

ORDINANCE NO. O-1718-17

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REPEALING AND REPLACING ARTICLE I AND ARTICLE II OF CHAPTER 9 OF THE CODE OF THE CITY OF NORMAN; AMENDING ARTICLE III; AND ADDING ARTICLE IV CODES AND STANDARDS; SO AS TO ADOPT AND AMEND THE 2015 NATIONAL FIRE PROTECTION ASSOCIATION, NFPA 1, FIRE CODE AND THE 2015 INTERNATIONAL FIRE CODE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That all sections of Article I. Adoption of the 1997 National Fire Protection Association (NFPA 1) Fire Prevention Code of Chapter 9 of the Code of the City of Norman, Oklahoma, be repealed and replaced in its entirety with Article I. General Administration to read as follows:

Chapter 9 - FIRE PREVENTION

ARTICLE I. ~~ADOPTION OF THE 1997 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA 1) FIRE PREVENTION CODE~~ **GENERAL ADMINISTRATION**

Section 9-101	<u>Duties of the Fire Code Official.</u>
Section 9- 101 <u>102</u>	Adoption of the 1997 National Fire Protection Association (NFPA 1) <u>Application of the</u> Fire Prevention Code.
Section 9-103	<u>Application of the Fire Code.</u>
Section 9- 102 <u>104</u>	Fireworks. <u>Effect of conflicting provisions.</u>
Section 9- 103 <u>105</u>	Reserved. <u>Appeals.</u>
<u>Section 9-106</u>	<u>Penalties.</u>

ARTICLE II. ~~ADMINISTRATION OF THE 1997 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA 1) FIRE PREVENTION CODE~~ **FIREWORKS**

Section 9-201	Modifications of the 1997 National Fire Protection Association (NFPA 1) Fire Prevention Code. <u>Definitions.</u>
Section 9-202	Appeals. <u>Consumer fireworks prohibited.</u>
Section 9-203	Penalties. <u>Public fireworks display.</u>
<u>Section</u> 9-204	Responsibility. <u>Manufacture of fireworks.</u>
<u>Section</u> 9-205	<u>Violation and penalties.</u>
<u>Section 9-206</u>	<u>Seizure of fireworks.</u>
<u>Section 9-207</u>	<u>Disposal of fireworks.</u>
9-300	Reserved.

ARTICLE III. HAZARDOUS MATERIAL EMERGENCY RESPONSE COST RECOVERY

Section 9-301	Intent and purpose.
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Section 9-302	Definitions.
Section 9-303	Hazardous materials incidents—Liability for costs.
Section 9-304	Hazardous materials incidents—Exceptions.
Section 9-305	Collection for cost recovery.
Section 9-306	Methods of enforcement.
Section 9-307	Conflict with other laws.

ARTICLE IV. CODES AND STANDARDS

<u>Section 9-401</u>	<u>Adoption of the Fire Prevention Code.</u>
<u>Section 9-402</u>	<u>Adoption of the Fire Code.</u>

Chapter 9 - FIRE PREVENTION

ARTICLE I. ~~ADOPTION OF THE 1997 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA 1) FIRE PREVENTION CODE~~ GENERAL ADMINISTRATION

Sec. 9-101. Duties of the Fire Code Official.

The fire code official shall enforce the provisions of this chapter and all state laws under his jurisdiction pertaining to fire prevention, investigation, suppression or extinguishing of fires. The fire code official shall have the powers of a police officer in performing his duties under this chapter.

~~Sec. 9-101~~102. Adoption of the 1997 National Fire Protection Association (NFPA 1) Application of the Fire Prevention Code.

(a) ~~Except as otherwise provided in this chapter, the 1997 edition of the NFPA 1 Fire Prevention Code is hereby incorporated into the Code of the City of Norman, Oklahoma, with the same force and effect as if fully set out in this subsection. provisions of Section 9-401 Fire Prevention Code shall apply to conditions hazardous to life or property in the occupancy of buildings already having a Certificate of Occupancy and premises within the limits of the City of Norman.~~

(b) ~~The 1997 NFPA 1 Fire Prevention Code shall not become effective until at least three (3) copies thereof have been filed in the office of the City Clerk for examination by the public.~~

(c) ~~Where nationally recognized codes, standards, guides, recommended practices and subsequent publications are referenced within the 1997 NFPA 1 Fire Prevention Code, they shall be considered part of the Code without separate adoption. The most current published edition of the referenced and subsequent publications shall apply.~~

Sec. 9-103. Application of the Fire Code.

Except as otherwise provided in this chapter, the provisions of Section 9-402 Fire Code shall apply to construction of new buildings, remodeling of existing buildings, additions to existing buildings, and change of occupancy group of existing buildings, within the limits of the City of Norman.

