

ORDINANCE NO. 866-2021

AN ORDINANCE OF THE CITY OF CHOCTAW, OKLAHOMA, AMENDING PART 5, AMENDMENT A- 2 INTERNATIONAL BUILDING CODE (IBC), 2015 EDITION, AMENDMENT A-3 INTERNATIONAL FIRE CODE (IFC), 2015 EDITION, AMENDMENT A-4 INTERNATIONAL MECHANICAL CODE (IMC), 2015 EDITION, CHAPTER 5 NATIONAL ELECTRICAL CODE (NEC), 2014 EDITION, AMENDMENT A-6 INTERNATIONAL PLUMBING CODE (IPC), 2015 EDITION, AMENDMENT A-7 INTERNATIONAL FUEL GAS CODE (IFGC), 2015 EDITION, AMENDMENT A-11 INTERNATIONAL RESIDENTIAL CODE (IRC), 2015 EDITION, AMENDMENT A-12 INTERNATIONAL EXISTING BUILDING CODE (IEBC), 2015 EDITION, AND AMENDMENT A-13 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), 2015 EDITION, BY ADDING, REMOVING, RELOCATING AND RENUMBERING MULTIPLE SECTIONS TO THE CHOCTAW CODE OF ORDINANCES OF THE CITY OF CHOCTAW, OKLAHOMA, PERTAINING TO BUILDING REGULATIONS AND CODES; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Code of Ordinances of the City of Choctaw at Part 5, Amendment A-2 International Building Code (IBC), 2015 Edition is hereby amended and reads as follows:

**Amendment A-2
2015 International Building Code
Part 5 — BUILDING REGULATIONS AND CODES
International Building Code®, 2015 Edition (IBC®, 2015)
Part 5, Chapter 2 “International Building Code”**

The following sections, paragraphs, and sentences of the *2015 International Building Code* are hereby amended as follows: Standard type is text from the IBC. Underlined type is text inserted. ~~Lined through type is deleted text from IBC.~~

113 Construction Board of Appeals

[A] 113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

[A] 113.1.1 Appointment. There is hereby established a board to be called the construction board of appeals, which shall consist of seven (7) members. The board members shall be nominated by the mayor and confirmed by the City Council.

[A] 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

[A] 113.3 Qualifications. The construction board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

[A] 113.3.1 Membership. The construction board of appeals shall consist of seven (7) members. Such board shall consist of individuals with knowledge and experience in the technical codes, such as design professionals, contractors, and building industry representatives, specifically as follows:

One (1) fire protection contractor or professional with extensive fire prevention experience.

One (1) registered design professional with structural engineering experience.

Two (2) building contractors or members from the building industry.

One (1) licensed electrical contractor, or a licensed electrical journeyman.

One (1) licensed mechanical contractor, or a licensed mechanical journeyman.

One (1) licensed plumbing contractor, or a licensed plumbing journeyman.

A board member shall not act in a case in which he has a personal or financial interest.

[A] 113.3.2 Terms. The terms of office of the board members shall be for three (3) years. The appointments shall be made in such a manner that the term of every member shall expire in March. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Members are subject to loss of office due to absences pursuant to Section 2-506 of the Choctaw municipal code.

[A] 113.3.3 Quorum and Voting. A simple majority of the board shall constitute a quorum. In allowing an exception to any provision of this or other technical codes, the affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. In modifying

a decision of the building official, not less than three (3) affirmative votes, but not less than a majority of the board, shall be required.

[A] 113.3.4 Secretary of Board. The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

[A] 113.3.5 Powers. The construction board of appeals shall have the power, as further defined in 113.4 to hear appeals of decisions and interpretations of the building official and consider exceptions to only the technical codes found in Part 5 of the Choctaw municipal code.

