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ORDINANCE NO. 24061

AN ORDINANCE AMENDING TITLE 51 OF THE REVISED ORDINANCES OF THE CITY OF TULSA BY ADOPTING CHAPTER 6 TO ESTABLISH AND IMPLEMENT A SELF-CERTIFICATION PROGRAM FOR CONSTRUCTION PLAN REVIEW AND THE ISSUANCE OF BUILDING PERMITS; PROVIDING DEFINITIONS OF TERMS; AUTHORIZING APPROVED PROFESSIONALS TO PROVIDE PLAN REVIEW AND SELF-CERTIFICATION SERVICES; ESTABLISHING AND IMPLEMENTING GENERAL CONDITIONS, PROCEDURES AND STANDARDS FOR PLAN REVIEWS AND SELF-CERTIFICATIONS FOR THE ISSUANCE OF BUILDING PERMITS; CREATING ETHICS RULES; PROVIDING FOR THE BOARD OF APPEALS TO ADVISE THE DEVELOPMENT SERVICES DEPARTMENT IN ESTABLISHING POLICIES AND PROCEDURES TO IMPLEMENT THE SELF-CERTIFICATION PROGRAM; CONTAINING OTHER PROVISIONS RELATED THERETO; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tulsa recognizes the necessity for building code compliance for construction of residential, commercial and industrial buildings and facilities to ensure the safety of the public, to promote the public health and to provide other public benefits; and

WHEREAS, the City of Tulsa finds that it is in the best interest of the citizens of Tulsa that residential, commercial and industrial developers be afforded an alternative means of construction plan review and approval to expedite the process of applying for and obtaining a building permit, provided that the plan review is conducted by and certified to by qualified professionals as authorized herein; and

WHEREAS, the City of Tulsa finds that expediting the plan review process for construction projects within the City of Tulsa would be beneficial for economic development.

NOW, THEREFORE, the City of Tulsa desires to establish a Self-Certification Program for plan review and approval for the issuance of building permits through the Development Services Department of the City of Tulsa.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. ADOPTION AND CODIFICATION. The following chapter is hereby adopted, to be codified in Title 51 of the Tulsa Revised Ordinances as Chapter 6, as follows, to-wit:

“Chapter 6. SELF-CERTIFICATION PROGRAM FOR PLAN REVIEW.

Section 601. Title; Overview and Purpose.

A. Title. This Chapter may be cited as the “Self-Certification Program for Plan Review.”

B. Overview and Purpose. The Self-Certification Program for Plan Review (the “SC Program”) is hereby implemented to establish an alternate method for building permit plan review and approval. The SC Program offers persons or entities who plan to apply for a building permit for residential, commercial or industrial projects the option to use plan review services of certain private-sector Approved Professionals (as defined below). The Development Services Department will accept certifications as to Building Code compliance by such Approved Professionals, in lieu of such services by the Development Services Department staff, except in situations where there is concern as to whether a particular application should be approved or if the Development Services Department determines that a particular application merits staff review before issuing a building permit.

Section 602. Definitions.

For the purposes of this Chapter and for the Manual, as defined below, the following words and terms have the meanings ascribed to them by this Section; words and terms not defined here have the meanings given to them in the applicable building codes, in the laws of the State of Oklahoma, and by common and ordinary usage:

- A. Agent:** A person authorized to act on behalf of another person or entity concerning a construction project.
- B. Applicant:** A person, firm, corporation, or other legal entity, acting personally or as an agent, desiring to construct, alter, replace or repair any building or structure located on real property and making application for a building permit.
- C. Approved Professional:** A professional architect, landscape architect or engineer licensed or registered with the respective licensing authority regulating such profession in the State of Oklahoma, in good standing with such licensing authority.
- D. Authorized Representative:** An individual, company, firm, or organization that is authorized by an Owner to apply for a building permit.

