

ITEM # \_\_\_\_\_

PREPARED BY: Carter Gray

Moved: \_\_\_\_\_

APPROVED BY: Robert B. Rolwing  
County Attorney

Seconded by: \_\_\_\_\_

JOINT ORDINANCE NO. \_\_\_\_\_

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY MECHANICAL CODE SO AS TO ADOPT THE 2015 EDITION OF THE ICC INTERNATIONAL MECHANICAL CODE AND LOCAL AMENDMENTS TO REPLACE AN OUTDATED MECHANICAL CODE AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS. SPONSORED BY COMMISSIONER EDMUND FORD, JR.

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WHEREAS, the Board of Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis have previously adopted the 2009 Edition of the *International Code Council International Mechanical Code* with certain local amendments thereto, now collectively known as the 2011 Joint Mechanical Code of Memphis and Shelby County; and

WHEREAS, A more recent edition of the ICC International Mechanical Code has been reviewed by the Memphis and Shelby County Office of Construction Code Enforcement and found to better address the needs of the citizens of Memphis and Shelby County and the regulated community that must follow that code in their work and licensing; and

WHEREAS, Requirements for the operation of a local permitting and inspection program for construction and installation of mechanical systems, in lieu of state operation of such a program, is both desirable and in the best interests of this community; and

WHEREAS, Tennessee statutes require the frequent updating of the standard codes used to regulate construction so as to better protect the public by assuring the requirements for such installations are modern and represent an acceptable current level of professionalism and technical information; and

WHEREAS, Copies of the 2015 Edition of the ICC International Mechanical Code have been placed in the Office of the Minutes Clerk of the Shelby County Commission for public review of those documents and as required by state statute before their adoption by reference by the Shelby County Board of Commissioners and the Council of the City of Memphis; and

WHEREAS, An effective date for the adoption of these new requirements must be sufficiently timed so as to allow a seamless and smooth transition for the design professional and contractors who must work with that code, but that still meets the statutory requirements found in state law.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That all previous mechanical codes are hereby repealed except as may be set out in the attachments hereto, and that the 2015 Edition of the International Code Council (ICC) International Mechanical Code is hereby adopted, a copy of said code being on file in the Shelby County Commission Minutes Office.

BE IT FURTHER ORDAINED, That the local amendments to the sections of the 2015 Edition of the ICC Mechanical Code noted in the attached Exhibit A are also adopted and together these provisions and the 2015 ICC Mechanical Code shall become the 2018 Memphis and Shelby County Mechanical Code.

BE IT FURTHER ORDAINED, That Appendix A – Summary Of Permit And Inspection Fees, a locally drafted appendix, is hereby adopted into this code, but that no other appendix listed in the 2015 ICC International Mechanical Code is adopted.

BE IT FURTHER ORDAINED, That Chapter 6, Article VI, Section of the Shelby County Code of Ordinances is amended to make such changes as necessary to implement

the update of this code, in accordance with the changes shown in Exhibit B, which is attached hereto and incorporated herein by reference;

BE IT FURTHER ORDAINED, That those provisions of Ordinance 243 adopted by the Shelby County Commission on August 27, 2001, which establish the permit and inspection fees for the Mechanical Code will be repealed upon passage of this ordinance and the provisions of Appendix A shall establish the fees associated with the provisions of this code and its implementation and operation by the Office of Construction Code Enforcement.

BE IT FURTHER ORDAINED, That should any part of this ordinance or code be found to be unconstitutional or unenforceable by a court of competent jurisdiction that such a determination will have no effect on the other portions of the adopted Code and the amendments thereto.

BE IT FURTHER ORDAINED, That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County on December 31, 2018, by virtue of the concurring and separate passage thereof by the Memphis City Council and by the Board of Commissioners of Shelby County or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.

\_\_\_\_\_  
Lee Harris  
County Mayor

Date \_\_\_\_\_

ATTEST:

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Clerk of County Commission

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted Third Reading: \_\_\_\_\_

*Memphis*  
*and*  
*Shelby County*

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**2018 Mechanical Code**

**Local Amendments**

# **1. REPLACE EXISTING CHAPTER 1 WITH THE FOLLOWING CHAPTER 1**

## **MECHANICAL CODE CHAPTER 1 ADMINISTRATION**

### **Section 101**

#### **General**

**101.1 Title.** These regulations shall be known as the 2018 Memphis and Shelby County Joint Mechanical Code, hereinafter referred to as "this code."

**101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code, as locally amended.

**101.2.1 Appendices.** Provisions in the following appendices shall apply.

**Appendix A** - Permit Fee Ordinance and Mechanical Section Fee Schedule

**101.3 Intent.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems.

**101.3.1 Quality control.** Quality Control of materials and workmanship is not within the purview of the Technical Codes except as it relates to the purpose stated herein.

**101.4 Severability.** - If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### **SECTION 102 APPLICABILITY**

**102.1 General.** The provisions of this code shall apply to all matters affecting or relating to structures and

premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.1.1 Federal and state authority.** The provisions of the Technical Codes shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, or any power or authority which it had on the effective date of the adoption of the Technical Codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

**102.2 Existing installations.** Mechanical systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such mechanical system.

**102.3 Maintenance.** Mechanical systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free and sanitary condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of mechanical systems. To determine compliance with this provision, the Building Official shall have the authority to require a mechanical system to be re-inspected. Maintenance shall be performed by a registered or licensed contractor.

#### **[EB] 102.4 Additions, alterations or repairs.**

Additions, alterations, renovations or repairs to a mechanical system shall conform to that required for a new mechanical system without requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded.

Minor additions, alterations, renovations and repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the

same manner and arrangement as was in the existing system, is not hazardous and is approved.

**[EB] 102.5 Change in occupancy.** It shall be unlawful to make a change in the occupancy of any structure which will subject the structure to any special provision of this code applicable to the new occupancy without approval. The Building Official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

**[EB] 102.6 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

**102.7 Moved buildings.** Except as determined by Section 102.2, mechanical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

**102.8 Referenced codes and standards.** The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the condition of the listing and the manufacturer's installation instructions shall apply.

**102.9 Requirements not covered by this Code.** Requirements necessary for the strength, stability or proper operation of an existing or proposed mechanical system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Building Official.

## SECTION 103

### Memphis and Shelby County Office of Construction Code Enforcement (MSCCE)

**103.1 Creation Of Enforcement Agency.** - Joint Resolution/Ordinance #3333 was adopted and approved by the City of Memphis and the Shelby County legislative bodies, to create the Memphis and Shelby County Office of Construction Code Enforcement (MSCCE) this joint agency charged with enforcement of the Memphis and Shelby County Building, Memphis and Shelby County Memphis and Shelby County Existing Building, Memphis and Shelby County Electrical, Memphis and Shelby County Fuel Gas, Memphis and Shelby County Plumbing, Memphis and Shelby County Residential Code and Memphis and Shelby County Energy Conservation Code and this code, which are to be known collectively as Memphis and Shelby County 2018 Technical Codes

### 103.2 Employee Qualifications

**103.2.1 Building Official qualifications.** As established by Ordinance #3333

**103.2.2 Chief Inspector qualification.** The Building Official, with the approval of the Administrator, may designate chief inspectors to administer the provisions of the 2018 Technical Codes for Memphis and Shelby County. The qualifications of the Chief Inspectors shall be as established by Ordinance #3333.

**103.2.3 Inspector qualifications.** The Building Official, with the approval of the Administrator, may hire such numbers of officers, inspectors, assistants, and other employees as shall be authorized from time to time. For employee minimum qualifications, see the Shelby County Administration Job Class Master.

**103.2.4 Deputy Building Official qualifications.** The Building Official may designate as his deputy an employee in the department who shall, during the absence or disability of the Building Official, exercise all the powers of the Building Official. The Deputy Building Official should have the same qualifications listed in 103.2.2.

**103.3 Restriction on employees.** An officer or employee connected with the department, except one whose only connection is as a member of the Boards established by the Technical Codes, shall not be financially interested in the furnishing of labor, material or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with the duties or conflicts, or may appear to conflict, with the interest of the department.

