

Ordinance No. 2583

ORDINANCE AMENDING CHAPTER 5 (BUILDINGS), ADOPTING APPLICABLE PORTIONS OF THE 2024 INTERNATIONAL BUILDING CODE OF THE CODE OF ORDINANCES OF THE CITY OF BILOXI, MISSISSIPPI

WHEREAS, on September 21, 2021, the City of Biloxi adopted the 2021 standard of the International Building Code (with amendments) as published by the International Code Council, Inc.; and

WHEREAS, the International Code Council (ICC), is widely recognized as achieving the purpose of making building code standards more uniform; and (suggested)

WHEREAS, it is in the best interest of the City of Biloxi to approve and adopt the 2024 standard of the International Building Code (with certain amendments) as the code standards of the City of Biloxi.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION ONE: The findings, statements, and conclusions of fact contained in the preamble are adopted, ratified, and incorporated herein.

SECTION TWO: Chapter 5 Buildings, of the Code of Ordinances of the City of Biloxi, Mississippi, is hereby amended to read in its entirety, as follows:

ARTICLE I. IN GENERAL

Sec. 5-1-1. Building code standards.

(a) There is hereby approved and adopted the International Building Code, 2021 ~~2024~~ edition, together with Appendix B, ~~C~~ Appendix F, Appendix G, Appendix H, Appendix I, Appendix J, and Appendix ~~K~~ D as published by the International Code Council, Inc., as the building code standards of the city. A copy of said International Building Code is to be kept on file in the office of the community development department of the City of Biloxi as a permanent record. Such International Building Code is hereby adopted fully as if set out at length herein, subject, however, to all amendments, deletions, and substitutions contained in the code, and subject further to inconsistent provisions contained in this code.

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(c) *Amendments.* The following sections or subsections of the International Building Code, ~~2021~~ 2024 edition, are hereby added or amended as follows:

Subsection 602.5. Type V. Type V construction is that type of construction in which the exterior bearing and nonbearing walls and partitions, floors, and roofs are wholly or partly of wood or other approved materials. Exterior bearing and nonbearing walls of Type V construction may be unprotected only in structures either located in RS-5, RS-7, ~~-7.5~~, and RS-10 single family residential districts, or in structures with a horizontal separation, which is defined as the distance from a common property line or an assumed property line of ten feet or more, while exterior bearing and nonbearing walls of Type V construction in all other zoning districts must be protected. With the exception of the foregoing restriction, fire resistance requirements for structural elements of Type V construction shall be as specified in Tables 601 ~~and 602~~.

Sec. 5-1-3. Building and housing board of adjustments and appeals.

(b) *Powers and duties; appeals.* The building and housing board of adjustments and appeals shall have the powers and duties as set out in Section 113 of the International Building Code, as adopted by the city, ~~2021~~ 2024 edition, and all subsequent editions, except that any decision to grant a variance request shall be appealable to the city council. All other decisions of the building and housing board of adjustments and appeals shall constitute the final decision of the municipal authorities and shall be filed in the office of the public official. If a person feels aggrieved by a decision of the building and housing board of adjustments and appeals in the granting of a variance request pursuant to the building code of the city, he shall so notify the city council in writing by filing a notice of appeal with the clerk of the city council within ten calendar days of the date the board's decision is filed in the office of the public official. In such cases, the city council may consider the matter on the record of the board or hold a public hearing on the matter, or both; provided, however, that the city council may reverse or modify the decision of the board only after holding a public hearing, and should make a determination whether the board's decision is based on a mistake of fact, a mistake in the interpretation of law, or both. The city council's decision shall be made in writing, shall be filed with the clerk of the city council within 14 days of the hearing on the matter, and shall be final. A copy of this written decision shall be forwarded to the appealing party by the clerk of the city council.

(d) *Conflicts with building code.* Where the provisions of this section are inconsistent with the provisions of the International Building Code, ~~2021~~ 2024 edition, of the city, as adopted by the city council, the provisions of this section shall control.

Sec. 5-1-11. Adoption of Swimming Pool and Spa Code.

(a) *Adoption.* The International Swimming Pool and Spa Code, ~~2021~~ 2024 edition, as published by the International Code Council, Inc., as the swimming pool and spa code standards of the city, is hereby approved and adopted by the city and made part of this article. A copy of said International Swimming Pool and Spa Code is to be kept on file in the office of the Community Development Department of the City of Biloxi as a permanent record. Such International Swimming Pool and Spa Code is hereby adopted fully as if set out at length herein, subject,

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however, to all amendments, deletions, and substitutions contained in the code, and subject further to inconsistent provisions contained in this code.

ARTICLE III. RESIDENTIAL BUILDING CODE*

Sec. 5-3-1. Residential building code.

