

The Board of Supervisors (the "Board"), as the governing authority of DeSoto County, Mississippi (the "County"), took up for consideration the matter of adopting the 2018 Edition of the International Fire Code. After a discussion of the subject, Supervisor Lee Caldwell offered and moved the adoption of the following order:

**ORDER OF THE DESOTO COUNTY BOARD OF SUPERVISORS FOR THE
ADOPTION OF THE
2018 EDITION OF THE INTERNATIONAL FIRE CODE WITH AMENDMENTS**

WHEREAS, Mississippi Code Annotated Sections 19-5-9 and 17-2-4 authorize county government units to adopt and maintain up to date codes establishing standards for fire protection of buildings, structures and premises; and

WHEREAS, the Board, so as to protect the health, safety and welfare of the citizens residing in the unincorporated areas of the County, previously adopted the 2012 Edition of the International Fire Code regulating standards for commercial building construction, safety and control; and

WHEREAS, the Board finds that it is in its best interest, so as to better protect the health, safety and welfare of its citizens residing in the unincorporated areas of the County and the public at large, to adopt more current fire code standards and desires to adopt the 2018 Edition of the International Fire Code, with amendments as recommended by staff, and with such code replacing the 2012 Edition of the International Fire Code in its entirety; and

WHEREAS, the Board, during a properly advertised public hearing has received, reviewed and considered provisions of the 2018 Edition of the International Fire Code, the recommendations of County staff and the comments of members of the public. Based upon all the information received, materials considered and comments heard, the Board finds the adoption of the 2018 Edition of the International Fire Code, with the amendments as recommended by staff, is appropriate and necessary.

WHEREAS, the Board, hereby ratifies and reaffirms its findings and determinations to adopt the Codes, each with the amendments set forth herein.

NOW, THEREFORE, BE IT ORDERED by the Board, as follows:

1. The 2018 Edition of the International Fire Code, including Appendix Chapters B,C,D,E,F,H,I,K,L,M, (hereafter the "International Fire Code") is hereby adopted as the "Fire Code" of the County for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipping, locating, removal and demolition of buildings, structures and premises; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Code are hereby referred to, adopted and made a part of this Order as if fully set out herein, with the additions, insertions, deletions and changes set forth herein.

2. The following sections of the International Fire Code are hereby revised and amended as set forth below:

Section 103.1 General.

Amend to read: The department of fire prevention is established within DeSoto County under the direction of the Fire Marshal, also known as the Fire Code Official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

Section 103.2 Appointment

Deleted in its entirety

Section 103.3 Deputies.

Amend to read: In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees.

Section 103.4 Liability.

Amend to read: The fire code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Section 104.6.3 Fire records.

Amend to read: The various fire departments operating within the county shall keep a record of fires occurring within their respective jurisdictions and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

Section 104.11.2 Obstructing operations.

Amend to read: No person shall obstruct the access to or operations of the fire departments or the Fire Marshal's Office in connection with extinguishment, control, investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief, officer of the fire department, or officer of the Fire Marshal's office in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

Appendix A BOARD OF APPEALS

Amend to delete in its entirety.

Appendix J Building Information Signs

Amend to delete in its entirety.

Appendix N Indoor Trade Shows and Exhibitions

Amend to delete in its entirety.

Section 104.12 Motor vehicle impoundment and removal.

Amend to add: The fire code official may order the impoundment or removal of a motor vehicle at owner's expense under the following conditions:

1. The motor vehicle poses an immediate danger of fire, explosion, exposure of hazardous materials to the occupants or the public, or other hazard from which this code is designed to protect; or
2. The motor vehicle is transporting hazardous materials, and is left unattended on a residential street or within 500 feet of any building containing a Group A, R, E or I occupancy, including, but not limited to, any dwelling apartment, hotel, day care, school, hospital, or health care facility; or
3. The motor vehicle contains or is carrying hazardous materials, or flammable or combustible liquids or gases, and is left unattended while transferring such materials, liquids, or gases by means of hose line.

Section 105.1 General.

