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ORDINANCE NO. 25115

AN ORDINANCE AMENDING TULSA REVISED ORDINANCES, TITLE 55, TULSA REVISED ORDINANCES, "PROPERTY MAINTENANCE CODE"; ENACTING A NEW CHAPTER 11, TITLED "RESIDENTIAL RENTAL OCCUPANCY STANDARDS"; STATING THE PURPOSE AND DEFINING TERMS USED; ESTABLISHING THE DUTIES AND AUTHORITY OF THE CODE OFFICIAL; ESTABLISHING MINIMUM STANDARDS FOR THE MAINTENANCE OF RESIDENTIAL RENTAL DWELLING UNITS AND PROPERTIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 55, Tulsa Revised Ordinances, "Property Maintenance Code", be and the same is now amended by enactment of a new Chapter 11, titled "Residential Rental Occupancy Standards", to read as follows:

"Section 1100. Purpose and scope.

1101.1 Purpose . This chapter is enacted to provide for a sustained, habitable, safe, clean, and healthy living environment for residents, tenants, occupants , invitees, and members of the public on or within residential rental properties, in full compliance with the building and housing codes of the City of Tulsa.

1101.2 Scope. The provisions of this chapter shall apply to all residential rental properties and dwelling units within the City of Tulsa, and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. Any residential rental property or dwelling unit, by act, omission, or neglect, failing to comply with the minimum requirements and standards of this Code and chapter shall be a public nuisance.

Section 1101. Definitions.

The words and phrases used in this chapter shall have the meanings defined in this section except when the context clearly and unambiguously requires a different meaning. Terms which are not defined in this Code shall have their common and ordinarily accepted meanings or such as the context may imply.

'**Blight** ' or '**blighted** ' shall mean a condition of a building or premises characterized by neglect or lack of maintenance or damage or graffiti or other similar conditions of disrepair, dilapidation or deterioration which may endanger life or property by fire or other causes or is conducive to ill health, transmission of diseases, rodent or insect infestation or is otherwise detrimental to the public health, safety, and welfare.

'**Building or housing code** ' shall mean any law, ordinance or governmental regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any residential rental property or residential rental dwelling unit, including but not limited to:

Title 14 Tulsa Revised Ordinances, the current adopted International Code Council (ICC) International Fire Code, as amended from time to time;

Title 24 Tulsa Revised Ordinances, titled 'Nuisances', as amended from time to time;

Title 51 Tulsa Revised Ordinances, Chapter 1, the current adopted ICC International Building Code, as amended from time to time;

Title 51 Tulsa Revised Ordinances, Chapter 2, the current adopted ICC International Residential Code for One- and Two-Family Dwellings, as amended from time to time;

Title 51 Tulsa Revised Ordinances, Chapter 4, the current adopted ICC International Existing Building Code, as amended from time to time;

Title 52 Tulsa Revised Ordinances, the current adopted National Electrical Code, as amended from time to time;

Title 55 Tulsa Revised Ordinances, titled 'Property Maintenance Code', as amended from time to time;

Title 56 Tulsa Revised Ordinances, the current adopted ICC International Plumbing Code, as amended from time to time; and

Title 59 Tulsa Revised Ordinances, the current adopted ICC International Mechanical Code, as amended from time to time.

'**Premises** ' shall mean a residential rental dwelling unit and the structure of which it is a part, its facilities and appurtenances, the site, space or lot leased to the owner or resident of a mobile or manufactured home, and the grounds, areas and facilities held out for the use of a resident, tenant, occupant, invitee, or member of the public generally or the use of which is promised to the m.

'**Residential rental dwelling unit** ' shall mean a structure or building, or that part of a structure or building, with a habitable space used as a dwelling unit and is rented, leased or otherwise let for human occupancy.

'**Residential rental property** ' shall mean any property or premises containing one or more residential rental dwelling units.

Section 1102. Duties and powers of the code official.