~~Sec. 9-102~~104. Fireworks-Effect of conflicting provisions.

(a) ~~Manufacture, sale and discharge.~~

(1) ~~Special permits. The manufacture of fireworks within the City of Norman is prohibited except under special permits as are required by local and state regulations.~~

~~Application for permits shall be made in writing at least fourteen (14) days in advance of the date of the display. After such privileges shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.~~

~~A permit must be obtained from the Fire Official to manufacture (compound), store or use any fireworks or pyrotechnic special effects material in connection with motion pictures, television, or theatrical or group entertainment production. A permit shall be granted only to a competent operator approved by the Fire Official.~~

(2) ~~Restricted use. Except as hereinafter provided, it shall be unlawful for any person to possess, store, offer for sale, sell, or use or explode any fireworks; provided that the Fire Official shall permit the use of fireworks for public or private displays when all of the provisions of NFPA 1 are met and after all necessary permits have been issued. Every such use or display shall be handled by a competent operator approved by the Fire Official, and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person. The Fire Official is authorized to limit the quantity of fireworks permitted at a given location. Except any person transporting fireworks unopened in their original packaging within the corporate limits of the City of Norman will not be in violation of this section.~~

~~(b) Financial responsibility. Before a permit is issued, the applicant shall furnish to the City of Norman a corporate surety bond in an amount deemed adequate by the Fire Official for the payment of all damages which may be caused either to a person(s) or to property by reason of the permitted display, and arising from any acts of the permit holder, his agents, employees or subcontractors. Government entities shall be exempt from this bond requirement.~~

~~(c) Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way that is safe for the particular type of fireworks remaining.~~

~~(d) Seizure.~~

~~(1) Removal. The Fire Official shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article. Except any person transporting fireworks unopened in their original packaging within the corporate limits of the City of Norman will not be in violation of this section.~~

~~(2) Disposal. If any fireworks or combustibles are determined by the Fire Official to be in such a state or condition as to constitute a hazard to life and property, the Fire Official may dispose of such fireworks or combustibles without further process of law. The Fire Official is authorized to dispose of any abandoned fireworks or combustibles that he determines to be hazardous to life or property.~~

~~If the person so charged is found guilty of violating the provisions of this article or any rule or regulation adopted pursuant thereto with regard to possession, handling, or storage of fireworks or combustibles, the Fire Official is authorized to dispose of the confiscated material in such a way as he shall determine equitable.~~

Whenever the requirements or provisions of this chapter are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the fire code official and the building official shall prescribe minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions concerning matters in conflict, and all provisions of this ordinance not in conflict shall remain in full force and effect.

Sec. 9-103~~105~~. Reserved. Appeals.

The property owner or his authorized agent shall have the right to appeal a decision or determination made by the fire code official relative to the application and interpretation of the appropriate code, as adopted in this chapter, to the Board of Appeals established in Section 4-1601 of the Code of the City of Norman whenever:

(1) The true intent of the adopted codes, or the rules legally adopted thereunder, have been incorrectly or improperly interpreted,

(2) The provisions of those codes do not fully apply, and/or,

(3) An equally good or better form of construction is proposed.

Sec 9-106. Penalties.

(a) Any person, firm, or corporation convicted of violating any provision of this chapter, or of failing to act or comply with the rules and regulations enacted pursuant to this chapter; shall be punished by a monetary fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment for each such violation or failure to comply.

(b) Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one (1) or more of such offenses may be set out in any complaint or information filed.

ARTICLE II. ADMINISTRATION OF THE 1997 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA 1) FIRE PREVENTION CODE FIREWORKS

Sec. 9-201. ~~Modifications of the 1997 National Fire Protection Association (NFPA 1) Fire Prevention Code.~~Definitions.

~~(a) The Fire Marshal may modify any of the provisions of the 1997 NFPA 1 Fire Prevention Code upon the written application of the owner or lessee, or his duly authorized agent, when:~~

- ~~(1) There are practical difficulties in the strict enforcement or compliance with the letter of the code;~~
- ~~(2) The spirit of the 1997 NFPA 1 Fire Prevention Code is nonetheless observed;~~
- ~~(3) Public safety is still secured; and~~
- ~~(4) The Chief of the Fire Department concurs.~~

~~(b) Any particular modification which is granted or allowed shall be reduced to writing over the signature of the Fire Marshal, and shall be entered upon the Fire Department records and also furnished to the applicant.~~

The following words and phrases used in this article, shall for the purposes of this article, have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