(a) There is hereby approved and adopted the International Residential Code, ~~2021~~ 2024 edition, together with Appendix ~~AA~~ BB, Appendix ~~AB~~ BF, and Appendix ~~AC~~ NE, ~~Appendix AD, Appendix AE, Appendix AG, Appendix AH, Appendix AI, Appendix AJ, Appendix AM, Appendix AN, Appendix AO, Appendix AP, Appendix AQ and Appendix AT~~, as published by the International Code Council, Inc. A copy of the International Residential Code shall be kept on file in the office of the community development department of the City of Biloxi as a permanent record. Such International Residential Code is hereby adopted as if set out at length in this section, subject, however, to all amendments, deletions and substitutions contained in the code, and further subject to inconsistent provisions contained in this code.

(b) The following code section(s) of the International Residential Code, ~~2021~~ 2024 edition, is hereby amended as follows:

Section R313 Automatic Fire Sprinkler Systems. ~~“Delete in its entirety”~~ relocated to Section R309 Automatic Sprinkler Systems to exclude Subsection R309.2 and Subsection R309.2.1 with exception to recognize Subsection R309.1 and Subsection 309.1.1.

Section P2904 Dwelling Unit Fire Automatic Sprinkler Systems. ~~“Delete in its entirety”~~

Sec. 5-3-2. Amendments.

The International Residential Code, as adopted in Section 5-3-1, is amended as follows:

(a) The mayor and city council of the city do hereby create a board to be known as the building and housing board of adjustments and appeals. The building and housing board of adjustments and appeals shall be composed of ten members and appointed in the manner provided by section R112, International Residential Code, ~~2021~~ 2024 edition. The board shall have the duties and powers provided in the International Residential Code, ~~2021~~ 2024 edition, as amended by the code.

ARTICLE V. PLUMBING*

Sec. 5-5-2. Adoption of International Plumbing Code and International Private Sewage Disposal Code.

(a) *Adoption.* The International Plumbing Code, ~~2021~~ 2024, together with ~~Appendix C, Appendix D, and Appendix E~~, as published by the International Code Council and International Private Sewage Disposal Code, ~~2021~~ 2024 editions are hereby approved and adopted by the city

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and made a part of this article. A copy of said International Plumbing Code, ~~2021~~ 2024 and International Private Sewage Disposal Code, ~~2021~~ 2024, shall be kept in the office of the community development department of the City of Biloxi as a permanent record. Such International Plumbing Code and International Private Sewage Disposal Code are hereby adopted fully as if set out at length herein, subject, however, to all amendments deletions and substitutions contained in the code, and subject further to inconsistent provisions contained in this code.

Sec. 5-5-20. Disposal of septic tank effluent.

Disposal of effluent from septic system shall be in compliance with the International Private Sewage Disposal Code, ~~2021~~ 2024 edition.

Sec. 5-5-21 Septic tank capacity and materials.

Septic tank capacities shall be designed in compliance with the International Private Sewage Disposal Code, ~~2021~~ 2024 edition.

ARTICLE VI. NATURAL GAS

Sec. 5-6-2. Fuel gas code.

(a) The International Fuel Gas Code, ~~2021~~ 2024 edition, together with Appendix A, ~~Appendix B, Appendix C and Appendix D, B,~~ as published by the International Code Council Inc., is hereby approved and adopted by the city as the Fuel Gas Code of the city, and is made a part of this article. A copy of said Fuel Gas Code is to be kept on file in the office of the community development department of the City of Biloxi as a permanent record. Such Fuel Gas Code is hereby adopted fully as if set out at length herein, subject however, to all amendments, deletions, and substitutions contained in the code, including the following: plastic pipe or tubing shall not be used in or under buildings for the use of gas or gases within the city or within five feet of the building line.

ARTICLE IX. PROPERTY MAINTENANCE*

Sec. 5-9-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Owner means ~~the holder of the title in fee, or a mortgagee or trustee, whose interest is shown of record, or who is in possession of a dwelling, or any person in control of a dwelling, or the agent of any such person.~~ any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

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Sec. 5-9-2. Property maintenance code.

There is hereby adopted the International Property Maintenance Code, 2021 2024 edition, together with Appendix A, as published by the International Code Council, Inc., as the standards for the maintenance or elimination of unsafe buildings within the city. A copy of the International Property Maintenance Code shall be kept on file in the office of the community development department of the City of Biloxi as a permanent record. Such International Property Maintenance Code is hereby adopted as if set out at length in this section, subject, however, to all amendments, deletions and substitutions contained in this code and to inconsistent provisions contained in this code.

Any provision in this code which refers to the International Property Maintenance Code or to any previously adopted version of any such property maintenance code shall be deemed to refer to the version adopted by this section, and any provision in this code which refers to a specific provision in any previously adopted version of the property maintenance code of the city shall be deemed to refer to the section or appendix contained in the version adopted by this section which corresponds in substantive text regardless of the numbering systems utilized.

Sec. 5-9-5. Repair of unfit or dangerous dwellings.