113.4 Appeals

[A] 113.4.1 Decision of the Building Official. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of appeals whenever any one of the following conditions are claimed to exist:

- a. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
- b. The provisions of this code do not apply to this specific case.
- c. That an equally good or more desirable form of installation can be employed in any specific case.
- d. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.
- e. Notice of appeal shall be in writing and filed within ten (10) days after the decision is rendered by the building official. A fee as provided in Section 1-111 of the Choctaw municipal code shall accompany such notice of appeal.

[A] 113.4.2 Special Exceptions. The construction board of appeals, when so appealed to and after a hearing, may allow a special exception to the application of any provision of this or other technical codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this code, the other technical codes or public interest, and also finds all of the following:

- a. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
- b. That the special conditions and circumstances do not result from the action or inaction of the applicant.
- c. That allowing the exception requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.

- d. That the exception allowed is the minimum exception that will make possible the reasonable use of the building, structure, or service system.
- e. That the allowing of the exception will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

[A] 113.4.2.1 Conditions of Special Exception. In granting the special exception, the board may prescribe a reasonable time limit within which the special exception required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a special exception shall be deemed a violation of this code.

[A] 113.4.3 Notice of Appeal. Notice of appeal shall be in writing and filed within ten (10) calendar days after the building official renders the decision. Appeals shall be on a form provided by the building official.

[A] 113.4.4 Unsafe or Dangerous Buildings or Service Systems. In the case of a building, structure or service system, which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.

113.5 Procedures of the Board.

[A] 113.5.1 Rules and Regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within fifteen (15) business days after notice of appeal has been received.

[A] 113.5.2 Decisions. The construction board of appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order or disallowance of the building official or allows a special exception to the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the applicant and a copy shall be kept publicly posted in the office of the building official for two (2) weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

SECTION 2. That the Code of Ordinances of the City of Choctaw at Part 5, Amendment A-3 International Fire Code (IFC), 2015 Edition is hereby amended and reads as follows:

Amendment A-3 2015 International Fire Code

Part 5 — BUILDING REGULATIONS AND CODES
International Fire Code®, 2015 Edition (IFC®, 2015)
Part 5, Chapter 3 " International Fire Code"

The following sections, paragraphs, and sentences of the *2015 International Fire Code* are hereby amended as follows: Standard type is text from the IFC. Underlined type is text inserted. Lined through type is deleted text from IFC.

~~[A] 108.1 **Construction Board of Appeals Established.** In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The *fire code official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*. Appeals shall be made to the construction board of appeals in the same manner as provided for in the Building Code – Amendment A-2 2015 International Building Code Part 5 — BUILDING REGULATIONS AND CODES.~~

~~[A] 108.2 **Limitations on Authority.** An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.~~

~~[A] 108.3 **Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the jurisdiction.~~

SECTION 3. That the Code of Ordinances of the City of Choctaw at Part 5, Amendment A-4 International Mechanical Code (IMC), 2015 Edition is hereby amended and reads as follows:

Amendment A-4
2015 International Mechanical Code
Part 5 — BUILDING REGULATIONS AND CODES
International Mechanical Code®, 2015 Edition (IMC®, 2015)
Part 5, Chapter 4 " International Mechanical Code"

The following sections, paragraphs, and sentences of the *2015 International Mechanical Code* are hereby amended as follows: Standard type is text from the IMC. Underlined type is text inserted. Lined through type is deleted text from IMC.

~~[A] 109.1 **Application for appeal. Construction Board of Appeals Established.** A person shall have the right to appeal a decision of the code official to the board of appeals. An~~

application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served code officials decision. Appeals shall be made to the construction board of appeals in the same manner as provided for in the Building Code – Amendment A-2 2015 International Building Code Part 5 – BUILDING REGULATIONS AND CODES.

~~[A] 109.1.1 Limitation of authority.~~ The board of appeals shall not have authority relative to interpretation of the administration of this code nor shall such board be empowered to waive requirements of this code.

