

ORDINANCE NO. 18,953

AN ORDINANCE AMENDING CHAPTER 42 OF THE OKLAHOMA CITY MUNICIPAL CODE, 1980, ENTITLED "PLUMBING"; REPEALING THE CURRENT PROVISIONS OF ARTICLES I, II, III AND SECTIONS 42-1 THROUGH 42-30 OF CHAPTER 42 OF SAID CODE AND ENACTING NEW ARTICLES I, II, III AND IV AND PROVIDING FOR GENERAL PROVISIONS; ADOPTING THE BOCA NATIONAL PLUMBING CODE, 1987 EDITION; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THE PLUMBING CODE; PROVIDING CERTIFICATES OF REGISTRATION FOR CERTAIN CLASSIFICATIONS OF PLUMBERS; PROVIDING FOR A PLUMBING CODE REVIEW AND APPEALS COMMISSION AND ITS DUTIES AND POWERS; RESERVING CERTAIN SECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; 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 the current provisions of Articles I, II and III of Sections 42-1 through 42-30 of Chapter 42 of the Oklahoma City Municipal Code, are hereby repealed in their entirety, and that new Articles I, II, III and IV and new Sections 42-1 through 42-114 of Chapter 42 of the Oklahoma City Municipal Code, 1980, are hereby enacted to read as follows:

CHAPTER 42

PLUMBING

ARTICLE I. IN GENERAL

Sec. 42-1. The provisions of this Chapter shall be known and may be cited as the "Oklahoma City Plumbing Code" or "Plumbing Code."

Sec. 42-2. Adopted by reference.

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 of Oklahoma City, a plumbing code known as the BOCA National Plumbing Code, being more particularly the 1987 Edition thereof, as previously amended by Resolution of the Council of The City of Oklahoma City, duly adopted and signed by the Mayor on the _____ day of _____, 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 Oklahoma City Municipal Code, 1980.

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 this 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:

- Article 1. Administration and Enforcement (as amended).
- Article 2. Definitions.
- Article 3. General Regulations (as amended).
- Article 4. Materials (as amended).
- Article 5. Joints and Connections.

- 1 Article 6. Sanitary Drainage Systems (as amended).
- Article 7. Indirect Waste Piping and Special Waste (as amended).
- Article 8. Storm Drainage Systems (as amended).
- Article 9. Vents and Venting (as amended).
- Article 10. Traps, Interceptors, Separators and Backwater Valves (as amended).
- Article 11. Drainage Pipe Cleanouts (as amended).
- Article 12. Plumbing Fixtures.
- Article 13. Hangers and Supports.
- Article 14. Health Care Plumbing.
- Article 15. Water Supply and Distribution (as amended).
- Article 16. Individual Water Supply (deleted).
- Article 17. Inspector, Tests and Maintenance.
- Article 18. Engineered Plumbing Systems.
- Appendix A. Referenced Standards.
- Appendix B. Basic principles, typical symbols and drawings.
- Appendix C. Sizing the Building Water Supply Distribution System.
- Appendix D. Rate of Rainfall for Various Cities in in./hr.
- Appendix E. Tables, Rules and Conversion Calculations.
- Sec. 42-4. Penalties.

Any person, firm, association, partnership or corporation who shall violate any of the provisions of this Chapter shall severally, for each and every such violation, be deemed guilty of an offense and upon conviction thereof, shall be punishable by a fine of not less than thirty-five dollars (\$35.00) nor more than three hundred-dollars (\$300.00) and costs or by imprisonment, not to exceed ninety (90) days, or both such fine and costs and imprisonment. 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.

Sec. 42-5. Flow obstruction.

Any plumbing contractor who installs originally or by replacement and/or any property owner who knowingly permits a plumber, either licensed or unlicensed, to install originally or by replacement a sanitary sewer connection without first obtaining a City permit as provided by this Code, shall be deemed guilty of an offense which, upon conviction, is punishable by a fine of three hundred dollars (\$300.00) and subjects the offending contractor to possible suspension or revocation of his license. The imposition of one 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 enforced removal of prohibited conditions.

