MISSISSIPPI DEPARTMENT OF INSURANCE
OFFICE OF THE STATE FIRE MARSHAL

REGULATION FM-2010-1
MISSISSIPPI FIRE PREVENTION CODE

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These are the rules and regulations for the Mississippi Fire Prevention Code, pursuant to Miss. Code Ann. §§ 45-11-101 through 45-11-111. These have been revised for compliance with House Bill 581, House Bill 605, and House Bill 676 as passed by the 2004 Mississippi Legislature and House Bill 1132 as passed by the 2005 Mississippi Legislature.

I. PROMULGATION AND PURPOSE

Section 100 - GENERAL

A. These Rules and Regulations for the Mississippi Fire Prevention Code are promulgated by the State Fire Marshal of the State of Mississippi in accordance with the International Fire Code (IFC) as published by the International Code Council formerly the Southern Building Code Congress International, Birmingham, Alabama, and the Mississippi Administrative Procedures Act, Miss. Code Ann. §§ 25-43-1, et seq., as amended, and shall become effective after adoption and are promulgated in accordance with the provisions of the Mississippi Administrative Procedures Act, Miss. Code Ann. §§ 25-43-1, et seq.

B. The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and other related hazards through direct action and implementation, interpretation, and enforcement of the Mississippi Fire Prevention Code.

II. DEFINITIONS

Section 200 – MISSISSIPPI FIRE PREVENTION CODE – Miss. Code Ann. § 45-11-103.

A. Miss. Code Ann. § 45-11-103 states that the standards embodied in said code shall be based upon and shall not be less stringent than the standards established by the standard fire prevention code as promulgated by the Southern Building Code Congress International, Inc., as the same may be revised or amended. In 1994, the Southern Building Code Congress International, Inc. became the International Code Council and the standard fire prevention code was promulgated into the International Fire Code. The Mississippi Fire Prevention Code shall be based upon 2006 edition of the International Fire Code (IFC), as same be revised or amended.

B. Any local government adopting the International Fire Code as published by International Code Council beginning with the 1976 Standard Fire Prevention Code (SBCCI) and Appendix A up to and including the 2006 edition of the International Fire Code (IFC) as published by the International Code Council and, as same may be revised or amended, shall be in full compliance with these rules and regulations of the Mississippi Fire Prevention Code and as such will assume responsibility for local code enforcement for places of public assembly within their respected jurisdictions. Editions of the Standard Fire Prevention Code recognized by the State Fire Marshal include: 1976, 1979, 1982, 1985, 1988, 1991, 1993, 1995, 1997, 1999, and the International Fire Code 2000, 2003, and 2006 as published by the International Code Council and as same may be revised or amended.

C. The State Fire Marshal shall have the authority to deviate from the minimum requirements of such International Fire Code and the Standard Fire Prevention Code when the imposition and enforcement of a specific requirement would violate any existing state statutory provision or cause undue hardship or when such deviation would enable builders to take advantage of new methods, materials or equipment which is of recognized adequacy.

Section 201 - State Fire Officials – Miss. Code Ann. § 45-11-1.

D. The inspection authority of the State Fire Marshal's Office is defined as

follows:

1. The Commissioner of Insurance is by virtue of his office the State Fire Marshal.

2. The Commissioner of Insurance/State Fire Marshal shall appoint the State Chief Deputy Fire Marshal who shall serve as the fire official for the State of Mississippi as defined in the International Fire Code (IFC) who along with his Deputy State Fire Marshals shall be designated as a Division of the Insurance Department.

3. The State Chief Deputy Fire Marshal shall serve as the Fire Official for the Mississippi Fire Prevention Code. The State Chief Deputy and his Deputy State Fire Marshals shall mean the inspecting and enforcing authority appointed by the State Fire Marshal.

4. "State Inspector" shall mean a duly authorized representative/inspector in the employ of the State Fire Marshal under the direction of the State Chief Deputy Fire Marshal.

