

By: Senator(s) Chaney, Hewes, Morgan, Doxey, Albritton, Kirby, Moffatt, Gollott To: Insurance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2807

1 AN ACT TO ENACT THE "BUILDING A SAFER AND STRONGER
2 MISSISSIPPI ACT"; TO STATE PUBLIC POLICY FOR BUILDING CODES; TO
3 REQUIRE MUNICIPALITIES AND COUNTIES TO ENFORCE THE BUILDING CODES
4 PROVIDED IN THIS ACT; TO AUTHORIZE AGREEMENTS WITH OTHER
5 GOVERNMENTAL ENTITIES TO PROVIDE SERVICES REQUIRED BY THIS ACT; TO
6 REQUIRE THE APPOINTMENT OF A COUNCIL CERTIFIED BUILDING OFFICIAL;
7 TO REQUIRE CERTAIN COASTAL COUNTIES TO ADOPT AND ENFORCE EMERGENCY
8 WIND AND FLOOD MITIGATION REQUIREMENTS; TO REQUIRE THE MISSISSIPPI
9 BUILDING CODES COUNCIL TO ADOPT CERTAIN NATIONALLY RECOGNIZED
10 CODES AND STANDARDS; TO PROVIDE FOR LOCAL AMENDMENTS TO THE STATE
11 BUILDING CODES; TO CREATE THE MISSISSIPPI BUILDING CODES COUNCIL
12 AND PROVIDE FOR ITS MEMBERSHIP; TO EXEMPT FARM STRUCTURES FROM
13 BUILDING CODE REGULATIONS; TO PROVIDE INJUNCTIVE RELIEF AND
14 AUTHORIZE CIVIL PENALTIES FOR VIOLATION OF BUILDING CODES OR
15 REGULATIONS; TO EXEMPT CERTAIN INDUSTRIAL BUILDINGS FROM THE
16 PROVISIONS OF THIS ACT; TO AMEND SECTIONS 19-5-9 AND 21-19-25,
17 MISSISSIPPI CODE OF 1972, TO ESTABLISH A DATE OF REPEAL ON THE
18 LAWS PROVIDING FOR THE ADOPTION OF BUILDING CODES BY
19 MUNICIPALITIES AND COUNTIES; TO AMEND SECTION 45-11-103,
20 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
21 PURPOSES.

22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

23 **SECTION 1.** This act shall be known as the "Building a Safer
24 and Stronger Mississippi Act."

25 **SECTION 2.** (1) The public policy of the State of
26 Mississippi is to maintain minimum standards of construction in
27 buildings and other structures consistent with the public health,
28 safety and welfare, including housing affordability, of its
29 citizens.

30 (2) This act is enacted to enable the State of Mississippi
31 to establish a state building code to govern the construction,
32 reconstruction, alteration and repair of buildings and other
33 structures and the installation of mechanical devices and
34 equipment therein. The state building codes shall establish
35 uniform performance standards providing reasonable safeguards for
36 health, safety, welfare, housing affordability, comfort and

37 security of the residents of this state who are occupants and
38 users of buildings, and will provide for the use of modern
39 methods, devices, materials and techniques.

40 (3) To clarify the intent of the Legislature and address
41 questions that might arise or have arisen with respect to
42 provisions of the nationally known codes that have been or are
43 adopted by this act.

44 (4) To further clarify the intent of the Legislature, except
45 as otherwise provided in Section 6 of this act concerning
46 emergency wind and flood mitigation requirements, this act
47 continues to apply to a person who may act under authority of the
48 State Fire Marshal's Office, except that the allocation of
49 inspection duties among local officials is not dictated by this
50 act but remains a matter for the local authority.

51 **SECTION 3.** (1) All municipalities, counties and rural
52 inspection authorities as created in Section 11 of this act shall
53 enforce building, residential, electrical, plumbing, mechanical,
54 fire and fuel gas codes, hereafter referred to as "state building
55 codes" in this act, relating to the construction, livability,
56 sanitation, erection, installation of equipment, alteration,
57 repair, occupancy, classification or removal of structures located
58 within their jurisdictions and promulgate regulations to implement
59 their enforcement. The municipality, county and rural inspection
60 authority shall enforce only codes and guidelines provided in this
61 act.

