDINANCE OF THE CITY OF TAHLEQUAH, OKLAHOMA, AMENDING THE TAHLEQUAH CITY CODE, PART 5, BUILDING REGULATIONS AND CODES; CHAPTER 5-1, BUILDING CODE; BY UPDATING AND MAKING CHANGES TO VARIOUS INTERNATIONAL CODES; PROVIDING FOR CODIFICATION, SEVERABILITY, REPEALER, AND SETTING AN EFFECTIVE DATE.**

NOW THEREFORE, BE IT ORDAINED BY The City Council of the City of Tahlequah, Oklahoma:

**SECTION 1. AMENDATORY.** Chapter 5-1 of Part 5 of the Tahlequah City Code is hereby amended to read as follows:

**Section 5-102 Adoption of Building Code.**

- A. A certain document, one copy of which is on file in the office of the City building inspector, being marked and designated as the ~~2015 International Building Code as published by the International Code Council~~ 2018 International Building Code as adopted and amended by the Oklahoma Uniform Building Code Commission including Appendix C, Appendix E, Appendix F, Appendix G, Appendix I, Appendix J, and Appendix K, be and is hereby adopted as the Building Code of the Code of Ordinances of the City of Tahlequah in the State of Oklahoma; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-102.1 of this chapter.
- B. The International Building Code shall be enforced by the building inspector of the City of Tahlequah. The term "building official," wherever found in the International Building Code, shall mean the building inspector of the City of Tahlequah.

**Section 5-102.1 Addition and Insertions to the Building Code**

Additions, insertions and changes to the Building Code shall be as made by the City from time to time. In addition to any other addition to the International Building Code as required by this Code, the following additions and insertions are made to the International Building Code:

- A. Subsection 101.1 is amended by inserting the phrase, "City of Tahlequah, Oklahoma," in lieu of phrase, "[name of jurisdiction]".
- B. Subsection 109.2 is amended by adding the following after the last sentence, "Permit fees shall be set forth in the Schedule of Regular Fees as adopted by City of Tahlequah City Council."
- C. Subsection 109.6 is amended to read: The Building Official shall authorize the refunding of fees as follows:
  - 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
  - 2. Not more than One Hundred percent (100%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
  - 3. The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee no later than one hundred eighty days (180) days after the date of fee payment.

**Section 5-106 Adoption of International Existing Building Code.**

- A. Adoption. A certain document, one copy of which is on file in the office of the City building inspector, being marked and designated as the ~~2015 International Existing Building Code as published by the International Code Council~~ the 2018 International Existing Building Code as adopted and amended by the Oklahoma Uniform Building Code Commission, be and is hereby adopted as the Existing Building Code of the Code of Ordinances of the City of Tahlequah in the State of Oklahoma; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Existing Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this

section, with the additions, insertions, deletions and changes, if any, prescribed in Subsection C of this section.

- B. Enforcement. The International Existing Building Code shall be enforced by the building inspector of the City of Tahlequah. The term "code official," wherever found in the International Existing Building Code, shall mean the building inspector of the City of Tahlequah.
- C. Additions, Insertions and Changes: Additions, insertions and changes to the Existing Building Code shall be as made by the City from time to time as prescribed in 5-106.1.

**Section 5-106.1 Addition and Insertions to the Building Code**

In addition to any other addition to the International Existing Building Code as required by this Code, the following additions and insertions are made to the International Existing Building Code:

- A. Subsection 101.1 is amended by inserting the phrase, "City of Tahlequah, Oklahoma," in lieu of phrase, "[name of jurisdiction]".
- B. Subsection 108.2 is amended by adding the following after the last sentence, "Permit fees shall be set forth in the Schedule of Regular Fees as adopted by City of Tahlequah City Council."
- C. Subsection 108.6 is amended to read: The Building Official shall authorize the refunding of fees as follows:
  - 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
  - 2. Not more than One Hundred percent (100%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
  - 3. The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee no later than one hundred eighty days (180) days after the date of fee payment.

