

ORDINANCE AMENDING SECTIONS OF CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSISSIPPI, GOVERNING BUILDINGS AND BUILDING REGULATIONS

OFFICE OF THE CITY ATTORNEY
MJC
11/29/17

WHEREAS, Chapter 26 Buildings and Building Regulations of the Code of Ordinances of the City of Jackson, Mississippi, establishes rules and regulations for construction permits, construction codes, and contractor licenses; and

WHEREAS, the City of Jackson finds it necessary to amend rules and regulations relating to construction permits and contractor licenses in order to continue to reasonably protect public life, safety, and property through the enforcement of construction codes and minimum standards to safeguard life or limb, health, property and public welfare.

THEREFORE, BE IT ORDAINED as follows:

SECTION 1. Chapter 26 Article I through Article VIII of the Code of Ordinances of the City of Jackson, Mississippi, is hereby deleted and replaced to read as follows:

ARTICLE I. - IN GENERAL

Sec. 26-1. – Permits Required

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by adopted building codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

Sec. 26-2. - Permit fees.

The adopted schedule of fees shall govern all fees to be charged and assessed under this article.

Sec. 26-3. - "Building Official" defined.

Whenever the term "Building Official" is used in the code adopted by this article, it shall mean the director of the planning and development department of this city or his/her designee.

Sec. 26-4. - License and building permit revocation.

- (a) It shall be the duty of the Building Official, to revoke the license and building permits of any person or job for any of the following reasons:

1. Making false statements in the application for city license and/or building permit;
2. Permitting the use of a permit or license by any person other than the permittee or licensee;
3. Persistent refusal or neglect to observe the provisions of the applicable codes in this section, state, and adopted codes; and
- 4 Any other act intended to violate the provisions of the applicable codes.

(b) The revocation of a certificate shall not serve as a bar to any further remedy or action at law which might be invoked by the city.

Sec. 26-5. - Requirements for demolition or wrecking of buildings.

- (a) No person shall begin to demolish or wreck any structure within the city until a permit is issued under the provisions of the adopted building code.
- (b) All work performed in demolishing or wrecking any building or other structure in this city shall be performed in a good and workmanlike manner. Once any such work has begun on any particular structure, it shall be completed within the time set forth in the permit. After any such work has been completed, the ground upon which the building or structure formerly stood shall be thoroughly cleared of all debris, refuse or other waste materials remaining after the demolition so as to leave the site in an orderly condition. Such clearing shall all be completed within 30 days following completion of the demolition or wrecking of the building or structure.

Sec. 26-6. - Requirements for moving buildings.

- (a) No person planning to move any building or structure within the city shall commence the move until a permit is issued under the provision of the adopted building code.
- (b) No person planning to move upon or over the streets and highways of this city any building, structure or other load which exceeds 12 feet in width or 15 feet in height shall commence any moving operations pursuant thereto until such person shall have first notified and obtained the approval of the chief of police or his designated agent as to the proposed date, time and route thereof.
- (c) At all times during the actual conduct of any moving operation governed by the terms of this section the mover shall have an alternate towing vehicle readily available for immediate use should the original towing vehicle become

disabled. All trailers used in such moving operations shall be equipped with brakes adequate to control the movement thereof and capable of being applied from the driver's position of the towing vehicle. Such brakes shall be so designed and connected that in the event of an accidental breakaway of the towed vehicle they shall become engaged automatically.

- (d) No building or structure exceeding 18 feet in height shall be moved upon or over the streets and highways of the city unless the portion which exceeds such height is removed prior.
- (e) No building, structure or other load exceeding 12 feet in width shall be moved between the hours of 7:00 a.m. and 9:00 a.m. or between the hours of 4:00 p.m. and 6:00 p.m.
- (f) During all moving operations subject to the provisions of this section, the mover shall be required to have a police escort to assist in the movement of such building or structure through traffic and shall reimburse the city for the services of such officers at a rate equal to the pay scale currently used for work performed by off-duty police officers.

Sec. 26-7. - Nonprofit organizations to be exempt from community improvement, zoning, and site plan fees relating to renovation of certain dwellings.