**103.4 Records.** The Building Official shall keep, or cause to be kept, official records of the applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such reports shall be retained in the official records for the period required for the retention of public records and shall be open to public inspection.

**103.5 Liability.** Any officer or employee, or member of the Joint Board of Appeals or Mechanical Advisory Board, charged with the enforcement of the Technical Codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of the Technical Codes shall be defended by the department of law until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**103.6 Reports.** The Building Official shall submit annually a report covering the work of the OCCE during the preceding year. He may incorporate in said report a summary of the decisions of the Joint board of Appeals during said year.

## **Section 104**

### **Powers And Duties Of The Building Official**

**104.1 General.** The Building Official is hereby authorized and directed to enforce the provisions of the Technical Codes. The Building Official is further authorized to render interpretations of the Technical Code which are consistent with its spirit and purpose and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

#### **104.2 Right of Entry**

**104.2.1 Authorization.** Whenever necessary to make an inspection to enforce any of the provisions of the Technical Codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure,

premises, electrical, gas, mechanical, or plumbing system unsafe, dangerous or hazardous, the Building Official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by the Technical Codes. If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

**104.2.2 Inspection with warrant.** When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to the Technical Codes.

**104.2.3 Identification.** The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.3 Stop work order.** Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the Technical Codes or is a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or his agent, or to the person doing the work. The notice shall state the conditions under which the work may be resumed. When an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

#### **104.4 Revocation of Permits**

**104.4.1 Misrepresentation of application.** The Building Official may revoke a permit or approval, issued under the provisions of the Technical Codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

**104.4.2 Violation of code provisions.** The Building Official may revoke a permit upon determination by the Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or



replacement of the building, structure, electrical, gas, mechanical or plumbing system for which a permit was issued is in violation of, or not in conformity with, the provisions of the Technical Codes.

**104.5 Unsafe building or systems.** All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service system. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

**104.6 Notices and orders.** The Building Official shall issue all necessary notices and orders to ensure compliance with this code.

## **SECTION 105 APPROVAL**

**105.1 Modifications.** - Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and does not lessen health, life and fire safety requirements.

**105.2 Alternative materials, methods, equipment and appliances.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

**105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures.

**105.3.2 Testing agency.** All tests shall be performed by an approved agency.

**105.3.3 Test reports.** Reports of tests shall be retained by the Building Official for the period required for retention of public records.

**105.4 Material, equipment and appliance reuse.** - Materials, equipment, appliances and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

## **SECTION 106 PERMITS**

### **106.1 Permit Application.**

**106.1.1 When required.** Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system or to cause any such work to be done shall first hire or cause to be hired a licensed and/or registered Contractor. Contractor shall first make application to the Building Official and obtain required permits for the work.

**Exception** – Where equipment and appliance replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the department of mechanical inspection.

**106.1.2 Permit required for appurtenances to buildings and other structures and apparatus.** A permit shall be required to erect, install, alter, or repair any of the following list of building appurtenances, new structures, and apparatus, and shall include, but not be limited to, the following:

1. Conveyor systems (Permit and Inspection Fees are as set for in section B-9 of the fee ordinance as set forth in Appendix B);
2. Racking systems/Shelving (Permit and Inspection Fees are as set for in section B-9 of the fee ordinance as set forth in Appendix B);
3. Process Piping System (Permit and Inspection Fees for Process Piping System will be as set forth in the fee ordinance as set forth in Appendix B)

**106.1.3 Permits for specific structures.** A permit, and the payment of the appropriate fees, shall be required to erect, install, alter, or repair any of the following list of building appurtenances, new structures and apparatus, and shall include, but not be limited to, the following:

**Mechanical Code /Electric Code /Plumbing Code –**

1. Air Conditioning, heating, mechanical ventilating, blower, or exhaust systems
2. Cooling towers
3. Fire Protection, sprinkler systems
4. Mechanical refrigeration systems
5. Pressure Piping Systems

**Building Code/Electric Code/Plumbing Code**

1. Special events permit (See policy and procedures for requirements.)
2. Temporary construction trailers
3. Elevators

**Building Code/Electric Code/ Mechanical Code**

1. Generators; except outdoor self contained units (no MC)
2. Incinerator
3. Spray Booth

**Building Code/Mechanical Code/ Plumbing Code**

1. Storage tank or bin

**Building Code/Electric Code**

1. Fire Alarms

**Mechanical Code/Electric Code**

1. Fire suppression systems, including commercial kitchen hoods

**Fuel Gas Code/Electric Code**

1. Liquefied petroleum gas systems

**Mechanical Code**

**Plumbing Code**

1. Potable water systems
2. Sewer private (Private Drive); (See policy and procedures for requirements.)
3. Medical gas systems
4. Fire protection systems

**106.2 Permits not required.** Permits shall not be required for the following:

1. The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe;

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

**106.3 Application for permit.** Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose and shall contain a general description of the proposed

work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the Building Official.

**106.3.1 Construction documents.** Construction documents, engineering calculations, diagrams and other data shall be submitted in four sets with each application for a permit. The Building Official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional when required by state law.

Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

**Exception:** The Building Official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

**106.3.2 Design professional.** The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said plans, specifications and accompanying data, for the following:

1. All group A, E and I occupancies.
2. Buildings and structures three stories or more high
3. Buildings and structures 5,000 square feet or more in area. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law permits its preparation by a person not so registered.

**Exception:** Group R3 buildings, regardless of size shall require neither a registered architect nor engineer nor a certification that an architect or engineer is not required.

**106.4 Permit issuance.** The application, construction documents and other data filed by an applicant for a permit shall be reviewed by the Building Official. If the Building Official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified

in Section 106.5 have been paid, a permit shall be issued to the applicant.

**106.4.1 Reviewed construction documents.** When the Building Official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "REVIEWED." Such reviewed construction documents shall not be changed, modified or altered without authorization from the Building Official. Work shall be done in accordance with the reviewed construction documents.

The Building Official shall have the authority to issue a permit for the construction of part of a mechanical system before the construction documents for the entire system have been submitted or reviewed, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire mechanical system will be granted.

**106.4.2 Validity.** The issuance of a permit or review of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of this code shall be invalid.

The issuance of a permit based upon construction documents and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations from being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction. The inspection or permitting of a building, system, or plans by any jurisdiction, under the requirements of the Technical Codes, shall not be construed in any court as a warranty of the physical condition of such building, system or plans or their adequacy. No jurisdiction or any employee shall be held liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plans, or for any failure of any component of such, which may occur subsequent to such inspection or permitting.

**106.4.2.1 No warranty to be construed.** The inspection of any building, system or plans by any jurisdiction, under the requirements of the Technical Codes, shall not be construed in any court as a warranty of the physical condition of such building, system or plans or their adequacy. No jurisdiction or any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plans, or for any failure of any component of

such, which may occur subsequent to such inspection or permitting.

**106.4.3 Time limitation.** An application for a permit for any proposed work shall be deemed void if the application is inactive for a period of 6 months. Work shall be considered suspended if an approved inspection has not been made within a 6-month period. One or more extensions of time for periods of not more than 90 days each may be allowed for active applications or permits by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

**106.4.4. Action on permit.** The Building Official shall act upon an application for a permit without unreasonable delay. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the Technical Codes and other pertinent laws and ordinances, he shall issue a permit to the applicant. Permits shall be only issued to a licensed and/or registered contractor who performs the work. If work is subcontracted both the contractors shall be licensed and/or registered.

**106.4.5 Suspension or revocation of permit.** The Building Official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.

**106.4.6 Retention of construction documents.** One set of construction documents shall be retained by the Building Official until final approval of the work covered therein. One set of reviewed construction documents shall be returned to the applicant, and said set shall be kept on site of the building or job at all times during which the work authorized thereby is in progress.

**106.5 Fees.** A permit shall not be issued until the fees prescribed in Appendix B have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the mechanical system, has been paid. Any fee based, in whole or in part, on the valuation of work to be conducted shall be based on the contract price of that work.

