

**ORDINANCE AMENDING SUB-SECTIONS OF CITY OF TUPELO
CODE OF ORDINANCES CHAPTER 10 FIRE PREVENTION AND
PROTECTION, SPECIFICALLY, DEFINING THE ROLE AS RELATES
TO THE BUILDING CODE AND PROVIDING FOR AN APPEALS
PROCESS FROM DECISIONS OF THE CITY OF TUPELO FIRE
MARSHAL**

WHEREAS, the role of the “chief of the bureau of fire prevention” was established in 1974; and

WHEREAS, the structure the fire department has evolved to meet the growth of the city to now include a fire chief and fire marshal, among other positions; and

WHEREAS, some confusion exists as to the role of these two positions as relates to responsibilities under the building codes, particularly the fire code, administered by the fire department; and

WHEREAS, the appeals process from the decisions of the “chief of the bureau of fire prevention” needs to be updated; and

WHEREAS, these amendments are in the best interests of the health, safety and welfare of the municipality and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI, as follows:

SECTION 1. The prefatory statements are hereby incorporated herein, and the City Council finds these amendments to be in the best interest of the health, safety and welfare of the municipality and its citizens.

SECTION 2. Chapter 10, Article I, Section 10-2 is amended by substitution to read:

Sec. 10-2. - Same—Definitions.

(a) Wherever the word "municipality" is used in the fire prevention code adopted by section 10-1, it shall be held to mean the City of Tupelo, Mississippi.

(b) Wherever the term "corporation counsel" is used in the fire prevention code adopted by section 10-1, it shall be held to mean the attorney for the city.

(c) Wherever the term "Chief of the Bureau of Fire Prevention" is used in the fire prevention code adopted by section 10-1, it shall be held to mean the City of Tupelo Fire Marshal or his/her designee.

(d) Wherever the term "Fire Code Official" is used in the International Fire Code, 2018 Edition adopted by section 10-1, it shall be held to mean the City of Tupelo Fire Marshal or his/her designee.

SECTION 3. Chapter 10, Article I, Section 10-4 is amended by substitution to read:

Sec. 10-4. - Same—Appeals from decisions under.

Whenever the Chief of the Bureau of Fire Prevention shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted by section 10-1 do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Chief of the Bureau of Fire Prevention to the Tupelo License Commission. Any such petition shall be filed with the Fire Department or Department of Development Services within (5) days from the date of the decision and notice is received by the appellant, applicant or petitioner.

SECTION 4. Chapter 10, Article 1, Section 10-5 is amended by substitution to read:

Sec. 10-5. - Same—New materials, processes or occupancies which may require permits.

The Chief of the Bureau of Fire Prevention shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the code adopted by section 10-1.

The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 5. This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

SECTION 6. All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

SECTION 7. This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member _____, seconded by Council Member _____, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	_____
Council Member Lynn Bryan	_____
Council Member Travis Beard	_____
Council Member Nettie Davis	_____
Council Member Buddy Palmer	_____
Council Member Janet Gaston	_____
Council Member Rosie Jones	_____

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the ____ day of November, 2022.

CITY OF TUPELO, MISSISSIPPI

BY: _____
LYNN BRYAN, President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN, Mayor

DATE