

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND  
THE CITY OF SOUTHAVEN CODE OF ORDINANCES,  
TITLE V, CHAPTER 2, SECTIONS 5-26, 5-31, 5-60, AND 5-76**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the “City”), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE V, CHAPTER 2, SECTION 5 (“Ordinances”)

Thereupon Alderman Brooks offered and moved the adoption of the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND  
THE CITY OF SOUTHAVEN CODE OF ORDINANCES,  
TITLE V, CHAPTER 2, SECTIONS 5-26, 5-31, 5-60, AND 5-76**

**WHEREAS**, pursuant to Miss. Code 21-17-5, the City shall have the care, management and control of the municipal affairs and shall have the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs; and

**WHEREAS**, pursuant to Miss. Code 21-19-21 and Miss. Code 21-19-25, the City may adopt regulations and fire codes or any other codes dealing with general public health, safety or welfare, or a combination of the same; and

**WHEREAS**, after prior consideration, it is the opinion of the Mayor and Board of Aldermen of the City that the safety and welfare of the City’s citizens would be improved by the amendment of the Ordinance; and

**WHEREAS**, the Ordinance, as amended, provides specific guidelines for the governmental authorities, and serves the legitimate City interest; and

**WHEREAS**, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance.

**WHEREAS**, the Ordinance, as amended, provides specific guidelines for the governmental authorities, and serves the legitimate City interest; and

**WHEREAS**, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance.

**NOW, THEREFORE BE IT ORDAINED** BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE V, CHAPTER 2, SECTION 5-26, 5-31, 5-60, AND 5-76 BE AMENDED AS FOLLOWS:

**Sec. 5-26. - Adoption.**

The 2018 edition of the International Fire Code, excluding Appendices A and J are hereby adopted by reference as though fully copied herein. In any circumstance where city policies or ordinances conflict with this adopted code, the city shall have full discretion as to application and enforcement of either provision.

**Sec. 5-31. - Board of appeals.**

Pursuant to currently adopted International Fire Code, the Southaven Board of Aldermen shall serve as the Board of Appeals in order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code.

**Sec. 5-60. - Penalty.**

Pursuant to currently adopted International Fire Code any person who shall violate a provision of the adopted fire code or shall fail to comply with any of the requirements thereof or shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certification used under provisions of this code, shall be guilty of a misdemeanor against the city and shall, punishable by a fine of not more than one thousand dollars (\$1,000.00) and/or by imprisonment for up to 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## **Sec. 5-76. –General Sprinkler Requirements**

a) An approved automatic fire protection sprinkler system, designed and installed to National Fire Protection Codes and Standards (NFPA), shall be provided for the following, new constructed buildings, major renovated buildings as defined in subsection (c), and existing structures due to a change in occupancy classification or requirement to comply with the city's nonconforming ordinance.

1. Places of assembly: All buildings as required by International Building Code and International Fire Code (as adopted) and assembly occupancies eight thousand (8,000) square feet or more of gross area under roof. [6]

2. Educational: All buildings, this includes residential occupancies used as day care for children. [4]

3. Institutional occupancies: All buildings; this includes any day care for children or adults that has more than five (5) patients/clients.

4. Residential: Single- and multifamily buildings as follows:

a. Hotel/motel (NFPA 13).

b. Lodging and rooming houses, board and care facilities, multifamily dwellings and townhouses shall comply with Section 903.3.1.2 of the International Fire Code (as adopted), and sprinklers shall be in accordance with NFPA Standards 13D and 13R, up to four (4) floors. Otherwise, such uses shall comply with Section 903.3.1.1 of the International Fire Code.

c. One and two-family residential dwellings six thousand five hundred (6,500) square feet or more gross area under roof [6] shall comply with NFPA 13D. One and two-family residential dwellings under six thousand five hundred (6,500) square feet of gross area under roof [6] and not used as a child day care are exempt. These structures shall comply with the International Residential Building Code (as adopted).

5. *Mercantile*: All buildings eight thousand (8,000) square feet or more gross area under roof. [6]

6. *Business*: All buildings eight thousand (8,000) square feet or more gross area under roof. [6]

7. *Industrial*: All buildings eight thousand (8,000) square feet or more gross area under roof. [6]

8. *Storage*: All buildings eight thousand (8,000) square feet or more gross area under roof. [6]

9. *Mixed occupancies*: All buildings eight thousand (8,000) square feet or more gross area under roof. [6]

10. H-1, H-2 and H-3, H-4 hazardous occupancies: All buildings regardless of size shall be sprinklered.

b) For the purpose of this section, occupancies shall be classified in accordance with the International Building Code, as adopted by the City. Any change of occupancy or change of hazard or hazard class of hazard will require compliance with this Code.

c) For the purpose of this section, major renovation shall be defined as construction to the building that is greater than fifty (50) percent of the estimated cost of reconstructing the entire structure or considered to be major by the building official and the appropriate fire official.