**106.5.1 Work commencing before permit issuance.** Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

**106.5.2 Fee refund.** The procedures to apply for a refund and the amount of any refund provided to an applicant will be determined by the refund procedures established by ordinance and shown in Appendix A.

**106.6 Amended construction documents.** Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents.

**106.7 Work authorized.** A mechanical permit shall carry with it the right to construct or install the work, as shown in the drawings set forth in the specifications filed with the application for a permit. When additional work is not shown on the drawings and covered by the specifications submitted with the application, additional permits will be required.

## **SECTION 107 INSPECTIONS AND TESTING**

**107.1 Required inspections and testing.** The Building Official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
2. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made upon completion of the mechanical system.
4. All work concealed prior to inspection and/or test shall be uncovered in its entirety for inspector and subject to any reinspection fee.

**Exception:** Ground-source heat pump loop systems tested in accordance with Section 1208.1.1 shall be permitted to be backfilled prior to inspection. The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such

heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

**107.1.1 Approved inspection agencies.** The Building Official shall accept reports of approved agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

**107.1.2 Evaluation and follow-up inspection services.** Prior to the approval of a prefabricated construction assembly having concealed mechanical work and the issuance of a mechanical permit, the Building Official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the Building Official to determine conformance to this code.

**107.1.2.1 Evaluation service.** The Building Official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

**107.1.2.2 Follow-Up inspection.** Except where ready access is provided to mechanical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the Building Official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the Building Official with the follow-up inspection manual and a report of inspections upon request, and the mechanical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

**107.1.2.3 Test and inspection records.** Required test and inspection records shall be available to the Building Official at all times during the fabrication of the mechanical system and the erection of the building; or such records as the Building Official designates shall be filed.

**107.2 Testing.** Mechanical systems shall be tested as required in this code and in accordance with Sections 107.2.1 through 107.2.3. Tests shall be made by the permit holder and observed by the Building Official.

**107.2.1 New, altered, extended or repaired systems.** New mechanical systems and parts of existing systems, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

**107.2.2 Apparatus, material and labor for tests.** Apparatus, material and labor required for testing a mechanical system or part thereof shall be furnished by the permit holder.

**107.2.3 Re-Inspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the Building Official for inspection and testing.

**107.2.4 Re-Inspection fee for excessive or repeat inspection calls.** When an inspector rejects an inspection of part or all of a mechanical system or equipment due to the work being in violation or incomplete, or no plainly visible street address is posted on the job site, an additional fee shall be as set forth in the Fee Ordinance and Appendix B and charged for second re-inspection of the same infraction and each re-inspection thereafter until the infraction is corrected.

**107.2.4.1 Review of fee.** Any person, firm or corporation aggrieved by the assessment of any re-inspection fee may appeal to the Chief Inspector for a review of the facts involved and a possible reduction or dismissal of said re-inspection fee.

**107.2.4.2 When paid.** Re-inspection fees shall be paid before the next inspection.

**107.3 Approval.** After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the Building Official.

**107.3.1 Written release.** Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

**107.4 Temporary connection.** The Building Official shall have the authority to authorize the temporary connection of a mechanical system to the sources of

energy for the purpose of testing mechanical systems or for use under a temporary certificate of occupancy.

## **SECTION 108 VIOLATIONS**

**108.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a mechanical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**108.2 Notice of violation.** The Building Official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**108.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the Building Official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**108.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the reviewed construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense, punishable by a fine of not more than fifty (\$50) dollars per day per violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**108.5 Stop work orders.** Upon notice from the Building Official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the

system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

**108.6 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the mechanical system on or about any premises.

**108.7 Unsafe mechanical systems.** A mechanical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe mechanical system. Use of a mechanical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

**108.7.1 Authority to condemn mechanical systems.** Whenever the Building Official determines that any mechanical system, or portion thereof, regulated by this code has become hazardous to life, health, property, or has become insanitary, the Building Official shall order in writing that such system either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective mechanical system after receiving such notice.

When such mechanical system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

**108.7.2 Authority to order disconnection of energy sources.** The Building Official shall have the authority to order disconnection of energy sources supplied to a building, structure or mechanical system regulated by this code, when it is determined that the mechanical system or any portion thereof has become hazardous or unsafe. Written notice of such order to disconnect service and the causes therefore shall be given within 24 hours to the owner and occupant of such building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public

utility, the Building Official shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

**108.7.3 Connection after order to disconnect.** A person shall not make energy source connections to mechanical systems regulated by this code which have been disconnected or ordered to be disconnected by the Building Official, or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such mechanical systems. When a mechanical system is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the Building Official shall institute appropriate action to prevent, restrain, correct or abate the violation.

## **SECTION 109 MEANS OF APPEAL**

**109.1 Membership of the Joint Board of Appeals.** The Memphis and Shelby County Joint Board of Appeals shall consist of a total of 17 appointed and 2 ex-officio members. Those appointed members, not employees of any government unit.

**109.2 Composition of Board.** - Membership shall include representatives from the following classes:

1. Tennessee Licensed Architect
2. Tennessee Licensed Structural Engineer
3. Tennessee Licensed Building Contractor
4. Licensed Electrical Engineer
5. Licensed Electrical Contractor
6. Licensed Elevator Contractor or Manufacturer
7. Licensed Heating & Air Condition Contractor
8. Licensed Mechanical Engineer
9. Licensed Plumbing Contractor
10. Licensed Residential Contractor
11. Fire Prevention Representative
12. Licensed Fire Protection Contractor
13. Citizen-at-large
14. Member of the Building Code Board (Chairperson or Board Member appointed by the Chairperson)
15. Member of the Electrical Code Board (Chairperson or Board Member appointed by the Chairperson)
16. Member of the Mechanical/Fuel Gas Code Board (Chairperson or Board Member appointed by the Chairperson)
17. Member of the Plumbing Code Board (Chairperson or Board Member appointed by the Chairperson)

**109.3 Appointed Ex-Officio Members.** After the above categories of members have been appointed, the Mayors shall appoint such other person as each may deem qualified to serve as ex-officio members.

**109.4 Other Ex-Officio Members.** In addition, the Building Official of the City of Memphis and Shelby County and the fire Marshall of the City of Memphis shall serve as ex-officio members without a vote.

**109.5 Appointments.** All appointed members of the Board shall be appointed by both Mayors and approved by the Memphis City Council and Shelby County Board of Commissioners.

**109.6 Term of office.** The term of office of the board members shall be staggered so no more than 1/3 of the Board is appointed or replaced in any 12 month period. The two alternates, if appointed, shall serve one year terms.

**109.6.1 Filling vacancies.** Vacancies shall be filled for the unexpired term in the manner in which the original appointments are required to be made. All appointed Board members shall be residents of Shelby County and shall serve without pay.

**109.6.2 Oath.** All members shall qualify and take an oath to uphold the Constitution of the United States and the State of Tennessee and faithfully discharge the duties of their office.

**109.6.3 Absence shall be cause for removal.** Continued absence of any member from required meeting of the Board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

**109.7 Quorum and voting.** A simple majority of the Board shall constitute a quorum. In varying any provision of this code, the affirmative votes of  $\frac{3}{4}$  members present, but not less than five affirmative votes, shall be required. In modifying a decision of the Building Official, not less than five affirmative votes of the members present. In approving an equal to or better method, the majority affirmative votes shall be required. In the event that regular members are unable to attend and a quorum is not present, the Building Official shall be empowered to appoint alternative members to obtain a quorum.

**109.8 Absence of members.** During absence of a member by reason of disability or disqualification, the Administrator shall designate a qualified substitute. However, 3 successive unexcused absences from any regular or special meetings shall be grounds for termination at the will and pleasure of the appointing Mayor without the necessity of a hearing and the action shall be final.

**109.9 Chairperson And Vice Chairperson Of The Joint Board Of Appeals.** – At the first meeting of each year, the Board shall select one of its members to serve as Chairperson for the year, and one of its members to serve as Vice Chairperson.

**109.10 Secretary Of The Board.** The Building Official shall act as secretary of the Board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decisions, the vote of each member, and the absence of a member and any failure by a member to vote.