- E. Board:** The Board of Appeals established by the provisions of Ordinance No. 23394, codified at Title 51 of the Tulsa Revised Ordinances in Chapter 1.
- F. Building Code or Building Codes:** The various building and construction codes adopted by the City from time to time and codified in the Tulsa Revised Ordinances, including, without limitation, the Building Code prescribed by Title 51, the Electrical Code prescribed by Title 52, the Property Maintenance Code prescribed by Title 55, the Plumbing Code prescribed by Title 56, the Mechanical Code prescribed by Title 59, and any applicable State Building Codes.
- G. Building Official:** The official or his/her designee authorized to administer and enforce the Building Codes.
- H. Building Permit:** Formal written permission by the City of Tulsa to perform construction, alteration, repair or related activities within the municipal limits of the City of Tulsa or within its jurisdictional control, as required by Ordinance.
- I. Contractor:** The person, firm, corporation, or other legal entity engaged in any aspect of construction of a building or structure, or a part thereof, including associated site improvements.
- J. Developer:** A person, firm, corporation or other legal entity that is either an owner of real property or the owner of an existing building or other improvement which is or which will be the subject of a permitted construction Project, or under contract with the owner thereof to commence and complete a particular construction Project or improvement to real property.
- K. Development Services Department:** The department of the City of Tulsa having jurisdiction and control over the issuance of building permits, construction and development permits, occupancy permits, and similar permits and approvals for the construction of buildings and improvements.
- L. Fee:** The charge to Applicants for permits issued by the City of Tulsa as provided in Title 49 of the Revised Ordinances of the City of Tulsa.
- M. Lessee:** A person, firm, corporation or other legal entity that has the right to the use and occupancy of real property or a building, or a part thereof, pursuant to a written lease, according to the terms of such lease.
- N. Manual:** The Self-Certification Building Permit Program Manual created by the Development Services Department and approved by the Development Services Director detailing the SC Program, which shall include the policies and procedures related to the Program.

- O. Ordinance:** A legislative act of the City Council of the City of Tulsa which has become effective in accordance with the Amended Charter of the City of Tulsa.
- P. Owner:** A property owner, building owner or project owner, as defined herein, and as may be applicable.
- Q. Owner, Building:** A person, firm, corporation, or other legal entity possessing an ownership interest in a building or other structure.
- R. Owner, Project:** A person, firm, corporation, or other legal entity, possessing, or who/which will acquire an ownership interest in real property or a building or other structure upon completion of a Project.
- S. Owner, Property:** A person, firm, corporation, or other legal entity possessing an ownership interest in real property.
- T. Program:** The administrative program to issue a building permit based on self-certification by an Approved Professional, as authorized by Part 2-Administration and Enforcement of the International Building Code, as amended from time to time, and which is referred to in this Chapter as the "SC Program".
- U. Project:** An organized undertaking at a specific location to complete pre-determined objectives for the planning, design, construction, repair, improvement or expansion of buildings or facilities, as detailed in construction plans, specifications and other related documents.
- V. Self-Certification or Statement of Self-Certification:** An official determination and declaration by an Approved Professional that the plans, specifications and other construction documents for a Project for which a building permit is sought are in compliance with the Building Codes; and upon such certification, that the City of Tulsa may, in reliance of such certification, issue a building permit and conduct inspections without the City of Tulsa Development Services Department having reviewed such plans, specifications and other construction documents for code compliance. The Approved Professional so certifying shall bear the legal responsibility for compliance with the Building Codes.
- W. Self-Certified Building Permit Application:** The written application for a Building Permit submitted to the Development Services Department, which shall include a Statement of Self-Certification, other required certifications, forms, checklists, plans, specifications and other documents as required by this Chapter and/or the Manual, in such format(s) as determined by the Development Services Department.
- X. Special Inspections:** Field inspections of certain aspects of a Project, both structural and non-structural in nature, in accordance with Chapter 17 of the International Building Code which requires specialized qualified expertise.

Y. State Building Code: The current version of any building code(s) adopted pursuant to state law and/or the by the Oklahoma Uniform Building Code Commission, including, but not limited to, the building codes contained in Title 748 at Chapter 20 of the Oklahoma Administrative Code.

Z. State Law: Statutes of the State of Oklahoma or applicable provisions of the Oklahoma Administrative Code.

AA. State License: A license issued pursuant to the law of the State of Oklahoma to practice the following professions: Architecture, Landscape Architecture, or Engineering. Each State License must be current.

BB. TRO: The Revised Ordinances of the City of Tulsa.

Section 603. Approved Professionals.

A. General. An Approved Professional shall provide evidence of current licensure in the State of Oklahoma with each Building Permit Application submitted to the SC Program.