5. "Special State Inspector" shall mean an authorized Inspector in the employ of other state agencies of the State of Mississippi who has met the requirements of Section A101.2.2 "Inspector Qualifications" as set forth in Appendix A of the 1999 edition of the Standard Fire Prevention Code and may be appointed at the discretion of the State Chief Deputy Fire Marshal to conduct inspections of buildings owned by the State of Mississippi or its political subdivisions. "Special State Inspectors" appointed under Section 201-D-5 are not entitled to receive additional compensation from the State Fire Marshal's Office for performing inspection duties under this section.

Section 202 - Local Fire Official

E. The Local Fire Official is defined as the Fire Chief of a municipal or county paid or volunteer fire department.

F. "Special Local Inspector" shall mean an individual who has been approved by and recommended for appointment as a "Special Local Inspector" by the local Fire Chief or authorized official and who has met the requirements of Section A101.2.2 of the 1999 Edition of the Standard Fire Prevention Code and the International Fire Code and may be appointed at the discretion of the State Chief Deputy Fire Marshal to conduct inspections of buildings owned

by the State of Mississippi or its political subdivisions. "Special Local Inspectors" appointed under Section 202-F are not entitled to receive additional compensation from the State Fire Marshal's Office for performing inspection duties under this section.

1. "Special Local Inspector" shall be issued an Official Identification Card by the State Chief Deputy Fire Marshal. Said identification card shall be issued with the understanding that said card shall be surrendered upon the demand of the State Chief Deputy Fire Marshal.

2. No badge or card bearing the name of the State Fire Marshal's Office shall be issued to or authorized for use by the "Special Local Inspector" except for the Official Identification Card issued by the State Chief Deputy Fire Marshal.

3. Inspections conducted by "Special Local Inspectors" for the State Fire Marshal's Office shall be limited to the inspections of building owned by state or state agencies or the inspections of any other building within their local jurisdiction upon the request by the State Chief Deputy Fire Marshal.

4. Inspections conducted by "Special Local Inspectors" for the State Fire Marshal's Office shall be completed on inspection forms issued by the State Fire Marshal's Office or on fire inspection forms used by the local fire department. Copies of all inspection shall be submitted no later than fifteen (15) days from the date of the inspection to the State Fire Marshal's Office for review and enforcement of all fire code violations.

5. "Special Local Inspectors" shall attend all mandatory training offered by the State Fire Marshal's Office.

Section 203 – Buildings/Public Assemblies – Miss. Code Ann. § 45-11-101.

G. Buildings/Public Assemblies are defined pursuant to Miss. Code Ann. §45-11-101 as:

1. All buildings owned by the State or State Agencies or political subdivisions. [Miss. Code Ann.§ 45-11-101(1)(a)];

2. All buildings utilized for public assembly, except in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code.

However, the State Fire Marshal or his authorized representative shall perform investigations or inspections of such building only when advised by interested persons of a danger or hazardous inflammable condition existing in any building that would tend to impair the safety of persons of property, or when the State Fire Marshal or his authorized representative believes the investigation or inspection is in the interest of public safety. The investigation or inspection shall be made in accordance with Miss. Code Ann. § 45-11-3. [Miss. Code Ann. § 45-11-101(1)(b)];

3. All buildings, the permits for the construction of which are issued subsequent to the effective date of Miss. Code Ann. §§ 45-11-101 through 45-11-111, and which are not less than seventy-five (75) feet in height. However, in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply and not the Mississippi Fire Prevention Code. [Miss Code Ann. § 45-11-101(1)(c)];

4. All buildings, the permits for construction of which are issued subsequent to July 1, 2004, constructed as private correctional facilities that house state inmates. Before such construction, construction plans must be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code; however, in any county or municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provision and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. All private correctional facilities may be inspected as required by the State Fire Marshal or his duly authorized representative. Inspection fees of $400.00 and expenses authorized by Miss. Code Ann. § 45-11-105 (2) shall be assessed for each inspection conducted by the state Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code Ann. § 45-11-101(1)(d];