**109.11 Power.** The Joint Board of Appeals shall have power, as further defined in section 108. 4 of the technical codes to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.

#### **109.12 Appeals**

**109.12.1 Decisions of the Building Official.** The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Joint Board of Appeals whenever any one of the following conditions are claimed to exist:

1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case
3. That an equally good or more desirable form of construction can be employed in any specific case.
4. The true intent and meaning of the code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

**109.13 Variances.** The Joint Board of Appeals, when so appealed to and after hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the code to other buildings, structures, or service systems.

4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system

5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

**109.14 Conditions on the variance.** In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violations of the conditions of a variance shall be deemed a violation of this code.

**109.15 Notice of appeal.** Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building Official. Appeals shall be in a form acceptable to the Building Official, and shall be accompanied by a fee of \$125.

**109.16 Unsafe or dangerous building or service system.** In the case of a building, structure or service system which in the opinion of the Building Official is unsafe, unsanitary or dangerous, the Building Official may, in his order, limit the time for such appeals to a shorter period.

**109.17 Procedures of the board.** The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the Chairperson. The Board shall meet within 30 calendar days after notice of appeal has been received.

**109.18 Decisions.** The Joint Board of Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order or disallowance of the Building Official or varies the application of any provision of this code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

## **Section 110 Violations And Penalties**

**110.1 Violation a civil offense.** Any person, firm, corporation or agent who shall violate a provision of the Technical Codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a civil offense. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Technical Codes is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state law.

**110.2 Fines established.** Any person, firm or corporation who shall violate a provision of the Technical Codes or fail to comply with any of the provisions thereof, or violate a detailed statement or plans submitted or approved, shall be guilty of a separate offense for each day during which any of the violation of any of the provisions of the Technical Codes is committed or continued, and upon conviction in the court of jurisdiction for any such violation such person shall be punished by a fine of not more than \$50.00. Each day that a violation continues shall be deemed a separate offense.

**110.3 Prohibition of interference.** Any person interfering with the Building Official or his assistance in the performance of their duties shall be guilty of a violation of this code.

**110.4 Authority to institute suit.** – When, in the decision of the Building Official or his assistants, there has been a violation of the Technical Codes, the Building Official or any other officer, board, or properly authorized person, in addition to any other remedies provided by law and the Technical Codes, is hereby authorized to institute suit in any appropriate manner to prevent, enjoin, or abate such violation.

**110.5 Withholding permits.** The failure to respond to official correspondence from the Building Official or his designee after registered mailing by said Board to the contractor's address of record (record with the Office of Construction Code Enforcement) shall be deemed a sufficient reason to withhold permits, and every contractor shall be held responsible for the violation of the Technical Codes by his/her employees. Permits shall be issued only to a licensed and/or registered contractor. No permit shall be issued to any licensed and/or registered contractor during the time that he/she shall



fail to remedy defective work or fail to call for inspections after being informed by the Building Official or his designee that he/she has been held responsible therefore under the Technical Codes. Any other violation of the Technical Codes shall also be grounds for withholding permits.

**110.6 Sale of dangerous appliances, devices and material.** It shall be a violation for any person in the County to sell or offer for sale, any electrical, gas, mechanical or plumbing appliance, devices and materials that when used, are dangerous to life, health or property. Appliances, devices, and materials without an approved label from a recognized testing laboratory may be determined unsafe.

**110.7 Cutting Off Utility Service Which Is Unsafe Or Improperly Installed.**

**110.7.1 Authority provided.** - The Building Official or his duly authorized representative is empowered, and it shall be his duty, to cause the termination of electric, gas, or water service supplying buildings, wiring systems, equipment, plumbing systems, and/or devices which are deemed by him to be unsafe, or which have not been installed in conformity with the provisions of the Technical Codes, and such power shall not be resumed until all the provisions of the Technical Codes are complied with and approved.

**110.7.2 Notification to owner.** The Building Official or his duly authorized representative shall notify the owner or user and the person performing electrical, gas, and/or plumbing in violation of the Technical Codes, as defined in Section 110.7.1, to correct such violations immediately or within the time designated. Failure to comply with said notice shall require the Building Official to order the serving utility to terminate part of or all utilities service supplying service to the building's wiring systems, equipment, gas system, plumbing systems, and/or devices which are deemed by him to be in an unsafe condition or installed in violation of the requirements of the Technical Codes until the notice is complied with and approved.

**110.7.3 Absentee owners of rental property.** Absentee owners of rental property receiving notice of defective or unsafe, unsanitary or dangerous conditions in a building, structure or service system who fail to have such condition corrected as specified in the notice, shall be guilty of violating the Technical Codes and shall be fined not less than \$50.

**110.7.4 Authority to disconnect service utilities.** The Building Official shall have the authority to authorize disconnection of utility service to the building, structure

or system regulated by the Technical Codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.

**110.8 Removal of defective work.** Construction work installed in violation of the Technical Codes or in an otherwise unlawful manner, shall be removed in its entirety on order, in writing, from the Building Official or his duly authorized representative and shall be reinstalled in a lawful manner as prescribed by the Technical Codes.

**110.9 Code Does Not Affect Liability For Damages**

**110.9.1 Responsibilities.** The Technical Codes shall not be construed to affect the responsibilities or liabilities of any person owning, operating, controlling or installing material, devices, appliances, or equivalent for damages to persons or property caused by any defects therein, nor shall the City of Memphis and/or Shelby County be held to assume any such liability by reason of the approval of any material, device, appliance, or equipment authorized herein.

**110.9.2 Governmental purpose of technical codes.** The regulations provided in the Technical Codes and/or Ordinances are hereby declared to be governmental and for the benefit of the public. Any member of the governing bodies of Memphis or Shelby County, or any official or employee, or board member charged with the enforcement of the Technical Codes acting for the City and County in the discharge of his duty, shall not thereby render himself personally liable, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as the result of an act required or permitted in the discharge of his duties. Any suit brought against such official or employee, because of such act performed by him in the enforcement of any provision of the Technical Codes shall be defended by the County and/or City Attorney until the final adjudication of the proceedings.

**110.10 False Representation**

**110.10.1 Violation for false advertising.** It shall be a violation for any person engaged in the contracting business to exhibit any sign or advertise in any media representing himself to be other than that for which he has been licensed as required by the Technical Codes.

**110.10.2 Advertising by name.** It shall be a violation for any person, firm, corporation or any other business that engages in, seeks to engage in, or follows the business or occupation of contracting to advertise in any form or media under any name other than the same company name on the application Licensed or Certified State Contractor has on file with the Office of Construction Code Enforcement.

**110.10.3 Inspector.** It shall be a violation for persons not employed by the authority having jurisdiction established in State statute and local ordinances, to represent themselves to the public as an inspector.

**110.10.3.1 Inspections not prohibited.** This section does not preclude licensed engineers and contractors from making inspections as required in performing their duties.

**110.10.4 Penalty for violation.** Any person, firm or corporation who violates this provision shall be punished by a fine of not less than \$1.00 nor more than \$50 for each offense. Each day during which the violation shall be continued shall be a separate offense.

**110.11 Concealed improper or defective building, electrical, gas, mechanical and/or plumbing systems.** Any person intentionally concealing from view improperly connected joints or any defective or substandard construction work including but not limited to, spliced wires, piping, gas lines, framing, etc., shall be guilty of a violation and punishable by a fine as provided in Section 110.1 and 110.2.

**110.12 Connecting or utilizing electric, gas or water services.** Any person who shall connect or utilize service at a job site where the electrical, gas or plumbing work has been provided in a manner contrary to the provisions and regulations of the Technical Code shall be guilty of a violation and subject to a fine according to the provisions of section 110.1 and 110.2

## **Section 111 Technical Code Boards**

**111.1 Scope.** The public safety requires that persons engaged in the activities listed below, and any related activities, be qualified to perform such duties competently and in compliance with the Technical Codes.

1. The construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such building or structures

2. The installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, and related accessories as covered by the Technical Codes.