Amend to read: Permits and approval letters shall be in accordance with Sections 105.1.1 through 105.7.25

Section 105.1.1 Permits and approval letters required.

Amend to read: Permits and approval letters required by this code shall be obtained from the fire code official and/or the DeSoto County Building Department prior to engaging in the activities or operations for which they are required. Permit fees, if any, may be required to be paid prior to issuance of the permit. Issued permits and approval letters

shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

Section 105.1.2 Temporary permits.

Amend to read: There shall be allowed temporary permits as follows:

1. Temporary permit. The fire code official may issue verbal or written temporary permits establishing fire safety controls for:

a) A time-limited activity not specifically regulated, but where regulatory safeguards are necessary because of unusual circumstances; and

b) Interim operation of a regulated activity at reduced scope and/or with temporary fire safeguards until permanent fire prevention features are provided.

Section 105.1.7 Letters.

Amend to add: An approval letter specifies that the review or inspection has met the requirements of the fire code. A denial letter specifies that the review or inspection has *not* met the requirements of the fire code.

Section 105.1.8 Types of letters.

Amend to add: There shall be four types of letters as follows:

1. Fire Safety Regulations for Fireworks
2. Plan Review letter- Required in the planning process and determining whether or not plans meet the requirements of this code.
3. Inspection letter- Required in the process of construction, reconstruction or qualifying remodeling of buildings, structures, and premises and determining whether or not the work performed meets the requirements of this code.
4. Miscellaneous letters- Any circumstance not described in the permit or letter process that requires inspection to provide life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, premises, and motor vehicles.

Section 105.6.32 Open burning.

Amend to read:

1. Construction burn permit. The fire code official may issue a written operational construction burn permit under the following conditions:
 - A. Responsible party provides company's name, representative's name, phone number, location of burn, and type of burn
 - B. Burn piles must be cleared to bare ground at least 50' from all sides of the burn pile
 - C. The fire must be in a pit and cannot be within 100 yards of an occupied dwelling.
 - D. The fire pit must be attended at all times and there must be a blower in place and running
 - E. The keeper of the fires shall make every effort to ensure that the fires are out by dark each day.
 - F. It shall be understood that if the fire gets out of hand and spread out of control onto someone else's property, the person doing the burning will be responsible for any and all property damage and all cost that is accrued to extinguish said fire.
2. The fire code official authorizes the county dispatch to issue a verbal operational residential burn permit under the following conditions:
 - A. Responsible party provides party's name, phone number, location of burn, and type of burn
 - B. Fire must be attended at all times
 - C. Fire must be extinguished by dark or the permit is canceled
 - D. No burning of household garbage, tires, plastics, wires, or insulation
 - E. No use of any type of starting fuel
 - F. If neighbors complain about the smoke you will be directed to extinguish the fire
 - G. If the fire gets off your property, you will be responsible for damages and cost of extinguishment
 - H. Do not burn any standing or partially standing structure
 - I. You must restrict burning within 50 feet of any standing structure
 - J. Burn permit is only good for the day issued.

Section 105.6.39 Private fire hydrants

Amend to delete in its entirety.

Section 105.6.47 Temporary membrane structures, tents, and canopies.

Amend to delete in its entirety.

Section 106.5 Refunds.

Amend to delete in its entirety.

Section 106.6 Special inspections.

Amend to add: Section 106.6 Special inspections.

The fire code official is authorized to appoint qualified persons or agencies having special technical skills as special inspectors or plan reviewers and accept their inspection, plan review and evaluation of specialized fire protection equipment or systems. The fire code official is authorized to accept inspections performed by other jurisdictions and agencies and honor permits, certificates, and letters issued by other jurisdictions for activities regulated by this code, upon presentation to the fire code official of satisfactory evidence that such inspections, permits, certificates, and letters are substantially in accord with the fire safety requirements of this code.

Section 107.3 Concealed work.

Amend to read: Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the fire code official shall have the authority to require that such work be exposed for inspection. It is the duty of both the permit applicant and contractor to cause the work to remain accessible and exposed for inspection purposes. Neither the fire code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 109.1 Appeals Process.