Sec. 42-6 through 42-20. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. ADMINISTRATION

Sec. 42-21. General. The administration and enforcement of this Chapter shall be the responsibility of the Chief Plumbing Inspector, who is supervised by the Planning Director, or his designated representative. The Code Enforcement Superintendent is designated as his representative within the scope of this Chapter.

Sec. 42-22. Appointments; Chief Plumbing Inspector and Assistants.

(a) There is hereby created the office of the Chief Plumbing Inspector. The Chief Plumbing Inspector shall be appointed by the City Manager.

(b) The Chief Plumbing Inspector shall be a resident of the City and shall have at least five (5) years experience as a plumbing contractor in a municipality of 20,000 or larger population or have at least five (5) years experience as a plumbing inspector in a municipality of 20,000 or larger population. The Chief Plumbing Inspector shall hold a current State Plumbing Contractor's license, a City Plumbing Contractor's license and a Master Gas Fitter's license. The Chief Plumbing Inspector shall give his/her entire time to the duties of said office, and shall not be interested directly or indirectly in any way with any plumbing contractors engaged in plumbing work or gas fitting performed in the City of Oklahoma City or in any plumbing or gas fitting work performed in the City of Oklahoma City.

(c) Assistant Plumbing Inspectors, as may be necessary to perform the duties of this office, shall be appointed by the City Manager. The assistant plumbing inspectors shall have at least five (5) years experience as licensed journeymen plumbers in a municipality of 20,000 or larger population. The assistant plumbing inspectors shall hold a current State Journeyman Plumbing license, and a current City Journeyman Plumbing Certificate. The assistant plumbing inspectors shall not be interested directly or indirectly in any plumbing or gas fitting business in the City of Oklahoma City. The Chief Plumbing Inspector and his assistants shall be reimbursed all money expended for state and city licenses or certificates required in carrying out the performances of their office.

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

(a) The Chief Plumbing Inspector shall be charged with the duty of enforcing all the sections of the Municipal Code relating to plumbing construction, installation, repair, alteration, and maintenance of plumbing apparatus and fixtures, and with the inspection of these. The Chief Plumbing Inspector shall have the power and shall inspect, or reinspect as authorized in this Chapter all plumbing and other installations within the City or outside the City that are controlled by this Article in either new or old buildings, and insure that the terms and provisions of this Chapter, and any amendments to it are complied with in full.

(b) The Chief Plumbing Inspector shall institute by and with the advice of the Municipal Counselor, or his 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 plumbing contractor and the plumbing contractor fails to make the proper corrections within forty-eight (48) hours after receiving notice from the Chief Plumbing Inspector, the Chief Plumbing Inspector shall file a complaint. The Chief Plumbing Inspector shall maintain files on plumbing contractors violating any provisions of this Chapter.

(c) Copies of notices of violations, refusals of permits or refusals of certificates of inspections shall be filed with the Plumbing Code Review and Appeals Commission.

Sec. 42-24. Applications and permits. The Community Development Department shall receive applications and issue permits for the installation of plumbing. The Chief Plumbing Inspector shall inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Chapter.

Sec. 42-25. 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 insure compliance with all code requirements for the safety, health and general welfare of the public.

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Sec. 42-26. Inspections. The Chief Plumbing Inspector or his assistants shall make all required inspections, or may accept reports of inspections by authoritative 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 he 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 Planning, or his designated representative. The Chief Plumbing Inspector and his assistants shall keep an up-to-date file, supplied by the plumbing permit section of the Community Development Department of all registered and licensed plumbing contractors and journeyman plumbers. The Chief Plumbing Inspector and his assistants shall be responsible to insure that all inspections are made as needed including, but not limited to ground work, rough-in, water, sewer, and final inspection; the final inspection shall be made not later than ten (10) days after completion of plumbing work performed under any plumbing permit.

Sec. 42-27. Credentials. The Chief Plumbing Inspector and his assistants shall carry proper credentials of office for the purpose of inspecting any and all buildings and premises in the performance of their duties.

Sec. 42-28. Department records. The Community Development 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. Such records shall be retained as the public records as required by State law.

Sec. 42-29. Annual report. At least annually, the Chief Plumbing Inspector shall submit to the Planning Director a written statement of department operations in form and content as shall be prescribed by the Planning Director.