Nonprofit organizations exempt from federal income tax pursuant to 26 USC 501(c)(3) are exempt from payment of zoning and site plan, building and permit, electrical, plumbing, gas, and mechanical fees relating to construction of new dwellings which are made available for sale as single-family homes for low-to-moderate income individuals or families, if the site is located in an eligible or partially eligible community development block grant (CDBG) targeted area, or the site contains an existing dwelling appropriate for demolition by established criteria of the planning and community improvement divisions. Such organizations shall receive a 50 percent reduction in fees on all other sites.

Sec. 26-8 – Notice of violation

The Building Official is authorized to serve a notice of violation on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this ordinance or adopted codes, or in violation of a permit or certificate issued under the provisions of this ordinance or adopted codes. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Sec. 26-9– Penalty for violations

The agent, tenant or owner, or any other person who shall violate a provision of this code, or fails to comply with any of the requirements of this code, or who shall erect, construct, alter, demolish or move any structure, or has moved, erected, constructed, altered, repaired or demolished a building or structure in violation of this code, shall be prosecuted within the limits provided by state or local laws after failing to abate or correct a notice of violation promptly. Each day such violation is continued can constitute a separate violation, and can be prosecuted for each and every one of such days within the limits of such laws.

Sec. 26-10- 26-19 Reserved

ARTICLE II. – CONTRACTORS

Sec. 26-20. – Tradesman License

All journeyman and master electricians, plumbers and mechanical installers shall be required to hold the appropriate licenses before performing work requiring a permit in the city. Only a master in such trades may apply and obtain a permit. The master in each trade must supervise personnel on the job.

Sec. 26-21. - General contractors' license.

A copy of a residential builder, residential remodeler or building construction or commercial license, as required by the state board of contractors, shall be presented to the Building Official prior to the issuance of a building permit, subject to the exceptions provided for by the state as set forth in MCA 1972, § 73-59-17 as last amended.

Sec. 26-22. – Transfer of Certificate of Responsibility

Any person or corporation holding a valid Certificate of Responsibility from the Mississippi State Board of Contractors with a classification in the equivalent trade is to be granted a City of Jackson equivalent license upon paying the appropriate fees and verification of such by the Building Official.

Sec. 26-23. – Transfer from other examining board

Any person holding a license from an another municipality or county in the state is to be granted a City of Jackson equivalent tradesmen license upon paying the application and renewal fees provided that the person furnishes evidence that they hold such license and passed the written examination that qualified them for such license pursuant to MCA 27-17-457.

Sec. 26-24 – Registration required

All commercial and residential construction general contractors and electrical contractors, plumbing contractors, gas fitting contractors, air conditioning contractors and refrigeration contractors doing business within the city shall register with the Building Official. It is hereby established that the city Building Official shall maintain an approved list of general contractors and subcontractors upon registration.

Sec. 26. -25 – Insurance and certificate of responsibility required.

In order to qualify, all residential and commercial contractors and electrical, plumbing, and mechanical contractors shall:

- (a) Provide proof of commercial liability insurance issued by an insurance company admitted to write such insurance in the State of Mississippi and having minimum limits as follows: general liability \$500,000.00 per occurrence and \$1,000,000.00 general aggregate;
- (b) Provide a certificate of responsibility or master tradesman license where required by this ordinance.

Sec. 26-26. - Exemptions from registration, bonding, and licensing.

Nothing contained in this article shall be interpreted as prohibiting any person from installing, altering or repairing his own electrical, gas, mechanical, plumbing or appliances, or installing, extending, replacing, altering or repairing, in general, on their own residence provided, however, all such work must be done in conformity with all other provisions of this article, including those provisions relating to permits, inspections and fees.

This section applies only to a residence owned and occupied by the person doing such work, and not a building structure which is readily accessible to the general public or not occupied by the individual doing such work. A person doing work on his own residence or who acts under supervision of the owner-occupant with respect to residential construction or improvement when the owner of such construction or improvement is related to such person by consanguinity or direct affinity is exempt from licensing and bonding requirements.