62 (2) To the extent that federal regulations preempt state and
63 local laws, nothing in this act conflicts with the federal
64 Department of Housing and Urban Development regulations regarding
65 manufactured housing construction.

66 (3) In connection with the construction of any building,
67 structure or other improvement to immovable property, neither the
68 performance of any enforcement procedure nor any provision of the
69 state building codes shall constitute or be construed as a

70 warranty or guarantee by a governmental enforcement agency as to
71 durability or fitness, or as a warranty or guarantee by a
72 governmental enforcement official that the building, structure or
73 other improvement to immovable property or any materials,
74 equipment or method or type of construction used therein is or
75 will be free from defects, will perform in a particular manner, is
76 fit for a particular purpose, or will last any amount of time.

77 **SECTION 4.** Municipalities and counties may establish
78 agreements with other governmental entities of the state or
79 certified third-party providers to issue permits and enforce state
80 building codes in order to provide the services required by this
81 act. The council may assist in arranging for municipalities,
82 counties or third-party providers to provide the services required
83 by this act to other municipalities or counties if a written
84 request from the governing body of the municipality is submitted
85 to the council. A third-party provider shall be a Mississippi
86 licensed architect, engineer, home inspector, or any individual
87 certified by the International Code Council for purposes of the
88 emergency provisions of Section 6 of this act. Thereafter, a
89 third-party provider shall meet the requirements imposed by the
90 council for certificates of registration. During the time period
91 that the provisions of Section 6 of this act are in effect, every
92 certified third-party provider doing business within the state
93 shall notify the Secretary of State of their intention to do
94 business within the state, and the Secretary of State shall
95 maintain a listing of the name of the provider and the name and
96 location of the person or entity with whom the provider has
97 contracted to provide enforcement services. Once the council
98 meets for the first time, certified third-party providers shall
99 notify the council of their intention to do business within the
100 state and the council shall maintain a listing of all certified
101 third-party providers.

102 **SECTION 5.** Each county shall appoint a council certified
103 building official or contract with other political subdivisions or
104 third parties as authorized in Section 4 of this act so that the
105 unincorporated area of the counties is under the jurisdiction of a
106 council certified building official. Each municipality shall
107 appoint a council certified building official or contract for a
108 council certified building official within the municipal limits.
109 Based on the needs established by each municipality or county, the
110 council certified building official may appoint and employ other
111 council certified personnel and assistants necessary to perform
112 the required inspections and technical duties.

113 **SECTION 6.** (1) From and after ninety (90) days of the
114 effective date of this act, the counties of Jackson, Harrison,
115 Hancock, George, Stone, Pearl River, Perry and Greene, including
116 all municipalities therein, shall enforce, on an emergency basis,
117 all the wind and flood mitigation requirements prescribed by:

118 (a) The 2003 International Residential Code, as
119 modified in Section 8(1)(b) of this act, and the 2003
120 International Building Code, and as supplemented by,

121 (b) The Federal Emergency Management Agency (FEMA)
122 Coastal Construction Guidelines for Flooding.

123 (2) From and after July 1, 2007, the counties of Forrest and
124 Lamar, including all municipalities therein, shall enforce, on an
125 emergency basis, all the wind and flood mitigation requirements
126 prescribed by:

127 (a) The 2003 International Residential Code, as
128 modified in Section 8(1)(b) of this act, and the 2003
129 International Building Code, and as supplemented by,

130 (b) The Federal Emergency Management Agency (FEMA)
131 Coastal Construction Guidelines for Flooding.

132 (3) Emergency wind and flood building requirements adopted
133 in this section shall remain in force until the mandatory
134 statewide codes adopted by the council have become effective.

135 (4) Except as otherwise provided herein, the emergency wind
136 and flood mitigation requirements adopted by this section shall be
137 enforced pursuant to Section 3 of this act. If municipalities and
138 counties are unable to enforce the emergency wind and flood
139 mitigation requirements prescribed in this section within ninety
140 (90) days of the effective date of this act, the Mississippi State
141 Fire Marshal's Office shall enforce them as long as they remain in
142 effect.

143 **SECTION 7.** The council shall adopt, modify and promulgate
144 the state building codes referenced in Section 8 of this act in
145 accordance with the Administrative Procedures Law, Section
146 25-43-1.101 et seq. The state building codes shall be updated
147 every three (3) years.

