



TO: Brenda Hall, City Clerk
DATE: August 1, 2013
FROM: Leah Messner, Assistant City Attorney *LM*
SUBJECT: Publication of Ordinance O-1112-19

BACKGROUND:

On May 8, 2012, the City Council approved Ordinance O-1112-19 on second and final reading. Ordinance O-1112-19 amended Chapter 5 of the Code of Ordinances so as to adopt and amend the 2009 International Residential Code for One and Two Family Dwellings. Adoption of the Ordinance was required by the Oklahoma Uniform Building Code Commission in order to standardize municipal building codes statewide. Subsequent to adoption of this Ordinance, notice of its adoption was not published in the *Norman Transcript*.

DISCUSSION:

Title 11, Section 14-106 of the Statutes of the State of Oklahoma requires that "No ordinance having any subject other than the appropriation of monies shall be in force unless published or posted within fifteen (15) days after its passage. Every municipal ordinance shall be published at least once in full, except as provided for in Section 14-107 of this title." In addition, Section 14-107 of Title 11 states:

If a municipal governing body enacts or adopts by reference ordinances which are compilations or codes of law or regulations relating to traffic, building, plumbing, electrical installations, fire prevention, inflammable liquids, milk and milk products, protection of the public health, or any other matters which the municipality has the power to regulate, such ordinances are not required to be published in full. Legal publication of such ordinances may be by publishing the title and a summary of their contents in the manner provided by Section 14-106 of this title.

Therefore, in accordance with these statutes, it is necessary for the City of Norman to publish the title and summary of Ordinance O-1112-19 within fifteen days after its adoption by City Council for it to become effective.

RECOMMENDATION:

Ordinance O-1112-19 is unlikely to be challenged as inapplicable from May 8, 2012 to present as no person has yet to raise this issue, and the 2009 International Residential Building Code for One and Two Family Dwellings has become a statewide building code

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standard due to the creation of the Uniform Building Code Commission. However, out of an abundance of caution, this Office recommends returning Ordinance O-1112-19 to Council to be readopted and published within fifteen days from the date of that adoption. Please let me know if you need anything else.

xc: Jeff Bryant, City Attorney