5. Any building, the permits for construction of which are issued subsequent to July 1, 2004, upon the request of any interested person. The interested person may submit the construction plans to the State Fire Marshal's Office for review and approval before construction to ensure compliance with the Mississippi Fire Prevention Code; however, in any county of municipality that has adopted a fire

prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. Inspection fees of $400.00 and expenses authorized by Miss. Code Ann. § 45-11-105 (2) shall be assessed for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code Ann. § 45-11-101(1)(e];

6. All buildings, the permits for construction of which are issued subsequent to July 1, 2005, constructed as private fraternity and sorority houses located on state property. Before such construction, construction plans shall be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code. All private fraternity and sorority houses located on state property may be inspected as required by the State Fire Marshal or his duly authorized representative. All fraternity and sorority houses located on state property shall be equipped with an approved fire alarm and smoke detector system to be in compliance with the National Fire Code (NFPA) Standard 72 as published by the National Fire Protection Association and as same may be revised or amended. All fraternity and sorority houses constructed on state property after April 29, 2005, shall be equipped with an approved automatic fire sprinkler system to be in compliance with the National fire Code (NFPA) Standard 13 as published by the National Fire Protection Association and as same may be revised or amended. [Miss. Code Ann. § 45-11-101(1)(f)];

7. Assemblies as defined in Chapter 2 under Definitions of the 2006 International Fire Code (IFC).

8. The State Fire Marshal shall annually examine the fire prevention codes adopted by counties and municipalities within the State of Mississippi and prepare a list thereof specifying which codes have provisions not less stringent than those of the Mississippi Fire Prevention Code.

Section 204 – Pyrotechnics – Miss. Code Ann. § 45-13-11.

H. Pyrotechnics/public displays as defined in Miss. Code Ann. § 45-13-11 as follows:

"The governing body of any municipality or the board of supervisors

of any county outside a municipality may grant permits under which fireworks, the sale, possession or use of which is otherwise prohibited hereby, may be sold and used for exhibition purposes; however, such permit shall be issued in compliance with the National Fire Protection Association Standard 1123, as may be revised or amended; National Fire Protection Association Standard 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, as may be revised or amended; and the Mississippi Fire Prevention Code, as may be revised or amended. Such permits shall require that the persons in charge of such exhibitions shall be experienced in the handling of fireworks and the members of the public attending the exhibitions shall be kept at a safe distance therefrom. Any fireworks held in storage for such exhibitions shall be kept in a closed box until removed therefrom for firing."

Section 205 – Compliance/Permits.

I. Compliance applications are forms provided by the State Fire Marshal's Office for building inspections located outside the jurisdiction of counties or municipalities which have adopted a fire prevention code with standards not as stringent as the Mississippi Fire Prevention Code.

J. The Permit for buildings is to ensure that said buildings are in compliance with the Mississippi Fire Prevention Code.

K. The Permit for State Properties is to ensure that said State Properties are in compliance with the Mississippi Fire Prevention Code.

III. APPLICABILITY

Section 300 - Scope

Miss. Code Ann. § 45-11-105, states "The Mississippi Fire Prevention Code shall be enforced by the State Fire Marshal and such other persons as authorized thereby, including for this reason any county or municipal fire prevention personnel. The State Fire Marshal is authorized and empowered to promulgate rules and regulations for the enforcement of the Mississippi Fire Prevention Code." The Mississippi Fire Prevention Code applies to:

A. All buildings owned by the State or State Agencies. [Miss. Code Ann. § 45-11-101(1)(a)];

B. All buildings utilized for Public Assembly, except in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code. [Miss. Code Ann. § 45-11-101(1)(b)];

C. All high-rise buildings over seventy-five (75) feet in height, the permits for the construction of which are issued subsequent to the effective date of Miss. Code Ann. §§ 45-11-101 through 45-11-111; however, that in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply and not the Mississippi Fire Prevention Code [Miss. Code Ann.§ 45-11-101(1)(c)];

D. All buildings, the permits for construction of which are issued subsequent to July 1, 2004, constructed as private correctional facilities that house state inmates. Before such construction, construction plans must be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code; however, in any county or municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provision and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. All private correctional facilities may be inspected as required by the State Fire Marshal or his duly authorized representative. Inspection fees and expenses authorized by Miss. Code Ann.§ 45-11-105 (2) shall be assessed for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code Ann. § 45-11-101(1)(d)];