~~[A] 109.2 Membership of board.~~ The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years; one for 4 years; one for 3 years; one for 2 years; and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

~~[A] 109.2.1 Qualifications.~~ The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

- ~~1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~
- ~~2. Registered design professional with structural engineering or architectural experience.~~
- ~~3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~
- ~~4. Registered design professional with electrical engineering experience; or an electrical contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~
- ~~5. Registered design professional with fire protection engineering experience; or a fire protection contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~

~~[A] 109.2.2 Alternate members.~~ The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 5 years, or until a successor has been appointed.

~~[A] 109.2.3 Chairman.~~ The board shall annually select one of its members to serve as chairman.

~~[A] 109.2.4 Disqualification of member.~~ A member shall not hear an appeal in which that member has a personal, professional or financial interest.

~~[A] 109.2.5 Secretary.~~ The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

~~[A] 109.2.6 Compensation of members.~~ Compensation of members shall be determined by law.

~~[A] 109.3 Notice of meeting.~~ The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

~~[A] 109.4 Open hearing.~~ Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

~~[A] 109.4.1 Procedure.~~ The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

~~[A] 109.5 Postponed hearing.~~ When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

~~[A] 109.6 Board decision.~~ The board shall modify or reverse the decision of the code official by a concurring vote of three members.

~~[A] 109.6.1 Resolution.~~ The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

~~[A] 109.6.2 Administration.~~ The code official shall take immediate action in accordance with the decision of the board.

~~[A] 109.7 Court review.~~ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

SECTION 4. That the Code of Ordinances of the City of Choctaw at Part 5, Chapter 5, National Electrical Code is hereby amended and reads as follows:

**CHAPTER 5
NATIONAL ELECTRICAL CODE**

§ 5- 506 Appeals

Whenever the city shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the electrical code do not apply or that the true intent

and meaning of the electrical code have been wrongly interpreted, the applicant may appeal from the decision of the city to the construction board of appeals of the city within ten (10) days from the date of the decision.

SECTION 5. That the Code of Ordinances of the City of Choctaw at Part 5, Amendment A-6 International Plumbing Code (IPC), 2015 Edition is hereby amended and reads as follows:

Amendment A-6
2015 International Plumbing Code
Part 5 — BUILDING REGULATIONS AND CODES
International Plumbing Code®, 2015 Edition (IPC®, 2015)
Part 5, Chapter 6 " International Plumbing Code"

The following sections, paragraphs, and sentences of the *2015 International Plumbing Code* are hereby amended as follows: Standard type is text from the IPC. Underlined type is text inserted. Lined-through type is deleted text from IPC.

[A] 109.1 Application for appeal. Construction Board of Appeals Established ~~A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be files on a form obtained from the code official within 20 days after the notice was served code officials decision. Appeals shall be made to the construction board of appeals in the same manner as provided for in the Building Code – Amendment A-2 2015 International Building Code Part 5 — BUILDING REGULATIONS AND CODES.~~

[A] 109.2 Membership of board. ~~The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years; one for 4 years; one for 3 years; one for 2 years; and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

[A] 109.2.1 Qualifications. ~~The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.~~

- ~~1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~
- ~~2. Registered design professional with structural engineering or architectural experience.~~
- ~~3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~

4. ~~Registered design professional with electrical engineering experience; or an electrical contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~
5. ~~Registered design professional with fire protection engineering experience; or a fire protection contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~

~~[A] 109.2.2 Alternate members.~~ The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 5 years, or until a successor has been appointed.

~~[A] 109.2.3 Chairman.~~ The board shall annually select one of its members to serve as chairman.

~~[A] 109.2.4 Disqualification of member.~~ A member shall not hear an appeal in which that member has a personal, professional or financial interest.

~~[A] 109.2.5 Secretary.~~ The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

~~[A] 109.2.6 Compensation of members.~~ Compensation of members shall be determined by law.