148 **SECTION 8.** (1) The council shall adopt by reference and
149 amend only the latest editions of the following as the statewide
150 minimum codes:

151 (a) International Building Code and the standards
152 referenced in that code for regulation of construction within this
153 state. The appendices of that code may be adopted as needed, but
154 the specific appendix or appendices must be referenced by name or
155 letter designation at the time of adoption.

156 (b) International Residential Code (IRC) and the
157 standards referenced in that code are included for regulation of
158 construction within this state. The appendices of that code may
159 be adopted as needed, but the specific appendix or appendices must
160 be referenced by name or letter designation at the time of
161 adoption, with the exception of Appendix J, Existing Buildings and
162 Structures, which is hereby adopted by this reference.

163 (c) International Mechanical Code and the standards
164 referenced in that code for regulation of construction within this
165 state. The appendices of that code may be adopted as needed, but
166 the specific appendix or appendices must be referenced by name or
167 letter designation at the time of adoption.

168 (d) International Plumbing Code and the standards
169 referenced in that code for regulation of construction within this
170 state. The appendices of that code may be adopted as needed, but
171 the specific appendix or appendices must be referenced by name or
172 letter designation at the time of adoption.

173 (e) International Fuel Gas Code and the standards
174 referenced in that code for regulation of construction within this
175 state. The appendices of that code may be adopted as needed, but
176 the specific appendix or appendices must be referenced by name or
177 letter designation at the time of adoption.

178 (f) National Electric Code and the standards referenced
179 in that code for regulation of construction within this state.
180 The appendices of that code may be adopted as needed, but the
181 specific appendix or appendices must be referenced by name or
182 letter designation at the time of adoption.

183 (g) International Fire Code and the standards
184 referenced in that code for regulation of construction within this
185 state. The appendices of that code may be adopted as needed, but
186 the specific appendix or appendices must be referenced by name or
187 letter designation at the time of adoption.

188 (h) Appendix B of the Standard Building Code, 1999, for
189 administrative purposes as required by this section.

190 (2) Within six (6) months of the effective date of this act,
191 the council shall adopt the latest versions of the 2003 edition
192 codes referenced in this section.

193 (3) The initial code adopted by this council under the
194 provisions of this act shall become effective from and after July
195 1, 2009.

196 **SECTION 9.** (1) Counties and municipalities may adopt
197 amendments to the administrative provisions of the state building
198 codes not more than once every twelve (12) months. The
199 administrative amendments shall meet the following criteria:

200 (a) Be more stringent than the minimum standard in the
201 code;

202 (b) Transmitted to the council within thirty (30) days;
203 and

204 (c) Be made available to the general public in
205 legislative format, additions to the state building code
206 underlined and omissions from the code stricken through.

207 (2) Counties and municipalities may adopt technical
208 amendments to the provisions of the state building codes not more
209 than once every twelve (12) months. The technical amendments
210 shall meet the following criteria:

211 (a) Be more stringent than the minimum technical
212 requirements in the code, but no more stringent than necessary to
213 address the local need identified;

214 (b) Public hearing advertised in a newspaper of general
215 circulation at least ten (10) days prior to the hearing;

216 (c) Evidence or data supporting the determination of
217 need to strengthen code requirements to address local conditions;

218 (d) May not discriminate against materials, products or
219 construction techniques of demonstrated capabilities;

220 (e) May not introduce a new subject not addressed in
221 the code;

222 (f) Available in legislative usable format, additions
223 to the state building code underlined and omissions from the code
224 stricken through;

225 (g) Transmitted to the council within thirty (30) days;

226 (h) Effective only until the state building code is
227 updated every three (3) years; either incorporated into the code
228 or rescinded by the council. The council immediately notifies the
229 local government of rescission. Rescinded amendment may be
230 readopted by the local government;

231 (i) Must have established a countywide compliance
232 review board prior to adoption. The board's determination of

233 compliance may be appealed to the council by either the local
234 government or the substantially affected party;

235 (j) Must include a fiscal impact statement, although
236 the statement may not form the basis for a compliance challenge;
237 and

238 (k) The council may review and make nonbinding
239 recommendations regarding compliance with these requirements.

240 (3) Any amendment to the state building codes adopted by a
241 local government pursuant to this section shall be effective only
242 upon notification to the council. The council shall review such
243 amendment for consistency with the criteria in Section 10 of this
244 act and may consider adopting such amendment as part of the state
245 building codes.