1102.1 General. The code official is authorized and directed to enforce the provisions of this chapter. The code official shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

1102.2 Inspections . The code official shall make all required inspections or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion(s) as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

1102.3 Identification . A code official shall carry proper identification when inspecting structures or premises of a residential rental property in the performance of duties under this chapter.

1102.4 Notices and orders . A code official shall issue all necessary notices or orders to ensure compliance with this chapter.

1102.5 Department records . The code official shall keep official records of all business and activities of the department specified in this chapter. Such records shall be retained in the official records for the period required for retention of public records.

Section 1103. General residential rental property maintenance standards.

1103.1 Most restrictive provisions apply. No residential rental property maintenance standards prescribed in this chapter shall be deemed to limit the enforcement of requirements of any building or housing code adopted by the City of Tulsa. Should a conflict exist, the more restrictive provisions of any applicable building or housing code shall control.

1103.2 Safe and operable condition required. All occupied dwelling units of a residential rental property, regardless of age or condition, and all parts of them shall be maintained in a safe and sanitary condition. All equipment, devices, safeguards and standards which are required by this chapter, or any building or housing code shall be maintained in a safe and operable condition.

1103.3 Systems, fixture and appliance maintenance. Every plumbing and electrical system, heating and cooling system, ventilating system, fixture and appliance shall be properly installed, maintained in a safe working condition, and shall be capable of performing the intended function(s).

1103.4 Clean and safe exterior and premise maintenance. All exterior property, premises and common areas shall be maintained in a clean, safe, and sanitary condition, free from deterioration and blighted conditions.

1103.5 Exterior and premises health, safety and welfare. The exterior and interior of a residential rental property building shall be maintained in good repair, be structurally sound, and in a safe and sanitary condition so as not to pose a threat to the health, safety or welfare of any resident, tenant, occupant, invitee, or member of the public.

Section 1104. Plumbing systems and fixtures standards.

1104.1 General. Each residential rental dwelling unit within a residential rental property shall have a plumbing system maintained in good working condition, free from defects, leaks and obstructions. All plumbing fixtures, drains, waste and vent piping shall be maintained in proper working order, connected to an approved waste disposal system and shall be kept free from obstructions, leaks, and defects.

1104.2 Water system. A water system shall be installed and maintained to provide a supply of potable water to each fixture in sufficient volume and at pressures adequate such that the fixtures will function safely and properly, free from defects and leaks and will perform their intended function(s).

1104.3 Water heating facilities . Water heating facilities shall be properly installed and maintained and capable of providing a supply of water in sufficient volume at every required sink, lavatory, bathtub or shower and laundry facility, if provided, at a temperature of not less than one hundred ten degrees (110°) Fahrenheit.

1104.4 Gas water heater location. A gas burning water heater shall not be located in any room used or designed to be used for sleeping purposes, bathrooms, clothes closets or in a closet or other confined space opening into a bath or bedroom.

1104.5 Temperature and pressure relief valve. An approved combination temperature and pressure relief valve and relief valve discharge line shall be properly installed and maintained on water heaters.

Section 1105. Sanitary facility standards.

1105.1 Bathroom facilities required . Every residential dwelling unit shall be provided with a bathroom equipped with functional plumbing fixtures consisting of a water closet, lavatory basin, and either a bathtub or shower.

1105.2 Lavatory basins . A lavatory basin is required in, or immediately adjacent to, any room containing a water closet. A kitchen sink shall not be substituted for the lavatory basin.

1105.3 Bathroom fixture installation. Each water closet, lavatory basin,

bathtub and shower shall be installed in compliance with applicable building and housing codes and maintained free from defects and leaks. Each lavatory basin, bathtub and shower shall be supplied with hot or tempered and cold running water in sufficient volume necessary for its normal operation.

Section 1106. Kitchen facility standards.

1106.1 Kitchen required. Every residential rental dwelling unit shall have a kitchen or kitchen area with space to store, prepare, and serve food in a sanitary manner.

