

ITEM # \_\_\_\_\_ PREPARED BY: Carter Gray

Moved: \_\_\_\_\_ REVIEWED BY: Robert B. Rolwing  
County Attorney

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

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

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CODE AND LOCAL AMENDMENTS, INCLUDING CERTAIN APPENDICES IN THE ICC BUILDING CODE AND AS LOCALLY DRAFTED TO REPLACE AN OUTDATED BUILDING CODE, AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.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

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WHEREAS, The Shelby County Board of Commissioners and the Council of the City of Memphis seek to adopt and maintain a comprehensive set of coordinated Technical Codes and to update those Codes to assure the safe and effective construction of commercial buildings and structures in the Community; and

WHEREAS, Provisions of the Tennessee Code Annotated require local jurisdictions wishing to operate their own program for permitting and inspection of construction activities, in lieu of State control of those activities, review and update their locally adopted Building and technical codes on a regular cycle to assure they are providing an adequate level of public safety; and

WHEREAS, Memphis and Shelby County have operated a joint Construction Code Enforcement Office for this purpose since 1983 and wish to continue such operation as it has provided the regulated community with a timely, responsible and customer oriented service at a reasonable cost while also providing the public with assurances that the construction undertaken in this Community will meet appropriate

local conditions and legal requirements; and

WHEREAS, It has been determined that it is necessary and prudent to adopt newer code editions covering the construction of non-residential structures which had previously been covered by regulations in the 2009 and 2012 Editions of *International Code Council (ICC) International Building Code*, which are outdated; and

WHEREAS, Copies of the 2015 Edition of the *ICC International Building 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, The certain provisions of the 2015 Edition of the *ICC International Building Code*, when adopted by the Board and Council, will provide a modern and internally consistent Code for such construction and is within the family of codes already adopted in Memphis and Shelby County; and

WHEREAS, The adoption of this updated to Memphis and Shelby County Building Code will require the affirmative vote of the majority of the Shelby County Board of Commissioners and the Council of the City of Memphis as no new fine is established by this adoption and update.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That all previous building codes are hereby repealed except as may be set out in the attachments hereto, and that the 2015 Edition of the *ICC International Building Code* is hereby adopted by reference, a copy of said code being on file in the Shelby County Commission's Records Clerk.

BE IT FURTHER ORDAINED, That the following Appendices of the 2015 Edition of the *ICC International Building Code*, or as locally drafted, are also adopted, but that any appendix not listed in this ordinance is specifically not adopted: Appendix A – Building Permit, Plans and Inspection Fees, Appendix C – Group U Agriculture Building, Appendix D – Fire District, Appendix F – Rodent proofing and Appendix H – Signs.

BE IT FURTHER ORDAINED, That above specified portions of the 2015 Edition of the *ICC International Building Code* is amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit A.

BE IT FURTHER ORDAINED, That Chapter 6, Article II 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 Building Code are hereby repealed, 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:

\_\_\_\_\_  
Clerk of County Commission

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

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

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

**EXHIBIT A**

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*Memphis*

*and*

*Shelby County*

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**2018 Building Code**

# **1. Delete CHAPTER 1 Entitled “Administrative Provisions” in its entirety and replace it with the follow:**

## **Chapter 1 – Administrative Provisions - General**

**101.1 Title.** These regulations the 2015 Edition of the International Code Council Building Code shall be known as the 2018 Memphis and Shelby County Building Code, part of the 2018 Technical Code for Memphis and Shelby County, Tennessee, hereinafter referred to as "this code."

**101.2 Scope.** The provisions of this code shall apply to and regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building and structure or any appurtenances connected or attached to such building or structure.

### **Exceptions:**

1. One and two family dwellings shall meet the requirements of the 2015 Edition of the *ICC Residential Building Code* as locally amended.

2. Existing Buildings undergoing repair, alterations, demolition, moving locations or additions and changes of occupancy shall be permitted to comply with the 2015 Edition of the *International Existing Building Code*, as locally amended.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted, and the provision in the following appendices shall apply.

**Appendix A** – Building Permit, Plans and Inspection Fees

**Appendix C** – Group U Agriculture Building

**Appendix D** – Fire District

**Appendix F** – Rodent Proofing

**Appendix H** – Signs

**101.3 Intent.** The purpose of this code is to establish and provide minimum standards and requirements to safeguard the public health, life or limb, property and public welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**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 Referenced codes.** The other codes listed in Section 101.4.1 through 101.4.7, (but noting that Section 101.4.5 is reserved) and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where such referenced codes have been amended locally, such local amendments shall be considered a part of such referenced material.

**101.4.1 Electrical.** The provisions of the 2017 Edition of the National Electric Code, and local amendments thereto, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto

**101.4.2 Gas.** The provisions of the 2015 Edition of the *ICC International Fuel Gas Code* as locally amended shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connection of the appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.3 Mechanical.** The provisions of the 2015 Edition of the *ICC International Mechanical Code*, as locally amended, shall apply to the installation, alteration, repairs and replacement of mechanical systems, including equipment appliances, fixtures, and/or appurtenances including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.

**101.4.4 Plumbing.** The provision of the 2015 Edition of the *ICC International Plumbing Code*, as locally amended, shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to water or sewage system and all aspects of a medical gas system.