Sec. 26-27- 26-39 Reserved

ARTICLE III. – LICENSES

Sec. 26-40 – Tradesman License Required

- (a) It shall be unlawful for any person to engage in the business of electrical wiring for power, lighting, signs, appliances, fixtures and all other equipment which requires electricity in its operation without first obtaining from the planning and development department a license to do so as provided in this division.
- (b) It shall be unlawful for any person to engage in the business of plumbing, gas fitting, air conditioning, or the installation or connecting of appliances without first obtaining from the planning and development department a license so to do, as set forth in this division.
- (c) It shall be unlawful for any person to engage in the business of air conditioning, refrigeration, or the installation or connecting of appliances without first obtaining from the planning and development department a license so to do, as set forth in this division.

Sec. 26-41. – Fees

The fee for each application and renewal for a journeyman or master license shall be in accordance with the current adopted fee schedule.

Sec. 26-42. – Issuance

If an applicant passes the required examination, and satisfies the other requirements of this division for the specific trade, the Building Official shall issue the license.

Sec. 26-43- Term.

Each tradesman license is valid for a period of one year and must be annually renewed upon a date established by the Building Official.

Sec. 26-44. – Qualifications for Journeyman Electrician

- (a) Completed Application for Journeyman Electrician License
- (b) Four years of work experience or equivalent education at a technical or trade school may be recognized as work experience with approval from the Building Official.
- (c) Three reference letters from Master Electricians.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed the National Standard Journeyman Electrician Exam for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.

Sec. 26-45.- Classifications of Master Electrician Licenses

- (a) *Class A-1 electrician.* A class A-1 electrician is any person engaged in or about to engage in the business of installing, maintaining, altering, or repairing electrical wires, conduits, apparatus, fixtures or other electrical appliances, equipment and machinery in, on or under all types of buildings and other structures, and outside installations.
- (b) *Class A-2 electrician.* A class A-2 electrician is any person engaged in or about to engage in the business of installing, maintaining, altering, or repairing electrical wires, materials, fixtures and equipment in, on or under residential buildings wired in nonmetallic sheath cable, including the premises adjacent to such buildings.
- (c) *Class B electrician.* A class B electrician is any person who is employed as a maintenance electrician by any person owning or operating any place of business. His certificate shall be valid only while he remains in the employ of such person.
- (d) *Class C electrician.* A class C electrician is any person engaged in or about to engage in the business of installing, maintaining, altering or repairing electrical circuit, not to exceed 20 feet in length from existing circuits, to connect air conditioning-heating, or sign equipment. However, he must first be licensed as an air conditioning-heating or sign contractor.

Sec. 26-46. – Qualifications for Master Electrician

- (a) Completed Application for Master Electrician License
- (b) Work experience as required by requested classification:
 - 1. An applicant for a class A-1 certificate shall have had at least four years of training as an apprentice electrician, or the equivalent, in a recognized technical school or college, and, in addition thereto, shall have had at least four years of experience as a journeyman electrician, or in lieu thereof, he shall have been a qualified electrical contractor, during which time he must have been in charge of industrial and commercial electrical jobs for at least two years.
 - 2. An applicant for a class A-2 certificate shall have had at least two years of training as an apprentice electrician, or the equivalent, in a recognized technical school or college, and in addition thereto, shall have had at least four years of experience as a journeyman electrician, or in lieu thereof, he shall have been a qualified electrical contractor, during which time he must have been in charge of residential electrical jobs for at least two years.
 - 3. An applicant for a class B certificate shall have had at least four years of experience under the supervision of a journeyman electrician in that particular line or class of operation in which he desires to engage, or he shall have had its equivalent in the opinion of the Building Official,

or be a graduate of any trade or technical school or college of recognized standing.

4. An applicant for a class C certificate shall have had at least two years of practical experience as an electrician or the equivalent in a recognized technical school or college, or in lieu thereof, he shall have been a qualified air conditioning-heating or sign contractor.
- (c) Three reference letters from Master Electricians.
 - (d) Copies of any state, county or city licenses held by the applicant.
 - (e) Certified Test results that the applicant has passed the National Standard Master Electrician Exam for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.

