

ORDINANCE #: 548

AN ORDINANCE OF THE GOVERNING AUTHORITY OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI, AMENDING ORDINANCE NO. ____, ENTITLED, "AN ORDINANCE ADOPTING VARIOUS BUILDING AND RELATED CODES AND STANDARDS, AND APPENDIXES REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF BUILDINGS AND STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES THEREFORE; PROVIDING FOR AND RELATING TO INSPECTIONS ACTIVITIES AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN VARIOUS CODES; AND FOR RELATED PURPOSES; AS HERETOFORE AMENDED TO ADOPT THE 2012 REVISIONS TO THE FAMILY OF INTERNATIONAL BUILDING CODES FOR THE CITY OF BAY ST. LOUIS,

WHEREAS, the City of Bay St. Louis, Mississippi. is a duly organized and incorporated municipality pursuant to Title 21, Chapter 8, of the Mississippi Code of 1972, Annotated and all amendments thereto; and

WHEREAS, the governing authorities of the City of Bay St. Louis, Mississippi having made due investigation therefore, do now find, determined, adjudicate and declare that the 2012 revisions to the international building and related codes and standards have been published and in order to protect the public health, safety and welfare of the City of Bay St. Louis, it is necessary to adopt certain revisions of the standards, and appendixes and related codes; and

WHEREAS, the governing authorities of the City of Bay St. Louis, Mississippi have found that the City has a need to consistently and regularly update the City's Building Codes, Plumbing Codes, Fuel Gas Codes, Mechanical Codes, Fire Codes, and Sanitary Codes in order to best provide for the public health, safety and welfare of all of the City and the City's citizens; and

WHEREAS, the governing authorities for the City of Bay St. Louis, Mississippi have found that the City of Bay St. Louis should adopt the 2012 edition of the International Building, Residential, Plumbing, Fuel Gas, Mechanical, Fire, and Sanitary Codes, Permits and Fees in order to best provide for the public health, safety and welfare of all of the City's citizens, less and except those provisions excluded, as further stated herein; and

WHEREAS, Section 21-19-25, MCA, 1972, as amended authorizes the City to adopt the Codes; and

WHEREAS, the governing authorities for the City of Bay St. Louis, Mississippi does adopt, authorizes and approve the International Building, Residential, Plumbing, Fuel Gas, Mechanical, Fire, and Sanitary Codes, and the Permits and Fees schedules shall be effective thirty (30) days after adoption of this ordinance, and the enforcement provisions shall also be

effective thirty (30) days after adoption hereof, less and except those provisions excluded, as further stated herein; and

WHEREAS, the governing authorities for the City of Bay St. Louis, Mississippi does find, resolve and authorizes the City to publish a “Notice of Adoption” in the local newspaper as authorized and stated in Section 21-19-25, MCA, 1972 as amended; and

WHEREAS, the Statues and Laws of the State of Mississippi, including Section 19-5-9, 21-19-25 and others of the Mississippi Code of 1972, as amended, empowered the City to enact construction codes published by a nationally recognized code group which sets minimum standards and has the proper provisions to maintain up-to-date amendments with minimum standard guides for building, plumbing, electrical, gas, sanitary, and other related codes in Mississippi; and

WHEREAS, this ordinance does hereby amend Ordinance #: ____ of the Ordinances for the City of Bay St. Louis, Mississippi, amending said Ordinance to enacted, adopted and approved the adoption of “The Family of International Building Codes”, less and except those provisions excluded, as further stated herein, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Bay St. Louis; providing for the issuance of permits and collection of fees therefore; and repealing all other ordinances and parts of the ordinances in conflict therewith.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Bay St. Louis, Mississippi, that Ordinance No. # ~~537~~ is amended to include and to add the 2012 revisions of the following International Building Codes as follows:

Section 1. That Ordinance No. #: ~~548~~, adopting the Family of International Building Codes is amended to include the 2012 revisions of the Family of International Building Codes and said codes are on file with the City as follows: one (1) copy on file in the office of the City Clerk of the City of Bay St. Louis, one (1) copy in the office of the Building Department of the City of Bay St. Louis, and said documents being marked and designated as Family of International Building Codes.:

Section 2. That the following standards, revisions, and appendixes are hereby and herein adopted as if copied in words and figures in full and ordered, ordained, decreed and declared an ordinance of the City of Bay St. Louis, Mississippi, known as “The Family of International Building Codes, one (1) copy on file in the office of the City Clerk of the City of Bay St. Louis, one (1) copy in the office of the Building Department of the City of Bay St. Louis, and said documents being marked and designated as follows:

- 2.1 **International Building Code, 2012 edition**, including Appendix’s A, B, E, F, G, and J (see International Building Code Section 101.2.1, 2012 edition), as published by the International Code Council;

- 2.2 **International Residential Code, 2012 edition**, including Appendix's A, B, C, D, E, J, M and P (see International Residential Code Section R102.5, 2012 edition), as published by the International Code Council;
- 2.3 **International Mechanical Code, 2012 edition**, including Appendix A (see International Mechanical Code, Section 101.2.1, 2012 edition), as published by the International Code Council;
- 2.4 **International Plumbing Code, 2012 edition**, including Appendix A as published by the International Code Council;
- 2.5 **International Fuel Gas Code, 2012 edition**, including Appendix A, (see International Gas Fuel Code Section 101.3, 2012 edition), as published by the International Code Council;
- 2.6 **International Private Sewer Disposal Code 2012 edition** (see International Private Sewer Disposal Code Section 101.2.1, 2012 edition), as published by the International Code Council;
- 2.7 **International Swimming Pool Code 2012 edition**;
- 2.8 **International Existing Building Code 2012 edition**, including Appendix C (see International Existing Building Code Section 101.6, 2012 edition), as published by the International Code Council;
- 2.9 **NFPA 70 National Electric Code, 2011 edition**, as published by the National Fire Protection Association, Inc.;
- 2.10 **International Fire Code, 2012 edition**, including Appendix's B, C, D, and E, (see International Fire Code Section 101.2.1, 20123 edition), as published by the International Code Council;

The above codes are hereby adopted as the "Building Codes of the City of Bay St. Louis, Mississippi" for regulating and governing the conditions and maintenance of all property, building, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fee's therefore; and enforcement thereof of each and all of the regulations, provisions, penalties, conditions and terms of said Building Codes on file in the Office of the City Clerk of the City of Bay St. Louis; and said codes are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

Section 3. The following code sections are hereby revised as follows:

3.1 International Building Code:

- 3.1.1 109.2 Schedule of permit fees:** The City of Bay St. Louis adopts the ICC Building Valuation Data formula using a .005 fee

multiplier for setting fees, and/or the City of Bay St. Louis' Permit Fees Schedule as attached as Attachment 1, as if fully written.

- 3.1.2 109.6 Refunds:** The City's code official shall authorize the refunding of fees, where appropriate, as follows:
1. The full amount of any fee paid which was erroneously paid or collected.
 2. Not more than seventy-five (75%) percent of the permit fee paid when no work has been done pursuant to a permit issued in accordance with this code.
 3. Not more than fifty (50%) percent of the plan review fee paid with an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.
 4. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permit applicant not later than 180 days after the date of fee payment.
- 3.1.3 1612.3 Establishment of flood hazard areas:** To establish flood hazard areas, the governing body has adopted a flood hazard map and supporting data. The flood hazard map includes, at a minimum, areas of a special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Bay St. Louis," dated October 16, 2009, as amended or revised with the accompanying Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this section.
- 3.1.4 3412.2 Applicability:** Structures existing after sixty (60) days from the adoption of this ordinance, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

3.2 International Residential Code:

- 3.2.1 R108.2 Schedule of permit fees:** The City of Bay St. Louis adopts the ICC Building Valuation Data formula using a .005 Fee Multiplier for setting fees, and/or the City of Bay St. Louis' Permit Fees Schedule as attached as Attachment 1, as if fully written.
- 3.2.2 R313 Automatic Fire Sprinkler Systems:** This provision is deleted in its entirety.
- 3.2.3 P2904 Dwelling Unit Fire Sprinkler Systems:** This provision is deleted in its entirety.

- 3.2.4 **R302.2 Townhouses**, Exception, on the first line, change “1-hour” to “2-hour”.
- 3.2.5 **R302.2.4 Structural Independence**, Exception No. 5, on the first line, change “1-hour” to “2-hour”.
- 3.2.6 **E3902.12 Arc-fault circuit-interrupter protection**. Delete the language in its entirety and replace with:
“**Arc-fault protection of bedroom outlets**”. All branch circuits that supply 120-volt, single phase, 15-and 20-ampere outlets installed in bedrooms shall be protected by a combination type or branch/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(1.8m) of the branch circuit overcurrent device as measure along the branch circuit conductors and
 2. The circuit conductors between the branch circuit over current device and the arc-fault circuit interrupter are installed in a metal raceway or a cable with a metallic sheath.

