

MISSISSIPPI LEGISLATURE

2006 Regular Session

To: Insurance

By: Senator(s) Chaney, Hewes, Morgan, Doxey, Albritton, Kirby, Moffatt, Gollott

Senate Bill 2807
(COMMITTEE SUBSTITUTE)

AN ACT TO ENACT THE "BUILDING A SAFER AND STRONGER MISSISSIPPI ACT"; TO STATE PUBLIC POLICY FOR BUILDING CODES; TO REQUIRE MUNICIPALITIES AND COUNTIES TO ENFORCE THE BUILDING CODES PROVIDED IN THIS ACT; TO AUTHORIZE AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES TO PROVIDE SERVICES REQUIRED BY THIS ACT; TO REQUIRE THE APPOINTMENT OF A COUNCIL CERTIFIED BUILDING OFFICIAL; TO REQUIRE CERTAIN COASTAL COUNTIES TO ADOPT AND ENFORCE EMERGENCY WIND AND FLOOD MITIGATION REQUIREMENTS; TO REQUIRE THE MISSISSIPPI BUILDING CODES COUNCIL TO ADOPT CERTAIN NATIONALLY RECOGNIZED CODES AND STANDARDS; TO PROVIDE FOR LOCAL AMENDMENTS TO THE STATE BUILDING CODES; TO CREATE THE MISSISSIPPI BUILDING CODES COUNCIL AND PROVIDE FOR ITS MEMBERSHIP; TO EXEMPT FARM STRUCTURES FROM BUILDING CODE REGULATIONS; TO PROVIDE INJUNCTIVE RELIEF AND AUTHORIZE CIVIL PENALTIES FOR VIOLATION OF BUILDING CODES OR REGULATIONS; TO EXEMPT CERTAIN INDUSTRIAL BUILDINGS FROM THE PROVISIONS OF THIS ACT; TO AMEND SECTIONS 19-5-9 AND 21-19-25, MISSISSIPPI CODE OF 1972, TO ESTABLISH A DATE OF REPEAL ON THE LAWS PROVIDING FOR THE ADOPTION OF BUILDING CODES BY MUNICIPALITIES AND COUNTIES; TO AMEND SECTION 45-11-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. This act shall be known as the "Building a Safer and Stronger Mississippi Act."

SECTION 2. (1) The public policy of the State of Mississippi is to maintain minimum standards of construction in buildings and other structures consistent with the public health, safety and welfare, including housing affordability, of its citizens.

(2) This act is enacted to enable the State of Mississippi to establish a state building code to govern

the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein. The state building codes shall establish uniform performance standards providing reasonable safeguards for health, safety, welfare, housing affordability, comfort and security of the residents of this state who are occupants and users of buildings, and will provide for the use of modern methods, devices, materials and techniques.

(3) To clarify the intent of the Legislature and address questions that might arise or have arisen with respect to provisions of the nationally known codes that have been or are adopted by this act.

(4) To further clarify the intent of the Legislature, except as otherwise provided in Section 6 of this act concerning emergency wind and flood mitigation requirements, this act continues to apply to a person who may act under authority of the State Fire Marshal's Office, except that the allocation of inspection duties among local officials is not dictated by this act but remains a matter for the local authority.

SECTION 3. (1) All municipalities, counties and rural inspection authorities as created in Section 11 of this act shall enforce building, residential, electrical, plumbing, mechanical, fire and fuel gas codes, hereafter referred to as "state building codes" in this act, relating to the construction, livability, sanitation, erection, installation of equipment, alteration, repair, occupancy, classification or removal of structures located within their jurisdictions and promulgate regulations to implement their enforcement. The municipality, county and rural inspection authority shall enforce only codes and guidelines provided in this act.

(2) To the extent that federal regulations preempt state and local laws, nothing in this act conflicts with the federal Department of Housing and Urban Development regulations regarding manufactured housing construction.