3. The installation of mechanical systems, including alterations, repairs, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems.

4. Plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and connections to a water or sewage system.

The introduction of new materials and assemblies, recommendations of the contractors and other circumstances may, require changes in the Technical Codes: and since the Administrator, Building Official and the Chief Inspectors may require professional, qualified and experience consultants to advise them in matters pertaining to construction work, the Boards are herewith established.

**111.2 Duties of the Technical Code Boards.** The duties of the Technical Code Boards shall consist of, but are not limited to, the following:

1. Recommend the use of new materials or assemblies of materials for acceptance and approval or rejection

2. Recommend changes in the Technical Codes suggested by changes in the International Codes and National Electric Code.

3. Recommend any other proposed changes in the Technical Codes.

4. Act as advisors to the Administrator, Building Official or the Chief Inspectors and when necessary suspending or revoking the license of or otherwise disciplining a license holder.

5. Recommend license, registration and examination fee changes to the Administrator when appropriate

### **111.3 Membership of Mechanical/Gas Code Board.**

The Mechanical/Gas Code Board shall consist of 8 appointed members, who shall serve for a period of three years with their term staggered so that no more than 4 terms expire in any one year. All appointed members of the Board shall be appointed by either the Mayor of Memphis or the Mayor of Shelby County and approved respectively by the City Council or the County Commission. Each Mayor will make half of the appointments that are to be made in one year. The Building Official and Chief Mechanical/Gas Inspector shall serve as ex-officio members without a vote. Additionally, representatives of the MLGW, Fire Marshall's Office for the City of Memphis and for the County of Shelby, shall serve as ex-officio members without the right to vote.

**111. 3.1 Composition of the Mechanical/Gas Code Board.** Membership of the Mechanical/Gas Code Board shall include the following:

1. Master Mechanical/Gas contractor primarily doing residential work
2. Master Mechanical/Gas contractor primarily doing commercial work
3. Master Mechanical/Gas contractor primarily doing industrial work
4. Mechanical/Gas contractor primarily doing residential work
5. Mechanical/Gas contractor primarily doing commercial and industrial work
6. Mechanical/Gas equipment manufacturer or supplies
7. State of Tennessee Engineer (mechanical) experienced in designing Mechanical/Gas systems.
8. Citizen Member

**111.3.2 Ex-Officio members.** After the above categories have been appointed, the Mayors may appoint such other persons as each may deem qualified to serve as ex-officio members. Such members shall not have the right to vote.

**111.4 Absence of members.** During the absence of members by reason of disability or disqualification, the Administrator or Building Official shall designate a qualified substitute. However, 3 successive unexcused absences from any regular or special meetings shall be grounds for termination at the will and pleasure of the appointing Mayor without the necessity of a hearing and such action shall be final.

**111.5 Chairperson, Vice-Chairperson, and Secretary to the Mechanical/Gas Code Board.** At the first meeting of each year, the Board shall select one of its members to serve as Chairperson for that year and one of its members to serve as Vice-Chairperson. The Building Official shall serve as Secretary for the Board. The chairperson of the meeting shall be excluded from any vote at that meeting except to break a tie. The Chairperson or Vice-Chairperson, or selected board member of the Mechanical/Gas Code Board shall serve on the Joint Board of Appeals with one vote representing these two disciplines.

**111.6 Meetings of the Board.** The Board shall be subject to meetings at the call of the Chairperson, the Administrator or the Building Official. Each member shall be given 5 days notice before the date of any called meeting.

#### **111.7 Decisions And Findings Of The Board**

**111.7.1 Administrative issues.** The Board shall report its decisions, findings and recommendations in writing

to the Administrator, who, if he approves, shall cause recommendations concerning the administration of the OCCE to be proposed for enactment.

**111.7.2 Technical issues.** The Board shall report its decisions, findings and recommendations in writing to the Building Official, who, if he approves, shall cause recommendations concerning the technical codes of the OCCE to be enacted.

**111.8 Quorum.** A simple majority of the Board shall constitute a quorum. In the event that the regular members are unable to attend and a quorum is not present, the Administrator or the Building Official shall be empowered to appoint alternate members to obtain a quorum.

**111.8.1 Minutes of Meetings** The Administrator or Building Official shall designate one of the employees of the OCCE to complete accurate minutes at each meeting and make them available to the Board members.

#### **Section 112 Licenses**

**112.1 General.** In addition to the local requirements, contractors shall comply with the State of Tennessee Contractor's License Law & Rules and Regulations: TCA, Title 62 Chapter 6. This includes specifically TCA 62-6-103 entitled "License requirement" in subsection (B) which states "Except in counties with a population of not less than seven hundred seventy seven thousand one hundred thirteen (777,113) according to the 1980 federal census or any subsequent federal census, a person or firm specified in subdivision (a)(2)(A) shall not make more than one (1) application for a permit to construct a single residence or shall not construct more than one (1) single residence within a period of two (2) years. There shall be a refutable presumption within that such person or firm intends to construct for purpose of resale, lease, rent or any other similar purpose if more than one (1) single residence is constructed within a period of two (2) years. No provision of this subdivision shall be construed to alter the definition of "contractor" as defined in Section 62-6-102.

**112.1.1 License required.** All persons having charge of operating boilers, combustion engines, compressors or hoisting equipment, or operating, installing or servicing refrigeration equipment, shall first be licensed with the OCCE, conforming to license requirements set forth in the Technical Codes and established by the Mechanical/Gas Code Board.

**112.1.2 Employment limited.** No person shall employ any mechanical contractor to do such work on property

owned or controlled by him/her unless such person so employed is so licensed. No mechanical contractor shall perform any work under the Technical Codes for which a license is required, unless he/she is licensed to perform such work. Mechanical contractors shall furnish full names of their employees when requested by letter from the Chief Mechanical Inspector, Building Official or Administrator.

**112.1.3 Financial assurance.** In order to enhance enforcement of Technical Code provisions, every person doing business in Memphis and Shelby County as a registered and/or licensed mechanical contractor shall file with the Building Official at its initial licensing, registration or first renewal of same after the effective date of this section, a permit bond on a form acceptable to the Building Official in the penal sum of \$25,000, and issued by an incorporated insurance company authorized to do business in the State of Tennessee. Upon arrival of said bond, the person desiring to do such work shall secure from the Office of Construction Code Enforcement, a registration to do business, which shall run concurrent with the fiscal policy of such authority. When a single legal entity maintains two or more such licenses or registrations with Office of Construction Code Enforcement or two or more permits at the same time, the total penal sum of the bond for all such licenses and permit activities shall not exceed \$50,000. A single bond may be used to meet this requirement.

**112.1.3.1 Conditions.** The conditions of the bond shall be that the principle and surety shall indemnify the City of Memphis and the County of Shelby for their own use, and/or to any citizen against loss by improper compliance with the Technical Codes and any other law or ordinance governing such work: that the principal will suffer no work to be done without a permit, and will report work done for inspection by the Building Official in conformity with the Technical Codes.

**112.1.3.2 Duration.** Such bond shall be continuous and remain in effect every year thereafter, unless canceled by providing 10 days written notice to the principal and obligee. Immediately upon receiving written notice of cancellation, the Building Official shall require that a new bond be furnished. The proper bond form will be provided by the Building Official.

**112.1.3.3 Failure to furnish.** Every contractor who fails to furnish a new bond as required above shall be deemed to have ceased to engage in the business of contracting. No further permits for work under the Technical Codes shall be issued, nor shall work proceed on permitted work until the required bond is furnished.

**112.2 Application for license.** – Application for license under the Technical Code shall be made to the Mechanical/Gas Code Board on a form to be supplied by the Chief Mechanical Inspector, which form shall contain the name, address and proof of experience and other information deemed proper by the Mechanical/Gas Code Board, to show the applicant to be qualified for the type of work he desires to perform. The Chief Mechanical inspector shall oversee the review the qualifications of each applicant after payment of the fee and proof of experience relevant to the level of license requested by the applicant.