(e) *Appeal.* Any person feeling aggrieved by any decision of the public officer may, within ten days, appeal the decision by notifying the building and housing board of adjustments and appeals in writing, specifying what portion of the building official's decision is being appealed. The board shall then consider the appeal and make a written decision, which will be filed in the office of the housing official within 30 days of receipt of the notice of appeal. ~~This appeal shall be conducted in accordance with section 107, of the Property Maintenance Code, [2021] edition, as adopted by the city, and any subsequent editions, and a~~ All decisions of the building and housing board of adjustments and appeals shall be deemed to the final decision of the municipal authorities, except the decisions of the building and housing board of adjustments and appeals concerning the granting of variance requests shall be appealable to the city council. If a person feels aggrieved by a decision of the building and housing board of adjustments and appeals in the granting of a variance request under the International Property Maintenance Code, he shall so notify the city council in writing by filing a notice of appeal with the clerk of the city council within ten days of the date the board's decision is filed in the office of the public official. In such cases, the city council may consider the matter on the record of the board or hold a public hearing prior to making a final decision, or both; provided, however, that the city council may reverse or modify the decision of the board only after holding a public hearing and making a determination that the board's decision was based on a mistake of fact, a mistake in the interpretation of law, or both. The city council's decision shall be made in writing, shall be filed with the clerk of the city council within 14 days of the hearing on the matter and shall be final. A copy of this written decision shall be forwarded to the appealing party by the clerk of the city council.

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(f) *Definition.* As used in this section ~~and in the International Property Maintenance Code, [2021] edition, and all subsequent editions,~~ the term "any person" shall be defined to mean any person who resides within the city or who owns an interest in any real property located within the city.

ARTICLE X. MECHANICAL

Sec. 5-10-2. Adoption of International Mechanical Code.

(a) *Adoption.* The International Mechanical Code, ~~2021~~ 2024 edition, together with Appendix A, as published by the International Code Council is hereby approved and adopted by the city and made a part of this article. A copy of said International Mechanical Code, ~~2021~~ 2024 shall be kept in the office of the community development department of the City of Biloxi as a permanent record. Such International Mechanical Code, ~~2021~~ 2024 is hereby adopted fully as if set out at length herein, subject, however, to all amendments deletions and substitutions contained in the code, and subject further to inconsistent provisions contained in this code.

(b) *Construction.* Any provision in the code which refers to the International Mechanical Code, ~~2021~~ 2024, of the city or to any previously adopted version of any such mechanical code shall be deemed to refer to the version adopted by this section, and any provision in the Code of Ordinances which refers to a specific provision in any previously adopted version of the mechanical of the city shall be deemed to refer to the section contained in the version adopted by this section which corresponds in substantive text regardless of numbering systems utilized.

Sec. 5-10-16. Installation standards--Generally.

All mechanical installations shall be in conformity with the provisions of this article and the statutes of the state, and shall be in conformity with the approved standards for safety to life and property. In every case when no specific type or class of material or no specific standards are prescribed by the statutes of the state, by regulations issued under the authority of the state statutes or by this article, conformity with the regulations as laid down in the latest edition of the International Mechanical Code, ~~2021~~ 2024 as approved by the International Code of Council, shall be prima facie evidence of conformity with approved standards for safety to life and property.

ARTICLE XII. EXISTING BUILDING CODE*

Sec. 5-12-1. Adopted; references to code.

(a) The International Existing Building Code, ~~2021~~ 2024 edition, as published by the International Code Council, Inc., is hereby approved and adopted by the city as the existing building code of the city, and is made a part of this article. A copy of said International Existing Building Code is to be kept on file in the office of the community development department of the City of Biloxi as a permanent record. Such existing building code is hereby adopted as if set out

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at length in this section, subject, however, to all amendments, deletions and substitutions contained in this code, and further subject to inconsistent provisions contained in this code.

ARTICLE XVI INTERNATIONAL ENERGY CONSERVATION CODE

~~Sec. 5-16-1. Adopted; references to code; designation of enforcing officer.~~

~~(a) — There is hereby approved and adopted the 2021 International Energy Conservation Code. A copy of the 2021 International Energy Conservation Code shall be kept on file in the office of the community development department of the City of Biloxi as a permanent record. Such 2021 International Energy Conservation Code is hereby adopted as if set out at length in this section, subject, however, to all amendments, deletions and substitutions contained in the code, and further subject to inconsistent provisions contained in this code.~~

~~(b) — Any provision in this code which refers to the 2021 International Energy Conservation Code or to any previously adopted version of any such code shall be deemed to refer to the version adopted by this section, and any provision in this code which refers to a specific provision in any previously adopted version of the code of the city shall be deemed to refer to the section contained in the version adopted by this section which corresponds in substantive text, regardless of the numbering systems utilized.~~

SECTION THREE: Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage, because it serves the public peace, health and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote this Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Gines, seconded by Councilmember Tisdale, and was adopted by the following vote:

YEAS:	Lawrence Gines Newman	McGilvary Glavan Shoemaker	NAYS:	None
ABSENT:	Tisdale			

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The President then declared the Ordinance adopted this the 10th day of June, 2025.



ATTEST:

APPROVED:

Kei Campbell
CLERK OF THE COUNCIL

Kay Gowan
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 11th day of June, 2025.

APPROVED:

Amelia
MAYOR