1106.2 Oven, range or stove, refrigerator required. Unless otherwise provided by a rental agreement, every residential rental dwelling unit shall be equipped with an oven and range, or stove, and a refrigerator. Connections for each appliance listed in this subsection shall be provided in compliance with the applicable building or housing code. Each appliance shall be properly installed and operating in a manner for which the appliance was designed. The oven and range or stove and refrigerator may be provided by the owner or tenant as part of a rental agreement.

1106.3 Kitchen sink required. Every residential rental dwelling unit shall be provided with a kitchen sink properly installed, maintained free from defects and leaks, and supplied with hot and cold running water in sufficient volume necessary for its normal operation.

Section 1107. Electrical and lighting standards.

1107.1 Electrical service required. Every residential rental dwelling unit shall have electrical service and lighting that is maintained in a hazard free condition and in a state of good repair. The capacity of all electrical systems shall be able to safely supply power to the existing appliances, fixtures, and facilities in the building.

1107.2 Hazard free electrical system. The electrical system for each residential rental dwelling unit shall be free from such hazards as broken wiring, non-insulated wiring, non-code authorized types of wiring, connections or insulation, exposed wiring on or within fixtures, overloaded circuits, missing receptacle, or switch covers, or badly cracked receptacles or switches.

1107.3 Extension cord prohibitions. Extension cords shall not be used in place of permanent wiring, allowed to run through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

Section 1108. Heating and cooling standards.

1108.1 Heating, cooling, and ventilation systems.

1108.1.1. Heating, cooling and ventilation systems in any residential rental dwelling unit shall be maintained hazard-free, operational and in a state of good repair. Heating and cooling systems shall be free from hazards associated with ventilation, equipment status, mounting, electrical connections and other potential defects.

1108.1.1.1 Heating requirements. Every residential rental dwelling unit or building where such systems are installed shall have heating capable of safely maintaining a room temperature of sixty-five degrees (65°) Fahrenheit, heating all habitable rooms, bathrooms, flushing toilet rooms, be maintained in a safe working condition, and shall be capable of performing the intended function. Required heating shall be provided by permanently installed heating facilities. Cooking devices and portable space heaters shall not be used to satisfy this requirement or supplement permanent heating facilities in order to meet this standard.

1108.1.1.2 Cooling requirements. Every residential rental dwelling unit or building where such systems are installed shall have cooling capable of safely cooling all habitable rooms, bathrooms, flushing toilet rooms, be maintained in a safe working condition, and shall be capable of performing the intended function. Required cooling shall be provided by permanently installed cooling facilities and, excluding window units, portable cooling devices shall not be used to satisfy this requirement or supplement permanent cooling facilities in order to meet this standard.

1108.1.1.3 Unvented combustion heaters prohibited. No owner or tenant shall provide, install or allow to be installed or used any unvented portable space heaters burning solid, liquid or gaseous fuels.

1108.1.1.4. Cooking appliances as heaters prohibited. No owner, or tenant shall allow the use of any ovens, stoves or ranges, or other cooking appliances for the purpose of heating any portion of a residential rental dwelling unit.

1108.1.2 Heating System removal prohibited . Heating systems for residential rental dwelling units shall not be removed except for immediate repair or replacement.

1108.1.3 Heating removed – occupancy prohibited. Where a heating system has previously existed in a residential rental dwelling unit but has been removed, such dwelling unit shall not be occupied unless a heating system is installed.

1108.1.4 Ducted cooling removal prohibited. Ducted cooling systems, including refrigerant based systems and evaporative cooling systems, for residential rental dwelling units shall not be removed except for immediate repair or replacement.

1108.1.5 Ducted cooling removed – occupancy prohibited Where a ducted refrigerant-based cooling system has previously existed in a residential rental dwelling unit but has been removed, such dwelling unit shall not be occupied unless a ducted refrigerant-based cooling system is installed or unless, prior to the effective date of the ordinance from which this section is derived, a ducted evaporative cooling system has been installed.

1108.1.6 Ducted evaporative cooling removed – occupancy prohibited. Where a ducted evaporative cooling system has previously existed in a residential rental dwelling unit but has been removed, such dwelling unit shall not be occupied unless a ducted evaporative cooling system or a ducted refrigerant-based cooling system is installed.

