Ordinance 2012-009

AN ORDINANCE FOR ADOPTION OF THE FAMILY OF INTERNATIONAL BUILDING CODES FOR THE CITY OF DIAMONDHEAD

WHEREAS, the statues of the State of Mississippi, Section 19-5-9 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, an ordinance of the City of Diamondhead adopting The Family of International Building Codes, 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 Diamondhead; 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 City Council of the City of Diamondhead, Mississippi, that the following The Family of International Building Codes as herein below as follows:

Section 1. That The Family of International Building Codes, one (1) copy on file in the office of the Chancery Clerk of the City of Diamondhead, one (1) copy in the office of Planning and Development, the City of Diamondhead being marked and designated as follows:

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

International Residential Code, 2012 edition, including Appendix Chapters A, B, C, D, E, J, L, M and P (see International Residential Code Section R102.5, 20012 edition), as published by the International Code Council;

International Mechanical Code, 2012 edition, including Appendix Chapter A and B (see International Mechanical Code, Section 101.2.1, 2012 edition), as published by the International Code Council;

International Plumbing Code, 2012 edition, including Appendix Chapters A, E and F, as published by the International Code Council;

International Fuel Gas Code, 2012 edition, including Appendix Chapter A, (see International Gas Fuel Code Section 101.3, 2012 edition), as published by the International Code Council;

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;

International Swimming Pool Code 2012 edition

International Existing Building Code 2012 edition, including Appendix Chapters C (see International Existing Building Code Section 101.6, 2012 edition), as published by the International Code Council;

International Property Maintenance Code, 2012 edition, including Appendix Chapters A, as published by the International Code Council;

NFPA 70 National Electric Code, 2011 edition, as published by the National Fire Protection Association, Inc.;
International Fire Code, 2012 edition, including Appendix Chapters B, C, D and E, (see International Fire Code Section 101.2.1, 20123 edition), as published by the International Code Council;

be and is hereby adopted as the Building Codes of the City of Diamondhead, in the State of 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 fees therefore; and 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 Diamondhead are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

Section 2. The following code sections are hereby revised:

International Building Code

109.2 Schedule of permit fees. (Appendix A.1 and Appendix A.2 Square Foot Construction Costs).

109.6 Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid under 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.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

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 City of Diamondhead, Mississippi and Incorporated Areas," dated May 7, 2012, 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.

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.

International Residential Code

R108.2 Schedule of permit fees. (Appendix A.1 and Appendix A.2 Square Foot Construction Costs).
R313 Automatic Fire Sprinkler Systems Delete in its entirety.
P2904 Dwelling Unit Fire Sprinkler Systems Delete in its entirety.
R302.2 Townhouses, Exception, on the first line, change "1-hour" to 2-hour".
R302.2.4 Structural Independence, Exception No. 5, on the first line, change "1- hour" to "2-hour".

International Mechanical Code

106.5.2 Fee Schedule. (Appendix B).

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid under 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.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

108.4 Violation Penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation if the approved construction documents or directive of the code official. Or of a permit or certificate issued under the provisions 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.

108.5 Stop Work Orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, 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 conditions under which work is authorized to resume. Any person who shall continue any work on the system 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 for a fine of not less than two hundred ($200.00) dollars or more than two thousand ($2,000.00) dollars.

International Plumbing Code

106.6.2.1 Fee schedule. (Appendix C).

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid under 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.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

108.4 Violation Penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation if the approved construction documents or directive of the code official. Or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand ($1,000.00) dollars 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.

108.5 Stop Work Orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, 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 conditions under which work is authorized to resume. Any person who shall continue any work on the system 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 for a fine of not less than two hundred ($200.00) dollars or more than two thousand ($2,000.00) dollars.

International Fuel Gas Code

106.6.2 Fee schedule. (Appendix D).

106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid under which was erroneously paid or collected.
2. Not more than 75 (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 50 (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.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

108.4 Violation Penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation if the approved construction documents or directive of the code official. Or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand ($1,000.00) dollars 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.