- (1) *Consumer*: Any individual who acquires, possesses, or discharges fireworks for personal, family or household purposes. This term shall include any personnel except any *retailer, distributor, manufacturer or wholesaler* as defined herein.
- (2) *Consumer fireworks*: Any small firework device suitable for use by the public designed primarily to produce visible and/or audible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16, Code of Regulations, Parts 1500 and 1507. This term shall further include, but not be limited to, devices in which comparable small amounts of explosives are used, firecrackers, torpedoes, skyrockets, roman candles, sparklers or other devices of like construction and any devices containing any explosive substance.
- (3) *Display fireworks*: Fireworks devices intended primarily for commercial and/or exhibition displays and designed to produce visible and/or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, salutes containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic compositions and other exhibition display pieces which exceed the limits of explosive materials for classification as *consumer fireworks*. This term also includes fused setpieces containing components which together exceed 50 milligrams of salute powder. *Display fireworks* are classified as *fireworks* UN0333, UN0334 or UN0335 by the U.S. Department of Transportation.
- (4) *Distributor*: Any person who sells *fireworks* and novelties to other *distributors, wholesalers or retailers* for resale or provides them as part of a pyrotechnic display service in the State of Oklahoma.
- (5) *Fireworks*: Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that includes *consumer fireworks* and *display fireworks* but shall not include any *novelty* as defined herein.
- (6) *Manufacturer*: Any person engaged in the making, compounding or constructing of *fireworks*.
- (7) *Novelty*: A device containing small amounts of pyrotechnic and/or explosive composition. Such devices produce limited visible or audible effects. These items must be approved by the U.S. Department of Transportation (DOT) or have been deregulated by DOT. This term shall include paper caps containing not in excess of an average of twenty-five one-hundredths of a grain of explosive content per cap manufacture in accordance with DOT regulations for packing and shipping as provided therein, and designed for use in toy pistols, toy canes, toy guns or other similar devices utilizing such caps. This term shall also include but not be limited to toy trick noisemakers as defined by DOT and toy smoke devices.

(8) Person: Any corporation, association, partnership, organization or one or more individuals.

(9) Public fireworks display: A professionally supervised discharge of display fireworks primarily for commercial or entertainment exhibition.

(10) Retailer: Any person who purchases fireworks and novelties for resale to consumers.

(11) Wholesaler: Any person who purchases fireworks and novelties for resale to retailers.

Sec. 9-202. Appeals Consumer fireworks prohibited.

~~(a) An applicant may appeal from the decision of the Fire Marshal or Chief of the Fire Department to a panel composed of the Counsel of the City, the Building Official, and the Fire Chief, whenever:~~

~~(1) An application or permit applied for is refused;~~

~~(2) It is claimed that the provisions of Chapter 9 of this Code are inapplicable;~~

~~(3) It is claimed that the intent and meaning of the 1997 NFPA 1 Fire Prevention Code are misconstrued or incorrectly interpreted.~~

~~(b) Such appeal must be filed with the City Attorney within thirty (30) days of receipt of that decision adversely affecting the applicant.~~

(a) It shall be unlawful for any person to include retailer, distributor, manufacturer or wholesaler to sell, offer for sale, expose for sale, barter or give any consumer fireworks or display fireworks to any consumer within the City of Norman, except as hereinafter provided.

(b) It shall be unlawful for any person, firm or corporation to possess, store, discharge, use, ignite, explode, or cause to explode any consumer fireworks within the City of Norman, except as hereinafter provided.

(c) Nothing in this section shall be construed to prohibit the transportation of consumer fireworks in their unopened original packaging in a motor vehicle.

Sec. 9-203. Penalties Public fireworks display.

~~(a) Any person, firm or corporation convicted of violating any provision of this chapter, or of failing to act or comply with the provisions of this chapter, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment for each such violation or failure to comply.~~

~~(b) Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one (1) or more of such offenses may be set out in any complaint or information filed.~~

(a) Public fireworks displays may be permitted as provided by this section and as supplemented by the Fire Code and Fire Prevention Code as adopted and otherwise amended by this chapter.

(b) Every public fireworks display event shall be supervised by a competent operator approved by the fire code official. The public fireworks display shall be of such composition and character and so located, discharged and fired as, in the opinion of the fire code official and after proper inspection, shall not be hazardous to property or endanger any person. The fire code official is authorized to limit the quantity of fireworks permitted at a given location.

(c) No person other than a state-licensed outdoor display operator shall conduct a public fireworks display. Every public fireworks display shall be conducted in accordance with NFPA 1123 as referenced in the Fire Code and Fire Prevention Code as adopted and otherwise amended by this chapter. No permit issued pursuant to this section shall be transferable.

(d) No person may conduct a public fireworks display without first making application for and receiving a permit from the fire code official.

(1) Every application shall be made in writing at least fourteen (14) days in advance of each proposed public fireworks display event.

(2) If an approved and permitted public display event is cancelled by the fire code official because of weather conditions or some other unforeseen circumstances, the permit holder may make a renewed application and, if approved by the fire code official, may conduct the public fireworks display on an alternate date.