Sec. 42-30 - 42-35. Reserved.

DIVISION 2. APPLICATION FOR PERMIT

Sec. 42-36. Permit required. No permit shall be issued except in the name of the building owner through a certified 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 Community Development Department and obtain a permit. The permit shall be numbered, listing the name of the owner and contractor, job name and address, building permit number, scope of plumbing installation proposed, approximate date the job will start and approximate completion date. When the permit is issued by telephone the contractor's copy shall be mailed to his business address. The permit covers only that work listed on it. Any additions or changes shall be reported to the Community Development Department and an additional permit taken prior to requesting final inspection.

Sec. 42-37. Form. Before installing any new plumbing installation, alterations, or additions to existing plumbing, plumbing fixtures or appliances, except as specifically exempt in this Chapter, an authorized contractor shall apply for a permit with the Community Development Department either in person, or if he has qualified for contractors option, by telephone, and provide the following information: street address of the premises where plumbing work is to be done; building permit number; name of owner; name of plumbing contractor; kind of building; number of stories; etc.; list of plumbing fixtures and work to be done, and any other information specified by the Director of Community Development or his designated representative.

Sec. 42-38. Description of work. The applicant shall list the number of fixtures of each type to be installed, the location of the work, and the use and occupancy of the building in which the work is to be performed.

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. 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

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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. Type of plans. Plans and specifications, where required by the Chief Plumbing Inspector, shall include a plan view and a riser diagram showing the work. Such plans shall show the direction of flow, pipe size, grade of horizontal piping, elevations, drainage fixture unit, loads of both stacks and drains in the drain, waste and vent systems, and the supply fixture unit load for the water system and any branch supplies which serve more than one plumbing fixture, appliance or hose outlet.

Sec. 42-41. Site plan. There shall also be filed a site plan showing the location of water service and sewer connections with respect to any building in which a plumbing system is to be installed. Vent stack terminations shall be shown with respect to building ventilation openings which could allow introduction of sewer gases into the building or any adjacent building.

Sec. 42-42. Private sewage disposal system. The site plan shall indicate the location of a private sewage disposal system where a public sewer is not available. The site plan shall include all technical data and soil data required by the private sewage disposal code listed in Appendix A of the BOCA National Plumbing Code, 1987 Edition.

Sec. 42-43. Engineering details. The Chief Plumbing Inspector shall require adequate details of plumbing work, including computations and other technical data, to be filed.

Sec. 42-44. Amendments. Subject to the limitations of Section 42-39, amendments to a plan, application or other records accompanying the same shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendments shall be deemed part of the original application and shall be filed therewith.

Sec. 42-45. Time limit. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued. The Chief Plumbing Inspector may grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

Sec. 42-46 - 42-52. Reserved.

Sec. 42-53. Action on application. The Chief Plumbing Inspector shall examine or cause to be examined all applications for permits, 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 in writing, stating the reasons therefor. If the Chief Plumbing Inspector 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. A plumbing permit shall not be transferable.

Sec. 42-54. Permits required in advance. Prior to commencement of any plumbing installation, the plumbing contractor shall procure a permit and pay the City Treasurer the inspection fee in full. Under emergency conditions at times when the city offices are not open, permit requests may be delayed no longer than until the city offices are re-opened.

Sec. 42-55. Prepaid permits. Contractors shall have the option of establishing a prepaid permit account or applying for permits on an individual basis with the Community Development Department.

Sec. 42-56. Payment in advance. A prepaid permit account may be established by making application to the Community Development Department and the payment, in advance, of a minimum sum to the City Treasurer of no less than forty dollars (\$40.00) with all future deposits to be at least the sum of forty dollars (\$40.00).

Sec. 42-57. Telephone request. With the establishment of a prepaid account, the individual contractor may then telephone in his request for a specific permit and will not be required to come to the office of the Director of Community Development, or his designated representative,

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personally, provided that sufficient funds are on hand in the contractor's prepaid account to cover the cost of the permit.