**101.4.5 Reserved**

**101.4.6 Fire prevention.** The provisions of the 2015 Edition of the *ICC International Fire Code*, as locally amended, shall apply to matters affecting or related to structures, processes and premises from the hazard of fire and explosion

arising from the storage, handling or use of structures, materials or devices; from the conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation

**101.4.7 Energy.** The provisions of the 2015 Edition of the ICC *International Energy Conservation Code*, as locally amended, shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.5 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, of any power or authority which it had on the effective date of 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.

## **Section 102 - Applicability**

**102.1 General.** Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between general requirements and a specific requirement, the specific requirement shall be applicable.

**102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

**102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be those listed in Chapter 35 and such codes and standards are considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between code provisions of this code and referenced codes and standards, the provisions of this code shall apply.

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

**102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption

of this code shall be permitted to continue without change, except as specifically covered in this code or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

### **102.7 Requirements not covered by this code.**

Any requirements necessary for the strength, stability, or proper operation of an existing or proposed structure or facility, or for public safety, health and general welfare, not specifically covered by this code, shall be determined by the Building Official.

### **102.8 Additions, alterations or repairs.**

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

Minor additions, alterations, renovations and repairs to existing plumbing systems shall be permitted in the same manner and arrangement as was in the existing system, provided such repairs or replacements are not hazardous and are approved

**[EB] 102.9 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 without approval of the Building Official. 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] 102.11 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures and changes in occupancy shall comply with the requirements of the International Existing Building Code including Chapter 12 as locally amended.

## **SECTION 103 - Memphis And Shelby County Office Of Construction Code Enforcement (MSCCE)**

**103 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 is a joint agency charged with enforcement of the Memphis and Shelby County Building Code, (including the Existing Building Code, Residential and Energy Conservation Code referenced therein), the Memphis and Shelby County Mechanical Code, the Memphis and Shelby County Fuel Gas Code, the Memphis and Shelby County Plumbing Code and this Code, which together are to be known as Memphis and Shelby County 2018 Technical Codes.

**103.1 General.** The Building Official is hereby authorized and directed to enforce the provisions of the Technical Codes. The Building Official is further authorized and directed to render interpretations of the Technical Codes which are consistent with its spirit and purpose

**103.2 Employee qualifications.**

**103.2.1 Building official qualifications and appointment.** 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 Memphis and Shelby County 2018 Technical Codes. 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.** In accordance with the prescribed procedures of this jurisdiction, and with the concurrence of the appointing authority 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 one or more 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.

## **SECTION 104 - Duties And Powers Of The Building Official**

**104.1 General.** The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code and to adopted 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 Applications and permits.** The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition, and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

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

**104.4 Inspections.** The Building Official shall make all the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

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

**104.6 Right of entry.** Where necessary to make an inspection to enforce the provisions of this code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition exists which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable time to inspect or to perform the duties imposed by this code, provided that if



such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

**104.6.1 Inspection with warrant.** When the Building Official shall have first obtained a proper inspection warrant or other remedy provided for by law to secure entry, no owner or occupant or any other person 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.

**104.7 Department records.** The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

**104.8 Liability.** The Building Official, members of the Board of Appeals and Code Boards or employees charged with the enforcement of this code, while acting for their jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damages accruing to persons or property as a result of any act or by reason of any act or omission in the discharge of official duties. Any suit instituted against an officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction 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.

**104.9 Approved material and equipment.** Materials, equipment and devices approved by the Building Official shall be constructed and installed on accordance with such approval.

**104.9.1 Used material and equipment.** The use of used material which meets the requirements of this code for new material is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

**104.10 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, upon application of the owner or owner's representative, 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 that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Office of Construction Code Enforcement.

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design 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.

**104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**104.11.2 Tests.** Wherever 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 the 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. 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. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

**104.12 Re-Inspection.** 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.

## Section 105 - Permits

**105.1 Required.** Any owner or authorized agent who intends 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, the installation of which is regulated by this code, or to cause any such work to be done shall first make application to the Building Official and obtain the required permit.

**105.1.1 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 I);
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 I;
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 I)

**105.1.2 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

### **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/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

### **Plumbing Code**

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

Permit and inspection fees for the above list shall be as set forth in the approved Local Fee ordinance as appropriate.

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. Playhouse and similar uses, provided the floor area does not exceed 120 square feet (11.15 M<sup>2</sup>). Treehouses are also exempt.
2. Reserved
3. Oil derricks
4. Retaining walls that are 3 feet (914 mm) in height or less as measured from the bottom of finished grade to the top of the wall, unless supporting a surcharge imposed by an adjacent structure or impounding Class 1, II or III-A liquids. Adjacent structures shall include but not be limited to permanent buildings and public roadways.
5. Free standing walls, not supporting a surcharge, that are 4 feet (1220 mm) in height or less as measured from the bottom of finished grade to the top of the wall.
6. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
7. Private one and two family residential sidewalks and driveways not more than 30 inches (762mm) above grade and not over any basement of story below and which are not part of an accessible route.
8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
9. Temporary motion picture, television, and theater stage sets and scenery

10. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

11. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

12. Swings and other playground equipment.

13. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2 and Group U occupancies.

14. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**105.2.1 Emergency repairs.** Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next five working days to the Building Official.

**105.2.2 Repairs.** Application or notices to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved, permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting or any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include additions to, alteration of, replacement or relocation of any standpipe, water, supply, sewer, drainage, drain leader, gas soil, waste vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Office of Construction Code Enforcement for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar descriptions that will readily identified and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.