246 **SECTION 10.** The council may approve technical amendments to
247 the state building codes once each year for general applicability
248 upon finding that the amendment is more stringent than the
249 requirements of the minimum state building codes. The amendment
250 shall not diminish the health, welfare and life safety of the
251 general public. The council shall consider the housing
252 affordability of the citizens when making the technical
253 amendments.

254 **SECTION 11.** (1) There is hereby created the Mississippi
255 Building Codes Council. Each member of the council shall be
256 appointed by the executive director of his respective professional
257 association unless otherwise stated herein. Each member shall
258 serve for a term of three (3) years and until a successor is
259 appointed and qualifies. No person who has previously been
260 convicted of a felony in this state or any other state may be
261 appointed to the council. The council shall consist of
262 twenty-three (23) members composed of:

263 (a) One (1) representative of the American Institute of
264 Architects of Mississippi;

- 265 (b) Three (3) representatives of the Home Builders
266 Association of Mississippi;
- 267 (c) One (1) representative of the Associated General
268 Contractors of Mississippi;
- 269 (d) One (1) representative of the Associated Builders
270 and Contractors of Mississippi;
- 271 (e) One (1) representative of the American Council of
272 Engineering Companies of Mississippi;
- 273 (f) Two (2) representatives of the Building Officials
274 Association of Mississippi;
- 275 (g) One (1) disabled person to be appointed by the
276 Governor;
- 277 (h) One (1) representative of the property/casualty
278 insurance industry to be appointed by the Governor;
- 279 (i) One (1) representative of the Mississippi Municipal
280 League;
- 281 (j) One (1) representative of the Mississippi
282 Manufactured Housing Association;
- 283 (k) One (1) representative of the electrical industry
284 who is a master electrician to be appointed by the American
285 Subcontractors Association;
- 286 (l) One (1) representative of the mechanical or gas
287 industry who is a master mechanic to be appointed by the American
288 Subcontractors Association;
- 289 (m) One (1) representative of the plumbing industry who
290 is a master plumber to be appointed by the American Subcontractors
291 Association;
- 292 (n) One (1) representative of the Mississippi Fire
293 Chiefs Association;
- 294 (o) One (1) representative of the Mississippi
295 Association of Supervisors;
- 296 (p) One (1) representative of the Mississippi Minority
297 Contractors Association to be appointed by the Governor;

298 (q) One (1) representative of the Mississippi Concrete
299 Industries Association;

300 (r) One (1) person representing the consumer who shall
301 have no interest in the construction industry to be appointed by
302 the Governor;

303 (s) The Mississippi State Fire Marshal, or his
304 designee, to serve ex officio, nonvoting; and

305 (t) The Executive Director of the State Board of
306 Professional Geologists, or his designee, to serve ex officio,
307 nonvoting.

308 (2) A vacancy must be filled in the manner of the original
309 appointment for the unexpired portion of the term.

310 (3) The primary function of the council is to review and
311 adopt the state building codes, provide requirements for training,
312 education and certification of code officials and accept all
313 requests for amendments of the code to determine which amendments,
314 if any, are justified by local conditions and can be enacted after
315 a finding on the record that the modification does not minimize
316 public health, safety and welfare. Certification of code
317 officials shall include the International Code Council's
318 certification programs and the appropriate category or level of
319 certification shall be verified by the council.

320 (4) The council shall elect from its members a chairman and
321 vice chairman. The council shall adopt regulations consistent
322 with this act. A meeting may be called by the chairman on his own
323 initiative and must be called by him at the request of three (3)
324 or more members of the council. Each member must be notified by
325 the chairman in writing of the time and place of the meeting at
326 least seven (7) days before the meeting. Fourteen (14) members
327 constitute a quorum. Each meeting is open to the public. An
328 official decision of the council may be made only by a vote of at
329 least two-thirds (2/3) of those members in attendance at the
330 meeting.

331 (5) A county or municipality, by adoption of resolution or
332 order, may allow a rural inspection authority to provide the
333 enforcement services required in this act. For such counties or
334 municipalities, a rural inspection authority shall be created by
335 the planning and development district in which the county or
336 municipality is located to administer the provisions of this act
337 under the auspices of the Mississippi Building Codes Council.
338 Once established and organized by the planning and development
339 district, the authority shall have all of the necessary
340 enforcement powers as granted to municipalities and counties to
341 carry out the purposes of this act under the supervision of the
342 Mississippi Building Codes Council.