B. Approved Professional Requirements. An Approved Professional shall submit the following information and documents to the Development Services Department at the time of submission of a Self-Certified Building Permit Application:

1. A copy of the Approved Professional's State License for which the individual will be providing services or proof of current licensing in the State of Oklahoma as an Architect, Landscape Architect or Engineer.
2. A copy of the Approved Professional's current driver's license or a current state or federally-issued identification that includes a photograph of the Approved Professional.
3. The address, telephone number, cellular telephone number, fax number and e-mail address of the Approved Professional, which shall be provided on or with the Self-Certified Building Permit Application.

C. Authorized Practice Areas of Approved Professionals. An Architect licensed in Oklahoma is authorized to provide plan reviews and certifications for the SC Program as an Approved Professional within the scope of the "practice of architecture" as defined in 59 O.S. §46.3, and as may be amended from time to time. A Landscape Architect licensed in Oklahoma is authorized to provide plan reviews and certifications for the SC Program as an Approved Professional within the scope of the definition of "Landscape Architecture", and the practice thereof, as defined in 59 O.S. §46.3, and as may be amended from time to time. A Professional Engineer licensed in Oklahoma is authorized to provide plan reviews and certifications for the SC Program as an Approved Professional within the scope of the "practice of engineering" as defined in 59 O.S. §475.2, and as may be amended from time to time.

D. Standard of Care. Each Architect, Landscape Architect and Engineer shall perform Self-Certification services as an Approved Professional consistent with the professional skill and care ordinarily provided by Architects, Landscape Architects and Engineers practicing in the Tulsa, Oklahoma, geographic area under the same or similar circumstances.

Section 604. Procedures.

A. Permit Applications. An Applicant shall submit to the Development Services Department, a completed Self-Certified Building Permit Application, Statement of Self-Certification, complete copies of all plans, drawings, specifications and all other supporting documents in a sufficient number thereof as required by the Development Services Department and/or as set forth in the Manual. The Applicant is responsible for ensuring that all documents submitted under the SC Program have been signed, stamped and sealed by the Approved Professional along with the required Statement of Self-Certification. In addition, the Applicant must provide all pre-requisite permits and approvals which may be required by a particular project, including, but not limited to, a Zoning Clearance Permit, a Water/Sewer/Drainage-Storm-Water Permit, Infrastructure Development Process approval, Floodplain Development approval, and City-County Health Department approval. If all pre-requisite permits and approvals are not provided with the permit application, such applications will not be processed until the pre-requisite permits and approvals are secured and provided to the Development Services Department. Separate mechanical, electrical, plumbing and fire protection trade permits are required for each project as may be applicable. By execution of a Statement of Self-Certification, an Approved Professional is making the professional determination that the plans, specifications and other construction documents relating to a Project for which a building permit is sought are in compliance with the Building Codes. An Approved Professional cannot certify fire prevention or suppression systems.

B. Plan Reviews.

1. The Approved Professional shall sign and stamp with the approved Self-Certification Stamp as set forth in the Manual, each and every page or sheet of all blueprints, plans and drawings, the first page or sheet of each specification manual, and all other required supporting documents, if any (the "Construction Document(s)") to verify that the Approved Professional has reviewed all Construction Documents submitted by the Applicant.
2. The Self-Certification Stamp shall contain the following language:

I, being duly-registered as a Professional _____
(Architect, Landscape Architect or Engineer), in the State of Oklahoma and in good standing, hereby certify **FOR THE SOLE PURPOSE OF CERTIFICATION OF CODE COMPLIANCE**, under the terms of the City of Tulsa Self-Certification Program for Plan Review, that this Construction Document has been prepared by me, OR under my direct control and personal supervision, OR reviewed by me, and I declare that this

Construction Document depicts a proposed construction that by application of the standard of professional due care complies with the currently-applicable Building Codes, laws, ordinances, codes, and standards for the design, construction, and declared occupancy of this Project within the City of Tulsa.

This certification is solely for the benefit of the City of Tulsa without intention to benefit any other person. It is non-transferable and may not be used for another purpose or by another person for any purpose. "Certification" and "certify" as used herein, is an expression of a professional opinion and is neither a warranty nor a guarantee.

