

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1329

By: Ford

4
5
6 AS INTRODUCED

7 An Act relating to building codes; exempting certain
8 church activities from certain occupancy ratings and
9 codes; construing certain use of building; limiting
10 certain use; providing certain exception to certain
11 limitations; establishing hours of use for certain
12 purposes; construing daytime hours of use;
13 prohibiting charge for certain church accommodations;
14 construing certain building as a non-violation of
15 code; exempting certain building use from certain
16 fire and safety codes; substituting and establishing
17 certain fire and safety standards for certain
18 building use; requiring representative on premises
19 for certain building use; authorizing the Uniform
20 Building Code Commission to issue certain annual
21 permit; setting fee; providing for State Fire Marshal
22 to review building for certain purpose and standards;
23 setting certain fire and safety standards; providing
24 additional fire and safety standards; providing for
permit renewal; requiring posting of permit during
certain building use; amending 59 O.S. 2011, Section
1000.29, which relates to enactment of codes; making
certain codes unenforceable over stat-issued permit;
amending 74 O.S. 2011, Section 324.11, which relates
to building permits; construing certain building
alternations; providing for certain building code
exemption; providing certain exception for certain
permits; providing for codification; and providing an
effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 319.1 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Nothing in the Oklahoma Uniform Building Code or any
5 building code adopted by any political subdivision of this state, or
6 any rules or regulations promulgated thereto, shall prohibit any
7 Fire Marshal, or any state agency or political subdivision of this
8 state or its officials, from allowing a church that is occupancy-
9 rated an A3 building pursuant to the International Building Code
10 from utilizing its building space for temporary overnight-visitors
11 for the purpose of religious retreats, ministry programs, overnight
12 or lock-in events, emergency or catastrophic occurrences, to shelter
13 transient persons, or to accommodate displaced persons due to
14 hardship or inclement weather. Such building use shall not
15 constitute a change in code occupancy rating, purposes or
16 activities. Provided, any overnight visitor space utilized by a
17 church within their existing buildings as authorized by this section
18 shall be authorized only for a limited duration not to exceed seven
19 consecutive days at a time and not exceeding more than five times
20 per year, unless the Governor has declared a state of emergency or
21 exigent circumstances exist. The authorized hours for overnight-
22 visitors pursuant to this section shall be limited to the hours of
23 4:00 PM through 7:00 AM each day. Any daytime use of the buildings
24 by the temporary overnight visitors shall be deemed consistent with

1 the original use and purpose of the building, including, but not
2 limited to, food service programs that may benefit an overnight-
3 visitor. Unlike a bed and breakfast that is exempt from certain
4 codes or a hotel or motel that is occupancy rated an R1 pursuant to
5 the International Building Code with their respective transient
6 guests paying for their accommodations, the church acting pursuant
7 to the provisions of this section shall not charge for its
8 accommodations nor be deemed a bed and breakfast, hotel or motel for
9 any code occupancy rate purposes.

10 B. Nothing in the Oklahoma Uniform Building Code or any code
11 adopted by any political subdivision of this state, or any rules or
12 regulations promulgated thereto, shall be construed to cause a
13 church to be in violation of the Oklahoma Uniform Building Code or
14 any building code adopted by a political subdivision of this state
15 for the sole reason the church offers overnight visitor services
16 within the authority of this section. Additionally, the building
17 use authorized in this section shall be exempt from standards
18 adopted by the State Fire Marshal Commission, including but not
19 limited to, standards published by the National Fire Protection
20 Association, the Building Officials and Code Administrators (BOCA)
21 National Building Code and the Life Safety Code, as it relates to
22 sprinkler systems and exit requirements and, in lieu thereof, the
23 requirements established in subsection C of this section shall
24 regulate the fire and exit safety standards which may be less than

1 or higher than the standards for the original A3 occupancy rated
2 building. A permit issued pursuant to paragraph 2 of subsection C
3 of this section shall be prima facia evidence of building code, fire
4 and safety exemptions authorized under this act.

5 C. 1. Every existing building that is used by a church for
6 overnight visitor services as authorized by this section shall have
7 basic building safety features for the preservation of life and
8 safety as provided in this section and a representative of the
9 church must remain on the building premises to serve the overnight
10 visitors whenever such visitors are present on the premises.