343 **SECTION 12.** (1) For purposes of this section, "farm
344 structure" means a structure that is constructed on a farm, other
345 than a residence or a structure attached to it, for use on the
346 farm, including, but not limited to, barns, sheds and poultry
347 houses, but not public livestock areas. For purposes of this
348 section, "farm structure" does not include a structure originally
349 qualifying as a "farm structure" but later converted to another
350 use.

351 (2) The governing body of a county or municipality may not
352 enforce that portion of a nationally recognized building code that
353 regulates the construction or improvement of a farm structure.

354 (3) For residential construction, the standards published by
355 the Federal Emergency Management Agency for the National Flood
356 Insurance Program shall apply.

357 (4) The provisions of this section do not apply unless,
358 before constructing a farm structure, the person owning the
359 property on which the structure is to be constructed files an
360 affidavit with the county or municipal official responsible for
361 enforcing the building code stating that the structure is being
362 constructed as a farm structure. The affidavit must include a

363 statement of purpose or intended use of the proposed structure or
364 addition.

365 (5) This section does not affect the authority of the
366 governing body of a county or municipality to issue building
367 permits before the construction or improvement of a farm
368 structure.

369 **SECTION 13.** (1) For a violation of the building codes or
370 regulations adopted pursuant to this act, the local building
371 officials, municipal or county attorneys or other appropriate
372 authorities of a political subdivision or rural inspection
373 authority, in addition to other remedies, may apply for injunctive
374 relief, mandamus or other appropriate proceeding. A court may
375 grant temporary injunctive relief upon receipt of a verified
376 complaint of an imminent danger or emergency situation.

377 (2) The governing authority of any municipality, the board
378 of supervisors of any county, and any rural inspection authority,
379 in its discretion, may adopt an ordinance or resolution to
380 establish and impose a civil penalty not to exceed Two Hundred
381 Dollars (\$200.00) upon any person found to be in violation of a
382 building code or regulation adopted pursuant to the provisions of
383 this act.

384 **SECTION 14.** The provisions of this act are cumulative to
385 other local ordinances and do not limit the authority of counties
386 or municipalities as long as they do not diminish the requirements
387 established in this act.

388 **SECTION 15.** Buildings must be inspected in accordance with
389 the codes in effect for the locality on the date of the issuance
390 of the original building permit, except that:

391 (a) If no date of issuance of original building permit
392 can be found, the date of submission of the completed application
393 to the local authority must be used.

394 (b) If no date of application for, or date of issuance
395 of, building permit is available, the director of the applicable

396 county planning and development service (or similar agency) shall
397 determine the nearest possible date by using available documents,
398 such as transfer of property records, mortgage records, tax
399 records or rent records.

400 **SECTION 16.** The provisions of this act shall not apply to
401 the construction or improvement of buildings used by industries
402 designated as manufacturing (sectors 31-33), utilities (sector
403 22), bulk stations and materials (sector 422710), crude oil
404 pipelines (sector 486110), refined petroleum products pipelines
405 (sector 486910), natural gas pipelines (sector 486210), other
406 pipelines (sector 486990) and natural gas processing plants
407 (sector 211112), under the North American Industry Classification
408 System (NAICS).

409 **SECTION 17.** Nothing in this act shall limit the authority of
410 any municipality or county from charging fees as may be necessary
411 and reasonable to provide for the administration and enforcement
412 of a building code adopted pursuant to this act.

413 **SECTION 18.** Section 19-5-9, Mississippi Code of 1972, is
414 amended as follows:

415 19-5-9. (1) The construction codes published by a
416 nationally recognized code group which sets minimum standards and
417 has the proper provisions to maintain up-to-date amendments are
418 adopted as minimum standard guides for building, plumbing,
419 electrical, gas, sanitary, and other related codes in Mississippi.
420 Any county within the State of Mississippi, in the discretion of
421 the board of supervisors, may adopt building codes, plumbing
422 codes, electrical codes, sanitary codes, or other related codes
423 dealing with general public health, safety or welfare, or a
424 combination of the same, within but not exceeding the provisions
425 of the construction codes published by nationally recognized code
426 groups, by order or resolution in the manner prescribed in this
427 section, but those codes so adopted shall apply only to the
428 unincorporated areas of the county. However, those codes shall