Sec. 42-58. Normal cut-off procedures. Normal cut-off procedures shall be observed on prepaid permits in that the City Treasurer will advise the Director of Community Development Department, or his designated representative, of the last receipt number and the date of cut-off. The contractor shall keep accurate records on his prepaid permit account balance. The prepaid account shall not allow work to be started prior to a request by phone for a permit.

Sec. 42-59. Previous Approvals. A provision in this Chapter shall not require changes in the plumbing system of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the installation of which shall have been actively prosecuted within 90 days after the effective date of this Chapter and completed with dispatch.

Sec. 42-60. Signature to permit. The Chief Plumbing Inspector's signature shall be attached to every permit, or the signature of an authorized representative shall be affixed thereto.

Sec. 42-61. Approved plans. The Chief Plumbing Inspector shall stamp or endorse in writing all sets of corrected plans Approved, and one set of such approved plans shall be retained by the Chief Plumbing Inspector and the other set shall be kept at the building site, open to inspection of the Chief Plumbing Inspector or an authorized representative at all reasonable times.

Sec. 42-62. Approval in part. The Community Development Director is authorized to issue a permit for the installation of part of a plumbing system before the entire plans and specifications for the whole system have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this chapter. Holders of such permits shall proceed at their own risk with the work and without assurance that a permit for the entire system will be granted.

Sec. 42-63. Revocation. The Chief Plumbing Inspector or Community Development Director 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.

Sec. 42-64. Suspension of permit. Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

Sec. 42-65 - 42-70. Reserved.

DIVISION 3. FEES

Sec. 42-71. Fee Required. No permit to begin work for new construction or alteration shall be issued until the application and permit fees prescribed have been paid. Nor shall any amendment to a permit necessitating an additional fee because of the additional work involved be issued until the additional fee has been paid.

Sec. 42-72. Fee. A schedule of fees for the permits and inspections required herein shall be enacted by independent ordinance. A copy of such ordinance shall be on file in the Office of the City Clerk.

Sec. 42-73 - 42-74. Reserved.

ARTICLE III. APPRENTICES, JOURNEYMEN AND CONTRACTORS

Sec. 42-75. Apprentice Plumber. 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. Apprentice plumbers shall be registered with the occupational licensing service of the State. An apprentice, at all times while working, shall be under the direct supervision of a journeyman plumber or plumbing contractor. No more than three (3) apprentices shall work under the direction of a journeyman

1 7 or contractor at any time. An 2 apprentice shall at all times while working at this trade have on his person a certificate of registration.

Sec. 42-76. Journeyman Plumber Certificate. A Journeyman Plumber's Certificate of Registration shall be issued only to a person who holds a journeyman plumber's or plumbing contractor's license issued and in effect under State Law, and who has registered such license with the City Clerk, and who has paid the required fees and otherwise complied with the terms of this Chapter. A journeyman plumber shall, at all times while working at his trade, have on his person a certificate of registration, and be in the employment of a person who is bonded, licensed and registered under the terms of this Article as a plumbing contractor.

Sec. 42-77. Plumbing work. No person shall do plumbing work or shall engage in work at the trade of journeyman plumber, or maintenance plumber, within The City, unless he has a State license as a journeyman plumber or plumbing contractor as required by State law, and has registered the license with the Supervisor of Licenses and obtained the appropriate Certificate of Registration from The City.

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

Sec. 42-79. Partnership, firms, corporation. A partnership, firm, corporation, or business trust may only engage in the plumbing business within The City, through one (1) bona fide member of the partnership or firm, or one (1) officer of the corporation or business trust, who has legal authority to act for such partnership, firm, corporation or business trust and who carries and holds a license under State law as a plumbing contractor and who has registered his license and is bonded as required by this Article. If the person or member holding the license or Certificate of Registration should leave or sever his connection with, or lose his status as a member or officer of the partnership, firm, corporation or business trust which is operating under the license and Certificate of Registration, the authority of the firm partnership, corporation, or business trust to do plumbing business shall immediately cease and it must qualify under and comply with the terms of this Article before any further business is conducted. If the holder of the license and Certificate of Registration dies or he is serving in the armed forces of the United States, the firm, partnership, corporation or business trust, may continue to engage in the plumbing business with The City for a period not to exceed six (6) months from such death or call to service, provided that all fees and bonds 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 or operating under a license and Certificate of Registration as a plumbing contractor within The City shall maintain a regular place of business and a telephone listed with the telephone company as a business phone and shall display a sign at such business location bearing the firm's name.