11 2. A permit in an amount not exceeding Twenty Dollars (\$20.00)
12 per year shall be issued annually by the Uniform Building Code
13 Commission to any church that desires to serve in the capacity
14 authorized in this section. The State Fire Marshal, or his or her
15 delegate, shall review the existing building to be used for
16 overnight visitor services and find that in addition to the building
17 being occupancy rated, an A3 building under the International
18 Building Code, that at least one of the following is in existence:

- 19 a. the entire building is equipped with an automatic
20 sprinkler system accompanied by a hard wired fire
21 alarm that is monitored by a third party,
- 22 b. a two (2) hour fire-barrier separation between the
23 overnight visitor occupancy area and an A3 code rated
24 occupancy area as allowed by the International

1 Building Code exists and a hard wired monitored
2 fire/smoke alarm system is throughout the entire
3 building,

4 c. a two (2) hour fire barrier separation between the
5 overnight visitor occupancy area and any A3 code-rated
6 occupancy area as allowed by the International
7 Building Code, a stand-alone fire/smoke alarm is in
8 each overnight visitor area and each overnight-visitor
9 area has an exit door opening directly to a public
10 way, exit court or yard area, or

11 d. the building is a gymnasium or is a space separate
12 from other occupancy-rated areas and the space to be
13 used for overnight visitors has a hard wired monitored
14 fire/smoke alarm system or stand-alone fire/smoke
15 alarms sufficient for the square footage of the area
16 and an exit door opening directly to a public way,
17 exit court or yard area for each area to be utilized
18 as an overnight visitor area.

19 In addition to one of the above requirements, if the existing
20 building is more than two stories in height it must have a minimum
21 of one means of egress with a travel distance not exceeding fifty
22 (50) feet and the fire-resistance rating of the exit enclosure and
23 opening must be a minimum of one hour fire resistance as provided by
24 the International Building Code of 2009. Emergency exit lighting

1 must be present and operational as provided by the International
2 Fire Code Section 1006. All exit signs must be illuminated and
3 operational as provided by the International Fire Code Section 1011.
4 Portable fire extinguishers must be present and maintained as
5 provided in the International Fire Code Section 906 and an
6 evacuation plan must have been developed, posted and drilled as
7 provided by the International Fire Code Sections 404 and 405.

8 The permit authorized by this paragraph may be renewed for an
9 additional year upon payment of a renewal fee of Twenty Dollars
10 (\$20.00). The State Fire Marshall shall not be required to conduct
11 another review of the existing building upon renewal of the permit,
12 unless alterations have been made to the building that directly
13 affect overnight visitor services. The permit must be posted
14 whenever overnight visitors stay on the premises.

15 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.29, is
16 amended to read as follows:

17 Section 1000.29. Nothing in the Oklahoma Uniform Building Code
18 Commission Act shall prohibit state agencies or political
19 subdivisions of the state from having full authority to provide for
20 the enactment of codes and rules in such form as they may determine
21 and prescribe; provided, that such code, ordinance, bylaw or rule
22 shall contain higher standards and requirements than the codes
23 adopted pursuant to the Oklahoma Uniform Building Code Commission
24 Act, or any rule adopted or prescribed by the Oklahoma Uniform

1 Building Code Commission through authority of Oklahoma Uniform
2 Building Code Commission Act, nor shall it prevent or take away from
3 any state agencies or political subdivisions of the state the
4 authority to amend such adopted codes to make changes necessary to
5 accommodate local conditions; provided, such changes shall be
6 approved by the Commission. However, any codes adopted by a
7 political subdivision of this state shall not be enforceable over
8 the state-issued permit and provisions of Section 1 of this act.

9 SECTION 3. AMENDATORY 74 O.S. 2011, Section 324.11, is
10 amended to read as follows:

11 Section 324.11. A. No person, firm, corporation, partnership,
12 organization, city, town, school district, county or other
13 subdivision of government shall commence the construction or major
14 alteration of any buildings or structures to be used as schools,
15 hospitals, churches, asylums, theaters, meeting halls, hotels,
16 motels, apartment houses, rooming houses, rest homes, nursing homes,
17 day nurseries, convalescent homes, orphanages, auditoriums, assisted
18 living facilities, dormitories, factories, stadiums, or warehouses,
19 including all defined occupancies within these groups, or install
20 original equipment for the operation or maintenance thereof without
21 obtaining a permit. Said permit, for which a charge may be made in
22 conformity with the local ordinance, except as limited herein as to
23 governmental agencies, shall be obtained from the city, town or
24

1 county in whose jurisdiction the construction or alteration is
2 planned.

3 B. All such construction or alteration so planned shall conform
4 to the applicable provisions of the building code, as last adopted
5 by the Oklahoma Uniform Building Code Commission. However, any
6 construction or alternations so planned by a church to conform to
7 the requirements of subsection C of Section 1 of this act shall not
8 be construed to be a change in occupancy rating within the original
9 defined occupancy rate within the group.