Sec. 26-47. – Qualifications for Journeyman Plumber and Gas Fitter

- (a) Completed Application for Journeyman Plumber and Gas Fitter License
- (b) Four years of work experience or equivalent education at a technical or trade school can be recognized as work experience with approval from the Building Official.
- (c) Three reference letters from Master Plumbers.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed the National Standard Journeyman Plumber Exam, the National Standard Journeyman Gas Pipe Fitter Exam, or the National Standard Journeyman Plumber with Gas Exam as applicable for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.
- (f) In addition to the qualifications stated, the applicant may be exempt from taking the journeyman plumbing exam by showing proof that he has passed such exam given by an approved apprenticeship school.

Sec. 26-48 – Qualifications for Master Plumber or Gas Fitter

- (a) Completed Application for Master Plumber and Gas Fitter License
- (b) Five years of work experience or diploma from a trade school, technical school or college of recognized standing one year of practical experience in the operation of the business for which he is applying.
- (c) Three reference letters from Master Plumbers.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed the National Standard Master Plumber Exam, the National Standard Master Gas Pipe Fitter Exam, or the National Standard Master Plumber with Gas Exam for the code currently

adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.

Sec. 26-49. – Qualifications for Journeyman Air Conditioning and Refrigeration

- (a) Completed Application for Journeyman Air Conditioning and Refrigeration License
- (b) Four years of work experience or equivalent education at a technical or trade school can be recognized as work experience with approval from the Building Official.
- (c) Three reference letters from Master Plumbers.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed the National Standard Journeyman Mechanical Exam as applicable for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.
- (f) In addition to the qualifications stated, the applicant may be exempt from taking the journeyman plumbing exam by showing proof that he has passed such exam given by an approved apprenticeship school.

Sec. 26-50. – Qualifications for Master Air Conditionings and Refrigeration

- (a) Completed Application for Master Air Conditioning and Refrigeration License
- (b) Five years of work experience or diploma from a trade school, technical school or college of recognized standing one year of practical experience in the operation of the business for which he is applying.
- (c) Three reference letters from Master Plumbers.
- (d) Copies of any state, county or city licenses held by the applicant.
- (e) Certified Test results that the applicant has passed National Standard Master Mechanical Exam for the code currently adopted at time of application. Each applicant for examination under this section shall be responsible for paying the testing fee to the testing facility.

Sec. 26-51- 26-59 Reserved

ARTICLE IV. – BUILDING CODES

Sec. 26-60. - Adopted.

The following codes, with amendments, and subject to identified modifications, amendments and exclusions, as provided herein, are hereby adopted by reference as though they were copied herein fully.

- (a) The International Building Code, 2012 Edition (with amendments). Subject to the following: to Section 101.1 insert "The City of Jackson, Mississippi"; to Section 1612.3 insert "The City of Jackson, Mississippi"; to Section 1612.3 insert "Thirty (30) days after issuance"; to Section 3412.2 insert "Thirty (30) days after issuance"; adopt appendix E "supplemental accessibility requirements"; adopt appendixes A, B, D, E, F, G, H, I, J, K, L, & M;
- (b) The International Existing Building Code, 2012 Edition (with amendments). Subject to the following: adopt appendixes A, B, & C;
- (c) The National Electrical Code, 2014 Edition;
- (d) The International Residential Code, 2012 Edition (with amendments). Subject to the following: to section R101.1 insert "The City of Jackson, Mississippi"; to section P2603.5.1 insert "Twelve (12) inches in two locations"; delete section P2904; adopt appendixes A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, & Q;
- (e) The International Mechanical Code, 2012 Edition (with amendments). Subject to the following: adopt appendixes A, & B;
- (f) The International Fuel Gas Code, 2012 Edition (with amendments). Subject to the following: adopt appendixes A, B, C, & D;
- (g) The International Plumbing Code, 2012 Edition (with amendments). Subject to the following: adopt appendixes A, B, C, D, E, & F; and
- (h) The International Energy Conservation Code, 2012 Edition (with amendments). Subject to the following: to section 101.1 insert "The City of Jackson, Mississippi"; to section 108.4 insert "\$250.00; \$1000.00".