4. Be accompanied by construction documents and other information as required in Section 106.3.

5. State the valuation of the proposed work.

6. Be signed by the applicant, or the applicant's authorized agent.

7. Such other data and information as required by the Building Official.

**105.3.1 Action on application.** The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of the pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

**105.3.1.1 Action on permits.** Permits shall be issued to a licensed and/or registered contractor who performs the work. If work is subcontracted both contractors shall be licensed and/or registered.

**Exception:** A building permit for construction of a single-family dwelling may be obtained by the property owner under provision of the state law related to such construction and limited thereby

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

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.4 Validity of permit.** The issuance or granting of a permit 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 any other ordinance of the jurisdiction. Permits presuming

to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent the occupation or use of a structure where in violation of this code or of any other ordinance of this jurisdiction.

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit commences within six months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of six (6) months after the time the work commenced. An approved inspection by the Department shall be the required evidence that such work has commenced or has not been suspended or abandoned. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.6 Suspension or revocation.** The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or a violation of any ordinance or regulation or any of the provisions of this code, or if any one of the following conditions exist:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used for a different person or firm than the name for which it was issued.
6. The permittee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

**105.6.1 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.

#### **105.7 Reserved**

**105.8 Special foundation permits.** When application for permit to erect or enlarge a building has been filed, and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that permit for the remainder of the work will be granted or that corrections will not be required in order to meet provisions of the technical code.

**105.9.3 Contractor registration and/or licensing.** It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, mechanical, gas, or plumbing systems, for which a permit is required, to comply with the state or local rules and regulations concerning the registration and/or licensing which the applicable governing authority may have adopted.

### **Section 106 - Construction Documents**

**106.1 Submittal documents.** Construction documents, special observation programs, and other data shall be submitted with one copy of specifications and four (4) copies of plans with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional. Special Inspections documents per Chapter 17 shall be provided if required by the Building Official.

**Exception:** The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the review of construction documents is not necessary to obtain compliance with the code.

**106.1.1 Information on construction Documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and shown in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

**106.1.2 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Group R-2, R-3, as applicable in Section 101.2 and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**106.1.3 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistant membranes and details around the openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**106.2 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and locations of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show the construction to be demolished and the location and size of existing structures and construction that are to remain on site or plot. The Building

Official is authorized a waiver or modify the requirements for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**106.3 Examination of documents.** The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

**106.3.1 Review of construction documents.** When the Building Official issues a permit, the construction documents shall be endorsed, in writing or by stamp, as "REVIEWED." One set of construction documents so reviewed shall be retained by the Building Official. Another set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

**106.3.2 Previous reviews.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which has been pursued in good faith within 180 day of the effective date of this code and has not been abandoned.

**106.3.3 Phase review.** The Building Official is authorized to issue a permit for the construction of foundation or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's risk with the building operation and without assurance that a permit for the entire structure will be granted.

**106.3.4 Design professional in responsible charge.**

**106.3.4.1 General.** When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional

in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 106.1 in accordance with Chapter 17, the inspection program shall name the individual or firm who are to perform structural observations and describe the stages of construction at which structural observation is to occur (See also duties specified in Chapter 17).

**106.3.4.2 Deferred submittals.** For the purpose of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

**106.3.4.3. 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. 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.

**106.4 Amended construction documents.** Work shall be installed in accordance with the

approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**106.5 Retention of construction documents.** One set of reviewed construction documents shall be retained by the Building Official for a period of not less than 180 days from the date of completion of the permitted work, or as required by state or local laws.

## **Section 107 - Reserved**

## **Section 108 - Fees**

**108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

**108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

**108.2.1 Building permits, transfer devices, plans and inspection fees.** The fees charged shall be in accordance with the schedule and information set forth in the Fee Ordinance for Memphis and Shelby County. Relevant portions addressing building fees and other related areas of this code are found in Appendix I.

**108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuation shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

**108.4 Work commencing before permit issuance.** Any person who commences any work on any building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Building Official that shall be in addition to the required permit fee. This

additional fee shall be 100% of the usual permit fee. If the same person is determined to have committed the same offense within 12 months of the first occurrence of failing to obtain a permit, the permit fee will be 3 times the usual permit fee in addition to the required permit fees.

**108.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

**108.6 Refunds.** Refunds shall be provided as set forth in Appendix I and the Fee Ordinance.

## **Section 109 - Inspections**

**109.1 General.** Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purpose. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**109.2 Preliminary inspection.** Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures, and sites for which an application has been filed.

**109.3 Required inspections.** The Building Official, upon notification, shall make the inspections set forth in Section 109.3.1 through 109.3.10.

**109.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after the excavation for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**109.3.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after the in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**109.3.3 Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the Building Official.

**109.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, firebricking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating, wires, pipes, and ducts are approved, but before interior gypsum wallboard sheathing has been installed.

**109.3.5 Lath and gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

**Exception:** Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

**109.3.6 Fire-resistant penetrations.** Protection of joints and penetrations in fire resistance-rate assemblies shall not be concealed from view until inspected and approved

**109.3.7 Reserved.**

**109.3.8 Other inspections.** - In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Office of Construction Code Enforcement.

**109.3.9 Special inspections.** - For special inspections, see Chapter 17.

**109.3.10 Final inspections.** The final inspection shall be made after all work required by the building permit is completed.

**109.4 Inspection agencies.** The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**109.5 Inspection requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official

when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means of inspection of such work that are required by this code.