Sec. 42-81. Signs and registration number. All persons operating a plumbing business shall display the firm name and the Oklahoma City Registration Number with the initials "O.C." preceding that number, and the State Plumbing Contractor's license number, under which he operates, on all cars and trucks 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 (2) inches in height.

Sec. 42-82. Workmen employed. No plumbing contractor shall employ any person to work at the trade of plumbing unless the person employed is licensed and registered to do such work under the terms of this Chapter,

except such work as is permitted to be done by apprentices who are registered as provided by this Article.

Sec. 42-83. Plumbing contractors; registration and bond required.

(a) Plumbing business. 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 is bonded and registered as a plumbing contractor with the Supervisor of Licenses, and has otherwise complied with this Chapter. Nothing in this Article shall be construed as regulating the sale of plumbing, plumbing fixtures or appliances.

(b) Bond. Before being issued a license and before engaging in the plumbing business within the City of Oklahoma City, and annually thereafter, a plumbing contractor shall give and keep in force for the ensuing year a bond in the amount of two thousand (\$2,000.00) dollars in favor of The City of Oklahoma City. The bond shall be conditioned upon the plumbing contractor complying with all the provisions and requirements of this Chapter and other sections of the Municipal Code relating to plumbing, drainage, etc., in The City or connected to water mains or sewer mains of The City. All such bonds shall contain the further provisions that the principals or licensees and holders of Certificates of Registration covered by the bond, shall restore or cause to be restored with the same material and in the same manner as before, all streets in The City in any way disturbed by the licensee, and that the principals or licensees and holders of certificates shall save The City harmless from all damage resulting from or in any way growing out of any injury received by anyone on account of negligence or unskilled work on the part of the licensee, his agents or employees. All such bonds shall be reviewed as to sufficiency and the bonds shall then be filed with the City Clerk.

(c) No plumbing contractor shall refer to the above mentioned bond in an advertisement or infer that the public is protected by such bond.

Sec. 42-84. Contractor's 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 licensee or person holding a Certificate of Registration changes address or his business connection, association or employment, he shall within five (5) 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 license or certificate. Certificates of Registration issued under this chapter shall not be transferred or assigned. No holder of a license or Certificate of Registration shall loan the license or certificate, or shall obtain permits to do plumbing work for any other person. No plumbing contractor shall carry the license or certificate for more than one firm at any one time.

Sec. 42-86. Suspension or revocation. A license or certificate issued pursuant to this Article may be suspended or revoked for cause.

(a) Action by Chief Plumbing Inspector. The Chief Plumbing Inspector or his assistants may suspend any license authorized by this Article if he finds that the licensee has failed to perform his 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 licensee by certified mail, return receipt requested. The notice will contain information on how such action may be appealed. The licensee shall remain suspended until a hearing is held before the Plumbing Code Review and Appeals

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Commission. Such hearing shall be held in conformance with the provisions of this Chapter.

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

Sec. 42-87. No work to be performed. No person whose license has been suspended 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. Fees. Persons obtaining licenses or certificates in accordance with the provisions of this Article shall pay to The City the fee prescribed by independent ordinance. A copy of such ordinance shall be on file in the Office of the City Clerk.

Sec. 42-89 - 42-95. Reserved.

ARTICLE IV. PLUMBING CODE REVIEW AND APPEALS COMMISSION

DIVISION 1. MEMBERSHIP, POWERS AND DUTIES, ETC.

Sec. 42-96. Created. There is hereby created a Plumbing Code Review and Appeal Commission.

Sec. 42-97. Membership. The Plumbing Code Review and Appeals Commission shall consist of five (5) members appointed by the Mayor with the approval of the Council. All members shall be residents of The City and shall hold no other office. Of the five members, each member shall have had ten (10) or more years experience in the plumbing industry, and shall be familiar with the Oklahoma City Plumbing Code as well as the State Plumbing Code. Two (2) members shall be professional engineers registered to practice in the state of Oklahoma and two (2) members shall be licensed plumbing contractors, and one (1) member shall be a state and city licensed journeyman plumber. Nothing contained herein shall affect the present appointments or terms of appointment.

