

AN ORDINANCE FOR ADOPTION OF VARIOUS INTERNATIONAL BUILDING CODES AND NATIONAL ELECTRIC CODE RELATING TO INSPECTION ACTIVITIES OF THE CITY OF FLORENCE, MISSISSIPPI AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES

WHEREAS, it is the desire of the City of Florence, Rankin County, Mississippi, to adopt in all respects, the various International Codes relating to building, fire prevention, gas, mechanical, plumbing, swimming pools, property maintenance, and

WHEREAS, the adoption of these codes is done to facilitate proper inspection activities by the City of Florence, Rankin County, Mississippi, relating to the construction and to maintenance of buildings within said City of Florence, Rankin County, Mississippi, and relating to public safety, health and general welfare, and

NOW, THEREFORE, BE IT ORDAINED BY THE Mayor and Board of Aldermen of the City of Florence, Rankin County, Mississippi, that the following codes published in cooperation with the International Code Congress and National Fire Prevention Association are hereby adopted by reference as though they were copied herein fully along with the following addition/deletions/modifications:

Article 1: Adopt 2012 International Codes

International Building Code – 2012 Edition, as amended herein

International Residential Code – 2012 Edition, as amended herein

International Fuel Gas Code – 2012 Edition, as amended herein

International Plumbing Code – 2012 Edition, as amended herein

International Mechanical Code – 2012 Edition, as amended herein

International Fire Code – 2012 Edition, as amended herein

International Existing Building Code – 2012 Edition

International Property Maintenance Code – 2012 Edition, as amended herein

Article 2: Adoption of Certain International Codes with Amendments

Section 1 - The International Building Code, 2012 Edition, with amendments:

- Adopt Appendices E, F
- Exclude Chapter 13 and Section 113.
- Insert in Section 1612.3: City of Florence, MS, June 9, 2014
- Insert in Section 3412.2: March 5, 2002

Section 2 - The International Residential Code, 2012 Edition, with amendments:

- Adopt Appendices A, B, C, G, H, J, M, N
- Exclude Section R112.

- Amend R302.2, Exception on the first line, change “1-hour” to “2-hour”.
- Amend Section E3902 by deleting the language in its entirety and replacing it with:

“Arc-fault protection of bedroom outlets. All branch circuits that supply 120 volts, single phase, 12 – and 20-ampere outlets installed in bedrooms shall be protected by a combination type or brand/feeder type arc fault circuit interrupter installed to provide protection of the entire branch circuit. Effective January 1, 2008, such arc-fault circuit interrupter devices shall be combination type.

Exception: The location of the arc-fault circuit interrupter shall be permitted to be at other than the origination of the branch circuit provided that:

1. The arc-fault circuit interrupter is installed within 6 feet of the branch circuit overcurrent device as measured along the branch circuit conductors; and,
2. The circuit conductors between the branch circuit overcurrent device and the arc-fault circuit interrupter are installed in a metal raceway or a cable with a metallic sheath.

- Insert in Table R301.2(1):

Ground snow load:	5
Wind speed:	100
Seismic	B
Weathering	Moderate
Frost Line	2 inches
Termite	Very Heavy
Winter	25
Ice Shield	N/A
Flood	Enter: August 3, 1993 Current: June 9, 2014
Air Index	150 or less
Annual Temperature	63

- Insert in Section P2603.5.1: 12 inches at both locations.
- Delete Section R313 in its entirety.
- Delete Section P2904 in its entirety.

Section 3 - The International Fuel Gas Code, 2012 Edition, with amendments:

- Adopt Appendix B
- Exclude Sections 106.5.2, 108.4, and 109.

Section 4 - The International Plumbing Code, 2012 Edition, with amendments:

- Adopt Appendices C, E, F.
- Exclude Sections 106.6.2, 108.4, and 109
- Insert in Section 305.4.1: 12 inches
- Insert in Section 903.1: 6 inches

Section 5 - The National Electric Code, 2011 Edition (NFPA 70), no amendments.

Section 6 - The International Mechanical Code, 2012 Edition, with amendments:

- Adopt Appendix A
- Exclude Sections 106.5.2, 108.4, and 109.

Section 7 - The International Existing Building Code, 2012 Edition, no amendments.

Section 8 – The International Fire Code, 2012 Edition, with amendments:

- Adopt Appendices C, D, F, and H
- Exclude Sections 108, 109.4
- Insert in Sections 5504.3.1.1.3, 5704.2.9.6.1, 57-6.2.4.4.4, and 6104.2: As determined by the Rankin county Fire coordinator, Rankin County EMA, City of Florence Fire Chief/Marshall, City of Florence Code Official, but in no event be closer than the minimum required by applicable NFPA Publication.

Section 9 – The International Property Maintenance Code, 2012 Edition, with amendments:

- Exclude Sections 103.5, 106, 111, 107.2-subparagraphs 5 and 6, 107.3 subparagraph 2 remove language “certified or”.
- Amend Chapter 2; add the following definition: MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FLORENCE, MISSISSIPPI. This is also the definition of “chief appointing authority”, “board”, and similar terms indicating the final authority within the City.
- Amend Section 302.4 as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of a height of six (6) inches; however, the code official and/or his designee may determine other such height which adheres to the average height of weeds and grasses of adjacent properties and premises but not to create rodent harborage, infestation or a visual nuisance to the public health, safety, or general welfare.
- Amend Sections 304.14, 602.3 and 602.4 by removing any reference to specific dates.

Article 3 – Violations, Notices and Orders, and Means of Appeals.

The following language shall be incorporated into the adopted International Codes:

Section 1 - Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

Section 2 - Notice of Violation. The code official shall serve a notice of violation or order in accordance with Section 302.

Section 3 - Prosecution of violation. The Chief of Police or his designee shall execute a Citation to any person failing to comply with a notice of violation or order served in accordance with Section 302, requiring appearance of violator at a time and date certain of the Florence Municipal Court, which has jurisdiction over all Violations of the City Ordinances as found in Section 21-23-7(1), Mississippi Code of 1972, as annotated. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 4 - Violation Penalties.

Any person, individual, corporation, company, partnership, association or any other entity failing to comply with this code or any of the requirements thereof or otherwise violating this code or any of its provisions shall, after notice and a reasonable time to correct said violation(s), pay a fine not exceeding , One Thousand Dollars (\$1,000.00), or imprisonment not exceeding ninety (90) days, or both and each day thereafter that said violation(s) remain uncorrected shall constitute a separate offense punishable by a separate fine not exceeding One Thousand Dollars (\$1,000.00), or imprisonment not exceeding thirty (30) days, or both, pursuant to Sections 21-13-1 and 21-17-5, Mississippi Code of 1972 annotated, or other applicable statutes. The City shall impose for said violation(s) all other penalties and have access to any other remedies available under the law to correct the conditions giving rise to the violation(s) of this code.

Section 5 - Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the code official of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Article 4: Notices and Orders

Section 1 - Notice to person responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 301 to the person responsible for the violation as specified in this code. The notice shall be in the form prescribed in Section 301.

Section 2 - Form

Such notice as described in Section 300 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a state of the violation or correction order.
4. Include a reasonable time for correction of the violation.
5. Inform the property owner of the right to appeal.

Section 3- Method of service.

Such notice shall be deemed to be properly served if a copy of thereof is:

1. Delivered personally;
2. Sent by first-class mail addressed to the last known address
3. Sent by first-class mail addressed to the assessed property owner named on the Rankin County Land Roll.

4. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Section 4 – Stop Work Orders.

Upon notice from the code official that work is being done contrary to the provisions of these codes or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be liable for penalties prescribed in Section 204.

Section 5 - Penalties.

Penalties for noncompliance with orders and notices shall be set forth in Article 2, Section 4.

Section 6 – Transfer of Ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provision of the compliance order or notice of violation have been complied with or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice if violation is issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the correction or repairs required by such compliance order or notice of violation.

Article 5 – Means of appeals

Section 1 – Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under the code shall have the right to appeal to the Board of Aldermen, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

Section 2 – Appeals.

All appeals shall be heard by the Mayor and Board of Aldermen (“board”).

Section 3 – Open hearing.

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any other person whose interests' area affected shall be given an opportunity to be heard.

Section 4 – **Procedure.** The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

Section 5 – Board decision.

The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

(A) – Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

(B) – Administration. The code official shall take immediate action in accordance with the decision of the board.

Section 6 – Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

Section 7 – Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Article 6 - Conflicts

If any matters in said International Codes are contrary to existing Ordinances of the City of Florence, Rankin County, Mississippi, the International Codes shall prevail, except when the conflict is with the Official Zoning Ordinances, and further, that *Ordinance 284*, entitled An Ordinance Adopting the Building and Inspection Codes and Related Matters for City of Florence, Mississippi , adopted March 17, 2009 and amended by *Ordinance 298*, entitled An Ordinance Making Technical Corrections to Ordinance 284, Which Adopted Building and Inspection Codes for City of Florence, Mississippi are hereby repealed and, to that extent any existing Ordinances to the contrary are hereby repealed in that respect only.

Article 7 – Responsible Official

Within said codes, when reference is made to the duties of a certain named therein, the designated official or his designee of the City of Florence, Rankin County, Mississippi, who has duties corresponding

to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said codes as amended are concerned.

Article 8 – Certification

There shall be filed in the office of the code Official on copy of each of said codes adopted hereby, and there shall be annexed and attached thereto a certificate executed by the Mayor and City Clerk with the seal of Said City affixed thereto for each of said Codes, the form of such certificate to be substantially as follows:

“We, the undersigned Pam Clark, Mayor of the City of Florence, Mississippi, and Linda Wigley, City Clerk of said City, do hereby certify that the volumes of International Codes, to which this certificate is attached is a true and correct copy of the official Code adopted by the City of Florence, Mississippi, by ordinance under date of _____, 2016, and appearing in Minute Book _____ on page _____, and in the official Ordinance Book on page _____.”

The Clerk of the City of Florence is instructed to publish this Ordinance one time in the Rankin County News. This Ordinance is to become effective after one publication and thirty-one (31) days from date hereof.

The motion to adopt the foregoing Ordinance having been made by Alderperson _____ and seconded by Alderperson _____, and the Ordinance having been considered and put to a roll call vote, the results being as follows:

VOTING

APPROVED:

DISAPPROVED:

AYE

NAY

ALDERMAN BRIAN GRANTHAM

AYE

NAY

ALDERMAN TREY GUNN

AYE

NAY

ALDERMAN JOHN HELMS

AYE

NAY

ALDERMAN BOBBIE MOUDY

AYE

NAY

ALDERMAN LARRY POYNOR

The motion having received the affirmative vote of a majority of members of the Board present, the Mayor therefore declared the motion so carried and the Ordinance ordained this the _____ day of _____, 2016.

PAM CLARK, MAYOR

ATTESTED BY:

LINDA WIGLEY, CITY CLERK
CITY OF FLORENCE