~~[A] 109.3 Notice of meeting.~~ The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

~~[A] 109.4 Open hearing.~~ Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

~~[A] 109.4.1 Procedure.~~ The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

~~[A] 109.5 Postponed hearing.~~ When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

~~[A] 109.6 Board decision.~~ The board shall modify or reverse the decision of the code official by a concurring vote of three members.

~~[A] 109.6.1 Resolution.~~ The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

~~[A] 109.6.2 Administration.~~ The code official shall take immediate action in accordance with the decision of the board.

~~[A] 109.7 Court review.~~ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

SECTION 6. That the Code of Ordinances of the City of Choctaw at Part 5, Amendment A-7 International Fuel Gas Code (IFGC), 2015 Edition is hereby amended and reads as follows:

Amendment A-7
2015 International Fuel Gas Code
Part 5 — BUILDING REGULATIONS AND CODES
International Fuel Gas Code®, 2015 Edition (IFGC®, 2015)
Part 5, Chapter 7 " International Fuel Gas Code"

The following sections, paragraphs, and sentences of the *2015 International Fuel Gas Code* are hereby amended as follows: Standard type is text from the IFGC. Underlined type is text inserted. Lined through type is deleted text from IFGC.

~~[A] 109.1 Application for appeal.~~ **Construction Board of Appeals Established.** A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served code officials decision. Appeals shall be made to the construction board of appeals in the same manner as provided for in the Building Code – Amendment A-2 2015 International Building Code Part 5 — BUILDING REGULATIONS AND CODES.

~~[A] 109.2 Membership of board.~~ The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years; one for 4 years; one for 3 years; one for 2 years; and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

~~[A] 109.2.1 Qualifications.~~ The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

- ~~1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~
- ~~2. Registered design professional with structural engineering or architectural experience.~~

3. ~~Registered design professional with mechanical and plumbing engineering experience; or a mechanical contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~
4. ~~Registered design professional with electrical engineering experience; or an electrical contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~
5. ~~Registered design professional with fire protection engineering experience; or a fire protection contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~

~~[A] 109.2.2 Alternate members.~~ The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 5 years, or until a successor has been appointed.

~~[A] 109.2.3 Chairman.~~ The board shall annually select one of its members to serve as chairman.

~~[A] 109.2.4 Disqualification of member.~~ A member shall not hear an appeal in which that member has a personal, professional or financial interest.

~~[A] 109.2.5 Secretary.~~ The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

~~[A] 109.2.6 Compensation of members.~~ Compensation of members shall be determined by law.

~~[A] 109.3 Notice of meeting.~~ The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

~~[A] 109.4 Open hearing.~~ Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

~~[A] 109.4.1 Procedure.~~ The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

~~[A] 109.5 Postponed hearing.~~ When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

~~[A] 109.6 Board decision.~~ The board shall modify or reverse the decision of the code official by a concurring vote of three members.

~~[A] 109.6.1 Resolution.~~ The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

~~[A] 109.6.2 Administration.~~ The code official shall take immediate action in accordance with the decision of the board.

~~[A] 109.7 Court review.~~ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

SECTION 7. That the Code of Ordinances of the City of Choctaw at Part 5, Amendment A-11 International Residential Code (IRC), 2015 Edition is hereby amended and reads as follows:

Amendment A-11
2015 International Residential Code
Part 5 — BUILDING REGULATIONS AND CODES
International Residential Code®, 2015 Edition (IRC®, 2015)
Part 5, Chapter 11 " International Residential Code"

The following sections, paragraphs, and sentences of the *2015 International Residential Code* are hereby amended as follows: Standard type is text from the IRC. Underlined type is text inserted. Lined-through type is deleted text from IRC.

~~**R112.1 General Construction Board of Appeals Established.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The *building official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render decisions and findings in writing to the appellant with e duplicate copy to the *building official*. Appeals shall be made to the construction board of appeals in the same manner as provided for in the Building Code – Amendment A-2 2015 International Building Code Part 5 — BUILDING REGULATIONS AND CODES.~~

~~**R113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**R112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.~~

~~R112.4 Administration.~~ The building official shall take immediate action in accordance with the decision of the board.