d) Any addition to an existing building which brings the gross area under roof [6] above the applicable square footage listed in the above articles shall cause the entire building to meet the requirement of that section.

e) Where these requirements conflict with the city building code, fire code, state, federal standards or local requirements, the most stringent shall apply.

f) Automatic extinguishing systems and appurtenances shall be designed, installed, tested, inspected and maintained in accordance with NFPA as referenced in the International Building Code (as adopted) and the International Fire Code (as adopted).

g) Any automatic fire protection sprinkler system provided as a requirement of this section or any other code requirement shall be adequately supervised as follows:

1. The extinguishing system shall be electrically monitored by an approved central station facility meeting the requirements of NFPA 71.

2. Where building fire alarms facilities are provided, actuation of the fire sprinkler system will cause the building alarm to sound in accordance with NFPA 72. All Fire Alarm Control Panels (FACP) and the components of which they consist, including any ancillary components that provide support to the system such as any type of initiating device, heat sensor, smoke detector, horn strobe etc., shall be listed by Underwriters Laboratories (UL), and/or Factory Mutual (FM), or other certifying laboratory accepted by the Fire Marshal. Combination fire/security or coded systems will not be allowed.

3. Runner Service; a runner or technician as defined by NFPA 72, must be dispatched to the protected premises so as to arrive within 1 hour after receipt of a signal, when required to respond.

h) For the purpose of this section, only approved four-hour rated fire walls separate buildings, in occupancies specified in the above section. [5] A fire wall is defined as a four-hour, fire-resistant wall which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall. In existing buildings when it is not practical to accomplish construction of this type fire wall, approved alternate methods of construction meeting the intent of the code may be considered and approved by the fire official.

i) Where automatic sprinkler protection is determined to increase the hazard to an area of the property or occupants to be protected, other automatic extinguishing systems appropriate for the hazard shall be provided.

j) Owners or occupants that wish to appeal the enforcement of this chapter by the fire prevention division shall be able to file such appeal under the provisions as provided for in section 5-31 of this title.

k) In all multi-tenant buildings with sprinkler systems, where a fire alarm system is required by the Code, a minimum of one (1) notification device must be provided in each tenant space.

l) In all multi-tenant buildings, an isolation valve and flow switch must be provided so that firefighters might identify a water flow condition in a timely manner during an emergency event. Test connections must be provided to verify operation of initiating devices.

m) A contractor licensed to install an automatic extinguishing system must install all piping within a building and to a point five (5) feet outside the building. Only contractors approved to install public utilities and/or fire protection sprinkler systems/ fire main loop shall install piping from a point five (5) feet outside a building to the water provider's connection. Maintenance of piping and fire hydrants shall be performed by the contractor in compliance with the regulations of the Mississippi State Board of Contractors, for the duration of the building project. Loop systems for yard piping are required for increased reliability and improved hydraulics. Loop systems should be sectionalized by placing valves at branches and at strategic locations to minimize the extent of impairments.

Footnotes:

--- (4) ---

Day care homes with less than five (5) clients that attend less than twenty-four (24) hours, conducted in a person's primary residence, are exempt.

--- (5) ---

Fire wall means a four-hour, fire-resistant wall which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

--- (6) ---

Under roof (Fire Area) means aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above. This is to include any area, porches or overhangs finished or unfinished.

**NOW, THEREFORE BE IT ORDERED** pursuant to Miss. Code 21-13-11, the City Clerk shall provide notice of the adoption of the Ordinance in the *Desoto Times* for one (1) time.

**NOW, THEREFORE BE IT ORDERED** that the City Clerk, pursuant to Miss. Code 21-19-25, in addition to providing notice of the Ordinance in the *Desoto Times*, the City Clerk shall provide notice of the adoption of the 2018 edition of the International Fire Code in the *Desoto Times* for one (1) time a notice in substantially the following form:

**Notice is given that the City of Southaven on the 15<sup>th</sup> day of September adopted 2018 edition of the International Fire Code.**

**NOW, THEREFORE BE IT ORDERED** that the Mayor, City Clerk, and/or City Fire Chief are authorized to take any and all action to effectuate the intent of this Ordinance Resolution.

**NOW, THEREFORE BE IT ORDERED** that the foregoing Ordinance Amendments shall go in effect on January 1, 2021.

**IT IS FURTHER ORDERED** that the Codes hereby adopted pursuant to this Ordinance shall be certified to by the mayor and City Clerk and shall be filed as a permanent record in the office of the clerk.

The foregoing Resolution was seconded by Alderman Payne and brought to a vote as follows:

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 15<sup>th</sup> day of September, 2020.

**CITY OF SOUTHAVEN, MISSISSIPPI**

**BY:** \_\_\_\_\_  
**DARREN MUSSELWHITE, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ANDREA MULLEN, CITY CLERK**