

ORDINANCE NO. 1718

ORDINANCE of the Mayor and Board of Aldermen of the City of Amory adopting certain building, residential, plumbing, mechanical, fuel, gas, fire and electrical codes.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF AMORY, MISSISSIPPI:

WHEREAS, Section 21-19-25 provides authority to the City of Amory to adopt building codes, plumbing codes, electrical codes, gas codes, sanitary codes, or any other codes dealing with general public health, safety, or welfare or a combination of the same by ordinance; and

WHEREAS, additionally, the police power of the City of Amory empowers the City of Amory to provide for the health, safety and general welfare of the City of Amory and its citizens; and

WHEREAS, pursuant to Section 21-19-25, Mississippi Code Annotated, 1972 as amended, the Mayor and Board of Alderman of the City of Amory believe that it is necessary and appropriate and in the best interest of the citizens of the City of Amory to adopt certain codes, said codes being identified as follows:

2018 International Fire Code®
2018 International Building Code®
2018 International Residential Code for One- and Two-Family Dwellings®
2018 International Mechanical Code®
2018 International Plumbing Code® (IPC®)
2018 International Fuel Gas Code®
2018 International Existing Building Code®
2011 National Electrical Code (NEC)

WHEREAS, each of the above codes have been presented in pamphlet form to the Mayor and Board of Aldermen of the City of Amory at its regular Board Meeting and said codes have been reviewed by said Mayor and Board of Aldermen of the City of Amory, all as is authorized and required by Section 21-19-25, Mississippi Code Annotated, 1972 as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF AMORY AS FOLLOWS:

1. That the above codes be and they are hereby adopted by the Mayor and Board of Aldermen of the City of Amory.

2. It is necessary to amend a portion of the 2018 Residential Code for One & Two Family Dwelling Code as follows:

- A) Subsection P2904, Dwelling Unit Fire Sprinkler Systems, is repealed in its entirety by the Mayor and Board of Aldermen of the City of Amory.
3. All other provisions of the 2018 Residential Code for One & Two Family Dwelling shall remain in full force and effect.
 4. The 2018 International Building Code, the 2018 International Residential Code for One and Two-Family Dwellings, the 2018 International Fire Code and the 2018 International Existing Building Code all provide for Boards of Appeals. Boards of Appeals are to hear appeals of decisions made pursuant to the respective codes. The City of Amory does hereby determine for purposes of all of the foregoing codes, all references to the Board of Appeals, shall mean the Development Board for the City of Amory.
 5. The 2018 International Plumbing Code, the 2011 NEC Electrical Code, the 2018 International Mechanical Code and the 2018 International Fuel Gas Code all provide for Boards of Appeals. The Boards of Appeals are to hear appeals of decisions made pursuant to the respective codes. The Mayor and Board of Aldermen find that the Board of Appeals for these respective codes require certain specific qualifications and that in the event an appeal is made under any of the foregoing codes, the appeal shall be delivered to the Code Enforcement Officer of the City of Amory. Then, a hearing date shall first be set at a future date which allows sufficient time for the City of Amory to assemble a qualified Board of Appeals in order to hear the appeal. The period of time in which to assemble a Board of Appeals for any of the foregoing codes listed in this section shall not prejudice the person making the appeal and the times for hearing shall be told until an appropriate Board of Appeals is in place. Notice that the Board is in place and the appropriate hearing date and time shall then be given to the person or entity making the appeal by personal service or by certified mail.
 6. The Mayor and Board of Aldermen of the City of Amory intend to use the permit systems which are set out in detail in all of the codes which have been adopted herein. The permitting process is set out in detail in these codes and the permit provisions provide that a fee may be charged for the permits required. The amount of the permit fee is left up to the discretion of the municipality. Therefore, the Mayor and Board of Aldermen of the City of Amory do hereby determine that it shall by separate Resolution establish and set permit fees for application in enforcement of these codes adopted herein. It is further resolved that the Mayor and Board of Aldermen of the City of Amory may modify and amend said permit amounts as is necessary to insure that said permit fees are fair and reasonable for all required permits referenced in the codes.

7. When reference is made in any code to the duties of a certain code, official, inspector, designee, or code enforcement officer, all such references shall be deemed to be the City Building Inspector of the City of Amory who shall perform such duties as required therein and shall enforce the provisions of the codes.
8. The City of Amory shall have all powers, rights, remedies and authorities granted by the codes which were previously adopted. Additionally, the failure or refusal of any person, firm, corporation or entity to comply with any of the provisions of this Ordinance No. 1718 or any of the codes adopted by the City of Amory, Mississippi herein, shall constitute a misdemeanor, and any person guilty of violation, shall, upon conviction thereof, be subject to a fine of \$1,000 or imprisonment for 90 days or both as allowable by Section 21-13-1, Mississippi Code Annotated, 1972 as amended.

All ordinances or portions of prior ordinances in conflict with the provisions herein are hereby repealed, and specifically Ordinance No. 1699 is hereby repealed.

This Ordinance has been considered section by section, provision by provision, and as a whole, and if any section or provision hereof should be unconstitutional or invalid for any reason, the remaining provision hereof should be unconstitutional or invalid for any reason, the remaining provisions and sections hereof shall be valid, it being hereby declared that all constitutional and valid provisions hereof would have been enacted after the exclusion of any section or provision which might be found to be unconstitutional or invalid.

This Ordinance shall take effect and be in force as provided by law.

The above and foregoing Ordinance being first reduced to writing, was read, considered, and adopted, first section by section, and then as whole.

Thereupon, motion duly made by Alderman Tony Poss, seconded by Alderman Joe McGonagill to adopt the foregoing Ordinance, and questions being put to roll call vote, the result was as follows:

Alderman Buddy Carlisle	voted:	YES
Alderman Tony Poss	voted:	YES
Alderman John E. Darden	voted:	ABSENT
Alderman Joe McGonagill	voted:	YES
Alderman Glenn Bingham	voted:	YES

Thereupon, the Mayor declared said Ordinance approved, passed and adopted on this the 16th day of April 2019.

BRAD BLALOCK, MAYOR

ATTTEST:

JAMIE E. MORGAN, CITY CLERK