**109.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any such portion that does not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

**109.7 Re-Inspection fees for excessive or repeat inspection calls.** When an Inspector rejects an inspection of part or all of a building, electrical, gas, mechanical and/or plumbing 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 as shown in Appendix I, and charged for re-inspection of the same infraction and each re-inspection thereafter until the infraction is corrected.

**109.7.1 Re-inspection appeal.** 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 in or dismissal of said fees.

**109.7.2 Time to pay.** Re-inspection fees shall be paid before the next inspection.

**109.8 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.

**109.9 Assistance from other agencies.** The assistance and cooperation of police, building, fire and health department officials and all other officials shall be available as required in the performance of duties.

## **Section 110- Certificate of Occupancy**

**110.1 Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**110.2 Existing building Certificate of Occupancy.** A certificate of occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the Technical Codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed "as built" drawings or a general inspection, or both may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the Technical Codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.

**110.3 Temporary occupancy.** The Building Official is authorized to issue temporary certificates of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

**110.4 Revocation.** The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate was issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**110.5 Posting of the Certificate of Occupancy.** The certificate of occupancy shall be posted in a conspicuous space and available for examination.

**110.6 Certificate of completion.** Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as a shell building,



prior to the issuance of a certificate of occupancy.

**110.7 Posting floor loads.**

**110.7.1 Occupancy.** An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

**110.7.2 Storage and factory- industrial occupancies.** It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or an occupancy where excessive floor loading is likely to occur, to employ a licensed architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Office of Construction Code Enforcement.

**110.8 Tests.** The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

**Section 111 - Service Utilities**

**111.1 Connection of service utilities.** No person shall make connection from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Building Official.

**111.2 Temporary connection.** The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

**111.3 Authority to disconnect services utilities.** The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the servicing 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 disconnection, the owner or occupant of the

building, structure or service system shall be notified in writing, as soon as practical thereafter.

**Section 112 - Means of Appeal**

**112.1 Membership of 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, are as follows.

**112.1.1 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 and 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 Advisory Board (Chairperson or Board Member appointed by the Chairperson)
15. Member of the Electrical Code Advisory Board (Chairperson or Board Member appointed by the Chairperson)
16. Member of the Mechanical Code Advisory Board (Chairperson or Board Member appointed by the Chairperson)
17. Member of the Plumbing Code Advisory Board (Chairperson or Board Member appointed by the Chairperson)

**112.1.2 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.

**112.1.3 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.

**112.2 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.

**112.3 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.

**112.3.1 Filling unexpired terms and service without pay.** 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.

**112.3.2 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.

**112.3.3 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.

**112.4 Quorum and Voting.** A simple majority of the Board shall constitute a quorum. In varying any provision of this code, the affirmative votes of 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 an 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.

**112.5 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.

**112.6 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.

**112.7 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.

**112.8 Power.** The Joint Board of Appeals shall have power, as further defined in sections 112.9.1 and 112.10 of the technical codes to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.

#### **112.9 Appeals**

**112.9.1 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.

**112.10 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.

**112.11 Conditions of 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.

**112.12 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.

**112.13 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.

#### **112.14 Procedures of the board**

**112.14.1 Rules and regulations.** 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.

**112.15 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 113 - Violations**

**113.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**113.2 Notice of violation.** The Building Official shall serve a notice of violation or order to the person responsible for the erection, construction, alteration, extension, repair, moving, removal or demolition or occupancy of a building or structure in violation of the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**113.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the Building Official is authorized to 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 building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**113.4 Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, constructs, alter or repair a building or structure in violation of the approved 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.

**113.5 Abatement of violation.** The imposition of the penalties herein proscribed 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 building or structure on any premises.

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

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

**113.8 Code Does Not Affect Liability For Damages.**

**113.8.1 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.

**113.8.2 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.

**113.9 False representation**

**113.9.1 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.

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

**113.9.3 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.

**113.10 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 113.4 and 113.5.

**113.11 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

**113.12 Conspiracy to evade code requirements.** Any person licensed under this Code who conspires with another person or firm to evade any of the provisions of this chapter or other ordinances or laws governing the building code shall have that license suspended or revoked, either temporarily or permanently, by the Building Code Board upon submission of proof that such conspiracy exists or did exist.

**113.13 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 the licensed or Certified State Contractor has on file with the Office of Construction Code Enforcement.

**Section 114 - Stop work order**

**114.1 Authority.** Whenever the Building Official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or in a dangerous or unsafe manner, the Building Official is authorized to issue a stop work order.

**114.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order work all construction work at that location shall cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

**114.3 Unlawful continuance.** Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition shall be subject to penalties prescribed by law.

## **Section 115 - Unsafe structures and equipment**

**115.1 Conditions.** Structures or existing equipment that are or hereinafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation or which constitutes a fire hazard or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed, or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**115.2 Record.** The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**115.3 Notice.** If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the conditions deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a specific time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.

**115.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**115.5 Restoration.** The structure or equipment determined to be unsafe by the Building Official

is permitted to be restored to safe condition. To the extent the repairs, alterations or additions are made or a change in occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or changes in occupancy shall comply with the requirements of the International Existing Building Code as amended.

**Section 116 – Reserved.**

**Section 117 - Reserved,**

## **Section 118 - Street numbers for building and lots**

**118.1 Required.** Every main entrance to every building, suite (each tenant space) and every lot fronting upon any street within Shelby County shall bear and be known by an official street number assigned by Memphis Light Gas and Water Division.