E. Any building, the permits for construction of which are issued subsequent to July 1, 2004, upon the request of any interested person. The interested person may submit the construction plans to the State Fire Marshal's Office for review and approval before construction to ensure compliance with the Mississippi Fire Prevention Code; however, in any county of municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. Inspection fees and expenses authorized by Miss. Code Ann. § 45-11-105 (2) shall be assessed for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code Ann. § 45-11-101(1)(e)];

F. All buildings, the permits for construction of which are issued subsequent to

July 1, 2005, constructed as private fraternity and sorority houses located on state property. Before such construction, construction plans shall be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code. All private fraternity and sorority houses located on state property may be inspected as required by the State Fire Marshal or his duly authorized representative. All fraternity and sorority houses located on state property shall be equipped with an approved fire alarm and smoke detector system to be in compliance with the National Fire Code (NFPA 72) as published by the National Fire Protection Association and as same may be revised or amended. All fraternity and sorority houses constructed on state property after April 20, 2005, shall be equipped with an approved automatic fire sprinkler system to be in compliance with the National Fire Code (NFPA) Standard 13 as published by the National Fire Protection Association and as same may be revised or amended. [Miss. Code Ann. § 45-11-101(1)(p)].

Section 400 - High Rise Buildings/Sprinkler Systems

D. The Mississippi Fire Prevention Code, pursuant to Miss. Code Ann. § 45-11-103, requires that sprinkler systems be installed in all high-rise buildings as follows:

1. All buildings over seventy-five (75) feet in height, the permits for the construction of which are issued subsequent to 1 July, 1978;

2. All existing buildings over seventy-five (75) feet in height in which twenty-five (25%) percent or more of the floor space is being reconstructed or added thereto.

3. Exception: Public utility company buildings in which water would cause severe damage to equipment such as telephone equipment, computers or electric services, and silos, grain elevators and other structures used solely for the storage of agricultural products are exempt from the provisions of the Mississippi Fire Prevention Code.

IV. PLAN REVIEW

Section 401 - Inspection

A. Plans for all sprinkler systems required by Miss. Code Ann. § 45-11-103, shall be submitted to the State Fire Marshal's Office.

B. For buildings which are under the statutory review of the State Fire Marshal's Office pursuant to Miss. Code Ann. § 45-11-101(1)(a-f), prior to issuance of a building permit approval of plans by the State Fire Marshal's Office shall be required. In lieu of plan submittal, the State Fire Marshal's Office may allow, upon request, architects and engineers to verify code compliance by submitting an affidavit of compliance for all classes of buildings as defined under the Mississippi Fire Prevention Code, Miss. Code Ann. § 45-11-101(1)(a-f).

C. All buildings that are inspected by the State Fire Marshal's Office pursuant to Miss. Code Ann. § 45-11-101(1)(a-f) which are not buildings owned by the state or religious assemblies shall be subject to the inspection fees as defined in Miss. Code Ann. § 45-11-105(2).

D. Plan review fees for other structures as defined in Miss. Code Ann. § 45-11-101(1)(a-d) that authorizes inspection fees shall be charged a minimum of $400.00 per plan review and for each inspection conducted by the State Fire Marshal's Office. Said fees shall be paid to the State Fire Marshal's Office pursuant to Miss. Code Ann. § 45-11-105(2).

V. ENFORCEMENT

Section 500 - Stipulations of Enforcement

A. Pursuant to Miss. Code Ann. § 45-11-105, the State Chief Deputy Fire Marshal or his State Deputy Fire Marshal or his duly authorized representative shall enforce the Mississippi Fire Prevention Code pertaining to the prevention, inspection or investigation of fires, whenever:

1. The State Chief Deputy Fire Marshal has probable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, or hazardous;

2. Required to meet provisions of state agency license requirements;

3. A citizen reports an alleged violation;

4. The chief of a fire department or other law enforcement authority of any county or municipality reports an alleged violation.