1108.1.7. Non-ducted cooling removal prohibited. Non-ducted cooling units, including refrigerant based cooling units and evaporative cooling units, shall not be removed except for immediate repair or immediate replacement or unless a ducted refrigerant-based cooling system or a ducted evaporative cooling system is available to provide cooling to the residential rental dwelling unit.

1108.1.8. Non-ducted evaporative cooling removed – occupancy prohibited. Where a non-ducted cooling unit has previously existed in a residential rental dwelling unit but has been removed, such dwelling unit shall not be occupied unless a non-ducted refrigerant-based cooling unit, a non-ducted evaporative cooling unit, a ducted refrigerant-based cooling system, or ducted evaporative cooling system is installed.

1108.2 Evaporative cooling maintenance. Evaporative cooling equipment shall be maintained in a condition free from excessive accumulation of rust, corrosion or mineral deposits that will limit proper operation and all mounting apparatus shall be structurally sound. Condensate from air cooling coils and the overflow from evaporative coolers shall be piped from the roof.

1108.3 Removal of unused evaporative coolers required. Unused, inoperable, and deteriorated evaporative coolers shall be removed from any residential rental dwelling unit.

Section 1109. Emergency escapes, egress, and smoke detectors.

1109.1 Openable window or door unit required. Any room used for sleeping within a residential rental dwelling unit must have at least one (1) openable window or door unit for emergency escape or rescue in accordance with building or housing codes. The units shall be operable from the inside and provide a clear, unobstructed opening without the use of separate tools.

1109.2 Egress components maintenance. All egress components, including but not limited to interior and exterior walkways, landings, stairways, balconies, and sidewalks shall be maintained in a structurally-sound condition, free from any tripping hazard.

1109.3 Fire Safety Systems and Extinguishers.

1109.3.1 Fire safety system maintenance. Fire safety systems in the form of fire suppression and alarm systems shall be installed and maintained in good operating condition in accordance with the building or housing code edition in effect when the residential rental dwelling was constructed or altered. Fire suppression and alarm systems shall be inspected and tested annually in accordance with the provisions of the Fire Extinguisher Licensing Act, 59 O.S., Sections 1800.1 *et seq.* , Alarm and Locksmith Industry Rules, OAC 380:75, and properly display a current inspection tag.

1109.3.2 Smoke alarms requirements. If fire suppression and alarm systems are not required for a building, a smoke alarm is required for each residential rental dwelling unit. Smoke alarms may be battery-operated or may receive their power from the building wiring and shall be mounted in accordance with manufacturer's instructions on the ceiling or wall at a point centrally located in the corridor or area giving access to each sleeping area. Smoke alarms shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

1109.3.3 Fire extinguisher installation and maintenance. Fire extinguishers shall be installed, maintained, and readily accessible to residents, tenants, occupants, and invitees in accordance with the current building and housing codes. Fire extinguishers must be inspected annually in accordance with Fire Extinguisher Licensing Act, 59 O.S., Sections 1820.1 *et seq.* , Fire Extinguisher Industry Rules, OAC 265:50-5-1, and properly display a current inspection tag.

Section 1110. Annual verification of fire safety device compliance.

1110.1 Documentation of annual fire safety device verification. Owners of residential rental dwelling units shall annually document verification of the proper operation of fire extinguishers, fire sprinkler systems (if present), and fire alarm and detection systems (if present) and produce it upon request of the code official. If, due to building and housing codes in place at the time of construction a fire alarm and detection system was not required for a building, the applicant shall provide verification of the presence and proper operation of a smoke alarm in each residential rental dwelling unit.

1110.2 Acceptable documentation shall include:

1110.2.1 Fire Extinguishers: Documentation from a licensed inspector verifying that all fire extinguishers have been inspected in the past twelve (12) months and are in working condition in accordance with the Fire Extinguisher Licensing Act, 59 O.S., Sections 1820.1 *et seq.* , and Fire Extinguisher Industry Rules, OAC 265:50-5-1.