108.5 Stop Work Orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, 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 conditions under which work is authorized to resume. Any person who shall continue any work on the system 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 for a fine of not less than two hundred ($200.00) dollars or more than two thousand ($2,000.00) dollars.

International Fire Code

109.4 Violation penalties. 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 or repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand ($1,000.00) dollars 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.

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 two thousand ($2,000.00) dollars.

International Existing Building Code

108.2 Fee Schedule. (Appendix B).

108.6 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid under which was erroneously paid or collected.
4. 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.
5. 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.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

113.4 Violation Penalties. Persons, who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation if the approved construction documents or directive of the code official. Or of a permit or certificate issued under the provisions 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.

114.2 Stop Work Orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, 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 conditions under which work is authorized to resume. Any person who shall continue any work on the system 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 for a fine of not less than two hundred ($200.00) dollars or more than two thousand ($2,000.00) dollars.

International Property Maintenance Code

112.2 Stop Work Orders (Issuance). Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, 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 conditions under which work is authorized to resume. Any person who shall continue any work on the system 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 for a fine of not less than two hundred ($200.00) dollars or more than two thousand ($2,000.00) dollars.

112.4 Violation Penalties (Failure to Comply). Persons, who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation if the approved construction documents or directive of the code official. Or of a permit or certificate issued under the provisions 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.

Section 2. The following sections are hereby revised:
Section 101.1. Insert: (NAME OF JURISDICTION) City of Diamondhead, MS
Section 103.5. Insert: (APPROPRIATE SCHEDULE) (See schedule of fees in ordinance #2012-_____)
Section 112.4. Insert: (DOLLAR AMOUNT IN TWO LOCATIONS) (See schedule of fees in ordinance #2012-_____)
Section 302.4. Insert: (16 inches) (HEIGHT IN INCHES)
Section 304.14. Insert: (DATES IN TWO LOCATIONS) January 1st to December 31st
Section 602.3. Insert: (DATES IN TWO LOCATIONS) October 1st till May 1st
Section 602.4. Insert: (DATES IN TWO LOCATIONS) October 1st till May 1st

International Private Sewer Disposal Code

106.4.2 Fee Schedule. (Appendix B).

106.4.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid under which was erroneously paid or collected.
6. 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.
7. 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.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

108.4 Violation Penalties. Persons, who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation if the approved construction documents or directive of the code official. Or of a permit or certificate issued under the provisions 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.

108.5 Stop Work Orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, 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 conditions under which work is authorized to resume. Any person who

shall continue any work on the system 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 for a fine of not less than two hundred ($200.00) dollars or more than two thousand ($2,000.00) dollars

International Swimming Pool Code

105.6.2 Fee Schedule. (Appendix B).

105.63.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid under which was erroneously paid or collected.
8. 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.
9. 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.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 3. 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 City of Diamondhead hereby declares that it would have passed 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 unconstitutional.

Section 4. That nothing in this ordinance or in these Building Codes hereby adopted shall be construed to affect any suit or proceeding impending 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 Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That the City Clerk of the City of Diamondhead 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 order in the official newspaper of the city three (3) times, and shall be completed within thirty (30) days after the passage of the order in compliance with state law.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters 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 Diamondhead, Mississippi, that The Family of International Building Codes of the City of Diamondhead, Mississippi, and filed and recorded on the City Council Minute Book Number _____, Pages _____, in the office of the Chancery Clerk, the City of Diamondhead, Mississippi.

	Aye	Nay	Absent
Councilmember Ackerman	✓	____	____
Councilmember Holcomb	✓	____	____

Councilmember Knobloch	✓	___	___
Councilmember Rech	✓	___	___
Councilmember Roberson	✓	___	___
Mayor Ingraham	✓	___	___

APPROVED Charlotte Ingraham
MAYOR

ATTEST: Dina W. Foster
CITY CLERK

SEAL

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY OF DIAMONDHEAD, MISSISSIPPI, ON THE 20th DAY OF August, 2012.

Dina W. Foster
CITY CLERK