B. The Mississippi Fire Prevention Code shall be enforced on the state and local levels of government as defined under Sections 501 and 502 of this Section.

Section 501 - State Enforcement

A. The State Chief Deputy Fire Marshal or his State Deputy Fire Marshal or his duly authorized representative shall be charged with the enforcement of the Mississippi Fire Prevention Code in those areas in buildings specified in Miss. Code Ann. § 45-11-101(1)(a-c).

B. The Fire Code Enforcement and Inspection Division of the State Fire Marshal's Office shall carry out the duties and responsibilities of the Mississippi Fire Prevention Code in those areas in building specified in Miss. Code Ann. § 45-11-101(1)(a-c).

C. The State Chief Deputy Fire Marshal and Deputy Fire Marshals shall have the status and power of a law enforcement officer in performing their duties pertaining to the prevention, inspection, or investigation of fires under the Mississippi Fire Prevention Code, Miss. Code Ann. § 45-11-105.

Section 502 - Local Enforcement

A. Municipalities which have adopted a Fire Prevention Code not less stringent as the Mississippi Fire Prevention Code shall enforce the provisions of said codes in their respective jurisdictions, except for buildings owned by the State or state agencies.

B. Counties which have adopted a Fire Prevention Code not less stringent as the Mississippi Fire Prevention Code shall enforce the provision of said code in their respective jurisdictions, except for buildings owned by the State or state agencies.

Section 503 – Delegations of Inspections

A. The State Chief Deputy Fire Marshal may at his discretion designate qualified local fire prevention officials to perform inspections of buildings owned by the State of Mississippi or its political subdivisions. [Miss. Code Ann. § 45-11-105];

B. Local Fire Officials who meet the requirements of Section A101.2.2 "Inspector Qualifications" as set forth in Appendix A of the 1999 Edition of the Standard Fire Prevention Code may be appointed at the discretion of the

State Chief Deputy Fire Marshal. [Miss. Code Ann. § 45-11-105];

C. Local fire officials designated as Inspectors may be appointed by the State Chief Deputy Fire Marshal to conduct inspections of buildings owned by the State or State agencies shall submit copies of all inspection reports on forms provided by the State Fire Marshal's Office.

D. Implementation and enforcement of the Mississippi Fire Prevention Code, Miss. Code Ann. § 45-11-105, shall be the responsibility of the State Chief Deputy Fire Marshal or his State Deputy Fire Marshals.

Section 504 – Permit/Compliance Requirements

E. Permits are required for commercial places of Public Assembly as follows:

1. Permit/Compliance inspections are required for all buildings defined in Miss. Code Ann. § 45-11-101(a-f) pursuant to Miss. Code Ann. § 45-11-105(2).

   a. All other buildings defined in Miss. Code Ann. § 45-11-101(1)(a-f) that are inspected by the State Fire Marshal's Office which are not buildings owned by the state or religious assemblies are subject to the inspection fees as provided in Miss. Code Ann. § 45-11-105(2).

   b. Plan review fees for structures defined in Miss. Code Ann. § 45-11-101(1)(a-d) that authorized inspection fees shall be charged a minimum of $400.00 per plan review and for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office pursuant to Miss. Code Ann. § 45-11-105(2).

2. Permit fees of not less than four hundred dollars ($400.00) which shall include but not be limited to:

   (a) Each on-site inspection;
   (b) Attorney fees;
   (c) Architect or engineer plan review fees;
   (d) Any other fees and reasonable and necessary travel expenses shall be assessed for each inspection conducted by the State Chief Deputy Fire Marshal or his State Deputy Fire Marshals or his duly authorized representative and shall be paid to the

Office of the State Fire Marshal.

3. Inspection fees and expenses authorized under Miss. Code Ann. § 45-11-105(2) shall not be assessed for the inspection of buildings owned by the State of Mississippi or religious or for inspections conducted by local fire departments or other local agencies with authority to conduct inspections under the "Special Local Inspector" designation

4. Permit/compliance for all structures and public displays as defined Miss. Code Ann. § 45-11-105(2) shall be filed on forms provided by the State Fire Marshal's Office.