(3) No permit granted under this section shall be transferable.

(e) Application for a public fireworks display must be made by an outdoor display operator licensed by the Office of the Oklahoma State Fire Marshal.

(f) Before a permit is issued, the applicant shall furnish to the City of Norman a corporate surety bond in an amount deemed adequate by the fire code official for the payment of all damages which may be caused either to a person(s) or to property by reason of the permitted display, and arising from any acts of the permit holder, his agents, employees or subcontractors. Government entities shall be exempt from this bond requirement.

(g) After such privileges shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only.

(h) The permit holder shall immediately and safely dispose of any remaining unfired fireworks upon the conclusion of the public fireworks display in a way that is safe for the particular type of fireworks remaining.

(i) The permit holder shall clean the public fireworks display site of all trash, debris, refuse, litter, and other waste within twenty-four (24) hours of the completion of each public fireworks display event to the satisfaction of the fire code official. Should the permit holder fail to do so, the city shall clean or cause to be cleaned, without notice to the permit holder, the event site. All such costs shall be a personal obligation of the permit holder.

(j) The permit holder shall assume full responsibility and liability for any personal injury, death, property damage or other casualty arising or resulting from each public fireworks display event. By accepting the permit, the permit holder agrees to indemnify and hold harmless the city, its officials and employees from any liability arising from the conduct, or operation of the public fireworks display events.

(k) The fire code official is authorized to adopt additional reasonable regulations relating to public fireworks displays and display events to ensure the health, safety and welfare of fireworks display participants and the public.

Sec. 9-204. Responsibility ~~Manufacture of fireworks.~~

~~The Fire Official shall enforce the provisions of this code and all state laws under his jurisdiction pertaining to prevention, investigation, suppression or extinguishing of fires. The Fire Official shall have the powers of a police officer in performing his duties under this Code.~~

The manufacture of fireworks within the City of Norman is prohibited except under special permits as are required by local and state regulations.

Sec. 9-205. Violation and penalties.

Any person, firm or corporation violating the provisions of this article shall be guilty of an offense and upon conviction shall be punished in accordance with Section 9-106 of the Code of the City of Norman.

Sec. 9-206. Seizure of fireworks

The fire code official shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article.

Sec. 9-207. Disposal of fireworks

(a) If any fireworks or combustibles are determined by the fire code official to be in such a state or condition as to constitute a hazard to life and property, the fire code official may dispose of such fireworks or combustibles without further process of law. The fire code official is authorized to dispose of any abandoned fireworks or combustibles that he determines to be hazardous to life or property.

(b) If the person so charged is found guilty of violating the provisions of this article or any rule or regulation adopted pursuant thereto with regard to possession, handling, or storage of fireworks or combustibles, the fire code official is authorized to dispose of the confiscated material in such a way as he shall determine equitable.

~~Secs. 9-205—9-300. Reserved.~~

ARTICLE III. HAZARDOUS MATERIAL EMERGENCY RESPONSE COST RECOVERY

Sec. 9-301. Intent and purpose.

To provide the City of Norman of the State of Oklahoma, its agencies or agents, for recovery of costs incurred in *emergency response*, incident assessment, control, containment, sampling, testing, mitigation and abatement efforts directly related to a Hazardous Material Emergency Response.

Sec. 9-302. Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the meanings ascribed to them in this section, except when the context requires otherwise:

- (1) ~~Costs~~; ~~means all~~ **All** reasonable and necessary expenses that are incurred by the City of Norman, its agencies, agents and/or assigns as a direct result of a *hazardous materials* emergency response including, but not limited to, the following:
- (4)(A) Emergency response, incident assessment, control, containment, mitigation and abatement of a *hazardous materials incident*, to include costs associated with transportation and temporary storage, removal, disposal, sampling and testing of *hazardous materials* if such transportation and temporary storage, removal, disposal, sampling and testing is necessary to control and contain the *hazardous materials incident*.
 - (2)(B) Ensuring the health, safety and welfare of the public, property, and the environment both on and off the site of the *hazardous materials incident*.
 - (3)(C) Equipment, including rental equipment, utilized by the City of Norman, its agencies, agents and/or assigns to the extent the equipment is necessary for emergency response, incident assessment, control, containment, sampling, testing, mitigation and abatement of the immediate hazard.
 - (4)(D) Contract labor utilized by the City of Norman, its agencies, agents, and/or assigns for emergency response, incident assessment, control, containment, sampling, testing, mitigation and abatement of the immediate hazard.
 - (5)(E) Overtime costs for compensation of the City of Norman employees, agencies, agents, and/or assigns for the time related to the *hazardous materials incident*.
 - (6)(F) Disposable materials and supplies consumed and expended as a result of the hazardous materials incident including, but not limited to, absorbents, foams, neutralization agents, sampling and testing supplies, protective equipment, repair kit supplies, over pack drums or containers.
 - (7)(G) Decontamination of equipment that is contaminated during the *hazardous materials incident*.
 - (8)(H) Laboratory costs for purposes of analyzing samples taken during and after the *release*.
- (2) **Hazardous material**: ~~means a~~ **A** substance or material that the United States Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under Section 5103 of Federal *hazardous materials* transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 C.F.R. 172.101), and materials that meet the defining criteria for hazard classes and divisions in 49 C.F.R. 173.