**118.2 No fractional numbers allowed.** There shall be no fractional street numbers.

**118.3 Attaching, stenciling, or painting numbers.** Every person owning or occupying any house or building fronting on any street in Shelby County shall, prior to occupancy, have the proper number attached to, stenciled, or painted on the front part of such house or building over, on or by a main entrance in such manner that the number shall be plainly visible from the street. Such street numbers shall conform with this Section. If because of the setback of the house or building, or for any other reason, the number cannot readily be seen from the street, then the occupant shall, in addition to the provisions above position numbering so that it is clearly visible from the street.

**118.4 Display of incorrect number.** It shall be unlawful for any person to display any false or incorrect house or lot number knowingly and willfully or with the intention to deceive another person.

## **Section 119 - Zoning letters, compliance letters, damage restoration statements, board of adjustment rejection letters and other requested verification letters.**

**119.1 Availability and fee.** Zoning Letters, compliance letters, damage restoration statements, Board of Adjustment rejection letters and other requested verification letters requiring research by the Office of Construction Code Enforcement are available from OCCE. A

written request for a letter from the OCCE shall include the project address, project location (the distance and relationship to an intersecting street), the company name and the year of occupancy of subject property. A fee as set forth in Section B-10.3 shall accompany the request for each letter and an additional fee shall be charged for photocopies. The requested information shall be processed within three working days.

## **Section 120 - Building Code Advisory Board**

**120.1 Scope.** The public safety requires that persons engaged in the construction, alterations, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure and any appurtenances connected or attached to such buildings or structures be qualified to perform such duties competently and in compliance with the Technical Codes. The introduction of new materials and assemblies, recommendations of the contractors and other circumstances may require the change in the Technical Codes, and since the Administrator, Building Official or Chief Inspectors may require professional, qualified and experienced consultants to advise them in matters pertaining to construction work, the Building Code Advisory Board is established.

**120.2. Duties of the Building Code Advisory Board.** The duties of the Board shall consist of the following:

1. Recommend new materials or assemblies of materials for acceptance and approval or rejection.
2. Recommend changes in the Technical Codes.
3. Act as advisors to the Administrator, Building Official and Chief Inspectors and any other way in which their services may be requested.
4. Develop orderly procedures for reviewing complaints and violations and when necessary recommending the suspension or revocation the licenses of or otherwise disciplining a license holder
5. Recommending licensing, registration and examination fee charges to the Administrator when appropriate.
6. Assisting in the review of the schedule of fees for inspections and permitting of activities as requested.

**120.3 Membership of the Building Code Advisory Board.** The Building Code Advisory Board shall consist of 10 appointed members, who shall serve for a period of three years with

their terms 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 of Memphis or the County Commission. Each Mayor will make half the appointments that are to be made each year. The Building Official and the Chief Building 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 a right to vote.

**120.3.1 Composition of the Building Code Advisory Board.** The membership of the Building Code Advisory Board shall include the following:

Two (2) state of Tennessee licensed architects

Two (2) state of Tennessee licensed engineers (structural)

A state of Tennessee licensed contractor primarily doing residential work

A state of Tennessee licensed contractor primarily doing commercial work

A state of Tennessee licensed contractor primarily doing industrial work

A state of Tennessee licensed equipment manufacturer or supplier

A state of Tennessee licensed engineer (mechanical)

A citizen member

**120.2.2.1 Other members.** After the above categories have been appointed, the Mayors may appoint such other person as each may deem qualified to serve as ex-officio members.

**120.3 Absence of members.** During absence of a member 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.

**120.4 Chairperson, Vice-Chairperson, and Secretary to the Building Code Advisory 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 Building Code Board shall serve on the Joint Board of Appeals.

**120.5 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.

**120.6 Decisions and findings of the board**

**120.6.1 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.

**120.6.2 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.

**120.7 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.

**120.7.1 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.

## **2. Add The Following Definitions To IBC Section 202 Entitled “Definitions”:**

**Board of Appeals.** Whenever the term “Board of Appeals” is used in this Code, it shall mean the Joint Board of Appeals of Memphis and Shelby County.

**Building Contractor Registration.** The term Building Contractor Registration as used in this Code is defined to include any person, firm, or corporation whose principal business is to, or performing, any of the following: erect, construct, enlarge, alter, repair, move, improve, convert, or demolish any building or structure in the applicable jurisdiction, or cause the same to be done.

**Building Section.** Whenever the term “Building Section” is used in this code, it shall mean the Building Section of the Memphis and Shelby County Office of Construction Code Enforcement (MSCCCE).

**Chief Appointing Authority.** Whenever the term “Chief Appointing Authority” is used in the Technical Codes herein adopted, it shall mean the Mayors of the City of Memphis and County of Shelby, Tennessee.

**City, Municipality, or Governing Body.** Whenever the word “City” or “Municipality” or “Governing Body” is used in the Technical Codes herein adopted, it shall mean the City of Memphis and County of Shelby, Tennessee.

**Department of Building Safety.** Whenever the words “Department of Building Safety” is used in the Technical Codes herein adopted, it shall mean the Memphis and Shelby County Office of Construction Code Enforcement.

**Free Standing Wall.** A manmade structure built out of rock, block, timber, concrete, or other similar material which does not either directly support retained material or serve as a facing of a cut slope.

**International Building Code.** Whenever the words “International Building Code” are used in this code herein adopted, it shall mean the 2015 International Code Council International Building Code and will be known as the Memphis and Shelby County Building Code (MSCBC).