10 C. Application for such building permit shall be made to, and
11 such building permit shall be issued by, any city, town or county in
12 whose jurisdiction the construction or alteration is planned. The
13 city, town or county may require the submission of plans and
14 specifications covering the proposed construction or alteration and
15 may refuse to issue such permit unless the work so planned is in
16 accordance with the applicable provisions of the city, town or
17 county's building code. In all geographical areas wherein no such
18 permit is required by local authorities such permit must be obtained
19 from the State Fire Marshal, who may require the submission of plans
20 and specifications covering the proposed construction or alteration,
21 and shall refuse to issue such permit unless the work so planned is
22 in accordance with the applicable provisions of the building code,
23 as last adopted by the Oklahoma Uniform Building Code Commission;
24 provided, that the foregoing provisions of this sentence shall not

1 apply to locations in any geographical area that are owned or
2 operated by a state beneficiary public trust or have been purchased
3 or leased from a state beneficiary public trust.

4 D. Nothing in this act shall be construed as repealing any
5 ordinance of any city, town or county requiring the submission to
6 the local authorities of plans and specifications and the obtaining
7 of permits, but the power or authority of any such city, town or
8 county to levy or assess any charge for such permit or to make and
9 enforce requirements prerequisite to the issuance of such permit,
10 other than requiring compliance with such building code, shall, as
11 to governmental agencies, be limited as hereinafter set forth.

12 E. No city, town or county requested to issue any such permit
13 to any city, town, school district, county or other subdivision of
14 government shall charge, assess or collect any fee or other charge
15 for such permit except the regular and customary inspection fees
16 fixed by ordinance for inspection of the work to be done under such
17 permit, and no other charge, fee or other conditions of any kind
18 under the authority of this title shall be made a condition of or
19 prerequisite to the obtaining of such permit by any such
20 governmental agency.

21 F. No bids may be let for the construction or major alteration
22 of any correctional facility as defined by Section 317 of this title
23 until plans and specifications for such construction or alteration
24 have been submitted to the State Fire Marshal for approval. The

1 State Fire Marshal shall approve said plans and specifications if
2 the work so planned conforms with the applicable provisions of the
3 building code, as last adopted by the Oklahoma Uniform Building Code
4 Commission.

5 G. 1. Notwithstanding anything to the contrary in the fire
6 code and/or building code, as last adopted by the Oklahoma Uniform
7 Building Code Commission, all facilities to be licensed as assisted
8 living facilities, or additions to existing assisted living
9 facilities, constructed after November 1, 2008, shall be constructed
10 with the guidelines of the I-II building occupancies if at any time
11 in their operation they house residents who are not capable of
12 responding to emergency situations without physical assistance from
13 staff of the facility or are not capable of self preservation.

14 2. Assisted living facilities licensed prior to July 1, 2008,
15 may house residents who are not capable of responding to emergency
16 situations without physical assistance from the staff or are not
17 capable of self preservation under the following conditions: As
18 part of the annual licensure renewal process, the facility shall
19 disclose if any residents who reside in the facility are not capable
20 of responding to emergency situations without physical assistance
21 from staff or are not capable of self preservation, and the facility
22 shall be required to install fire sprinkler protection and an alarm
23 system within the facility in accordance with the building
24 guidelines set forth in the building code for I-II facilities.

1 3. Assisted living facilities licensed to house six or fewer
2 residents prior to July 1, 2008, shall be permitted to install 13D
3 or 13R fire sprinkler protection in lieu of meeting I-II sprinkler
4 requirements, with approval of the municipal fire marshal or
5 compliance with local codes.

6 4. For purposes of this subsection:

7 a. the term "assisted living center" shall include an
8 assisted living center licensed as such by the State
9 Department of Health and the assisted living center
10 component of a continuum care facility licensed by the
11 State Department of Health, and

12 b. the terms "fire code" and "building code" shall be
13 deemed to include:

14 (1) any and all appendices, commentary, amendments
15 and supplements to, and replacements or
16 restatements of the Codes, and

17 (2) any and all other laws, ordinances, regulations,
18 codes or standards pertaining to assisted living
19 center construction, occupancy and maintenance
20 for the protection of lives and property from
21 fire.

22 H. The church building use authorized by Section 1 of this act
23 shall be construed to be a building code exemption for purposes of
24 this section and all building codes adopted by any political

1 subdivision of this state and shall not constitute a change in
2 defined occupancy rating within its group when a permit has been
3 issued by the Uniform Building Code Commission pursuant to paragraph
4 2 of subsection C of Section 1 of this act; provided, however, the
5 commencement of new construction or major alterations to such
6 building space shall not be construed to be an exemption from the
7 permit required under subsection A of this section or any additional
8 code requirements.

9 SECTION 4. This act shall become effective November 1, 2016.

10

11 55-2-2681 NP 1/21/2016 7:33:07 PM

12

13

14

15

16

17

18

19

20

21

22

23

24