Amend to read: 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, the following appeals process shall be adhered to:

1. An application for appeal shall be based on a claim that the intent of this code or the rules adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method or protection or safety is proposed. This application will be turned in to the fire code official. The fire code official will have ten

(10) business days to review the application for appeal and shall issue a final decision in writing, sustaining, modifying, or withdrawing the initial decision.

2. Board of appeals established. 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, there shall be and is hereby created a board of appeals (DeSoto County Board of Supervisors, also referred to as governing body), The governing body shall serve as the board of appeals. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board.

3. If the appeal applicant disagrees with the Fire Code Official written final decision, the appeal applicant may turn in the application for appeal, a copy of the fire code official's written final decision to the governing body. The governing body will meet at times on such business in the order it is received with other county business.

Section 109.2 Limitations on authority.

Amend to delete in its entirety.

Section 109.3 Qualifications.

Amend to delete in its entirety.

Section 110.4 Violation Penalties.

Amend to read: 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 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 county and shall be 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.

SECTION 111

Amend section title to read: UNSAFE BUILDINGS, PREMISES, AND MOTOR VEHICLES

Section 111.1 General.

Amend to read: If a premises, a building, a structure, any building system, or motor vehicle, in whole or part: (i) endangers any property or the health or safety of the occupants; or (ii) endangers the occupants of neighboring premises, buildings, motor vehicles; or (iii) endangers the public or members of a fire department and fire marshal's

office personnel, then the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section. The fire code official may refer any unsafe structure, building or premises to the DeSoto County Planning Commission for any repairs, alterations, remodeling, removing, or demolition required.

Section 111.1.1 Unsafe conditions.

Amend to read: Structures, buildings, premises or existing equipment that are or hereafter become unsafe or deficient, because of inadequate means of egress or which constitute a fire hazard or which involve illegal or improper occupancy or inadequate maintenance, which constitute a danger to human life or public welfare, or for any other reason is dangerous to human life or the public welfare shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

Section 111.1.2 Structural hazards.

Amend to read: When an apparent structural hazard is caused by the faulty installation, operation, or malfunction of any of the items or devices governed by this code, the fire code official is authorized to immediately notify the building code official in accordance with Section 110.1

Section 111.2 Evacuation.

Amend to read: The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied structure, building, premises, or motor vehicle deemed unsafe when such structure, building, premises, or motor vehicle, or a neighboring structure, building, premises or motor vehicle has hazardous conditions that present imminent danger to the occupants. Persons so notified shall immediately leave the structure, building, premises, or motor vehicle and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

Section 112.4 Failure to Comply

Amend to read: 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 for a fine of not less than \$250.00 nor more than \$1,000.00. Each day that said violation of the stop work order continues after said notice has been issued shall be deemed a separate offense.

Section 202 General Definitions Fire Area; [BF] FIRE AREA.

Amend To Read: The aggregate floor area enclosed and bounded by fire walls of 4-hours minimum, exterior walls 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.

Chapter 5 FIRE SCENE FEATURES

Section 503.2.4 Turning Radius

Amend to read: The turning radius for a Cul-De-Sac should be 90 feet in diameter.

Section 506.1 Where required

Amend to read: Where access to or within a structure or an area is restricted because of secured openings, or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed by the property owner in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. Manufacturer's specifications shall be used to determine the number of keys to be allowed to be stored in box. Due consideration shall be given to box size needed.

Section 506.1.1 Locks.

Amend to read: An approved lock shall be installed by the property owner on gates or similar barriers when required by the fire code official. A two-position electric override key switch shall be installed by the property owner for emergency access to gated communities, apartment complexes, parking garages and industrial gated areas and to control electrical equipment vital to emergency operations.

Chapter 9: Fire Protection Systems

General Sprinkler Requirements

Section 901.4.6 Pump and riser room size.

Amend to add: Fire pump and automatic sprinkler system riser rooms shall be provided with an exterior door(s) and unobstructed passageway large enough to allow removal of the largest piece of equipment.

Section 903.2.3 Group E

Amend to read: An automatic sprinkler system shall be provided throughout all Group E fire areas.

Section 903.2.8.1 Group R-3.