SECTION 8. That the Code of Ordinances of the City of Choctaw at Part 5, Amendment A-12 International Existing Building Code (IEBC), 2015 Edition is hereby amended and reads as follows:

Amendment A-12
2015 International Existing Building Code
Part 5 — BUILDING REGULATIONS AND CODES
International Existing Building Code®, 2015 Edition (IRC®, 2015)
Part 5, Chapter 12 " International Existing Building Code"

The following sections, paragraphs, and sentences of the *2015 International Existing Building Code* are hereby amended as follows: Standard type is text from the IEBC. Underlined type is text inserted. Lined through type is deleted text from IEBC.

~~112.1 General Construction Board of Appeals Established.~~ In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business. Appeals shall be made to the construction board of appeals in the same manner as provided for in the Building Code – Amendment A-2 2015 International Building Code Part 5 — BUILDING REGULATIONS AND CODES.

~~112.2 Limitations on authority.~~ An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

~~112.3 Qualifications.~~ The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

SECTION 9. That the Code of Ordinances of the City of Choctaw at Part 5, Amendment A-13 International Property Maintenance Code (IPMC), 2015 Edition is hereby amended and reads as follows:

Amendment A-12
2015 International Property Maintenance Code
Part 5 — BUILDING REGULATIONS AND CODES

International Property Maintenance Code® , 2015 Edition (IPMC® , 2015)
Part 5, Chapter 13 " International Property Maintenance Code"

The following sections, paragraphs, and sentences of the *2015 International Property Maintenance Code* are hereby amended as follows: Standard type is text from the IPMC. Underlined type is text inserted. Lined-through type is deleted text from IPMC.

~~[A] 111.1 Application for appeal.~~ Construction Board of Appeals Established. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals shall be made to the construction board of appeals in the same manner as provided for in the Building Code – Amendment A-2 2015 International Building Code Part 5 — BUILDING REGULATIONS AND CODES.

~~[A] 111.2 Membership of board.~~ The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

~~[A] 111.2.1 Alternate members.~~ The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

~~[A] 111.2.2 Chairman.~~ The board shall annually select one of its members to serve as chairman.

~~[A] 111.2.3 Disqualification of member.~~ A member shall not hear an appeal in which that member has a personal, professional or financial interest.

~~[A] 111.2.4 Secretary.~~ The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

~~[A] 111.2.5 Compensation of members.~~ Compensation of members shall be determined by law.

~~[A] 111.3 Notice of meeting.~~ The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

~~[A] 111.4 Open hearing.~~ Hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the

board membership.

~~[A] 111.4.1 Procedure.~~ The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

~~[A] 111.5 Postponed hearing.~~ When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

~~[A] 111.6 Board decision.~~ The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

~~[A] 111.6.1 Records and copies.~~ The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

~~[A] 111.6.2 Administration.~~ The code official shall take immediate action in accordance with the decision of the board.

~~[A] 111.7 Court review.~~ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] 111.8 Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 10. Repealer. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

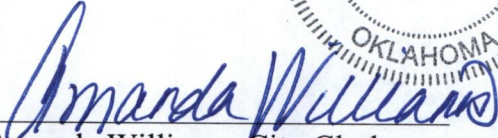
SECTION 11. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.


SECTION 12. Emergency. Whereas, it being immediately necessary for the preservation of the public health, peace and safety of the City of Choctaw and the inhabitants thereof, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED and APPROVED and the Emergency Clause voted upon separately by the Mayor and City Council of the City of Choctaw, Oklahoma, this 5th day of October, 2021.




ATTEST:


Amanda Williams, City Clerk


Randy Ross, Mayor

APPROVED AS TO FORM this 5th day of October, 2021.


Ray Vincent, City Attorney