**112.2.1 Time for securing license.** Upon arrival of said bond, the person desiring to do such work shall secure from the Office of Construction Code Enforcement a license to do business which shall run concurrent with the fiscal policy of the authority.

### **112.3 Minimum Requirements For Examination**

**112.3.1 Applicant For First-Class Mechanical Contractor Or A Third-Class Mechanical Contractor.** – Applicant must meet the following requirements:

1. Be 21 years of age or older
2. Have experience (full time employment and actively engaged in either installation and/or design in the appropriate field) a minimum of 4 years for a first-class mechanical contractor license, or 2 years for a third-class mechanical contractor license.

**112.3.2 Applicant for a First-Class or Third-Class Stream/Refrigeration Operating Engineer's License.**

Applicants must meet the following requirements:

1. Read and write;
2. Be at least 21 years old for a first-class license or at least 19 years old for a third-class license; and
3. Hold and utilize a third-class license for a minimum of 2 years in order to obtain a first-class license. This third-class license holding requirement may be waived by the Chief Mechanical Inspector, if the applicant shows that he is the holder of a current comparable first-class license from another jurisdiction. Qualified experience, as here used, is limited to experience in steam boiler/refrigeration construction, fabrication, repair or practical operation.
  1. Have qualified experience; which is limited to experience in steam boiler/refrigeration construction, fabrication, repair or practical operations, a minimum of 1 year for third-class license and a minimum of 5 years for first-class.

**112.3.3 Examination.** The examination provided for in this section shall be in writing and shall be confined to

questions, the answer to which will determine the fitness of the applicant for the intended service.

#### **112.4 Examination Fees**

**112.4.1 Fees schedule for testing.** The fees for examination shall be as follows

1. First-class Mechanical \$150
2. Third-class Mechanical \$150
3. First-class steam & refrigeration operating engineer \$200
4. Third-class steam & refrigeration operating engineer \$200
5. First-class steam operating engineer \$100
6. Third-class steam operating engineer \$100
7. First-class refrigeration operating engineer \$100
8. Third-class refrigeration operating engineer \$100

#### **112.4.2 Reserve**

#### **112.5 Effect Of License**

**112.5.1 First-Class Mechanical Contractors License.** A first-class mechanical contractor license, issued under the Technical Codes shall entitle its rightful owner to be in charge of installing, repairing, servicing, and altering any and all equipment and systems otherwise permitted in the Technical Codes.

**112.5.2 Third-Class Mechanical Contractors License.** A Third-class Mechanical issued under the Technical Codes shall entitle its rightful owner to assist any first-class mechanical contractor and to be in charge of installing, repairing, servicing, and altering any and all equipment and systems otherwise permitted in the Technical Codes, unless said equipment exceeds 15 tons or 15 horsepower.

**112.5.3 Mechanical Contractors License.** A mechanical contractor license, issued under the Technical Codes, shall entitle its rightful owner to be in charge of installing, repairing, servicing, and altering any and all equipment and systems having contract value price of less than twenty five thousand (\$25,000) dollars.

**112.5.4 First-Class Steam Operating License.-** A first-class steam operating license, issued under the Technical Codes, shall entitle its rightful owner to operate or have charge of a steam plant of unlimited capacity as to horsepower of boilers, internal combustion engines, or compressors.

**112.5.4.1 Third-Class Steam Operating License. -** A third-class steam operating license, issued under the Technical Codes, shall entitle its rightful owner to assist

first-class operating engineers where such service is required or have charge of or operate a steam plant limited to 50 horsepower of boilers, internal combustion engines, or 50 horsepower compressors.

**112.5.5 First Class Refrigeration Operating License.** A first-class refrigeration operating license, issued under the Technical Codes, shall entitle its rightful owner to operate or have charge of a refrigeration system of unlimited tonnage and internal combustion engines of unlimited horsepower.

**112.5.5.1 Third -Class Refrigeration Operating License.** A third-class refrigeration license, issued under the Technical Codes, shall entitle its rightful owner to operate or have charge of refrigeration systems of 40 tons and internal combustion engines limited to 50 horsepower.

#### **112.6 Vehicle Used By Mechanical Contractors To Have Signs Identifying Ownership.**

**112.6.1 Owned vehicles.** All trucks and similar vehicles used by mechanical contractors or their employees shall be conspicuously displayed on the body of both sides of said vehicle, in any color in contrast to the color of the vehicle's body, the following identification: the full name of the firm to which it belongs, in lettering at least two inches high on the top line, and in the wording MSC in lettering at least 1-1/2 inches high on the second line.

**112.6.2 Vehicles for temporary use.** In the event a contractor obtains a vehicle for temporary use, he shall be permitted to identify said vehicle by placing on it, in a clearly visible position on both sides, a temporary sign or decal letters which may be easily removed. Said temporary sign or letters shall conform to the same requirements as the permanent lettering described hereinabove.

#### **112.7 Advertising And Contracting With The Public**

**112.7.1 Required content.** Any advertisement by a contractor, including but not limited to, yellow pages and newspaper advertisement, shall include the license number of the contractor and the name of the firm.

**112.7.2 Licensed only allowed.** Only persons licensed to obtain permits or to perform the work without supervision (where the work is regulated by the Technical Codes, but no permit is required) may advertise or solicit from the public any such work.

#### **112.8 Altering, Lending, Transferring Or Renting Of License.**

**112.8.1 Violation.** It shall be a violation of this code for any person licensed under the Technical Codes to alter, transfer, lend or rent his license certificate, or to use a license not his own. It shall also be a violation of this code for a person to falsely represent himself to be licensed under the Technical Codes, or to wrongfully use a license issued by the Mechanical/Gas Code Board.

**112.8.2 False Representation Concerning Business Relationship.** It shall also be a violation of this code for any person to falsely represent the nature or extent of the business relationship between any 2 or more persons, firms, or corporations for the purpose of evading the licensing requirements of the Technical Codes.

**112.9 Expiration Of Licenses; Annual And Renewal Fees**

**112.9.1 Expiration.** All licenses issued under the Technical Codes shall expire December 31<sup>st</sup> of each year. Annual renewal of each license shall be made during the month of December. A late fee of \$10 shall accompany any request for renewal of license received after the date of expiration, but not later than 2 years after the date of expiration. Any person whose license is not renewed within 2 years after the expiration thereof shall be required to make a new application, pass the required examination, and pay the appropriate fee before his/her new license is issued. Payment of the late fee in no way relieves the licensee of any other penalties which may arise from performing work with an expired license.

**112.9.1.1 Renewal or registration of Contractor’s license** – For the renewal or registration of contractor’s license, the contractor must submit a completed and notarized copy of the OCCE “Contractor’s Affidavit for Registration or Renewal” packet as well as a copy of their Shelby County Business Tax License.

**112.9.2 Annual renewal fee.** The annual renewal fee shall be as follows:

- |   |        |
|---|--------|
| 1. First-class Mechanical                               | \$ 110 |
| 2. Third-class Mechanical                               | \$ 110 |
| 3. First-class steam & refrigeration operating engineer | \$80   |
| 4. Third-class steam & refrigeration operating engineer | \$80   |
| 5. First-class steam operating engineer                 | \$ 50  |
| 6. Third-class steam operating engineer                 | \$ 50  |
| 7. First-class refrigeration operating engineer         | \$ 50  |
| 8. Third-class refrigeration operating engineer         | \$ 50  |
| 9. Retired first or third class mechanical contractor   | \$ 15  |
| 10. State Contractor License                            |        |
| Registration  | \$ 150 |
| Renewal   | \$ 110 |

**112.9.3 Retired license.** As used in the Technical Codes, retired mechanical contractor license is defined to include any individual who is duly licensed and who holds a current license under the Technical Codes, but who is not presently active in his/her licensed capacity. Any person holding a retired contractor’s license shall pay a retirement fee of \$15 per year, or the license shall expire. Before resuming duties as an active license holder, the required annual/renewal fee shall be paid and the financial assurance document and a copy of the license holders Shelby County business license provided to the Chief Mechanical Inspector.