429 not apply to the erection, maintenance, repair or extension of
430 farm buildings or farm structures, except as may be required under
431 the terms of the "Flood Disaster Protection Act of 1973" and shall
432 apply to a master planned community as defined in Section 19-5-10,
433 only to the extent allowed in Section 19-5-10. The provisions of
434 this section shall not be construed to authorize the adoption of
435 any code which applies to the installation, repair or maintenance
436 of electric wires, pipelines, apparatus, equipment or devices by
437 or for a utility rendering public utility services, required by it
438 to be utilized in the rendition of its duly authorized service to
439 the public. Before any such code shall be adopted, it shall be
440 either printed or typewritten and shall be presented in pamphlet
441 form to the board of supervisors at a regular meeting. The order
442 or resolution adopting the code shall not set out the code in
443 full, but shall merely identify the same. The vote or passage of
444 the order or resolution shall be the same as on any other order or
445 resolution. After its adoption, the code or codes shall be
446 certified to by the president and clerk of the board of
447 supervisors and shall be filed as a permanent record in the office
448 of the clerk who shall not be required to transcribe and record
449 the same in the minute book as other orders and resolutions.

450 (2) All provisions of this section shall apply to amendments
451 and revisions of the codes mentioned in this section. The
452 provisions of this section shall be in addition and supplemental
453 to any existing laws authorizing the adoption, amendment or
454 revision of county orders, resolutions or codes.

455 (3) Any code adopted under the provisions of this section
456 shall not be in operation or force until sixty (60) days have
457 elapsed from the adoption of same; however, any code adopted for
458 the immediate preservation of the public health, safety and
459 general welfare may be effective from and after its adoption by a
460 unanimous vote of the members of the board. Within five (5) days
461 after the adoption or passage of an order or resolution adopting

462 that code or codes the clerk of the board of supervisors shall
463 publish in a legal newspaper published in the county the full text
464 of the order or resolution adopting and approving the code, and
465 the publication shall be inserted at least three (3) times, and
466 shall be completed within thirty (30) days after the passage of
467 the order or resolution.

468 (4) Any person or persons objecting to the code or codes may
469 object in writing to the provisions of the code or codes within
470 sixty (60) days after the passage of the order or resolution
471 approving same, and if the board of supervisors adjudicates that
472 ten percent (10%) or more of the qualified electors residing in
473 the affected unincorporated areas of the county have objected in
474 writing to the code or codes, then in such event the code shall be
475 inoperative and not in effect unless adopted for the immediate
476 preservation of the public health, safety and general welfare
477 until approved by a special election called by the board of
478 supervisors as other special elections are called and conducted by
479 the election commissioners of the county as other special
480 elections are conducted, the special election to be participated
481 in by all the qualified electors of the county residing in the
482 unincorporated areas of the county. If the voters approve the
483 code or codes in the special election it shall be in force and in
484 operation thereafter until amended or modified as provided in this
485 section. If the majority of the qualified electors voting in the
486 special election vote against the code or codes, then, in such
487 event, the code or codes shall be void and of no force and effect,
488 and no other code or codes dealing with that subject shall be
489 adopted under the provisions of this section until at least two
490 (2) years thereafter.

491 (5) After any such code shall take effect the board of
492 supervisors is authorized to employ such directors and other
493 personnel as the board, in its discretion, deems necessary and to

494 expend general county funds or any other funds available to the
495 board to fulfill the purposes of this section.

496 (6) For the purpose of promoting health, safety, morals or
497 the general welfare of the community, the governing authority of
498 any municipality, and, with respect to the unincorporated part of
499 any county, the governing authority of any county, in its
500 discretion, are empowered to regulate the height, number of
501 stories and size of building and other structures, the percentage
502 of lot that may be occupied, the size of the yards, courts and
503 other open spaces, the density or population, and the location and
504 use of buildings, structures and land for trade, industry,
505 residence or other purposes, but no permits shall be required
506 except as may be required under the terms of the "Flood Disaster
507 Protection Act of 1973" for the erection, maintenance, repair or
508 extension of farm buildings or farm structures outside the
509 corporate limits of municipalities.