**Section 5-107 Adoption of International Property Maintenance Code.**

- A. Adoption. A certain document, one copy of which is on file in the office of the City building inspector, being marked and designated as the ~~2015~~ 2018 International Property Maintenance Code as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Code of Ordinances of the City of Tahlequah in the State of Oklahoma; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code, are hereby referred to, adopted and made a part hereof as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in Subsection C of this section.
- B. Enforcement. The International Property Maintenance Code shall be enforced by the building inspector of the City of Tahlequah or the Code Compliance Officer. The term "code official," wherever found in the International Property Maintenance Code, shall mean the building inspector of the City of Tahlequah or the Code Compliance Officer.
- C. Additions, Insertions and Changes. Additions, insertions and changes to the Property Maintenance Code shall be as made by the City from time to time as prescribed in 5-107.1.

**Section 5-107.1 Addition and Insertions to the Building Code**

In addition to any other addition to the International Property Maintenance Code as required by this Code, the following additions and insertions are made to the International Property Maintenance Code:

- A. Subsection 101.1 is amended by inserting the phrase, "City of Tahlequah, Oklahoma," in lieu of phrase, "[name of jurisdiction]".
- B. Section 111. Means of appeal. This language in the code is amended as follows.
  - 1. 111.1 The words "board of appeals" is removed and replaced with "Municipal Court."
  - 2. 111.2 This language is removed.
  - 3. 111.2.1 This language is removed.
  - 4. 111.2.2 This language is removed.
  - 5. 111.2.3 This language is removed.
  - 6. 111.2.4 This language is removed.
  - 7. 111.2.5 This language is removed.
  - 8. 111.3 This language is removed.
  - 9. 111.4 This language is removed.

I-2023-006373 Book 1392 Pg 19  
09/07/2023 10:47am Pg 0018-0021  
Fee: \$24.00 Doc: \$0.00  
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State of OK





10. 111.4.1 This language is removed.
  11. 111.5 This language is removed.
  12. 111.6 This language is removed.
  13. 111.6.1 The word "board" is removed and replaced by court.
  14. 111.6.2 The word "board" is removed and replaced by court.
  15. 111.8 The words "appeals board" are removed and replaced by "Municipal Court".
- C. Subsection 112.4. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$200.00 in lieu of [amount] or more than \$500.00 [amount].
- D. Subsection 302.4. Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches, in lieu of [jurisdiction to insert height in inches]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.
- E. Subsection 304.14. Insect screens. 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 minimum 16 mesh inch (16 mesh per 25 mm), and every screen door used for insect control 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.
- F. Subsection 602.3. Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heating to maintain a minimum temperature of 68 degrees Fahrenheit (18 degrees Celsius) 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 designation 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 degrees Fahrenheit (-1 degrees Celsius), a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.
- G. Subsection 602.4. Occupiable workspaces. Indoor occupiable workspaces shall be supplied with heat to maintain a temperature of 65 degrees Fahrenheit (18 degrees Celsius) 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 2. CODIFICATION. The City Clerk is hereby directed to enter the added section into the appropriate place in the Tahlequah City Code of Tahlequah, Oklahoma, as authorized and approved by this Ordinance.

SECTION 3. SEVERABILITY. If any provision, paragraph, word, section of article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 4. REPEALER. All other Ordinances and parts of other Ordinances Inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its publication as provided by law.

(SIGNATURE PAGE FOLLOWS)

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TAHLEQUAH, OKLAHOMA, THIS 5<sup>th</sup> DAY OF SEPTEMBER, 2023.



ATTEST:

*Whitney Shaw*  
City Clerk

*Suzanne Myers*  
Suzanne Myers, Mayor

I-2023-006373 Book 1392 Pg 21  
09/07/2023 10:47am Pg 0018-0021  
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State of OK



Approved as to form and legality this 5<sup>TH</sup> day of September, 2023.

*John Tyler Hammons*  
John Tyler Hammons, City Attorney