**112.10 Suspension Or Revocation Of License**

**112.10.1 General.** Any license under the Technical Codes may be suspended or revoked by the Mechanical/Gas Code Board upon a violation of the terms of this chapter or any other ordinance or law governing the installation or inspection of mechanical work; provided however, charges shall be preferred in writing by the Board and served upon the licensee, and the licensee shall be given a right to a hearing concerning such charges.

**112.10.2 Conspiracy to evade.** Any person licensed under this chapter who conspires with another person or firm to evade any of the provisions of this chapter or other ordinance or laws governing mechanical work shall have that license suspended or revoked, either temporarily or permanently, by the Mechanical Advisory Board upon submission of proof that such a conspiracy exists or did exist.

**112.10.3 Repeated failure of work.** Violations of any provisions of the Technical Codes and repeated failure to have his/her work pass inspection shall be grounds for suspension or revocation of licenses issued under the Technical Codes. No person licensed under the Technical Codes shall have his/her license revoked without an opportunity to appear before the Mechanical/Gas Code Board and to be heard in his/her own defense.

**112.10.4 Prohibition during suspension or revocation.** It shall be unlawful for any person whose license has been suspended or revoked to do any work for the performance of which a license is required under the Technical Codes.

**112.11 Special Grounds For Revoking Or Suspending Licenses.**

**112.11.1 Use of unlicensed employee.** It shall be grounds for the Mechanical Advisory Board to suspend

or revoke the license of any contractor licensed under this chapter upon proof that said contractor used as an employee, for the purpose of performing any work for which a license is required and for which it is required to obtain a permit under the Technical Codes, any unlicensed person or firm.

**112.11.2 Failure to complete work or cure defects.** All licensed contractors shall be responsible for completing all work performed under permits issued in their names in accordance with the provisions of the Technical Codes and to the satisfaction of the Chief Mechanical Inspector. Failure to satisfactorily complete said work or to cure any defect in said work shall be grounds for the suspension or revocation of the contractor's license.

**112.11.3 Failure to properly supervise.** The failure of any contractor to properly supervise, direct or control any and all mechanical work performed under a permit issued through his/her license as a contractor shall be grounds for suspension or revocation of this license by the Mechanical/Gas Code Board, regardless of whether said work was performed by an employee of the contractor that they represent.

**112.11.4 Failure to respond to official correspondence.** The failure of any license contractor to answer official correspondence from the Chief Mechanical Inspector or the Mechanical/Gas Code Board without good cause within 15 days after its receipt by certified mail shall be grounds for the

suspension of that contractor's license until such time as an appropriate response is received.

### **113 Owner Of Certain Equipment Shall Have A Licensed Engineer On Duty.**

**113.1 Duty.** A boiler having a rating of either 5 horsepower or 50 square feet of heat absorbing surface shall not be operated for periods longer than 20 minutes without being checked by an engineer who is familiar with its operation, regardless of whether the boiler is equipped with automatic feed water regulator, fuel or damper regulator, high and low water alarm, monitoring device or other form of automatic control.

**Exception:**

1. Boilers used for domestic heating in residential dwellings; and,
2. Low pressure boilers operating at less than 15 pounds, steam pressure or less than 30 pounds water pressure and are used for comfort heating only.

**114 Display of license certification: carrying of work card.** Every mechanical operating engineer who shall receive a license under the Technical Code shall, when employed about a plant, place his license certificate, framed under glass, in a conspicuous place about the boiler room or plant in which he is employed. His/her work card shall be kept on his person when on duty. A licensed mechanical contractor shall have proof of license on his person, when installing boilers, engines, or refrigeration equipment.

**2. AMEND SECTION 202 BY ADDING NEW OR MODIFYING EXISTING DEFINITIONS IN THE CODE AS FOLLOWS:**

**CITY, MUNICIPALITY, OR GOVERNING BODY.** - Whenever the word “City”, “Municipality” or “Governing Body” is used in the Technical Codes here in adopted, it shall mean the City of Memphis and County of Shelby, Tennessee.

**EMPLOYEE.** - Whenever the word “employee” is used in the Mechanical Code herein adopted, it shall mean a person working directly for a licensed contractor for wages or salary subject to federal and/or state payroll tax laws.

**INTERNATIONAL FUEL GAS CODE.** - Whenever the phrase “International Fuel Gas Code” is used in the Technical Codes herein adopted, it shall mean the 2015 Edition of *International Code Council International Fuel Gas Code* with Local Amendments and will be known as the 2018 Memphis and Shelby County Fuel Gas Code (MSCFGC).

**INTERNATIONAL MECHANICAL CODE.** - Whenever the phrase “International Mechanical Code” is used in the Technical Codes herein adopted, it shall mean the 2015 Edition of *International Code Council International Mechanical Code* with Local Amendments and will be known as the 2018 Memphis and Shelby County Mechanical Code (MSCMC).

**MECHANICAL CONTRACTOR.** - Whenever the term “Mechanical Contractor” is used in the Mechanical Code herein adopted, it shall mean a mechanical contractor who holds a current license issued by the OCCE.

**MECHANICAL OFFICIAL.** - Whenever the term “Mechanical Official” is used in the Joint Mechanical Code herein adopted, it shall mean the Building Official of Memphis and Shelby County, Tennessee.

**MECHANICAL SECTION.** - Whenever the term “Mechanical Section” is used in the Joint Mechanical Code herein adopted, it shall mean the Mechanical Section of the Memphis and Shelby County OCCE.

**SUPERVISION.** - Whenever the word “supervision” is used in the Mechanical Code, herein adopted, in referenced to a mechanical contractor, the term shall be construed to mean first hand knowledge of the work being performed by an employee whose work relies on the license held by the mechanical contractor and shall include the requirements of active training of the employee working under the mechanical contractor’s license, and shall further require the mechanical contractor to sign all mechanical permit applications prior to a permit being issued as signifying his or her approval thereof. Before or at the time of inspection of the completed work by the Chief Mechanical Inspector, the mechanical contractor will certify by written affidavit to said Official that such work has



been satisfactorily completed, and will further furnish the names of those employees under his supervision upon request.

### **3. Re-number Section 301.15.1 and the Indicated Subsections as Follows:**

#### **301.18.1 Seismic Protection Requirements**

**301.18.1.1 Contractor responsibility.** Each contractor responsible for the construction of a main wind- or seismic-force-resistant system, designated seismic system or wind or seismic resisting component listed in the statement of special inspection shall submit a written statement of responsibility to the building official and to the owner prior to commencement of work on the system or component. The contractor statement of responsibility shall contain acknowledgment of awareness of the special requirements contained in the statement of special inspection.

**301.18.1.2 Applicable designated seismic systems.** As also may be required by the Building Code, the following systems and components in new structures in locations in Shelby County within seismic categories design C and D shall be covered by the statement of special inspection were applicable:

1. Heating, ventilation and air conditioning (HVAC) ductwork, containing hazardous materials and anchorage to such ductwork.
2. Piping systems and mechanical units containing flammable, combustible or highly toxic materials

**301.18.1.3 Mechanical and fuel gas components.** Special inspections for mechanical and fuel gas equipment shall be as follows:

1. Periodic special inspection is required during installation of piping systems intended to carry flammable, combustible, or highly toxic contents and their associated equipment in structures assigned to seismic design category C, D, E or F.
2. Periodic special inspection is required during installation of HVAC ductwork that will contain hazardous materials in structures assigned to seismic design category C, D, E or F.

**301.18.1.4 Designated seismic system verification** – The special inspector shall examine designated seismic systems requiring seismic qualification in accordance with Section 1708.4 of the Shelby County Building Code and verify the label, anchorage and mountings conform to the certification of compliance.

#### **4. ADD SECTION 306.3 AS FOLLOWS:**

**306.3 Accessibility.** An attic containing mechanical and/or fuel gas equipment shall be accessible by pull-down stairway, permanent ladder or permanent stairway.

