

By: Representatives Carpenter, Arnold

To: County Affairs

HOUSE BILL NO. 1033

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, 2024.

