

## **ORDINANCE**

### **ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 10 - FIRE AND FIRE PREVENTION, SECTION 10-1. CODE-ADOPTED - REMOVING FROM 2018 INTERNATIONAL FIRE CODE EXCEPTIONS FOR NFPA 13R FIRE SPRINKLER SYSTEM USE ON MULTI-STORY RESIDENTIAL (R-CLASS) BUILDINGS AND REQUIRING NFPA 13 USE OF THE CITY OF TUPELO, MISSISSIPPI**

**WHEREAS**, Miss. Code Anno. §§ 17-2-4 and 17-2-5 (1972 as amended) require municipalities to adopt and enforce minimum standards for building construction; and

**WHEREAS**, Miss. Code Anno. § 21-19-25 (1972 as amended) grants municipalities the power to adopt health, safety and welfare codes, including building codes; and

**WHEREAS**, on September 18, 2018, the City of Tupelo adopted the 2018 International Fire Code (IFC) as Chapter 10, Sec. 10-1 of its Code of Ordinances to address requirements for fire protection in buildings and structures; and

**WHEREAS**, the 2018 IFC is a minimum standard, and by the statutory authority cited by law above, municipalities may adopt construction codes that are more stringent than the minimum standards; and

**WHEREAS**, the Department of Development Services and the License Commission have reviewed and considered information regarding the need to revise certain provisions of the 2018 International Fire Code; and

**WHEREAS**, different fire sprinkler systems are required for new structures of different size and different occupancy classifications, as well as existing structures which either undergo major repairs or renovations or a change in occupancy to a higher life safety classification; and

**WHEREAS**, the city has by custom and practice required the use of the National Fire Protection Association (NFPA) 13 fire sprinkler system in multi-resident and multi-floor residential (R) class buildings such as apartments, hotels and motels; and

**WHEREAS**, the 2018 IFC also allows the use of NFPA 13R and NFPA 13D fire sprinkler systems under certain circumstances, e.g. no more than four floors and 60 feet in height; and

**WHEREAS**, these alternate systems are primarily designed to protect life safety; and

**WHEREAS**, the NFPA 13 system protects both life safety and damage to the building; and

**WHEREAS**, the Mississippi State Rating Bureau uses a multi-factor assessment, including the type of required fire sprinkler system required, to establish the city's fire insurance rating; and

**WHEREAS**, the Mississippi State Rating Bureau advises that the requirement of the NFPA 13 system is advantageous in maintaining and improving the city's rating; and

**WHEREAS**, on January 19, 2023, the City of Tupelo License Commission voted to recommend to the City Council the requirement of using the NFPA 13 system in R1 and R2 classification buildings; and

**WHEREAS**, the City Council finds and determines that it is reasonable, fair and necessary to amend the provisions referenced below in order to protect the public health, safety and general welfare of the city.

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

**SECTION 1.** The prefatory statements are incorporated herein by reference and the City Council finds these amendments to be in the best interest of the public health, safety and welfare of the City of Tupelo.

**SECTION 2.** Code of Ordinances, Chapter 10, Section 10-1 shall be amended replaced by the following language:

**Section 10-1. Code - Adopted.**

**The International Fire Code, 2018 Edition, with Appendices C and D and the NFPA, Life Safety Code, 2018 Edition, are adopted by reference as if they were copied fully herein, with the following exceptions:**

**Section 506 of the International Fire Code, 2018 Edition is amended to require commercial businesses have City of Tupelo Fire Prevention Bureau approved key access boxes installed**

**Sections 24-3.5.1 and 24-3.5.3 of the NFPA, Life Safety Code, 2018 Edition are deleted.**

**Section 903.3.1.2 of the 2018 IFC shall read, "903.3.1.2 Sprinkler systems. In all Group R occupancies NFPA 13 fire sprinkler systems shall be required.**

**Sections 903.3.1.2.1, 903.3.1.2.2 and 903.3.1.3.3 are no longer applicable insofar as NFPA 13 provides standards for balconies and decks, open-ended corridors and attics.**

**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 federal law. 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.** 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 Davis, seconded by Council Member Gaston, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Councilman Chad Mims	AYE
Councilman Lynn Bryan	AYE
Councilman Travis Beard	AYE
Councilwoman Nettie Davis	AYE
Councilman Buddy Palmer	AYE
Councilwoman Janet Gaston	AYE
Councilwoman Rosie Jones	AYE

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 7<sup>th</sup> day of February, 2023.

**CITY OF TUPELO, MISSISSIPPI**

BY

  
Lynn Bryan, President

**ATTEST:**

  
Missy Shelton, Clerk of the Council

**APPROVED:**

  
Todd Jordan, Mayor

DATE

2-14-2023