Signed: _____

Date: _____

3. Building Permits shall be issued by the Development Services Department within a reasonable time upon receiving a complete Self-Certified Building Permit Application, all required plans, drawings, specifications and other required supporting documents, as well as payment of all permit and application fees as required in Title 49 of TRO. Such permit and application fees shall be assessed at the same rate as Projects that have been reviewed by Development Services Department staff. Acceptance of such plans, drawings, specifications and supporting documents on Self-Certified Projects shall not constitute a representation or guarantee by the City of Tulsa of Building Code compliance, and all responsibility for Building Code compliance lies with the Approved Professional.
4. The Development Services Department may review and audit any Self-Certified Building Permit Applications and all supporting plans, drawings, specifications and other required supporting documents prior to or after issuance of a building permit. If there are any deficiencies with regard to Building Code compliance, the Development Services Department may decline to issue a Building Permit or rescind a previously-issued Building Permit and stop further work on the project until such compliance issue is resolved. Violations of the Building Code(s), whether discovered at any time prior to construction commencing, during construction, or after final inspection of a Project shall be corrected at the Applicant's/Owner's/Developer's sole expense within a reasonable time as determined by the Development Services Department. Failure of the Owner to correct any violations of the Building Code(s) may cause the Project to be denied a certificate of occupancy. In addition, abatement proceedings may be commenced by the City of Tulsa if any Building Code violations or deficiencies are not corrected.
5. Projects for which a building permit has been issued pursuant to the SC Program shall be inspected according to the normal construction inspection procedures of the City of Tulsa.

6. Fire Protection/Suppression System plans and specifications shall be reviewed and permitted by the City of Tulsa. Project plans shall be reviewed by the City of Tulsa for compliance with the Fire Protection Code.

Section 605. Approved Professional Ethics.

A. An Approved Professional shall not suggest, direct or authorize the builder, fabricator, erector, contractor or sub-contractor to deviate from the approved construction documents or the applicable Building Codes without written approval by the responsible architect, structural engineer or geotechnical engineer and the City of Tulsa Development Services Department.

B. An Approved Professional shall contract directly with the Applicant, Owner or Developer of a Project, solely at the expense of such Applicant, Owner or Developer for Self-Certification Plan Review services.

C. An Approved Professional shall observe and follow the *Rules of Professional Conduct* regulating the profession practiced by the Approved Professional as set forth in the Oklahoma Administrative Code in Title 55, Chapter 10, Subchapter 11, concerning Licensed Architects and Landscape Architects, and in Title 245, Chapter 15, Subchapter 9, concerning Professional Engineers, as each may be amended from time to time.

Section 606. Board of Appeals. To facilitate the implementation of the SC Program, the Board of Appeals shall advise the Development Services Department regarding the adoption of policies and procedures required to implement the SC Program as provided in this Chapter.”

Section 2. IMPLEMENTATION OF SC PROGRAM. Within thirty (30) days following the publication of this ordinance, the Development Services Department shall establish policies and procedures for implementing the SC Program and is directed to create a Manual for benefit of Applicants, Developers, Owners, Approved Professionals and the Development Services Department staff. The Board of Appeals shall review such Manual and provide its recommendations to the Development Services Department. The Manual, and all revisions thereof, must be approved by the Development Services Director.

Section 3. REPEAL OF CONFLICTING ORDINANCES. That all other ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 5. EMERGENCY CLAUSE. That an emergency is hereby declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage and approval.

ADOPTED by the Council: DEC 19 2018
Date


Chair of the Council

ADOPTED as an emergency measure: DEC 19 2018
Date


Chair of the Council


OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

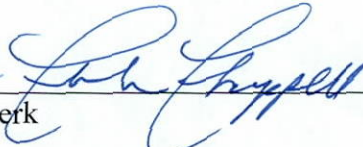
G.T. Bynum, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: DEC 27 2018
Date
at _____
Time


Mayor

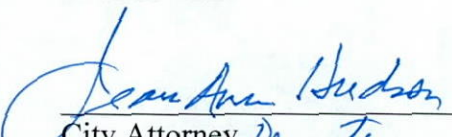
ATTEST:

Deputy 
City Clerk



(seal)

APPROVED:

 12/27/18
City Attorney Deputy
JMS