1110.2.2 Fire Sprinkler Systems and Fire Alarm and Detection Systems: Documentation from a licensed inspector verifying that each system present in a residential rental dwelling unit has been inspected and tested in the last twelve (12) months in accordance with the provisions of the Fire Extinguisher Licensing Act, 59 O.S., Sections 1800.1 *et seq.* , and Alarm and Locksmith Industry Rules, OAC 380:75. Documentation

must indicate that each system has successfully passed the criteria for a green tag.

1110.2.3 Smoke Alarms (Dwelling units without fire alarm and detection systems) :

1110.2.3.1 Option 1: Documentation from a qualified inspector indicating the presence and proper operation of each smoke alarm in each residential rental dwelling unit. Qualified inspectors shall be approved by the Tulsa Fire Marshal. Inspectors who possess a fire sprinkler or fire alarm license in accordance with the provisions of the Fire Extinguisher Licensing Act are deemed qualified and do not need specific approval by the Fire Marshal.

1110.2.3.2 Option 2: Self inspection and certification. A owner may certify the presence and proper operation of each smoke alarm in each building by conducting their own inspection and testing the operation of each device. This information shall be recorded on log sheets that are available from the Fire Marshal's Office. Each log sheet must be signed by the owner or the owner's designated representative.

Section 1111. Light and ventilation standards.

1111.1 Provision of natural light and ventilation. Rooms within a residential rental dwelling unit with an exterior wall shall be provided with natural light by means of an exterior glazed opening facing to the outside and natural ventilation by means of an exterior opening vented directly to the outside. If natural ventilation by means of an exterior opening vented to the outside is not provided a mechanical ventilating system shall be provided.

1111.2 Additional ventilation requirements. Bathrooms, water closet compartments, laundry rooms and similar rooms in a dwelling unit shall be provided with natural ventilation by means of operable exterior openings. If natural ventilation by means of an exterior opening is not provided a mechanical ventilating system connected directly to the outside shall be provided.

Section 1112. Interior sanitation standards.

The interior of every residential rental dwelling unit shall be kept free from the presence or apparent evidence of insect, rodent or vermin infestation, and shall be maintained free from any unsafe or unsanitary condition such as, but not limited to, excessive moisture, accumulation of garbage, food waste, trash, rubbish, refuse or litter or any condition which would promote or could harbor infestation by insects, rodents, vermin or other noxious pests.

Section 1113. Residential rental dwelling unit interior building standards.

1113.1 Structural members. All structural members, walls, floors, partitions, or ceilings of a residential rental dwelling unit shall be structurally sound and be capable of supporting the imposed loads.

1113.2 Interior surfaces . All interior wall and ceiling surfaces of a residential rental dwelling unit shall be maintained in good repair and free from loose plaster, sagging drywall or other defective surface conditions that may cause injury.

1113.3 Handrails and guardrails. Every handrail and guardrail of a residential rental dwelling unit shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition.

1113.4 Stairways. Every interior stairway of a residential rental dwelling unit shall be maintained in a structurally sound condition and free from any broken, rotted, weakened, or missing steps or tripping hazards.

Section 1114. Exterior residential rental dwelling unit building standards.

1114.1 Foundations, walls, and roofs. Every foundation, exterior wall, roof, and all exterior surfaces of a residential rental dwelling unit shall be structurally sound, maintained in a weathertight, watertight condition and vermin proof.

1114.2 Exterior surfaces. Exterior surfaces of residential rental dwelling unit and buildings on a residential rental property not naturally resistant to decay shall be treated with a protective coating of paint or other suitable preservative which will provide resistance to weathering and deterioration.

1114.3 Roof coverings. Roof coverings and flashings of a residential rental dwelling unit shall be free from any defects that admit rain or cause dampness in the walls or interior portion of the building.

1114.4 Handrails and guardrails. Every handrail and guardrail of a residential rental dwelling unit shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition.