**International Electrical Code.** Whenever the words “International Electrical Code” are used in this code herein adopted, it shall mean the 2017 National Electrical Code (NEC) with Local Amendments and will be known as the Memphis and Shelby County Electrical Code (MSCEC).

**International Energy Conservation Code.** Whenever the words “International Energy Conservation Code” are used in this code herein adopted, it shall mean the 2015 International Code Council International Energy Conservation Code with Local Amendments and will be known as the Memphis and Shelby County Energy Conservation Code (MSCECC).

**International Existing Building Code.** Whenever the words “International Existing Building Code” are used in this code herein adopted, it shall mean the 2015 International Code Council International Existing Building Code with Local Amendments, and will be known as the Memphis and Shelby County Existing Building Code (MSCEBC).

**International Fire Code.** Whenever the word “International Fire Code (IFC)” is used in this code as adopted, it shall mean all the 2015 Edition of the *ICC International Fire*



*Code* with local amendments as as adopted by the Memphis City Council for the City of Memphis and the Shelby County Commission for unincorporated Shelby County and will be known as the Memphis and Shelby County Fire Code (MSCFC)

**International Fuel Gas Code.** Whenever the words “International Fuel Gas Code” are used in this code herein adopted, it shall mean the 2015 International Code Council International Fuel Gas Code with Local Amendments and will be known as the Memphis and Shelby County Fuel Gas Code (MSCFGC).

**International Mechanical Code.** Whenever the word “International Mechanical Code” is used in this code herein adopted, it shall mean the 2015 International Code Council International Mechanical Code with Local Amendments and will be known as the Memphis and Shelby County Mechanical Code (MSCMC).

**International Plumbing Code.** Whenever the words “International Plumbing Code” are used in this code herein adopted, it shall mean the 2015 International Code Council International Plumbing Code with Local Amendments and will be known as the Memphis and Shelby County Plumbing Code (MSCPC).

**International Residential Code.** Whenever the words “International Residential Code” are used in this code herein adopted, it shall mean the 2015 International Code Council International Residential Code with Local Amendments and will be known as the Memphis and Shelby County Residential Code (MSCRC).

### **3. Amend The Following Definitions in IBC Section 202:**

**Building Official.** The officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the Technical Codes.

### **4. Add The Following Definitions To IBC Section 310.2**

**Family.** In addition to customary domestic servants, either:

1. An individual or 2 or more persons related by blood, marriage, or adoption, maintaining a common household in a dwelling unit; or
2. A group of not more than four (4) persons who are not related by blood, marriage, or adoption, living together as a common household in a dwelling unit; or
3. A group of eight (8) or fewer unrelated mentally retarded, mentally handicapped, or physically handicapped persons which may include three (3) additional persons acting as house parents, who need not be related to each other or to any of the mentally retarded, mentally handicapped, or physically handicapped persons residing in the house, living together as a common household in a dwelling unit and licensed by either the state departments of Health or Mental Health and Developmental Disabilities.

**“Mentally handicapped”** does not include persons who are mentally ill and because of such illness, pose a likelihood of serious harm as defined in Tenn. Code Ann. Sec. 33-6-104, or who have been convicted of serious criminal conduct related to such mental illness; and

**“Physically handicapped”** shall include persons who, due to age or infirmity, are physically in need of residential home care.

**5. Replace IBC Section 310.1 “R3” With The Following:**

**R-3** Family (as defined in Section 310.2) and residential occupancies, where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where the buildings do not contain more than two dwelling units as applicable in Section 101.2. Adult and childcare facilities that are within a single-family home, that provide accommodations for five or fewer persons of any age for less than 24 hours, are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

**6. Add Exception #1 Under IBC Section 404.7 Entitled “Standby Power”**

**Exception 1.** Except that system supervision devices with manual start and transfer features shall be provided in a location approved by the Building Official.

**7. Add IBC Section 507.2.2 Entitled “Reduced Open Space.”**

**507.2.2 Reduced open space.** A reduced open space shall be permitted to be reduced to zero (0) feet provided the exterior walls facing the reduced width shall have a fire-resistance rating of not less than 4-hours and shall comply with all requirements of a firewall.

**8. Amend Table 705.8 “Maximum Area Of Exterior Wall Openings Based On Fire Separation Distance And Degree Of Opening Protection” – Referenced Footnotes To Add Footnote “L” And Have It Apply To The Last Five Distance Measurements In The First Column Entitled “Fire Separation Distance”, As Follows:**

l. In one story, Group S occupancies, used for mini-storage warehousing, a heat detection system installed in accordance with NFPA 72 with a central station, may be installed in lieu of the limitation of openings as specified by Table 705.8 for those buildings with a separation distance of at 10 feet or more.

**9. Add IBC Section 903.2.13 As Follows:**

**903.2.13 Buildings in unincorporated areas.** Buildings in the unincorporated areas of Shelby County are subject to review by the Shelby County Fire Prevention Department.

**10. Add A Seventh Condition To IBC Section 1006.3.2 Entitled “Single Exits” As Follows:**

**8. Roof deck platform (RDP).** - A single means of egress from an occupied roof, otherwise known as a roof deck platform (RDP), shall be allowed when all of the following conditions exist:

- a. Stairway:** The stairway serving the RDP shall have a minimum of two-hour fire-resistance-rated enclosure with “B” labeled doors and frames. The stairway serving the RDP shall also have smoke detectors on the corridor side of each interior door to the stair.