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

Section 903.2.13 Mixed Occupancies

Amend to add: **Section 903.2.13 Mixed Occupancies**

All buildings consisting of 12,000 square feet or greater fire area not separated by the approved 3-hour fire barrier and/or horizontal assembly, set forth in this ordinance, shall have a fire sprinkler system.

Section 903.2.14 Multi-Tenant Occupancy

Amend to add: **Section 903.2.14 Multi-Tenant Occupancy.** Every other potential occupancy space shall have a monitored sprinkler cutoff valve and water flow switch installed for accurate response from Fire Department personnel and to eliminate potential hazard from the entire building being disconnected from water system during construction of future tenant spaces.

Section 903.3.7

Amend to read: **903.3.7 Fire department connections.**

1. The location of fire department connections shall be approved by the fire code official.
2. All fire department connections shall be a 5 inch Stork connection on a 30 degree elbow, placed no less than one and a half times the height of the building away, in an area approved by the fire code official. The fire department connection shall be placed within 100 feet of a hydrant.

Section 903.4.2 Alarms

Amend to add: All buildings that are required to have a fire sprinkler system shall provide, in each tenant space, visible/ audible warning device(s) that actuation of the sprinkler system or fire alarm system will cause to be activated.

APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS

SECTION B103 MODIFICATIONS

B103.1 Decreases. The fire code official is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

B103.2 Increases. The fire code official is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall be not more than twice that required for the building under consideration.

B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize, implement and enforce the **NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting**, or the **International Wildland Urban Interface Code**, to help support areas without water supply systems.

Appendix C

Section C102.2 Fire loop hydrants

Amend to add: **Section C102.2 Fire loop hydrants.**

Fire loop hydrants shall be located not less than 40ft. (12.2 m) from the buildings to be protected. Hydrants shall be installed so that the steamer cap opening is facing the street and clears the finished grade by 18” or more in height.

Section C103.2 Fire service loop installation

Amend to add: **Section C103.2 Fire service loop installation**

All fire service Loop shall be installed by a licensed sprinkler contractor who shall install the underground portion of the fire suppression system beginning at the water supply connection with approved materials.

Appendix D

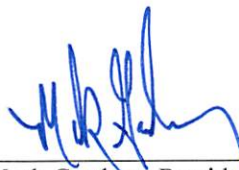
D103.3 Turning Radius

Amend to read: The turning radius for a Cul-De-Sac should be 90 feet in diameter.

3. Where the requirements of the International Fire Code, as amended and adopted hereby, conflict with the Desoto County Building Code, State or Federal standards, or other local requirements, the most stringent standard shall apply.
4. If any section, subsection, sentence, clause or phrase of the International Fire Code, as amended and adopted hereby, is, for any reason, held to be unconstitutional, or in violation of any State or Federal law, such decision shall not affect the validity of the remaining portions of the International Fire Code, as amended and adopted hereby.
5. This order shall be certified by the President of the Board and the Clerk of the Board. Thereafter this order shall be filed as a part of the record of the office of the Clerk, who shall not be required to transcribe and record the International Fire Code in the minute book.
6. The International Fire Code adopted by this Ordinance shall become effective sixty (60) days from the date of this order as directed by Mississippi Code Ann §19-5-9.
7. This order shall be published in a local paper three times within thirty days of the date hereof.

SO ORDERED, this the 30th day of December, 2021, upon motion made by Lee Caldwell and seconded by Michael Lee, and approved by the following vote:

Supervisor Jessie Medlin	<u>Yes</u>
Supervisor Mark Gardner	<u>Yes</u>
Supervisor Ray Denison	<u>Yes</u>
Supervisor Lee Caldwell	<u>Yes</u>
Supervisor Michael Lee	<u>Yes</u>



Mark Gardner, President



I, hereby, certify that the foregoing is a true copy of the Order adopted in the regular meeting of the DeSoto County Board of Supervisors on the 30th day of December, 2021.

ATTEST: Misty Heffner Misty Heffner, Chancery Clerk by Melody Smith, Deputy Clerk
Misty Heffner, Clerk