

ORDINANCE # 684

AN ORDINANCE OF THE CITY OF KOSCIUSKO ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF KOSCIUSKO, MISSISSIPPI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REPEALING ALL ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF KOSCIUSKO, MISSISSIPPI, AS FOLLOWS, TO-WIT:

- Section 1. That a certain document, three (3) copies of which are on file in the office of the City Clerk, of the City of Kosciusko, Mississippi, being marked and designated as the *International Property Maintenance Code*, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Kosciusko, in the state of Mississippi, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; 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 Property Maintenance Code on file in the office of the City Clerk of the City of Kosciusko, Mississippi, are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.
- Section 2. The following sections of the above code are hereby amended to read as follows, to-wit:
- A. Section 101.1 of the said code is hereby amended to read as follows: These regulations shall be known as the *International Property Maintenance Code* of the City of Kosciusko, Mississippi, hereinafter referred to as "this code."
  - B. Section 103.5 of said code is hereby amended to read as follows:  
The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.
  - B. Section 112.4 of said code is hereby amended to read as follows:  
Failure to comply. 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 guilty of a misdemeanor, and may be punished by a fine of not more than \$1,000.00, or by imprisonment for not more than six (6) months, or both by such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- D. Section 302.4 of said code is hereby amended to read as follows: Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of fifteen (15) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- E. Section 304.14 of said code is hereby amended to read as follows: Insect screens. During the period from March to November, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

- F. Section 602.3 of said code is hereby amended to read as follows: Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October to April to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

- a. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
  - b. In areas where the average monthly temperature is above 30°F (-1 °C) a minimum temperature of 65°F (18°C) shall be maintained.
- G. Section 602.4 of said code is hereby amended to read as follows: Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October to April to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

- a. Processing, storage and operation areas that require cooling or special temperature conditions.
- b. Areas in which persons are primarily engaged in vigorous physical activities.

- Section 3. That Ordinance 640 of the City of Kosciusko, Mississippi, entitled *AN ORDINANCE OF THE CITY OF KOSCIUSKO ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF KOSCIUSKO, MISSISSIPPI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REPEALING ALL ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH* and all other ordinances or parts of laws in conflict herewith are hereby repealed.
- Section 4. That if any section, subsection, sentence, clause, or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declare that it would have passed this law, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases by declared unconstitutional.
- Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by the legislation.
- Section 6. Any person violating this ordinance shall be guilty of a misdemeanor and may be punished by a fine of not more than \$1,000.00, or by imprisonment for not more than six (6) months, or both by such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- Section 7. The provisions of this ordinance shall be included and incorporated in the Municipal Code of the City of Kosciusko, Mississippi as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of said Code.
- Section 8. This ordinance shall be in full force and effect one month from and after its passage. This ordinance shall be signed by the Mayor, certified by the City Clerk, recorded in the Ordinance Book, and published one time in The Star Herald, a weekly newspaper published in this municipality. The provisions of this ordinance shall be included and incorporated in the Municipal Code of the City of Kosciusko, Mississippi as an addition

or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of said Code.

SO ORDAINED, ENACTED, AND PASSED by the Mayor and Board of Aldermen of the City of Kosciusko, Mississippi on this 16<sup>th</sup> day of August, 2022.

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TIM KYLE, MAYOR

ATTEST:

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MICHELLE QUESNOT, CITY CLERK