**b. Early warning detection systems:** An audible/visual device shall be installed to notify all the occupants on the RDP when activated by either smoke detectors or in the case of a building equipped with an automatic sprinkler system, water flow.

**c. Emergency lighting:** Emergency lighting, exit lights and directional exit lights, if required by the building official shall be required.

**d. Occupancy load:** The capacity of the RDP shall be calculated as 15 Sq. Ft. /Person and shall not exceed 50 persons. The maximum allowable occupancy load shall be posted on or adjacent to the exit.

**e. Cooking equipment:** When cooking equipment is provided, it shall be located a minimum of ten feet from the stairway and it shall be located on a fixed non-combustible surface with at least three feet of clearance all around the cooking equipment.

**f. Travel distance:** The travel distance from the most remote point of the RDP to the stair shall not exceed seventy-five (75) feet.

**g. Size:** The maximum allowable size of an RDP when served by a single stair is seven hundred and fifty (750) square feet.

**11. Amend IBC Section 1007.1.1 Entitled “Two Exit Or Exit Access Doorways” With Updated Cross References And A Third Exception So That When Amended It Reads As Follows:**

**1007.1.1 – Two exit or exit access doorways.** Where two exits, exit access doorways, exit access stairways or ramps or any combination thereof, are required, from any portion of the exit access, the exit doors or exit access doorways shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between exit doors or exit access doorway. Interlocking or scissor stair shall be counted as one exit stairway.

**Exceptions:**

1. Where exit enclosures are provided as a portion of the required exit and are interconnected by a one-hour fire resistance rated corridor conforming to the requirements of IBC Section 1020, the required exit separation shall be measured along the shortest direct line of travel within the corridor. Exit enclosure walls shall not be less than 30 feet (9144 mm) apart at any point in a direct line of measurement.
2. Where a building is equipped throughout with an automatic sprinkler system in accordance with IBC Section 903.3.1.1 or 903.3.1.2, the separation distance of the exit doors or exit access doorways shall not be less than one third of the length of the maximum overall diagonal dimension of the area served.
3. In three story apartment buildings equipped with a breezeway separated from each dwelling with a 2 hour assembly and connecting all units to exterior stairways, the distance between the exit stairways shall be one-half the diagonal distance of the area served on either side of the breezeway.

**12. Amend IBC Section 1008.1 Entitled “Means of Egress Illumination” So That When Amended It Shall Read As Follows:**

**IBC Section 1008 - Means of Egress Illumination**

**1008.2 Illumination required.** The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied.

**Exceptions:**

1. Occupancies in Group U
2. Aisle accessways in Group A and sprinklered Groups F and S.
3. Dwelling units and sleeping units in Groups R-1, R-2 and R-3.
4. Sleeping units of Group I occupancies.

**13. Add Exception, #6, #7, #8 And #9 Under IBC Section 1020.1 Entitled “Construction” As Follows:**

6. An unobstructed path of travel through a space in Group B, F and S occupancy greater than six feet (6') wide, which requires a minimum aisle width of 44 inches, shall not require a fire rating.

7. In Group B, F and S buildings not exceeding six stories, a corridor within a tenant space with a smoke detection system installed per NFPA 72 shall not require a fire rating exit access corridor.

8. Fire rated reception room entry doors are not required when opening onto fire rated halls, corridors and exit access provided:

- a. Reception room is separated from the tenant space it serves by one-hour construction.
- b. The reception room shall not exceed 250 square feet.

9. A glass wall forming a smoke partition may be used in lieu of a required one-hour, fire-resistant wall where the building is protected throughout by an electrically-supervised automatic sprinkler system and where automatic sprinklers are spaced six feet (6') or less along both sides of the separation wall and not more than one foot (1') away from the glass and designed so that the entire surface of the glass is wet upon activation of the sprinkler system. The glass shall be laminated safety glass and shall be in a gasketed metal frame installed so that the framing system may deflect without breaking the glass before the automatic sprinkler system operates. The doors shall be labeled as per Tables 716.3 and 716.5 or laminated safety glass with self-closing and latching hardware.

**14. Add IBC Section 1210.4 Entitled “Toilet Rooms” As Follows:**

**1210.4 Toilet rooms.** - Toilet rooms shall not open directly into a kitchen or room used for the preparation of food, and/or the serving and/or consumption of food, except for one and two family dwellings.

**15. Delete IBC Section 1809.4 Entirely “Depth and Width of Footings” And Substitute The Following:**

**1809.4 Depth and width of footings.** The minimum depth of footings below the undisturbed ground surface shall be 13 inches (331 mm). Where applicable, the requirements of Sections 1809.5 shall also be satisfied. The minimum width of footings shall be 12 inches (305 mm).

**16. Amend The Heading For Table 2902.1 By Including The Following:**

T.C.A. § 68-120-503 may require additional restroom facilities at certain locations open to the public and should be consulted.

**17. Amend IBC Section 2902.3 “Employee and public toilet facilities to read As Follows:**

**2902.3 Employee and public toilet facilities.** Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization including but not limited to: restaurants, nightclubs, and places of assembly, business and mercantile occupancies. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with IBC Section 2902.1 for all users. Employees shall be provided with toilet facilities in all occupancies. Employee toilet facilities shall be either separate or combined employee and public toilet facilities.