Sec. 26-61- 26-79 Reserved

ARTICLE V. – BOARD OF CONSTRUCTION

Sec. 26-80. - Established; composition; appointment of members.

The Board of Construction ("Board"), shall be established in this article and is to consist of eight (8) members. The Board is to be composed of one architect, one general contractor, one engineer, one master electrician, one master mechanical, one master plumber and two lay persons. Members of the board must be residents of the City of Jackson.

Sec. 26-81. - Term of office; removal of members; vacancies.

Members of the Board shall be appointed for terms of three years and are eligible to serve multiple terms upon being reconfirmed. Vacancies on the Board shall be filled in the same manner in which original appointments are required to be made. If a Board member has more than three unexcused absences in a calendar year, the Board may recommend to the mayor the dismissal of that member.

Sec. 26-82. - Quorum; voting; conflict of interest.

Five members of the Board shall constitute a quorum. In varying the application of any provisions of the Board, or in modifying an order of the Building Official, affirmative votes of the majority of the Board members present shall be required. No Board member shall act in a case in which he has a personal or professional interest or conflict of interest for any reason.

Sec. 26-83. - Duties and responsibilities.

- (a) Powers. The Board shall have the power to hear appeals of decisions and interpretations of the Building Official, and consider variances of the technical codes.
- (b) Appeals. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Board whenever any one of the following conditions are claimed to exist:
 - 1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed, or materials to be used, in the installation or alteration of a building, structure or service system.
 - 2. The provisions of this Code do not apply to the specific case.
 - 3. An equally good or more desirable form of installation can be employed in the specific case.
 - 4. The true intent and meaning of the technical code or any of the regulations under such code have been allegedly misconstrued or incorrectly interpreted.
- (c) Variances. The Board, when appealed to and after a hearing, may vary the application of any provision of the technical codes to any particular case when, in its opinion, the enforcement of such provision would do manifest injustice and be contrary to the spirit and purpose of the technical codes or public interest, and finds all of the following:
 - 1. Special conditions and circumstances exist which are peculiar to the building, structure or service system involved, and are not applicable to other buildings, structures or service systems.
 - 2. Special conditions and circumstances are not a result of the action or inaction of the applicant.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service systems.
 4. The variance granted is the minimum variance that will make the reasonable use of the building, structure or service system.
 5. The granting of the variance will be in harmony with the general intent and purpose of this Code, and will not be detrimental to the public health, safety and general welfare.
- (d) Conditions of variance. In granting a variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced and/or completed, and may prescribe appropriate conditions and safeguards in conformity with the technical codes. Violation of the conditions of a variance shall be deemed a violation of the technical code.
- (e) Contractor license. Upon the disapproval of a license by the Building Official, the applicant shall be entitled to a hearing before the Board. The aggrieved party must submit the request for a hearing in writing to the Building Official.

Sec. 26-84. - Meetings

The Building Official or the chairperson of the Board, with three days' prior notice, may call meetings in order to attend to appeals in a timely manner.

Sec. 26-85 – Appeal of Board of Construction Rulings

A person may appeal the decision of the Board by filing a notice with the Building Official within ten days of notification of said decision. The City Council shall hold a hearing at the next available scheduled meeting. The decision of the City Council shall be final.

Sec. 26-86- 26-99. - Reserved

ARTICLE VI. – FEES

Sec. 26-100 – Sec. 26-349 – Reserved

ARTICLE VII - Reserved

Sec. 26-350– Sec. 26-399 – Reserved

ARTICLE VIII – Reserved

Sec. 26-400– Sec. 26-445 – Reserved

SECTION 2. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Article be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances of the City of Jackson, Mississippi, as a whole.

SECTION 3. The preceding amendments and revisions to the Building Ordinance of the City of Jackson, Chapter 26 of the Code of Ordinances, City of Jackson, Mississippi, shall be published and effective 30 days after passage, in accordance with Miss. Code Ann. Section 21-13-11 (1972 as amended).