Section 505 – Pyrotechnic Requirements.

F. Pyrotechnic applications for all structures and public displays as defined by Miss. Code Ann. § 45-13-11 shall be filed on forms provided by the State Fire Marshal.

1. Permit applications for pyrotechnic displays shall be filed with the Office of the State Fire Marshal and fees not less than $100.00 shall be assessed in Miss. Code Ann. § 45-11-105(2). Prior to the issuance of a permit, the following information is required for a state facility:

(a) For an outdoor fireworks display, the pyrotechnics company must adhere to the National Fire Protection Association (NFPA) 1123; and NFPA 1126 for an indoor fireworks display, the same as may be revised and amended.

(i) Proof of insurance
(ii) Resume of pyrotechnic technician and their qualifications along with 3 references (last 3 shows)
(iii) Time and location of event
(iv) Copy of ATF permits
(v) List of shots to be used and their effects
(vi) Information on storage before event
(vii) Information on cleanup and/or disposal after event
(viii) Layout of event with shot locations
(ix) Material Safety Data sheet

(b) Companies providing fireworks/flame effects displays at locations other than state facilities must provide the following information:

(i) Proof of insurance

(ii) List of pyrotechnic technicians and their qualifications
(iii) Notification of time and location of event
(iv) List of shots to be used
(v) Information on storage before event
(vi) Information on cleanup and/or disposal after event
(vii) Layout of event with shot locations
(viii) Material Safety Data Sheet
(ix) Copy of ATF permits

(c) Application for a permit must be submitted fifteen (15) days before event is to take place. An inspection of the event (pre-show) is to be conducted by the State Fire Marshal's Office before a permit is issued. A representative from the State Fire Marshal's Office must be present for the event.

(d) Communication between the individual doing the firing (shooter) and all safety personnel (spotter) to ensure the public's safety.

Section 505 - Types of Permits

G. Temporary Permit/Compliance or Pyrotechnics permits shall be issued in compliance with Section 504 of these rules and regulations at the discretion of the State Fire Marshal or his duly authorized representative:

Section 506 - Fire Investigations

H. It shall be the duty of the State Chief Deputy Fire Marshal to investigate by himself or his deputy, fire occurring within the State as required by the Mississippi Fire Prevention Code, Miss. Code Ann. § 45-11-103, as set forth by 1.04 of the Standard Fire Prevention Code 1976 edition, as follows:

1. All buildings owned by the State or State Agencies. [Miss. Code Ann. § 45-11-101(1)(a)]

2. All buildings utilized for public assembly, except in any county or municipality has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code. [Miss. Code Ann. § 45-11-101(1)(b)]

H. It shall also be the duty of the State Chief Deputy Fire Marshal to investigate by himself or his deputy the origin of every fire occurring within the State as

required by Miss. Code Ann. § 45-11-1, as follows:

1. To which his attention is called by the chief of the fire department; or,
2. Other enforcement officials of any county or municipality; or,
3. By any party in interest whenever, in his judgment, there be sufficient evidence or circumstances indicating that such fire may be of incendiary origin.

VI. ANNUAL REPORTING

Section 600 - Local Fire Codes

A. In accordance with Miss. Code Ann. § 45-11-101, each county or municipality which has adopted a fire prevention code shall file an annual report with the State Fire Marshal's Office.

B. A list of codes adopted by counties and municipalities will be reviewed and a list will be compiled showing which codes have provisions not less stringent than the Mississippi Fire Prevention Code.

VII. ALTERNATE SYSTEMS

Section 700 - Minimum Requirements

A. The State Fire Marshal shall have the authority to deviate from the minimum requirements of the Mississippi Fire Prevention Code.

B. Deviations may occur when enforcement of a specific requirement would cause undue hardship.

C. Deviations may also occur when changes would be permitted allowing the use of new materials, technology, or equipment which are approved by the Standard Fire Prevention Code or other recognized national standards.

VIII. CODE REVISIONS

Section 800 - Updating of Code

A. The State Fire Marshal shall annually review the amendments and new editions of the Standard Fire Prevention Code as published by the Southern Building Code Congress International. Miss. Code Ann. § 45-11-101.