**Exception:** Public toilet facilities shall not be required in:

1. Open or enclosed parking garages where there are no parking attendants.
2. Structures and tenant spaces intended for quick transactions, including takeout, pickup and drop-off, having a public access area less than or equal to 300 square feet (28 m<sup>2</sup>).

**18. Amend IBC Section 2902.3.1 “Access” to read As Follows:**

**[P] 2902.3.1 Access.** The route to the public toilet facilities required by IBC Section 2902.3 shall not pass through kitchens, storage rooms, stock rooms, or closets. Public access to the required facilities shall be from within the building or individual store. Employee access shall be from within the employees’ working area. Employee facilities shall be either separate facilities or combined employee and public facilities. All routes shall comply with the accessibility requirements of this code. The public shall have access to the required toilet facilities at all times that the building is occupied.

**19. Amend IBC Section 2902.3.2 “Location of toilet facilities in occupancies other than malls” to read As Follows:**

**[P] 2902.3.2 Location of toilet facilities in occupancies other than malls.** In occupancies other than covered and open mall buildings, the required public and employee toilet facilities shall be located on the same story as the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 300 feet (152 m).

**Exceptions:**

1. The location and maximum distances of travel to required employee facilities in factory, high hazard, warehouses, storage structures, and industrial occupancies and that are located in adjacent structures under the same

ownership, lease, or control shall be a maximum of 500 feet from the employees' working area. Minimum facilities for office area shall be separate from these areas and determined as per Sections 2902.1, IBC Section 2902.2 and 2902.3.

2. Employee toilet facilities shall not be required in tenant spaced of 1,000 square feet or less when the travel distance from the main entrance of the tenant space to a central toilet area does not exceed 300 feet. Such central toilet facilities shall be located on the same floor level as the tenant space. Minimum facilities shall be divided equally on each floor.

**21. Amend IBC Section 2902.3.3 “Location of toilet facilities in malls” to read As Follows:**

**[P] 2902.3.3 Location of toilet facilities in malls.** In covered and open mall buildings, the required public and employee toilet facilities shall be located on the same story as the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 300 feet (91 mm). In mall buildings, the required facilities shall be based on total square footage (m<sup>2</sup>) within a covered mall building or within the perimeter line of an open mall building, and facilities shall be installed in each individual store or in a central toilet area located in accordance with this section. The maximum distance of travel to central toilet facilities in mall buildings shall be measured from the main entrance of any store or tenant space. In mall buildings, where employees' toilet facilities are not provided in the individual store, the maximum distance of travel shall be measured from the employees' work area of the store or tenant space. Required toilet facilities shall meet the requirements of Table 2902.1.

**Exception: Mall Tenant Requirements:**

1. Spaces under 1,000 square feet are not required to provide toilet facilities within the space if it is within 300 feet of central core facilities.
2. Spaces between 1,000 and 2,500 square feet are required to provide at least one handicap accessible, unisex, public restroom within the space.
3. Spaces over 2,500 square feet are required to provide a minimum of one men's restroom and one women's restroom. Restrooms are required to be handicap accessible public restrooms.
4. Anchor tenants are required to provide facilities to stand on their own.
5. Drinking fountains are required in any space which exceeds 1,000 square feet.

**22. Add IBC Sections 2902.3.3.1 “Food courts inside covered malls”, 2902.3.3.2 “Restaurants and nightclubs inside covered malls”, 2902.3.3.3 “Portable food carts” to read As Follows:**

**2902.3.3.1 Food courts inside covered malls.** Food courts located inside covered malls are not required to have minimum toilet facilities for employees or customers, provided that travel distance from the food court area meets IBC Section 403.6 (2902.3) of this Code.

**2902.3.3.2 Restaurants and nightclubs inside covered malls.** Restaurants and nightclubs located inside covered malls shall have separate facilities located inside of the restaurant or nightclub. Minimum facilities shall be determined by Table 403.1 of this Code.

**2902.3.3.3 Portable food carts.** Portable food carts may be used inside covered malls or other places of business provided that size of portable food cart is no larger than 4 feet by 6 feet with wheels and that it can be moved by one person. Portable food carts with self-contained plumbing shall meet the requirements of the Health Official. The water for storage tanks shall be from a potable source. The wastewater in tank shall be emptied into the nearest service sink.

**23. Amend IBC Section 2902.5 “Drinking fountain location” to read As Follows:**

[P] **2902.5 Drinking fountain location.** Drinking fountains shall be required to be located in individual tenant spaces and shall be located on an accessible route.

**24. Add IBC Sections 2902.7 “Multi-tenant office buildings”, 2902.8 “Portable classrooms”, 2902.9 “Mezzanines”, 2902.10 “Self-storage facilities (mini-warehouses) complex” to read As Follows:**

**2902.7 Multi-tenant office buildings.** Common core toilet facilities (separate for males and females) are required for each floor at a rate to be determined by Table 403.1 Business Occupancies. When tenancies, rental units, etc. are to be provided with separate facilities, such facilities are not deductible from the total common core facilities required.

**2902.8 Portable classrooms.** Portable classrooms that cannot be feasibly connected to the sanitary sewer system shall be located within 300 feet of adequate facilities within the main building, and shall be connected to the main building by a covered walk.

**2902.9 Mezzanines.** Mezzanines intended for human occupancy with office spaces or daily work spaces shall be provided with adequate restroom facilities at that level within a travel distance of 300 feet.

**2902.10 Self-Storage Facilities (mini-warehouse) