

**RESOLUTION OF THE SOUTH MADISON COUNTY FIRE
PROTECTION DISTRICT TO ADOPT THE
2018 INTERNATIONAL FIRE CODE AND APPENDICES**

WHEREAS, the South Madison County Protection District was created via adoption of a March 18, 1988, Resolution of the Madison County Board of Supervisors to provide fire protection services to the public and for the purpose of ensuring the preservation and protection of property from and during fire; and,

WHEREAS, the operation and management of the South Madison County Protection District, and all other matters in connection therewith, are vested solely and only in the Board of Commissioners to the specific exclusion of the Board of Supervisors; and,

WHEREAS, it is the desire of the South Madison County Fire Protection District to adopt the 2018 International Fire Code, as authorized by Miss. Code Ann. Section 45-11-101, et seq.; and,

WHEREAS, the Board of Commissioners of the South Madison County Fire Protection District is empowered by the general law of Mississippi, Miss. Code Ann. §§ 19-5-9, -167, -173 and -175 (Rev. 2012, supp. 2018), to pass resolutions, adopt codes, and make regulations to secure the general health of those residing in the district and in the interest of providing fire protection services to the public; and,

WHEREAS, is the desire of the South Madison County Fire Protection District that any standard such as standards from the NFPA should be automatically adopted by the SMCFPD in the proposed fire code when referenced in the International Fire Code; and,

WHEREAS, the adoption of the 2018 International Fire Code is done to facilitate proper inspection activities by the South Madison County Fire Protection District, within said District and relating to public safety, health and general welfare:

NOW, THEREFORE, Be It Resolved by the Board of Commissioners of the South Madison County Fire Protection District that the following code published in cooperation with the INTERNATIONAL CODE COUNCIL and NATIONAL FIRE PREVENTION ASSOCIATION is hereby adopted by reference as though it were copied herein fully:

**Section 1.
2018 International Fire Code and Amendments**

The following additions, deletions and/or modifications shall be incorporated with the adoption of the 2018 International Fire Code:

- A. Section 101.1, Amended to read: These regulations shall be known as the Fire Code of The South Madison County Fire Protection District., hereinafter referred to as “this code.”

- B. Section 102.5, Deleted in its entirety
- C. Section 103.1, Amended to read: The department of fire prevention is established within the South Madison County Fire Protection District under the direction of the Fire Marshal, also known as the fire code official. The function of the department shall be implementation, administration and enforcement of the provisions of this code.
- D. Section 104.11.2 Amended to read: Persons shall not obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the SMCFPD Fire Marshal and the fire chief or officer of the department in charge of the emergency, or his/their designee, or any part thereof, or any lawful order of a police officer assisting the fire department.
- E. Section 105, Permits, All permits will be obtained accordingly by contacting the Madison County building department and the SMCFPD will work together with Madison County's Fire Coordinator in collaboration with obtaining the proper permits.
- F. Section 105 Deleted in its entirety.
- G. Section 106, Deleted in its entirety.
- H. Section 109 The Board of Commissioners to serve as the board of appeals for the South Madison County Fire Protection District.

Section 109.1 Amended to read: In order In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, the following appeals process shall be adhered to:

An application for appeal shall be based on a claim that the intent of this code or the rules adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method or protection or safety is proposed. This application will be turned in to the fire code official. The fire code official will have ten (10) business days to review the application for appeal and shall issue a final decision in writing, sustaining, modifying, or withdrawing the initial decision.

If the board of appeals cannot be the Board of Commissioners, then the board of appeals will be formed and appointed after adoption of this code and this resolution is signed.

- I. Section 109.2. Deleted in its entirety.
- J. Section 109.3. Deleted in its entirety.

- K. Section 110.4. Amended to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than 1,000 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- L. Section 112.4. Amended to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 100.00 dollars or more than 1,000.00 dollars.
- M. Section 507.2.1. Deleted in its entirety.
- N. Section 903.4.2. Amended to read: All buildings that are required to have a fire sprinkler system shall provide, in each tenant space, visible/audible warning devices that actuation of the sprinkler system or fire alarm system will cause to be activated.
- O. The following Appendices in the 2018 International Fire Code shall be incorporated with the adoption of the International Fire Code: Appendices B, C, D, E, F, G, I

**Section 2.
Violations, Notices and Orders, and Means of Appeal**

The following language shall be incorporated into the adopted International Fire Code:

SECTION 117: VIOLATIONS

117.1 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.

117.2 Notice of Violation. The Code Official shall serve a notice of violation or order in accordance with Section 118.

117.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 118 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action

taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

117.4 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) or imprisonment not exceeding 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 (\$1000) or imprisonment not exceeding 90 days, or both, pursuant to Sections 21-13-1 and 21-17-5, Mississippi Code of 1972, 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.

117.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the building 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.

SECTION 118: NOTICES AND ORDERS

118.1 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 Sections 115.2 and 115.3 to the person responsible for the violation as specified in this code. The notice shall be in the form prescribed in Section 118.2.

118.2 Form. Such notice prescribed in Section 118.1 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 statement of the violation or correction order.
4. Inform the property owner of the right to appeal.

118.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. 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.

118.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 117.4.

118.5 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 provisions 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 of violation 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 corrections or repairs required by such compliance order or notice of violation.

SECTION 119 - MEANS OF APPEAL

119.1 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 Commissioners, 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.

119.2. Appeals. All appeals shall be heard by the Board of Commissioners ("board").

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

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

119.4 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.

119.4.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

119.4.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

119.5 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.

119.6 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.

**Section 3.
Full Text Copy**

A full copy of the text of the 2018 International Fire Code will be maintained by the South Madison County Fire Protection District at the Fire Marshal's office located at 639 Yandell Road, Madison, Mississippi for public records and viewing upon public request.

**Section 4.
Responsible Official**

Within said International Fire Code, when reference is made to the duties *of a certain official named* therein, the designated official of the South Madison County Fire Protection District, who has duties corresponding to those of the named of in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned.

**Section 5.
Effective Date**

This Resolution shall be effective, in operation, and in force sixty (60) days after its passage and after publication of same as required in § 19-5-9 Mississippi Code of 1972.

RESOLVED, ADOPTED, AND APPROVED by the Board of Commissioners of the South Madison County Fire Protection District at its public meeting held on this, the 15th day of November, 2018.

MOTION made to adopt the foregoing Resolution was made by Commissioner _____ and SECONDED by Commissioner _____ and the foregoing having first been reduced to writing, was submitted to an official vote, the result was as follows:

Commissioner Fuselier voted:	Aye / Nay
Commissioner Kelly voted:	Aye / Nay
Commissioner Moore voted:	Aye / Nay
Commissioner Price voted:	Aye / Nay
Commissioner Weisenberger voted:	Aye / Nay

Whereupon, the Chairman declared the Motion carried and the Resolution adopted.

SO RESOLVED, ADOPTED, AND APPROVED at its public meeting held on this, the 17th day of January, 2019.

South Madison County Fire Protection District:

Eddie Price, Chairman, Board of Commissioners

The undersigned Secretary/Treasurer of the above-named Fire District hereby certifies and attests that the undersigned has access to the official records of the Board of Commissioners of the South Madison County Fire Protection District, that the foregoing RESOLUTION was duly adopted by said Board of Commissioners of the South Madison County Fire Protection District at its Jan. 17, 2019, meeting of the Board of Commissioners, and that such Resolution has not been amended or altered and is in full force and effect on the date stated below.

Brenda Fuselier, Commissioner and
Secretary/Treasurer of the South Madison County Fire Protection District [SEAL]

Date: _____