3.3. **International Mechanical Code:**

- 3.3.1 **106.5.2 Fee Schedule:** Schedule of permit fees: The City of Bay St. Louis adopts the Permits Fees Schedule as attached as Attachment 1, as if fully written.
- 3.3.2 **106.5.3 Fee Refunds.** The City’s code official shall authorize the refunding of fees, where appropriate, as follows:
 1. The full amount of any fee paid which was erroneously paid or collected.
 2. Not more than seventy-five (75%) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 3. Not more than fifty (50%) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.
 4. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permit applicant not later than 180 days after the date of fee payment.
- 3.3.3 **108.4 Violation Penalties.** Any person who shall willfully violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor,

punishable by a fine of not more than one-thousand dollars (\$1,000.00) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3.3.4 108.5 Stop Work Orders. Upon notice from the City's code official or his designee, that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, or in violation of the permit or any requirement of this ordinance, then 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 violation(s) and the conditions under which work is authorized to resume. Any person who violates or willfully fails to comply with such directive shall be liable for a fine of not less than two hundred (\$200.00) dollars or more than one thousand (\$1,000.00) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3.4 International Plumbing Code:

3.4.1 106.6.2.1: The City of Bay St. Louis adopts the Permits Fees schedule as attached as Attachment 1, as if fully written.

3.4.2 106.5.3 Fee Refunds: The City's code official shall authorize the refunding of fees, where appropriate, as follows:

1. The full amount of any fee paid which was erroneously paid or collected.
2. Not more than seventy-five (75%) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty (50%) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.
4. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permit applicant not later than 180 days after the date of fee payment.

3.4.3 108.4 Violation Penalties. Any person who shall willfully violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one-thousand dollars (\$1,000.00) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation

continues after due notice has been served shall be deemed a separate offense.

3.4.4 108.5 Stop Work Orders. Upon notice from the City's code official or his designee, that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, or in violation of the permit or any requirement of this ordinance, then 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 violation(s) and the conditions under which work is authorized to resume. Any person who violates or willfully fails to comply with such directive shall be liable for a fine of not less than two hundred (\$200.00) dollars or more than one thousand (\$1,000.00) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3.5 International Fuel Gas Code:

3.5.1 106.6.2 Fee schedule. The City of Bay St. Louis adopts the permits Fees Schedule as attached as Attachment 1, as if fully written.

3.5.2 106.6.3 Fee refunds: The City's code official shall authorize the refunding of fees, where appropriate, as follows:

1. The full amount of any fee paid which was erroneously paid or collected.
2. Not more than seventy-five (75%) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty (50%) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.
4. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permit applicant not later than 180 days after the date of fee payment.

3.5.3 108.4 Violation Penalties. Any person who shall willfully violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one-thousand dollars (\$1,000.00) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3.5.4 111.4 Failure to comply. 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 two hundred (\$200.00) dollars or more than one thousand (\$1,000.00) dollars.

3.6 International Existing Building Code:

3.6.1 108.2 Fee Schedule. The City of Bay St. Louis adopts the ICC Building Valuation Data formula using a .005 fee multiplier for setting fees, and/or the City of Bay St. Louis' Permit Fees Schedule as attached as Attachment 1, as if fully written.

3.6.2 108.6 Fee Refunds: The City's code official shall authorize the refunding of fees, where appropriate, as follows:

1. The full amount of any fee paid which was erroneously paid or collected.
2. Not more than seventy-five (75%) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty (50%) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.
4. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permit applicant not later than 180 days after the date of fee payment.

3.6.3 113.4 Violation Penalties. Any person who shall willfully violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one-thousand dollars (\$1,000.00) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3.6.4 114.2 Stop Work Orders. Upon notice from the City's code official or his designee, that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, or in violation of the permit or any requirement of this ordinance, then 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 violation(s) and the conditions under which work is authorized to resume. Any

person who violates or willfully fails to comply with such directive shall be liable for a fine of not less than two hundred (\$200.00) dollars or more than one thousand (\$1,000.00) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3.7 International Property Maintenance Code: (Deleted).

3.8. International Private Sewer Disposal Code:

3.8.1 106.4.2 Fee Schedule. The City of Bay St. Louis adopts the permits Fees Schedule as attached as Attachment 1, as if fully written.