1114.5 Stairways and balconies. Every outside stairway and balcony of a residential rental dwelling unit shall be maintained in sound condition and free from any broken, rotted, or missing steps or tripping hazards.

1114.6 Doors and windows . Every door, door frame, window, window frame, locking device and related hardware of a residential rental dwelling unit shall be properly installed and maintained in sound condition. Exterior doors and windows that provide access to a residential rental dwelling shall be equipped with locking devices and shall be maintained in a substantially weathertight condition. Window screening, if present, shall be maintained in good condition free from tears or holes or imperfections of the frame that could admit insects or other vermin.

Section 1115. Residential rental property premises standards.

1115.1 Sidewalks and parking lots. All sidewalks, walkways, parking lots and similar areas on the premises of a residential rental property shall be maintained free from potentially dangerous holes, depressions or projections that are likely to cause tripping or injury to a person or otherwise present a hazardous condition.

1115.2 Parking areas. Within any residential zoning district, no person shall park or store any vehicle on the premises of a residential rental property including, but not limited to, watercraft, camper shell, truck camper, or utility trailer in any portion of the side yard unless screened from the street and it is on an all-weather surface.

1115.3 Drainage. All premises of a residential rental property shall be maintained to prevent the accumulation of stagnant water when such water may cause an unhealthy or hazardous condition, become a breeding area for insects or cause damage to foundation walls.

1115.4 Grass and weeds. All premises of a residential rental property shall be maintained so that grass or weeds shall not attain a height of over twelve (12) inches.

1115.5 Bushes, trees, and other vegetation. All premises of a residential rental property shall be kept free from dry or dead bushes, trees, tumbleweeds or other vegetation which create a blighted condition, which may harbor insect or rodent infestations, or which is likely to become a fire hazard or result in a condition which may threaten the health and safety or welfare of occupants or adjacent property owners.

1115.6 Abandoned or inoperable vehicles and graffiti. All premises of a residential rental property shall be maintained free of abandoned or inoperable vehicles and graffiti visible from any public right-of-way or visible from any common area of a residential rental property.

1115.7 Rubbish and debris. All premises of a residential rental property shall be maintained free from an accumulation of garbage, trash, refuse, rubbish, debris, or other wastes except that which is deposited in proper containers for waste collection, which constitute a hazard to the health and safety of occupants or the public.

1115.8 Items stored in public view. No person shall place and/or store furniture, except furniture, sports or play equipment designed and placed for outdoor use, household equipment, appliances, construction or landscape material, cardboard material, plastic material, debris or similar materials in a location that is visible to a person standing upon any public street or sidewalk or any common area of a residential rental property.

1115.9 Exterior insect control. All premises of a residential rental property shall be kept free of insect and rodent infestation, other noxious pests, nesting places, and any other unsightly or unsanitary accumulation which could harbor insects, rodents or other vermin, in accordance with Section 309 of this Code

1115.10 Swimming pools. All swimming pools, architectural pools and spas of a residential rental property shall be maintained so as not to create a health or safety hazard, harbor insect infestation, be polluted, become stagnant or create a blighted condition. All enclosures, gates and doors shall be installed and properly maintained in accordance with building and housing codes.

1115.11 Fences, screen walls and retaining walls. All fences, screening walls and retaining walls on the premises of a residential rental property shall be safe and structurally sound.

1115.12 Exterior lighting. All exterior lighting of a residential rental property shall be properly maintained and capable of performing the intended function. Exterior lighting shall include parking, common area and security lighting. "

Section 2. SEVERABILITY CLAUSE. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are now declared to be severable.

Section 3. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety of inhabitants of residential rental properties and residential rental dwelling units, the reason for which this Ordinance shall become effective immediately from and after its adoption, approval and publication.

ADOPTED by the Tulsa City Council, this 30th Day of August 2023

ADOPTED as an emergency measure, this 30th Day of August 2023

Crista Patrick, Chair of the City Council

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this 6th Day of September 2023

G. T. Bynum, Mayor

ATTEST: Christina Chappell, City Clerk

APPROVED: Jack Blair, City Attorney