510 (7) The authority granted in this section is cumulative and
511 supplemental to any other authority granted by law.

512 (8) Notwithstanding any provision of this section to the
513 contrary, any code adopted by a county before or after April 12,
514 2001, is subject to the provisions of Section 41-26-14(10).

515 (9) The provisions of this section shall stand repealed on
516 July 1, 2010.

517 **SECTION 19.** Section 21-19-25, Mississippi Code of 1972, is
518 amended as follows:

519 21-19-25. (1) Any municipality within the State of
520 Mississippi may, in the discretion of its governing authorities,
521 adopt building codes, plumbing codes, electrical codes, gas codes,
522 sanitary codes, or any other codes dealing with general public
523 health, safety or welfare, or a combination of the same, by
524 ordinance, in the manner prescribed in this section. Before any
525 such code shall be adopted, it shall be either printed or
526 typewritten, and it shall be presented in pamphlet form to the

527 governing authorities of the municipality at a regular meeting.
528 The ordinance adopting the code shall not set out the code in
529 full, but shall merely identify the same. The vote on passage of
530 the ordinance shall be the same as on any other ordinances. After
531 its adoption, the code shall be certified to by the mayor and
532 clerk of the municipality, and shall be filed as a permanent
533 record in the office of the clerk, who shall not be required to
534 transcribe and record the same in the ordinance book as other
535 ordinances. It shall not be necessary that the ordinance adopting
536 the code or the code itself be published in full, but notice of
537 the adoption of the code shall be given by publication in some
538 newspaper of the municipality for one (1) time, or if there be no
539 such newspaper, by posting at three (3) or more public places
540 within the corporate limits, a notice in substantially the
541 following form:

542 Notice is given that the city (or town or village)
543 of _____, on the (give date of ordinance adopting
544 code), adopted (state type of code and other information
545 serving to identify the same) code.

546 (2) All the provisions of this section shall apply to
547 amendments and revisions of the code mentioned in this section.
548 Any code adopted in accordance with this section shall not be in
549 force for one (1) month after its passage, unless the municipal
550 authorities in the ordinance authorize to the contrary. The
551 provisions of this section shall be in addition and supplemental
552 to any existing laws authorizing the adoption, amendment or
553 revision of municipal ordinances or codes.

554 (3) Notwithstanding any provision of this section to the
555 contrary, any code adopted by a municipality before or after April
556 12, 2001, is subject to the provisions of Section 41-26-14(10).

557 (4) The provisions of this section shall apply to all
558 municipalities of this state, whether operating under the code

559 charter, a special charter, commission form, or other form of
560 government.

561 (5) The provisions of this section shall stand repealed on
562 July 1, 2010.

563 **SECTION 20.** Section 45-11-103, Mississippi Code of 1972, is
564 amended as follows:

565 45-11-103. The standards embodied in said code shall be
566 based upon and shall be not less stringent than the standards
567 established by the International Fire Code as promulgated by the
568 International Code Council (ICC), Inc., and as the same may be
569 revised or amended; however, the State Fire Marshal shall have the
570 authority to deviate from the minimum requirements of such * * *
571 code when the imposition and enforcement of a specific requirement
572 of the * * * code would cause unnecessary hardship or when such
573 deviation would enable builders to take advantage of new methods,
574 materials or equipment which is of recognized adequacy.

575 The Mississippi Fire Prevention Code shall include provisions
576 that every new building over seventy-five (75) feet in height in
577 the state of Mississippi for which a permit is issued after the
578 passage of Sections 45-11-101 through 45-11-111 shall be equipped
579 throughout the building with a totally automatic sprinkler system
580 designed for life safety and fire prevention and protection. This
581 provision shall include every building over seventy-five (75) feet
582 in height constructed after the effective date of Sections
583 45-11-101 through 45-11-111 or to any existing building in which
584 twenty-five percent (25%) or more of the floor space is being
585 reconstructed or added thereto. However, public utility company
586 buildings in which water would cause severe damage to equipment
587 such as telephone equipment, computers or electric services, and
588 silos, grain elevators and other structures utilized solely for
589 the storage of agricultural products are exempt from the automatic
590 sprinkler system provisions of the code.

591 **SECTION 21.** This act shall take effect and be in force from
592 and after its passage.