- (3) *Hazardous material incident*: ~~means actual~~ **Actual** or threatened *release* of a hazardous substance or material, including hazardous waste, which poses an imminent threat to the environment and/or to the health, safety or welfare of the population and requires emergency response, incident assessment, control, mitigation, containment and abatement of the immediate hazard.
- (4) *Person*: ~~means an~~ **An** individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, governmental entity, or any other legal entity.
- (5) *Release*: ~~means the~~ **The** accidental or intentional, sudden or gradual spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers and other receptacles containing any *hazardous material* or substance or waste or pollutant or contaminant) whether such *release* occurs from a fixed facility or while the materials are being transported.
- (6) *Responder*: ~~means the~~ **Any** person, entity or agency authorized to participate in the City of Norman's coordinated *emergency response* to a *hazardous material incident*.
- (7) *Emergency response*: ~~means the~~ **The** provision of authorized assistance during and following a hazardous material incident and to reduce the likelihood of secondary damage, and may include incident assessment, control, containment, sampling, testing, mitigation and abatement of the immediate hazard.
- (8) *Responsible party*: ~~means the~~ **The** person or persons whose act or omission caused a *release* of a *hazardous material* or substance; or the person(s) who owned or had custody or control of the *hazardous material* or substance at the time of the *release* without fault or proximate cause; or the person(s) who owned or had custody or control of the container which held the *hazardous material* or substance at the time of or immediately prior to such *release* without regard to fault or proximate cause.

Sec. 9-303. Hazardous materials incidents—Liability for costs.

(a) Any *responsible party* shall be liable for the payment of all actual reasonable and necessary costs, incurred by the City of Norman, its agencies, agents, and/or assigns for *emergency response*, incident assessment, control, containment, sampling, testing, mitigation and abatement of the immediate hazard as a direct result of the *hazardous material incident*.

(b) Failure to report *hazardous material* or a *hazardous material incident* is subject to the penalties as set forth in Section 9-306 of this chapter.

Sec. 9-304. Hazardous materials incidents—Exceptions.

The authority to recover costs under this article shall not include costs incurred for actual fire suppression services not related to a *hazardous materials incident* which are normally or usually provided within the City of Norman's corporate boundaries by its fire department or its authorized agents.

Sec. 9-305. Collection for cost recovery.

(a) Agent for collection. The Fire Department of the City of Norman shall be responsible for collection of all costs from the *responsible party* of a *hazardous material incident*.

(b) Procedure. When responding to a *hazardous material incident*, the Fire Department of the City of Norman shall keep a detailed record of the costs attributable thereto.

(c) Method of billing, and payment. The Fire Department of the City of Norman shall submit one or a series of invoices to the *responsible party*, identifying the specific costs for reimbursement. The *responsible party* shall issue a certified check made payable to the City of Norman within sixty (60) days of receiving the invoice.

(d) Failure to pay. Failure to pay within sixty (60) days of receipt of billing will result in the remedy(ies) set forth in Section 9-306 of this article.

Sec. 9-306. Methods of enforcement.

(a) Civil action. The City of Norman may enforce these provisions by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus administrative collection costs, attorneys' fees, or for any other relief that may be appropriate. A certified copy of a judgment in favor of the political subdivision may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by such *person(s)* and such lien shall be coequal with the lien of all state, county and municipal taxes superior in dignity to all other liens, titles, and claims until paid or extinguished.

(b) Remedies at law. The City of Norman may seek any or all available remedies at law, to include the provisions of this article, against any parties responsible for any *hazardous materials incident*, to include those actions and remedies available under the U.S. Bankruptcy Code relating to such matters.

(c) Property tax roll. Failure by the *responsible party* described in this article who has not paid pursuant to Section 9-303 shall be in default and the City of Norman shall have the right and power to add all *emergency response costs* to the tax roll as to the property involved in the *hazardous materials incident*, and to levy and collect such *costs* in the same manner as provided for the levy and collection of real property taxes against said property or premise. The City of Norman shall also have the right to bring action in a court of competent jurisdiction to collect said *costs* if the City of Norman deems such action to be necessary.

