

By: Representatives Carpenter, Brown (20th), Arnold, Byrd, McLeod, Williamson To: County Affairs

HOUSE BILL NO. 676

1 AN ACT TO AMEND SECTION 19-5-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE COUNTIES TO CHOOSE NOT TO BE SUBJECT TO THE PROVISIONS
3 REQUIRING THAT COUNTIES REQUIRE PERMITTING AS A CONDITION TO
4 CONSTRUCTION WITHIN UNINCORPORATED AREAS; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. Section 19-5-9, Mississippi Code of 1972, is
8 amended as follows:

9 19-5-9. (1) The construction codes published by a
10 nationally recognized code group which sets minimum standards and
11 has the proper provisions to maintain up-to-date amendments are
12 adopted as minimum standard guides for building, plumbing,
13 electrical, gas, sanitary, and other related codes in Mississippi.
14 Any county within the State of Mississippi, in the discretion of
15 the board of supervisors, may adopt building codes, plumbing
16 codes, electrical codes, sanitary codes, or other related codes
17 dealing with general public health, safety or welfare, or a
18 combination of the same, within but not exceeding the provisions
19 of the construction codes published by nationally recognized code



20 groups, by order or resolution in the manner prescribed in this
21 section, but those codes so adopted shall apply only to the
22 unincorporated areas of the county. However, those codes shall
23 not apply to the erection, maintenance, repair or extension of
24 farm buildings or farm structures, except as may be required under
25 the terms of the "Flood Disaster Protection Act of 1973," and
26 shall apply to a master planned community as defined in Section
27 19-5-10 only to the extent allowed in Section 19-5-10. The
28 provisions of this section shall not be construed to authorize the
29 adoption of any code which applies to the installation, repair or
30 maintenance of electric wires, pipelines, apparatus, equipment or
31 devices by or for a utility rendering public utility services,
32 required by it to be utilized in the rendition of its duly
33 authorized service to the public. Before any such code shall be
34 adopted, it shall be either printed or typewritten and shall be
35 presented in pamphlet form to the board of supervisors at a
36 regular meeting. The order or resolution adopting the code shall
37 not set out the code in full, but shall merely identify the same.
38 The vote or passage of the order or resolution shall be the same
39 as on any other order or resolution. After its adoption, the code
40 or codes shall be certified to by the president and clerk of the
41 board of supervisors and shall be filed as a permanent record in
42 the office of the clerk who shall not be required to transcribe
43 and record the same in the minute book as other orders and
44 resolutions.



45 (2) If the board of supervisors of any county adopts or has
46 adopted construction codes which do not have proper provisions to
47 maintain up-to-date amendments, specifications in such codes for
48 cements used in portland cement concrete shall be superseded by
49 nationally recognized specifications referenced in any code
50 adopted by the Mississippi Building Code Council.

51 (3) All provisions of this section shall apply to amendments
52 and revisions of the codes mentioned in this section. The
53 provisions of this section shall be in addition and supplemental
54 to any existing laws authorizing the adoption, amendment or
55 revision of county orders, resolutions or codes.

56 (4) Any code adopted under the provisions of this section
57 shall not be in operation or force until sixty (60) days have
58 elapsed from the adoption of same; however, any code adopted for
59 the immediate preservation of the public health, safety and
60 general welfare may be effective from and after its adoption by a
61 unanimous vote of the members of the board. Within five (5) days
62 after the adoption or passage of an order or resolution adopting
63 that code or codes the clerk of the board of supervisors shall
64 publish in a legal newspaper published in the county the full text
65 of the order or resolution adopting and approving the code, and
66 the publication shall be inserted at least three (3) times, and
67 shall be completed within thirty (30) days after the passage of
68 the order or resolution.



69 (5) Any person or persons objecting to the code or codes may
70 object in writing to the provisions of the code or codes within
71 sixty (60) days after the passage of the order or resolution
72 approving same, and if the board of supervisors adjudicates that
73 ten percent (10%) or more of the qualified electors residing in
74 the affected unincorporated areas of the county have objected in
75 writing to the code or codes, then in such event the code shall be
76 inoperative and not in effect unless adopted for the immediate
77 preservation of the public health, safety and general welfare
78 until approved by a special election called by the board of
79 supervisors as other special elections are called and conducted by
80 the election commissioners of the county as other special
81 elections are conducted, the special election to be participated
82 in by all the qualified electors of the county residing in the
83 unincorporated areas of the county. If the voters approve the
84 code or codes in the special election it shall be in force and in
85 operation thereafter until amended or modified as provided in this
86 section. If the majority of the qualified electors voting in the
87 special election vote against the code or codes, then, in such
88 event, the code or codes shall be void and of no force and effect,
89 and no other code or codes dealing with that subject shall be
90 adopted under the provisions of this section until at least two
91 (2) years thereafter.

92 (6) After any such code shall take effect the board of
93 supervisors is authorized to employ such directors and other



94 personnel as the board, in its discretion, deems necessary and to
95 expend general county funds or any other funds available to the
96 board to fulfill the purposes of this section.

97 (7) For the purpose of promoting health, safety, morals or
98 the general welfare of the community, the governing authority of
99 any municipality, and, with respect to the unincorporated part of
100 any county, the governing authority of any county, in its
101 discretion, is empowered to regulate the height, number of stories
102 and size of building and other structures, the percentage of lot
103 that may be occupied, the size of the yards, courts and other open
104 spaces, the density or population, and the location and use of
105 buildings, structures and land for trade, industry, residence or
106 other purposes, but no permits shall be required except as may be
107 required under the terms of the "Flood Disaster Protection Act of
108 1973" for the erection, maintenance, repair or extension of farm
109 buildings or farm structures outside the corporate limits of
110 municipalities.

111 (8) The authority granted in this section is cumulative and
112 supplemental to any other authority granted by law.

113 (9) Notwithstanding any provision of this section to the
114 contrary, any code adopted by a county before or after April 12,
115 2001, is subject to the provisions of Section 41-26-14(10).

116 (10) Notwithstanding any provision of this section to the
117 contrary, the Boards of Supervisors of Jackson, Harrison, Hancock,



118 Stone and Pearl River Counties shall enforce the requirements
119 imposed under Section 17-2-1 as provided in such section.

120 (11) Except as otherwise provided in this subsection,
121 regardless of whether a county adopts or has adopted codes, as set
122 forth in this section, each and every county in this state shall
123 require permitting as a condition to construction within the
124 unincorporated areas of the county, and such permits shall
125 contain, on their face, in conspicuous print, (a) the contractor's
126 material purchase certificate number to the extent furnished by
127 the Department of Revenue pursuant to Section 27-65-21(3) or the
128 contractor's Taxpayer Identification Number as furnished by the
129 Internal Revenue Service, and either a copy of such material
130 purchase certificate furnished by the Department of Revenue
131 pursuant to Section 27-65-21(3), or a copy of the contractor's
132 W-9, as the case may be, shall be required to be provided to the
133 county as part of the prime contractor's application for such
134 permit, prior to the issuance of such permit, and (b) the
135 contractor's license or certificate of responsibility number as
136 required by either Section 31-3-14 et seq., 51-5-1 et seq. or
137 73-59-1 et seq. The provisions of this subsection shall not apply
138 to any county that within sixty (60) days after the effective date
139 of this act, by resolution duly adopted by the board of
140 supervisors of the county and entered upon its minutes, chooses
141 not to be subject to the provisions of this subsection.



142 **SECTION 2.** This act shall take effect and be in force from
143 and after July 1, 2023.