B. Upon review new amendments and editions which are in compliance with the intent of the Mississippi Fire Prevention Code shall be adopted, Miss. Code Ann. § 45-11-103.

IX. APPEALS

Section 900 - Board of Adjustments and Appeals

The Board of Adjustments and Appeals is a board appointed to hear grievances filed on orders issued by fire officials. The Board shall be appointed in accordance with Chapter 1, Section 105, of the Standard Fire Prevention Code, 1991 Edition.

Section 901 - State Board of Adjustments and Appeals

A. The State Board of Adjustments and Appeals shall be appointed by the State Fire Marshal to hear grievances filed on orders issued by the State Chief Deputy Fire Marshal, State Deputy Fire Marshals, and his duly authorized representative.

B. The State Board shall be appointed by the State Fire Marshal in accordance with Chapter 1, Appendix A, Section A104 Board of Adjustments and Appeals of the Standard Fire Prevention Code, 1999 Edition.

Section 902 - Local Board of Adjustments and Appeals

C. Counties or municipalities having adopted a fire prevention code not less stringent than the Mississippi Fire Prevention Code shall appoint a local board of adjustments and appeals to hear grievances on orders issued by local fire officials.

D. The local board of adjustments and appeals shall not hear grievances on orders issued by the State Fire Marshal.

X. PUBLIC ASSEMBLIES

Section 1000 - Inspection of Exits

A. Inspection of exits shall be conducted not more than ninety (90) minutes prior to the scheduled commencement of any noncontinuous activity, even, performance, show, meeting, function, or other occasion for which persons will gather in commercial places of public assembly as defined in the 2006 Edition of the International Fire Code as published by the International Code

Council, as same may be revised or amended.

B. The owner (or his designee pursuant of written authority, instructions, or procedures) shall inspect every required exit, way of approach thereto, and way of departure therefrom.

C. If said inspection reveals that any required means of egress is obstructed, inaccessible, locked, fastened, or otherwise unsuited for immediate use, the scheduled program shall not begin, nor shall admittance to the place of assembly be permitted, until necessary corrective action has been completed.

Section 1001 - Announcements

D. Within thirty (30) minutes prior to the start of the program, the owner or his authorized agent shall orally notify all attendees concerning the location of the exit(s) to be used in case of fire or other emergencies.

E. Example: "The _____, in conjunction with the State Fire Marshal's Office wishes to take a moment to call to your attention the location of the exit ways or paths of egress from this building in the event of an emergency.

Please take a moment to locate the exit nearest your seat. Should an emergency arise, please move in an orderly fashion through the nearest exit way. Thank you for your attention."

Section 1002 - Records

F. Accurate records of all inspections, corrections, and notifications shall be kept and retained for at least two (2) years in the offices of the respective building owners. The records shall contain:

1. A brief description of each activity, event, performance, etc., including date, time, and location;

2. The name and signature of the person who performed each requirement; and

3. The date and time when each requirement was performed.

G. Such records shall be made available upon request of the State Fire Marshal.

XI. PENALTIES

Section 1100 - Code Violation- Miss. Code Ann. § 45-11-111

A. Any person, firm or corporation who shall knowingly and willfully violate the terms or provisions of the Mississippi Fire Prevention Code shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed one thousand dollars ($1,000.00).

B. In cases of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

Section 1101 - Criminal Violation

A. In accordance with Miss. Code Ann. §§ 97-17-1 through 97-17-14, any person, who willfully and maliciously sets fire to or burns or causes to be burned or who aids, councils, or procures the burning of any building or property of whatsoever class or character as set forth in the Code shall be guilty of arson as set forth in the above cited sections of the Mississippi Code.

XII. SEVERABILITY

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

XIII. REPEAL OF REGULATION 92-104

Upon adoption of Regulation FM-2010-1, Regulation 92-104 will be repealed.

XIV. EFFECTIVE DATE

This Regulation shall become effective thirty (30) days after adoption.

MIKE CHANEY
COMMISSIONER OF INSURANCE