

By: Representatives Chism, Coleman (29th)

To: Insurance

HOUSE BILL NO. 773

1 AN ACT TO AMEND SECTIONS 17-2-7 AND 17-2-9, MISSISSIPPI CODE
2 OF 1972, TO PROVIDE THAT CERTAIN PROVISIONS OF LAW PROHIBITING THE
3 ENFORCEMENT BY COUNTIES AND MUNICIPALITIES OF CERTAIN PORTIONS OF
4 BUILDING CODES SHALL NOT APPLY TO FLOODPLAIN MANAGEMENT ORDINANCES
5 OR REGULATIONS NECESSARY FOR ELIGIBILITY FOR THE NATIONAL FLOOD
6 INSURANCE PROGRAM; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 17-2-7, Mississippi Code of 1972, is
9 amended as follows:

10 17-2-7. (1) For purposes of this section, "farm structure"
11 means a structure that is constructed on a farm, other than a
12 residence or a structure attached to it, for use on the farm,
13 including, but not limited to, barns, sheds and poultry houses,
14 but not public livestock areas. For purposes of this section,
15 "farm structure" does not include a structure originally
16 qualifying as a "farm structure" but later converted to another
17 use.

18 (2) The governing body of a county or municipality shall not
19 enforce that portion of any building code established and/or
20 imposed under Sections 17-2-1 through 17-2-5 that regulates the
21 construction or improvement of a farm structure.

22 (3) The provisions of this section do not apply unless,
23 before constructing or improving a farm structure, the person
24 owning the property on which the structure is to be constructed
25 files an affidavit with the county or municipal official
26 responsible for enforcing the building code stating that the
27 structure is being constructed as a farm structure. The affidavit



28 must include a statement of purpose or intended use of the
29 proposed structure or addition.

30 (4) This section does not affect the authority of the
31 governing body of a county or municipality to issue building
32 permits before an affidavit for the construction or improvement of
33 a farm structure is filed under subsection (3) of this section.

34 (5) The provisions of this section shall not apply to any
35 floodplain management ordinances or regulations necessary for
36 eligibility for the National Flood Insurance Program.

37 **SECTION 2.** Section 17-2-9, Mississippi Code of 1972, is
38 amended as follows:

39 17-2-9. (1) The governing authority of any county or
40 municipality shall not enforce any portion of any building codes
41 established and/or imposed under Sections 17-2-1 through 17-2-5
42 that regulates the construction or improvement of industrial
43 facilities that are engaged in activities designated as
44 manufacturing (sectors 31-33), utilities (sector 22),
45 telecommunications (sector 517), bulk stations and materials
46 (sector 422710), crude oil pipelines (sector 486110), refined
47 petroleum products pipelines (sector 486910), natural gas
48 pipelines (sector 486210), other pipelines (sector 486990) and
49 natural gas processing plants (sector 211112), under the North
50 American Industry Classification System (NAICS).

51 (2) The governing authority of any county or municipality
52 shall not enforce any portion of any building codes established
53 and/or imposed under Sections 17-2-1 through 17-2-5 which
54 regulates the construction or improvement of buildings located on
55 nonpublic fairgrounds or the construction or improvement of
56 buildings located on the Neshoba County Fairgrounds in Neshoba
57 County, Mississippi.

58 (3) The governing authority of any county or municipality
59 shall not enforce any portion of any building codes established
60 and/or imposed under Sections 17-2-1 through 17-2-5 which



61 regulates the construction or improvement of a private unattached
62 outdoor recreational structure, such as a hunting or fishing camp.
63 In order for a structure to qualify as a "hunting camp" or
64 "fishing camp" under the provisions of this subsection, the owner
65 must file with the board of supervisors of the county in which the
66 structure is located his signed affidavit stating under oath that
67 the structure is a hunting camp or fishing camp, as the case may
68 be, that he is the owner or an owner of the camp and that the camp
69 is located in an unincorporated area of the county within, near or
70 in close proximity to land upon which hunting or fishing
71 activities legally may take place.

72 (4) The governing authority of any county or municipality
73 shall not enforce any portion of any building codes established
74 and/or imposed under Sections 17-2-1 through 17-2-5 which
75 regulates the construction or improvement of manufactured housing
76 built according to the Federal Manufactured Home Construction and
77 Safety Standards Act.

78 (5) The governing authority of Pearl River County or any
79 municipality within such county shall not enforce any portion of
80 any building codes established and/or imposed under Sections
81 17-2-1 through 17-2-5 which prohibits the use of or requires
82 building permit approval for the use of salvage lumber or green
83 cut timber in building construction provided such timber is for
84 personal use and is not for sale.

85 (6) The provisions of this section shall not apply to any
86 floodplain management ordinances or regulations necessary for
87 eligibility for the National Flood Insurance Program.

88 **SECTION 3.** This act shall take effect and be in force from
89 and after its passage.