(d) Other remedies. This article shall not prohibit the City of Norman from pursuing other remedies, whether civil or criminal, or from instituting any appropriate action or proceeding, including an injunction in a court of competent jurisdiction. Nor shall the recovery of expenses under this article in any way *release* the various party or parties or limit them, from legal liability incurred as a result of *hazardous material* clean up or abatement as defined under any local, state, or federal rule, regulation or law.

Sec. 9-307. Conflict with other laws.

~~(a) Whenever the requirements or provisions of this article are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the more restrictive requirements shall apply as to the matters in conflict, and all provisions of this ordinance not in conflict shall remain in full force and effect.~~

~~(b)~~(a) This article shall not restrict or replace *cost* recovery from funding sources available under state and/or federal regulations including but not limited to the revolving fund established under Section 311(K) of the Federal Water Pollution Trust Fund established under Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9611).

~~(c)~~(b) This article shall not restrict or replace any legal remedy or cause of action otherwise available to the City of Norman or *responsible party*.

ARTICLE IV. CODES AND STANDARDS

Sec. 9-401. Adoption of the Fire Prevention Code

(a) Pursuant to 59 O.S. §1000.23, the NFPA® 1 Fire Code, 2015 edition, as published by the National Fire Protection Association®; and documents listed in Chapter 2 of that code; hereinafter referred to as "NFPA 1" is hereby adopted as the Fire Prevention Code of the City of Norman for regulations governing conditions hazardous to life and property from fire or explosion; and occupancy of buildings already having a Certificate of Occupancy, with the same force and effect as if fully set out in this section with amendments thereto as prescribed in this section.

(b) The Fire Prevention Code shall not become effective until at least three (3) copies, including modifications prescribed in this section, have been filed in the office of the City Clerk.

(c) The following sections of NFPA 1 are hereby amended, added, deleted, or substituted as noted:

(1) 1.1.1 [Amended] The scope includes, but is not limited to, the following:

1. Inspection of existing permanent and temporary buildings, processes, equipment, systems and other fire and related life safety situations.

2. Investigation of fires, explosions, hazardous materials incidents, and other related emergency incidents.
 3. Fire and life safety education of fire brigades, employees, responsible parties, and the general public.
 4. Existing occupancies and conditions.
 5. Installation, use, storage, and handling of medical gas systems.
 6. Hazards from outside fires in vegetation, trash, building debris, and other materials.
 7. Regulation and control of special events including, but not limited to, assemblage of people, exhibits, trade shows, amusement parks, haunted houses, outdoor events, and other similar special temporary and permanent occupancies.
 8. Decorations, furnishings, and other combustibles that contribute to fire spread, fire load, and smoke production.
 9. Storage, use, processing, handling, and on-site transportation of flammable and combustible gases, liquids, and solids.
 10. Storage, use, processing, handling, and on-site transportation of hazardous materials.
 11. Control of emergency operations and scenes.
 12. Conditions affecting fire fighter safety.
- (2) **1.1.2 Title [Amended].** The title of this Code shall be NFPA 1, Fire Prevention Code, of the National Fire Protection Association (NFPA).
- (3) **1.3.1 [Amended]** This Code shall apply to existing conditions.
- (4) **1.3.6.1 [Amended]** Buildings permitted for construction after the adoption of this Code shall comply with the provisions in the Building Code as adopted in Section 5-201 of the Code of the City of Norman and the Fire Code as adopted in Section 9-402 of the Code of the City of Norman.
- (5) **1.3.6.3 [Amended]** Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to the provisions in the Building Code as adopted in Section 5-201 of the Code of the City of Norman and the Fire Code as adopted in Section 9-402 of the Code of the City of Norman.
- (6) **Sections 1.10 through 1.10.6.6 [Deleted]** NFPA 1 Sections 1.10 through 1.10.6.6 are hereby deleted in favor of the provisions of Section 4-1601 of the Code of the City of Norman.
- (7) **1.12.8 [Amended]** The AHJ is authorized to establish permits as required in accordance with Table 1.12.8(a) through 1.12.8(d). Those cases in which the AHJ does not establish a permit shall not justify a violation of any provision of this Code or any other applicable law or regulation.
- (8) **1.16.4.2 [Amended]** Violations of the Code shall be subject to penalties as prescribed by law.
- (9) **Chapter 2 Referenced Publications [Amended].** NFPA 1 Chapter 2 is hereby amended to include the following substitutions:
- [Substitute]** “NFPA 13, Standard for the Installation of Sprinkler Systems, 2013 edition” with “NFPA 13, Standard for the Installation of Sprinkler Systems, 2016 edition.”
- [Substitute]** “NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2013 edition” with “NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2016 edition.”

[Substitute] “NFPA 13R, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, 2013 edition” with “NFPA 13R, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, 2016 edition.”

