

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 8<sup>th</sup> day of May, 2013, the following Ordinance:

**ORDINANCE NO. 2777**

**AN ORDINANCE AMENDING  
THE CODE OF ORDINANCES OF  
THE CITY OF GULFPORT, MISSISSIPPI, TO ADD SECTION 3-36**

**WHEREAS**, the Gulfport City Council, on or about November 3, 2009, adopted the 2006 International Building Code and certain Appendices thereto, including Appendix B which establishes a Board of Appeals to hear Code related matters; and

**WHEREAS**, Appendix B to the 2006 International Building Code provides that appeals from the Construction Board of Appeals shall be to the court of competent jurisdiction rather than to the City Council and it is necessary to adopt an amendment to the Code of Ordinances which amends Appendix B of the 2006 International Building Code to provide that appeals shall from the Construction Board of Appeals shall be to the City Council and to provide a means and procedures governing such appeals.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** That the matters and things set forth in the above preamble are hereby accepted as stated as the findings of the Gulfport City Council.

**SECTION 2.** That Chapter 3, Article II, Section 3-36 of the Code of Ordinances of the City of Gulfport, Mississippi, should be amended to read as follows:

**3-36. Appeals/Meetings/Terms**

- A. Appeals from the Construction Board of Appeals.* Any person or any officer, department or agency of the city aggrieved by any decision of the construction board of appeals may within fifteen (15) days thereafter appeal therefrom to the City Council by filing with the Building Official a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, the Construction Board of Appeals shall cause a transcript of the proceedings to the case to be certified to the City Council, and the matter will be heard on said transcript and record, with such hearing to occur within sixty (60) days of receipt of the record and transcript(s) by the City Clerk. The City Clerk shall coordinate the scheduling of this appeal with the City Council through its Clerk. Within seven (7) days after filing the notice of appeal, the City Clerk shall estimate the cost of preparation of the record on appeal, including but not limited to the cost of the preparation of the transcript, and the appellant shall deposit that sum with the City Clerk. The failure of the appellant to prepay the estimated cost of preparation for the record on appeal, including, but not limited to, the cost of preparation of the transcript, may result in dismissal of the appeal for failure to comply with this regulation. When the City Clerk determines that dismissal may be warranted for failure to comply with this regulation, the City Clerk shall give written notice to the party in default, apprising the party of the nature of the deficiency. If the party in default fails to correct the deficiency within seven (7) days after notification, the appeal shall be dismissed by the City Clerk. The attorney

or representative for the party in default has the burden to correct promptly any deficiency or to see that the default is corrected by the appropriate official.

- B. *Appeals from the City council.* Appeals from any action of the City Council shall be governed by any applicable statutes, regulations, or rules of the State of Mississippi or its Courts.
- C. *Meetings.* The Construction Board of Appeals shall adopt policies and procedures which are necessary to carry out its duties and, therein, shall establish a meeting schedule which it shall follow.
- D. *Third alternate.* In addition to the two alternates required by Appendix B (B101.2.1) of the 2006 International Building Code, a third alternate, who meets the same qualifications as the two required alternates, shall be appointed by the Mayor and ratified by the City Council.

**SECTION 3.** All provisions of Chapter 3 of the Code of Ordinances of the City of Gulfport, Mississippi, not in conflict herewith shall remain in full force and effect as heretofore provided.

**SECTION 4.** This ordinance shall be in full force and effect according to law. It shall be published according to law and shall be spread on the minutes of the Gulfport City Council.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Flowers, seconded by Councilmember Pucheu, and was adopted by the following roll call vote:

**YEAS:**

Casey  
Roland  
Homes-Hines  
Walker  
Dombrowski  
Flowers  
Pucheu

**ABSENCES:**

None

**NAYS:**

None

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 8<sup>th</sup> day of May, 2013.

(SEAL:)

**ATTEST:**

**/s/ Ronda S. Cole**

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**CLERK OF THE COUNCIL**

**ADOPT:**

**/s/ Ricky Dombrowski**

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**PRESIDENT OF THE COUNCIL**

The above and foregoing Ordinance, having been submitted and approved by the Mayor, this the 9<sup>th</sup> day of May, 2013.

**APPROVED:**

**/s/ George Schloegel**

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**MAYOR**