Sec. 42-98. Term of office. The term of office for each Commissioner shall be for three (3) years or until a successor is appointed.

Sec. 42-99. Vacancies. Vacancies 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 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 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 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 three (3) 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

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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 Planning Director and shall be a public record. The Code Enforcement Superintendent who shall be the Clerk of the Commission shall provide a secretary to take minutes.

Sec. 42-103. Four votes required. A concurring vote of four (4) members of the Commission shall be necessary to reverse any order, requirement, decision or determination of the Commission, or to modify or reverse any interpretation of the Chief Plumbing Inspector or his assistants, or of any Board created under the authority of this Chapter, or to decide any matter upon which it may pass.

Sec. 42-104. Exemption of members. A member of the Board 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 personal interest.

Sec. 42-105. Powers and duties.

- (a) Review of 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 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 Chapter.
- (d) Appeal of revocation or suspension of license. The Commission shall hear appeals from persons whose licenses have been suspended 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.

Sec. 42-106 - 42-110. Reserved.

DIVISION 2. APPEALS PROCEDURE

Sec. 42-111. Time, notice and effect.

- (a) Deadline for filing. An appeal to the Plumbing Code Review and Appeals Commission shall be filed no later than fifteen (15) days after receipt of notice by the appellant of the action of which he is aggrieved or no later than fifteen (15) days after the date of the decision or interpretation of the Chief Plumbing Inspector which the appellant wishes to appeal.
- (b) Notice of appeal; filing fee. Written notice of an appeal must be given to the Code Enforcement 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 by ordinance. Copies of such ordinance are on file in the Office of the City Clerk.
- (c) Records to be furnished. The Chief Plumbing Inspector shall forward to the Commission all the papers constituting the record of

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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. 42-112. Action of Commission. The Commission, when appealed to and after a public hearing, has the following powers:

- (a) 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.
- (b) 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 (10) 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.
- (c) 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.
 - (1) Making a material misstatement in the application for such license or certificate or renewal;
 - (2) Loaning or illegally using a license or certificate of registration;
 - (3) Demonstrating incompetency to act as a journeyman, plumber or plumbing contractor as the case may be;
 - (4) Failing to properly correct plumbing which is found to be defective or inadequate due to acts of the license or certificate holder;
 - (5) Wilfully violating a second time any provision of the Plumbing Code;
 - (6) Wilfully or unreasonably failing to perform normal business obligations for which he is licensed and registered without justifiable cause;
 - (7) Having ten (10) or more complaints within a twelve (12) month period, provided any alleged violations overruled by the Commission shall not be counted;

(d) Re-instatement of certificate. No certificate or license which has been revoked under the provision of this division shall be reinstated for a period of six (6) months after such revocation. The Commission may reinstate the certificate or license 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 license.

(e) 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. A copy of such decision shall be kept publicly posted in the office of the Chief Plumbing Inspector for two (2) weeks after filing.

Section 42-113. Chief Plumbing Inspector to enforce decisions. The Chief Plumbing Inspector shall take immediate action in accordance with the decision of the Board.

Sec. 42-114. 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 2. SAVINGS CLAUSE. Rights and liabilities unaffected by Plumbing Code. Nothing in this Chapter shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of the character be lost, impaired or affected by this Chapter.

SECTION 3. SEVERABILITY. The invalidity of any section or provision of this ordinance or of the building code hereby adopted shall not invalidate the other sections or provisions thereof.

SECTION 4. THIS CHAPTER TO CONTROL. This chapter shall control over any previously enacted ordinance inconsistent provision of this Code.

SECTION 5. CODIFICATION: The provisions of Section 1 of this ordinance shall be codified as Articles I through IV and Sections 42-1 through 42-114, inclusive, of Chapter 42 of the Oklahoma City Municipal Code, 1980.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect ninety (90) days after adoption hereof--

SECTION 7. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the 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.