[Substitute] “NFPA 17A, Standard for Wet Chemical Extinguishing Systems, 2013 edition” with “NFPA 17A, Standard for Wet Chemical Extinguishing Systems, 2017 edition.”

[Substitute] “NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, 2013 edition” with “NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, 2016 edition.”

[Substitute] “NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances, 2013 edition” with “NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances, 2016 edition.”

[Substitute] “NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2014 edition” with “NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2017 edition.”

[Substitute] “NFPA 72®, National Fire Alarm and Signaling Code, 2013 edition” with “NFPA 72®, National Fire Alarm and Signaling Code, 2016 edition.”

[Substitute] “NFPA 2001, Standard on Clean Agent Fire Extinguishing Systems, 2012 edition” with “NFPA 2001, Standard on Clean Agent Fire Extinguishing Systems, 2015 edition.”

Sec. 9-402. Adoption of the Fire Code

(a) Pursuant to 59 O.S. §1000.23, the International Fire Code, 2015 edition, including Appendix B, C and D, as published by the International Code Council, Inc., including modifications by the Oklahoma Uniform Building Code Commission as set forth in Title 748, Chapter 20, Subchapter 3 of the Oklahoma Administrative Code; more specifically Sections 3, 7, 7.1, 8, 11, 12, 13, 13.2, 13.3, 13.4, and 13.5, effective September 15, 2017; hereinafter referred to as “IFC,” is hereby adopted as the Fire Code of the City of Norman for regulating construction of new buildings, remodeling of existing buildings, additions to existing buildings, and change of occupancy group of existing buildings, with the same force and effect as if fully set out in this section with amendments thereto as prescribed in this section.

(b) The Fire Code shall not become effective until at least three (3) copies, including modifications prescribed in this section, have been filed in the office of the City Clerk.

(c) The following sections of the IFC are hereby amended, added, deleted, or substituted as noted:

(1) **101.1 Title [Amended].** These regulations shall be known as the *Fire Code* of the City of Norman, hereinafter referred to as “this code.”

(2) **101.2.1 Appendices [Amended].** The provisions in appendices B, C and D are hereby adopted and are considered a part of this code. All other appendices are not adopted and shall not apply.

(3) **SECTION 103 FIRE PREVENTION DIVISION [Substitute]**

(4) **103.1 General [Amended].** The Fire Prevention Division of Norman Fire Department is established within the jurisdiction under the direction of the *fire code official*. The function of the division shall be the implementation, administration and enforcement of the provisions of this code and NFPA 1 as adopted in Section 9-401 of the Code of the City of Norman.

(5) **105.1.6 Annual permit [Deleted].** IFC Section 105.1.6 is hereby deleted without substitution.

(6) **105.1.6.1 Annual permit records [Deleted].** IFC Section 105.1.6.1 is hereby deleted without substitution.

(7) **Sections 105.6 through 105.6.48 [Deleted].** IFC Sections 105.6 through 105.6.48 are hereby deleted without substitution.

- (8) **105.7 Construction permits [Amended].** The *fire code official* is authorized to issue construction permits in accordance with Sections 105.7.1 through 105.7.18. Those cases in which the *fire code official* does not establish a permit shall not justify a violation of any provision of this Code or any other applicable law or regulation.
- (9) **105.7.1 Automatic fire-extinguishing systems [Amended].** The installation of or modification to an automatic fire-extinguishing system shall be reviewed and approved by the *fire code official*. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.
- (10) **105.7.2 Battery systems [Deleted].** IFC Section 105.7.2 is hereby deleted without substitution.
- (11) **105.7.3 Compressed gases [Deleted].** IFC Section 105.7.3 is hereby deleted without substitution.
- (12) **105.7.4 Cryogenic fluids [Deleted].** IFC Section 105.7.4 is hereby deleted without substitution.
- (13) **105.7.5 Emergency responder radio coverage system [Deleted].** IFC Section 105.7.5 is hereby deleted without substitution.
- (14) **105.7.6 Fire alarm and detection systems and related equipment [Amended].** The installation of or modification to fire alarm and detection systems and related equipment shall be reviewed and approved by the *fire code official*. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.
- (15) **105.7.7 Fire pumps and related equipment [Amended].** The installation of or modification of fire pumps and related fuel tanks, jockey pumps, controllers and generators shall be reviewed and approved by the *fire code official*. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.
- (16) **105.7.8 Flammable and combustible liquids [Deleted].** IFC Section 105.7.8 is hereby deleted without substitution.
- (17) **105.7.9 Gates and barricades across fire apparatus access roads [Deleted].** IFC Section 105.7.9 is hereby deleted without substitution.
- (18) **105.7.10 Hazardous materials [Deleted].** IFC Section 105.7.10 is hereby deleted without substitution.
- (19) **105.7.11 Industrial ovens [Deleted].** IFC Section 105.7.11 is hereby deleted without substitution.
- (20) **105.7.12 LP-gas [Deleted].** IFC Section 105.7.12 is hereby deleted without substitution.
- (21) **105.7.13 Private fire hydrants [Amended].** The installation of or modification to private fire hydrants shall be reviewed and approved by the *fire code official*. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.
- (22) **105.7.14 Smoke control or smoke exhaust systems [Amended].** The installation of or modification to smoke control or smoke exhaust systems shall be reviewed and approved by the *fire code official*. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.
- (23) **105.7.15 Solar photovoltaic power systems [Deleted].** IFC Section 105.7.15 is hereby deleted without substitution.
- (24) **105.7.16 Spraying and dipping [Deleted].** IFC Section 105.7.16 is hereby deleted without substitution.
- (25) **105.7.17 Standpipe systems [Amended].** The installation, modification or removal from service of a standpipe system shall be reviewed and approved by the *fire code official*.

Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

(26) **105.7.18 Temporary membrane structures and tents [Amended].** A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy, or an individual tent having an area in excess of 120 square feet (11.16 m²). Multiple tents placed side by side with a clearance of not less than 12 feet (3658 mm) to any other tent shall be considered as an individual tent.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

(27) **SECTION 108 BOARD OF APPEALS [Deleted].** IFC Section 108 is hereby deleted in favor of the provisions of Section 4-1601 of the Code of the City of Norman.

(28) **109.4 Violation penalties [Amended].** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, repairs or does work in violation of the *approved construction documents*, directive of the *fire code official* or of a permit issued under the provisions of this code shall be subject to penalties as prescribed by law.

(29) **111.4 Failure to comply [Amended].** 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 the violation or unsafe condition, shall be subject to penalties as prescribed by law.

(30) **503.1 Where required [Amended].** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 or when approved by the fire code official, in accordance with Appendix D.

Exception: Fire apparatus access roads constructed in accordance with Section 20-113 of the Code of the City of Norman.

(31) **503.2.1 Dimensions [Amended].** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). Fire apparatus access roads shall not be located within 10 feet (3048 mm) of any building.

(32) **507.3 Fire flow [Amended].** Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an *approved* method or when approved by the fire code official, in accordance with Appendix B.

(33) **507.5 Fire hydrant systems [Amended].** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 or when approved by the fire code official, in accordance with Appendix C.

Exception: Fire hydrant systems constructed in accordance with Section 20-113 of the Code of the City of Norman.

(34) **507.5.5 Clear space around hydrants [Amended].** A clear space as described in Section 2002.8 of the City of Norman Engineering Design Criteria shall be maintained around fire hydrants.

(35) **3103.2 Approval required [Amended].** Tents and membrane structures having an area in excess of 120 square feet (11.16 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the *fire code official*. Multiple tents placed side by side with a clearance of not less than 12 feet (3658 mm) to any other tent shall be considered as an individual tent.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

(36) 3105.2 Approval [Amended]. Temporary stage canopies in excess of 120 square feet (11.16 m²) shall not be erected, operated or maintained for any purpose without first obtaining approval and a permit from the *fire code official* and the building official.

(37) 5704.2.9.6.1 Locations where above-ground tanks are prohibited [Amended]. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited.

Exception: Where allowed by the Zoning Ordinance of the City of Norman and when approved by the *fire code official*.

(38) 5706.2.4.4 Locations where above-ground tanks are prohibited [Amended]. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited.

Exception: Where allowed by the Zoning Ordinance of the City of Norman and when approved by the *fire code official*.

(39) CHAPTER 80 REFERENCED STANDARDS [Amended]. IFC Chapter 80 is hereby amended to include the following substitutions:

[Substitute] "NFPA 13-13" with "NFPA 13-16"

[Substitute] "NFPA 13D-13" with "NFPA 13D-16"

[Substitute] "NFPA 13R-13" with "NFPA 13R-16"

[Substitute] "NFPA 14-13" with "NFPA 14-16"

[Substitute] "NFPA 17A-13" with "NFPA 17A-17"

[Substitute] "NFPA 20-13" with "NFPA 20-16"

[Substitute] "NFPA 24-13" with "NFPA 24-16"

[Substitute] "NFPA 25-14" with "NFPA 25-17"

[Substitute] "NFPA 30-12" with "NFPA 30-15"

[Substitute] "NFPA 72-13" with "NFPA 72-16"

§ 2. 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, such 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.

ADOPTED this _____ day of
_____, 2017.

(Mayor)

NOT ADOPTED this _____ day of
_____, 2017.

(Mayor)

ATTEST:

(City Clerk)