#### **5. ADD SECTIONS 307.2.1.1 THROUGH 307.2.1.3 AS FOLLOWS:**

**307.2.1.1 Condensate on roof for existing unit replacements.** A roof top unit shall not spill on a roof unless there is a minimum of 350 square feet of roof area per ton of cooling capacity. The condensate discharge on the surface of the roof shall be a minimum of 40 feet from the nearest roof drain, gutter or downspout. If the rooftop unit replacement is part of a remodel where plumbing work requiring a permit is being done, a drain shall be run for the rooftop unit by a licensed plumber.

**307.2.1.2 Condensate pumps.** Any use of condensate pumps in new construction shall be pre-approved, permitted and inspected by the Plumbing Department.

**307.2.1.3 Condensate drain alternate method.** When condensate drains cannot be connected as per the Technical Codes on units rated at 3 tons or less, an approved French Drain measuring 2 feet by 2 feet by 2 feet may be used. The mechanical contractor can install the French Drain, any other method for condensate disposal shall be permitted and inspected by the Plumbing Department.

#### **6. ADD 504.8.1.1 AS FOLLOWS:**

**504.8.1.1 Domestic clothes drying ducts.** All domestic clothes dryer ducts shall be installed above grade.

#### **7. ADD 506.1.1 AS FOLLOWS:**

**506.1.1 Commercial kitchen hood ventilation system ducts.** Commercial kitchen hood ventilation system ducts and exhaust equipment shall comply with Section 506 or NFPA 96.

#### **8. ADD SECTION 507.1 AS FOLLOWS:**

**507.1 Commercial kitchen hood.** Commercial kitchen hoods shall comply with Section 507 or NFPA 96.

**9. ADD SECTION 507.2.2.1 AS FOLLOWS:**

**507.2.2.1 Spark arresters.** All solid fuel cooking equipment must have spark arresters at hood.

**10. ADD AN EXCEPTION TO SECTION 602.1 AS FOLLOWS:**

**Exception:** Information technology rooms complying with NFPA 75-2013 shall be permitted to have wiring and equipment installed in accordance with Article 645 of NFPA 70-14.

**11. ADD TO CHAPTER 15, THE FOLLOWING REFERENCES UNDER THE NFPA HEADING**

Standard Reference Number	Title	Referenced in Code Section Number
96- 2014	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations	506.1.1

**Exhibit A**  
**Mechanical Permit and Inspection Fee Ordinance and Schedule for  
Mechanical Permit and Inspection Fees**

The fee for each permit shall start with a base fee of \$20.00. Additional fees shall be computed from the *Mechanical Permit Fee Schedule* as listed below.

**M-1 Fees for Amending Permit**

**M-1.1** After a permit has been issued and an amendment or supplemental revision is applied for, the additional fee or service charge shall be as follows:

**M-1.2** For each amendment which involves additional work not originally applied for to complete the entire project, the addition fee shall be the normal fee for the work contemplated and shall be computed disregarding the valuation of the work previously permitted.

**M-1.3** For each amendment or supplement not involving additional work by square footage, volume or dollar value, the minimum fee normally required for such work shall apply even though the project dollar value or building volume may decrease. (Min. fee is \$20.00)

**M-2 Work Commencing Before Permit Issuance**

In case any work requiring a permit is started prior to obtaining said permit, as a penalty for violating this Code, the total normal fee applicable shall be doubled. The payment of said fee shall not relieve any persons from fully complying with the requirements of this Code for performance or execution of the work, nor from other penalties prescribed by law.

**M-3 Schedule of Permit Fees**

On all mechanical systems requiring a mechanical permit, a fee for each mechanical permit shall be paid as required at the time of filing the application, in accordance with the following:

**M-3.1** The fee for each permit shall be not less than \$15.00 for the first \$1,000 valuation for the installation of heating, ventilation, duct work, air conditioning and refrigeration systems or any mechanical system. And \$8.00 for each additional \$1,000 of value less than \$1,000,000 and \$3.00 for each \$1,000 more than \$1,000,000.

**Add M-3.1.2**

Single Family Residents Only – mechanical permit fees shall be based on total valuation (contract price) based on a minimum \$1,000 per ton. All other mechanical permits shall be based on total valuation (contract price).

**M-4 Minimum Permit Fee**

The minimum permit fee shall be \$15.00.

**M-5 Filing Application for Joint Board of Appeals** - Notice of Joint Board of Appeals shall be accompanied by a fee of \$125.00.

**M-6 Refunds** - Permit fees may be refunded if no work has commenced and a request for refunds is submitted to the Building Official in writing by the permittee within 6 months of the date of issuance. The permit is surrendered when a request for refund is submitted. The amount of the refund will be 2/3 of the permit fee, but in no case, will the amount retained by the Office of Construction Code Enforcement be less than \$15.00. Note that the refund does not include the \$20.00 base fee, the \$4.00 Data Processing fee, or the \$1.00 Residential/\$5.00 Commercial Housing Initiative.

**M-7 Re-inspection Fee for Excessive or Unessential Inspection Call**

**M-7.1** A \$50.00 re-inspection fee shall be charged for the re-inspection and rejection of the same infraction; and for every re-inspection thereafter until the infraction is corrected.

**M-7.2** Any person, firm or corporation aggrieved by the assessment for any re-inspection fee may appeal to the Building Official for a review of the facts involved and a reduction or dismissal of said fees.

## MECHANICAL PERMIT AND INSPECTION FEES SCHEDULE

2018 Section	Section Title	2018 Fee
<b>M-0</b>	<b>Fee Issuance Cost per Permit</b>	\$20.00
<b>M-1</b>	<b>Fees for Amending Permit</b>	
<b>M-1.3</b>	Amendment – Min. Fee	\$20.00
<b>M-2</b>	<b>Work Commencing Before Permit Issuance- shall be double</b>	Double Fee
<b>M-3.1</b>	Fee for first \$1,000 valuation	\$15.00
	For each additional \$1,000 < \$1,000,000	\$8.00
	For each additional \$1,000 > \$1,000,000	\$3.00
<b>M-3.2.1</b>	Single Family Residents Only – mechanical permit fees shall be based on total valuation (contract price) based on a minimum \$1,000.00 per ton. All other mechanical permits shall be based on total valuation (contract price).	
<b>M-4</b>	Minimum Permit Fee	\$15.00
<b>M-5</b>	Fee for Joint Board of Appeals	\$125.00
<b>M-6</b>	Refund 2/3 of fee – min. fee	\$15.00
<b>M-7</b>	Re-inspection fee	
<b>M-7.1</b>	First re-inspection fee	\$50.00
	Additional fee beyond the first	\$50.00

Note that a \$4.00 Data Processing fee, and a \$1.00 Residential/\$5.00 Commercial Housing Initiative are added to all permits.

**EXHIBIT B**  
**Amendments to the Shelby County Code of Ordinances**

**ARTICLE VI. - MEMPHIS AND SHELBY COUNTY MECHANICAL  
CODE**

Sec. 6-185. - Adopted.

Sec. 6-186. - Local amendments.

Sec. 6-187. - Incorporated by reference.

Sec. 6-188. - Effective date.

Secs. 6-189—6-218. - Reserved.

**Sec. 6-185. - Adopted.**

The Memphis and Shelby County Mechanical Code is hereby amended by adopting the 2015 edition of the International Mechanical Code.

**Sec. 6-186. - Local amendments.**

The Memphis and Shelby County Mechanical Code is further amended by adoption of the local amendment, including locally drafted Appendix A - Summary Of Permit And Inspection Fees, attached to Joint Ordinance No. \_\_\_\_\_.

**Sec. 6-187. - Incorporated by reference.**

The 20159 edition of the ICC International Mechanical Code and the local amendment attached to Joint Ordinance No. \_\_\_\_\_ are hereby incorporated by reference as if set out herein in their entirety including the appendix section noted above as adopted from the 2015 International Mechanical Code.

**Sec. 6-188. - Effective date.**

This article shall take effect in the City of Memphis and the unincorporated areas of Shelby County on December 31, 2018, by virtue of the concurring and separate passage thereof by the council of the City of Memphis and by the board of commissioners of the county or if not adopted by each legislative body by that date, at the date of such adoption by the second body.

**Secs. 6-189—6-218. - Reserved.**