(3) In connection with the construction of any building, structure or other improvement to immoveable property, neither the performance of any enforcement procedure nor any provision of the state building codes shall constitute or be construed as a warranty or guarantee by a governmental enforcement agency as to durability or fitness, or as a warranty or guarantee by a governmental enforcement official that the building, structure or other improvement to immovable property or any materials, equipment or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose, or will last any amount of time.

SECTION 4. Municipalities and counties may establish agreements with other governmental entities of the state or certified third-party providers to issue permits and enforce state building codes in order to provide the services required by this act. The council may assist in arranging for municipalities, counties or third-party providers to provide the services required by this act to other municipalities or counties if a written request from the governing body of the municipality is submitted to the council. A third-party provider shall be a Mississippi licensed architect, engineer, home inspector, or any individual certified by the International Code Council for purposes of the emergency provisions of Section 6 of this

act. Thereafter, a third-party provider shall meet the requirements imposed by the council for certificates of registration. During the time period that the provisions of Section 6 of this act are in effect, every certified third-party provider doing business within the state shall notify the Secretary of State of their intention to do business within the state, and the Secretary of State shall maintain a listing of the name of the provider and the name and location of the person or entity with whom the provider has contracted to provide enforcement services. Once the council meets for the first time, certified third-party providers shall notify the council of their intention to do business within the state and the council shall maintain a listing of all certified third-party providers.

SECTION 5. Each county shall appoint a council certified building official or contract with other political subdivisions or third parties as authorized in Section 4 of this act so that the unincorporated area of the counties is under the jurisdiction of a council certified building official. Each municipality shall appoint a council certified building official or contract for a council certified building official within the municipal limits. Based on the needs established by each municipality or county, the council certified building official may appoint and employ other council certified personnel and assistants necessary to perform the required inspections and technical duties.

SECTION 6. (1) From and after ninety (90) days of the effective date of this act, the counties of Jackson, Harrison, Hancock, George, Stone, Pearl River, Perry and Greene, including all municipalities therein, shall enforce, on an emergency basis, all the wind and flood mitigation requirements prescribed by:

(a) The 2003 International Residential Code, as modified in Section 8(1)(b) of this act, and the 2003 International Building Code, and as supplemented by,

(b) The Federal Emergency Management Agency (FEMA) Coastal Construction Guidelines for Flooding.

(2) From and after July 1, 2007, the counties of Forrest and Lamar, including all municipalities therein, shall enforce, on an emergency basis, all the wind and flood mitigation requirements prescribed by:

(a) The 2003 International Residential Code, as modified in Section 8(1)(b) of this act, and the 2003 International Building Code, and as supplemented by,

(b) The Federal Emergency Management Agency (FEMA) Coastal Construction Guidelines for Flooding.

(3) Emergency wind and flood building requirements adopted in this section shall remain in force until the mandatory statewide codes adopted by the council have become effective.

(4) Except as otherwise provided herein, the emergency wind and flood mitigation requirements

adopted by this section shall be enforced pursuant to Section 3 of this act. If municipalities and counties are unable to enforce the emergency wind and flood mitigation requirements prescribed in this section within ninety (90) days of the effective date of this act, the Mississippi State Fire Marshal's Office shall enforce them as long as they remain in effect.

SECTION 7. The council shall adopt, modify and promulgate the state building codes referenced in Section 8 of this act in accordance with the Administrative Procedures Law, Section 25-43-1.101 et seq. The state building codes shall be updated every three (3) years.

SECTION 8. (1) The council shall adopt by reference and amend only the latest editions of the following as the statewide minimum codes:

(a) International Building Code and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(b) International Residential Code (IRC) and the standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption, with the exception of Appendix J, Existing Buildings and Structures, which is hereby adopted by this reference.

(c) International Mechanical Code and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(d) International Plumbing Code and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(e) International Fuel Gas Code and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(f) National Electric Code and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(g) International Fire Code and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.

(h) Appendix B of the Standard Building Code, 1999, for administrative purposes as required by this section.

(2) Within six (6) months of the effective date of this act, the council shall adopt the latest versions of the 2003 edition codes referenced in this section.

(3) The initial code adopted by this council under the provisions of this act shall become effective from and after July 1, 2009.

SECTION 9. (1) Counties and municipalities may adopt amendments to the administrative provisions of the state building codes not more than once every twelve (12) months. The administrative amendments shall meet the following criteria:

(a) Be more stringent than the minimum standard in the code;

(b) Transmitted to the council within thirty (30) days; and

(c) Be made available to the general public in legislative format, additions to the state building code underlined and omissions from the code stricken through.

(2) Counties and municipalities may adopt technical amendments to the provisions of the state building codes not more than once every twelve (12) months. The technical amendments shall meet the following criteria:

(a) Be more stringent than the minimum technical requirements in the code, but no more stringent than necessary to address the local need identified;

(b) Public hearing advertised in a newspaper of general circulation at least ten (10) days prior to the hearing;

(c) Evidence or data supporting the determination of need to strengthen code requirements to address local conditions;

(d) May not discriminate against materials, products or construction techniques of demonstrated capabilities;

(e) May not introduce a new subject not addressed in the code;

(f) Available in legislative usable format, additions to the state building code underlined and omissions from the code stricken through;

(g) Transmitted to the council within thirty (30) days;

(h) Effective only until the state building code is updated every three (3) years; either incorporated into the code or rescinded by the council. The council immediately notifies the local government of rescission. Rescinded amendment may be readopted by the local government;

(i) Must have established a countywide compliance review board prior to adoption. The board's determination of compliance may be appealed to the council by either the local government or the substantially affected party;

(j) Must include a fiscal impact statement, although the statement may not form the basis for a compliance challenge; and

(k) The council may review and make nonbinding recommendations regarding compliance with these requirements.

(3) Any amendment to the state building codes adopted by a local government pursuant to this section shall be effective only upon notification to the council. The council shall review such amendment for consistency with the criteria in Section 10 of this act and may consider adopting such amendment as part of the state building codes.

SECTION 10. The council may approve technical amendments to the state building codes once each year for general applicability upon finding that the amendment is more stringent than the requirements of the minimum state building codes. The amendment shall not diminish the health, welfare and life safety of the general public. The council shall consider the housing affordability of the citizens when making the technical amendments.

SECTION 11. (1) There is hereby created the Mississippi Building Codes Council. Each member of the council shall be appointed by the executive director of his respective professional association unless otherwise stated herein. Each member shall serve for a term of three (3) years and until a successor is appointed and qualifies. No person who has previously been convicted of a felony in this state or any other state may be appointed to the council. The council shall consist of twenty-three (23) members composed of:

(a) One (1) representative of the American Institute of Architects of Mississippi;

(b) Three (3) representatives of the Home Builders Association of Mississippi;

(c) One (1) representative of the Associated General Contractors of Mississippi;

(d) One (1) representative of the Associated Builders and Contractors of Mississippi;

(e) One (1) representative of the American Council of Engineering Companies of Mississippi;

(f) Two (2) representatives of the Building Officials Association of Mississippi;

(g) One (1) disabled person to be appointed by the Governor;

(h) One (1) representative of the property/casualty insurance industry to be appointed by the Governor;

(i) One (1) representative of the Mississippi Municipal League;

(j) One (1) representative of the Mississippi Manufactured Housing Association;

(k) One (1) representative of the electrical industry who is a master electrician to be appointed by the American Subcontractors Association;

(l) One (1) representative of the mechanical or gas industry who is a master mechanic to be appointed by the American Subcontractors Association;

(m) One (1) representative of the plumbing industry who is a master plumber to be appointed by the American Subcontractors Association;

(n) One (1) representative of the Mississippi Fire Chiefs Association;

(o) One (1) representative of the Mississippi Association of Supervisors;

(p) One (1) representative of the Mississippi Minority Contractors Association to be appointed by the Governor;

(q) One (1) representative of the Mississippi Concrete Industries Association;

(r) One (1) person representing the consumer who shall have no interest in the construction industry to be appointed by the Governor;

(s) The Mississippi State Fire Marshal, or his designee, to serve ex officio, nonvoting; and

(t) The Executive Director of the State Board of Professional Geologists, or his designee, to serve ex officio, nonvoting.

(2) A vacancy must be filled in the manner of the original appointment for the unexpired portion of the term.

(3) The primary function of the council is to review and adopt the state building codes, provide requirements for training, education and certification of code officials and accept all requests for amendments of the code to determine which amendments, if any, are justified by local conditions and can be enacted after a finding on the record that the modification does not minimize public health, safety and welfare. Certification of code officials shall include the International Code Council's certification programs and the appropriate category or level of certification shall be verified by the council.

(4) The council shall elect from its members a chairman and vice chairman. The council shall adopt regulations consistent with this act. A meeting may be called by the chairman on his own initiative and must be called by him at the request of three (3) or more members of the council. Each member must be notified by the chairman in writing of the time and place of the meeting at least seven (7) days before the meeting. Fourteen (14) members constitute a quorum. Each meeting is open to the public. An official decision of the council may be made only by a vote of at least two-thirds (2/3) of those members in attendance at the meeting.

(5) A county or municipality, by adoption of resolution or order, may allow a rural inspection authority to provide the enforcement services required in this act. For such counties or municipalities, a rural inspection authority shall be created by the planning and development district in which the county or municipality is located to administer the provisions of this act under the auspices of the Mississippi Building Codes Council. Once established and organized by the planning and development district, the authority shall have all of the necessary enforcement powers as granted to municipalities and counties to carry out the purposes of this act under the supervision of the Mississippi Building Codes Council.

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

(2) The governing body of a county or municipality may not enforce that portion of a nationally recognized building code that regulates the construction or improvement of a farm structure.

(3) For residential construction, the standards published by the Federal Emergency Management Agency for the National Flood Insurance Program shall apply.

(4) The provisions of this section do not apply unless, before constructing a farm structure, the person owning the property on which the structure is to be constructed files an affidavit with the county or municipal official responsible for enforcing the building code stating that the structure is being constructed as a farm structure. The affidavit must include a statement of purpose or intended use of the proposed structure or addition.

(5) This section does not affect the authority of the governing body of a county or municipality to issue building permits before the construction or improvement of a farm structure.

SECTION 13. (1) For a violation of the building codes or regulations adopted pursuant to this act, the local building officials, municipal or county attorneys or other appropriate authorities of a political subdivision or rural inspection authority, in addition to other remedies, may apply for injunctive relief, mandamus or other appropriate proceeding. A court may grant temporary injunctive relief upon receipt of a verified complaint of an imminent danger or emergency situation.

(2) The governing authority of any municipality, the board of supervisors of any county, and any rural inspection authority, in its discretion, may adopt an ordinance or resolution to establish and impose a civil penalty not to exceed Two Hundred Dollars (\$200.00) upon any person found to be in violation of a building code or regulation adopted pursuant to the provisions of this act.

SECTION 14. The provisions of this act are cumulative to other local ordinances and do not limit the authority of counties or municipalities as long as they do not diminish the requirements established in this act.

SECTION 15. Buildings must be inspected in accordance with the codes in effect for the locality on the date of the issuance of the original building permit, except that:

(a) If no date of issuance of original building permit can be found, the date of submission of the completed application to the local authority must be used.

(b) If no date of application for, or date of issuance of, building permit is available, the director of the applicable county planning and development service (or similar agency) shall determine the nearest possible date by using available documents, such as transfer of property records, mortgage records, tax records or rent records.

SECTION 16. The provisions of this act shall not apply to the construction or improvement of buildings used by industries designated as manufacturing (sectors 31-33), utilities (sector 22), bulk stations and materials (sector 422710), crude oil pipelines (sector 486110), refined petroleum products pipelines (sector 486910), natural gas pipelines (sector 486210), other pipelines (sector 486990) and natural gas processing plants (sector 211112), under the North American Industry Classification System (NAICS).

SECTION 17. Nothing in this act shall limit the authority of any municipality or county from charging fees as may be necessary and reasonable to provide for the administration and enforcement of a building code adopted pursuant to this act.

SECTION 18. Section 19-5-9, Mississippi Code of 1972, is amended as follows:

19-5-9. (1) The construction codes published by a nationally recognized code group which sets minimum standards and has the proper provisions to maintain up-to-date amendments are adopted as minimum standard guides for building, plumbing, electrical, gas, sanitary, and other related codes in Mississippi. Any county within the State of Mississippi, in the discretion of the board of supervisors, may adopt building codes, plumbing codes, electrical codes, sanitary codes, or other related codes dealing with general public health, safety or welfare, or a combination of the same, within but not exceeding the provisions of the construction codes published by nationally recognized code groups, by order or resolution in the manner prescribed in this section, but those codes so adopted shall apply only to the unincorporated areas of the county. However, those codes shall not apply to the erection, maintenance, repair or extension of farm buildings or farm structures, except as may be required under the terms of the "Flood Disaster Protection Act of 1973" and shall apply to a master planned community as defined in Section 19-5-10, only to the extent allowed in Section 19-5-10. The provisions of this section shall not be construed to authorize the adoption of any code which applies to the installation, repair or maintenance of electric wires, pipelines, apparatus, equipment or devices by or for a utility rendering public utility services, required by it to be utilized in the rendition of its duly authorized service to the public. Before any such code shall be adopted, it shall be either printed or typewritten and shall be presented in pamphlet form to the board of supervisors at a regular meeting. The order or resolution adopting the code shall not set out the code in full, but shall merely identify the same. The vote or passage of the order or resolution shall be the same as on any other order or resolution. After its adoption, the code or codes shall be certified to by the president and clerk of the board of supervisors and shall be filed as a permanent record in the office of the clerk who shall not be required to transcribe and record the same in the minute book as other orders and resolutions.

(2) All provisions of this section shall apply to amendments and revisions of the codes mentioned in this section. The provisions of this section shall be in addition and supplemental to any existing laws authorizing the adoption, amendment or revision of county orders, resolutions or codes.

(3) Any code adopted under the provisions of this section shall not be in operation or force until sixty (60) days have elapsed from the adoption of same; however, any code adopted for the immediate preservation of the public health, safety and general welfare may be effective from and after its adoption by a unanimous vote of the members of the board. Within five (5) days after the adoption or passage of an order or resolution adopting that code or codes the clerk of the board of supervisors shall publish in a legal newspaper published in the county the full text of the order or resolution adopting and approving the code, and the publication shall be inserted at least three (3) times, and shall be completed within thirty (30) days after the passage of the order or resolution.

(4) Any person or persons objecting to the code or codes may object in writing to the provisions of the code or codes within sixty (60) days after the passage of the order or resolution approving same, and if the board of supervisors adjudicates that ten percent (10%) or more of the qualified electors residing in the affected unincorporated areas of the county have objected in writing to the code or codes, then in such event the code shall be inoperative and not in effect unless adopted for the immediate preservation of the public health, safety and general welfare until approved by a special election called by the board of supervisors as other special elections are called and conducted by the election commissioners of the

county as other special elections are conducted, the special election to be participated in by all the qualified electors of the county residing in the unincorporated areas of the county. If the voters approve the code or codes in the special election it shall be in force and in operation thereafter until amended or modified as provided in this section. If the majority of the qualified electors voting in the special election vote against the code or codes, then, in such event, the code or codes shall be void and of no force and effect, and no other code or codes dealing with that subject shall be adopted under the provisions of this section until at least two (2) years thereafter.

(5) After any such code shall take effect the board of supervisors is authorized to employ such directors and other personnel as the board, in its discretion, deems necessary and to expend general county funds or any other funds available to the board to fulfill the purposes of this section.

(6) For the purpose of promoting health, safety, morals or the general welfare of the community, the governing authority of any municipality, and, with respect to the unincorporated part of any county, the governing authority of any county, in its discretion, are empowered to regulate the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density or population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, but no permits shall be required except as may be required under the terms of the "Flood Disaster Protection Act of 1973" for the erection, maintenance, repair or extension of farm buildings or farm structures outside the corporate limits of municipalities.

(7) The authority granted in this section is cumulative and supplemental to any other authority granted by law.

(8) Notwithstanding any provision of this section to the contrary, any code adopted by a county before or after April 12, 2001, is subject to the provisions of Section 41-26-14(10).

(9) The provisions of this section shall stand repealed on July 1, 2010.

SECTION 19. Section 21-19-25, Mississippi Code of 1972, is amended as follows:

21-19-25. (1) Any municipality within the State of Mississippi may, in the discretion of its governing authorities, adopt building codes, plumbing codes, electrical codes, gas codes, sanitary codes, or any other codes dealing with general public health, safety or welfare, or a combination of the same, by ordinance, in the manner prescribed in this section. Before any such code shall be adopted, it shall be either printed or typewritten, and it shall be presented in pamphlet form to the governing authorities of the municipality at a regular meeting. The ordinance adopting the code shall not set out the code in full, but shall merely identify the same. The vote on passage of the ordinance shall be the same as on any other ordinances. After its adoption, the code shall be certified to by the mayor and clerk of the municipality, and shall be filed as a permanent record in the office of the clerk, who shall not be required to transcribe and record the same in the ordinance book as other ordinances. It shall not be necessary

that the ordinance adopting the code or the code itself be published in full, but notice of the adoption of the code shall be given by publication in some newspaper of the municipality for one (1) time, or if there be no such newspaper, by posting at three (3) or more public places within the corporate limits, a notice in substantially the following form:

Notice is given that the city (or town or village) of _____, on the (give date of ordinance adopting code), adopted (state type of code and other information serving to identify the same) code.

(2) All the provisions of this section shall apply to amendments and revisions of the code mentioned in this section. Any code adopted in accordance with this section shall not be in force for one (1) month after its passage, unless the municipal authorities in the ordinance authorize to the contrary. The provisions of this section shall be in addition and supplemental to any existing laws authorizing the adoption, amendment or revision of municipal ordinances or codes.

(3) Notwithstanding any provision of this section to the contrary, any code adopted by a municipality before or after April 12, 2001, is subject to the provisions of Section 41-26-14(10).

(4) The provisions of this section shall apply to all municipalities of this state, whether operating under the code charter, a special charter, commission form, or other form of government.

(5) The provisions of this section shall stand repealed on July 1, 2010.

SECTION 20. Section 45-11-103, Mississippi Code of 1972, is amended as follows:

45-11-103. The standards embodied in said code shall be based upon and shall be not less stringent than the standards established by the International Fire Code as promulgated by the International Code Council (ICC), Inc., and as the same may be revised or amended; however, the State Fire Marshal shall have the authority to deviate from the minimum requirements of such * * * code when the imposition and enforcement of a specific requirement of the * * * code would cause unnecessary hardship or when such deviation would enable builders to take advantage of new methods, materials or equipment which is of recognized adequacy.

The Mississippi Fire Prevention Code shall include provisions that every new building over seventy-five (75) feet in height in the state of Mississippi for which a permit is issued after the passage of Sections 45-11-101 through 45-11-111 shall be equipped throughout the building with a totally automatic sprinkler system designed for life safety and fire prevention and protection. This provision shall include every building over seventy-five (75) feet in height constructed after the effective date of Sections 45-11-101 through 45-11-111 or to any existing building in which twenty-five percent (25%) or more of the floor space is being reconstructed or added thereto. However, 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 utilized solely for the storage of agricultural products are exempt from the automatic sprinkler system provisions of the code.

SECTION 21. This act shall take effect and be in force from and after its passage.