3.8.2 106.4.3 Fee Refunds: The City's code official shall authorize the refunding of fees, where appropriate, as follows:

1. The full amount of any fee paid which was erroneously paid or collected.
2. Not more than seventy-five (75%) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty (50%) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.
4. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permit applicant not later than 180 days after the date of fee payment.

3.8.3 108.4 Violation Penalties. Any person who shall willfully violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one-thousand dollars (\$1,000.00) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3.8.4 108.5 Stop Work Orders. Upon notice from the City's code official or his designee, that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, or in violation of the permit or any requirement of this ordinance, then 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 violation(s) and the conditions under which work is authorized to resume. Any person who violates or willfully fails to comply with such directive

shall be liable for a fine of not less than two hundred (\$200.00) dollars or more than one thousand (\$1,000.00) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

3.9 International Swimming Pool Code:

3.9.1 105.6.2 Fee Schedule. The City of Bay St. Louis adopts the permits Fees Schedule as attached as Attachment 1, as if fully written.

3.9.2 105.63.3 Fee Refunds: The City's code official shall authorize the refunding of fees, where appropriate, as follows:

1. The full amount of any fee paid which was erroneously paid or collected.
2. Not more than seventy-five (75%) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty (50%) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.
4. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permit applicant not later than 180 days after the date of fee payment.

Section 4. Fees: That the fees for permits, inspections, re-inspections and the activities stated herein which are hereby adopted shall be reviewed each September prior to adoption of the City's budget to determine the necessity for amending the fees to reflect any increase or decrease due to activity or work upon the City. If at any time construction has begun without a permit, the cost of the permit fee shall be doubled.

Section 5. Severability: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The governing authority of the City of Bay St. Louis does hereby declares its intent to enact this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared void or stricken.

Section 6. Pending Action: That nothing in this ordinance or in these Building Codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. Publication: That the Council Clerk of the City of Bay St. Louis is hereby ordered and directed to cause this ordinance to be published as per Mississippi Code of 1972, as amended, Section 19-5-9, the full text of the order adopting and approving the codes, and will

publish the City's Ordinance in the official newspaper of the city three (3) times, and shall be effective thirty (30) days after the passage of the order in compliance with state law.

Section 8. Effective Date: That this ordinance and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Bay St. Louis, Mississippi, that Ordinance #: 548 is amended to adopt The Family of International Building Codes of the City of Bay St. Louis, Mississippi as stated and revised herein as hereby adopted, approved, enacted, authorized and filed and recorded on the City Council Minute Book Number 47 Pages 28, in the office of the Council Clerk, the City of Bay St. Louis, Mississippi.

After being reduced to writing, the foregoing Ordinance was read and considered, section by section, and then as a whole, whereupon Councilman Seal moved for its adoption, and after a second by Councilman Compretta, the following roll call vote was had:

Councilman Mike Favre	<u>YEA</u>	/	NAY
Councilman Doug Seal	<u>YEA</u>	/	NAY
Councilman Wendy McDonald	<u>YEA</u>	/	NAY
Councilman Jeffrey Reed	<u>YEA</u>	/	NAY
Councilman Bobby Compretta	<u>YEA</u>	/	NAY
Councilman Joey Boudin	<u>YEA</u>	/	NAY
Councilman Lonnie Falgout	<u>YEA</u>	/	NAY

Passed by the City Council of the City of Bay St. Louis on the 18th day of February, 2014.

CERTIFICATION

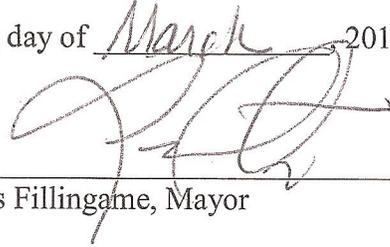
I, Jane Carrow, Clerk of Council for the City of Bay St. Louis, Mississippi, do hereby certify that the foregoing Ordinance No. 548 is a true and correct extract of the minutes of a public meeting of the City Council held on February 18, 2014 a quorum being present, in the City Council Conference Center and recorded in Minute Book _____, minutes of said Council, said Council being the duly elected, qualified, and acting governing body of Bay St. Louis.

Presented by me to the Mayor on this, the 6th day of March, 2014.



Jane Carrow, Clerk of Council

Approved and signed by me on this, the 1st day of March, 2014.



Les Fillingame, Mayor