

**ORDINANCE AMENDING SUB-SECTIONS OF CITY OF TUPELO
CODE OF ORDINANCES CHAPTER 7 BUILDINGS AND BUILDING
REGULATIONS, SPECIFICALLY, DESIGNATION OF THE BUILDING
OFFICIAL AND COMPOSITION AND PROCEDURES OF LICENSE
COMMISSION**

WHEREAS, since the Building Official role was first established in 1991, the Development Services Department of the City of Tupelo has evolved from the concept of a city planner and building inspector into the broader role of comprehensive development services for the city; and

WHEREAS, since the city's 2018 adoption of the full library of building codes established by the International Code Council (ICC), appeals from decisions of the building division have increased in frequency and complexity, warranting matching procedures to actual experience and adding a broader range of expertise to the City of Tupelo License Commission; 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 7, Article I, Section 7-1 is amended by substitution to read:
Sec. 7-1. - Designation of code enforcement official.

The Director of Development Services, or his/her designee, is hereby designated as the City of Tupelo Building Official and shall serve as the building official with responsibilities as

contained in the building, plumbing, gas, mechanical and swimming pool codes, and as the housing official as contained in the housing code.

SECTION 3. Chapter 7, Article I, Section 7-1 is amended by substitution to read:

Sec. 7-147. - License Commission.

- (a) The Mayor, with confirmation of the City Council, shall appoint a License Commission with responsibility and authority as set forth herein.
- (b) The License Commission shall consist of seven (7) members: (1) Licensed Architect, (1) Licensed Commercial Building Contractor, (1) Licensed Residential Building Contractor, (1) Licensed Electrical Engineer or Contractor, (1) Licensed Mechanical Engineer or Contractor, (1) Licensed Plumbing Contractor, and (1) Fire Safety Representative.
- (c) All members shall serve for a term of four (4) years or until their successors are duly appointed by the Mayor and confirmed by the City Council, respectively.
- (d) The Mayor may remove any member of the License Commission for inefficiency, neglect of duty, or malfeasance in office.
- (e) The License Commission shall elect officers, establish bylaws and other necessary procedures of operation. Minutes and records of all actions shall be kept and presented to the City Council at their next regular meeting following each License Commission meeting. Any action of the License Commission may be reversed or modified by vote of the City Council.
- (f) The Mayor, Director of Development Services, or Chairperson of the Commission may call a License Commission meeting on their own motion and the Director of

Development Services shall call a meeting on the application of three Commissioners or within ten (10) days of receipt of an appeal to the License Commission.

(g) The License Commission shall serve the purpose of the Construction Board of Adjustments and Appeals and the Housing Board of Adjustments and Appeals as specified by the construction codes.

(h) The License Commission members shall reside within the corporate boundaries of the city, or hold a privilege license to conduct business within the City of Tupelo.

(i) Appeal from the decision of the License Commission shall be by petition for appeal to the City Council. Any such petition shall be filed with the Department of Development Services no later than five (5) days after the date the decision is filed with the Department of Development Services and notice is received by the appellant, applicant or petitioner. Notice of the council meeting date shall be sent to the applicant, appellant, and all opposition known to the License Commission. The City Council shall act on the appeal either by confirmation, modification of conditions or rejection by majority vote. Appeal from the decision of the City Council shall be by petition for appeal to the Lee County Circuit Clerk after approval by the Mayor, an override vote of the Mayor's veto or ten (10) working days after the decision of the City Council without action by the Mayor.

SECTION 4. 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 5. All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

SECTION 6. 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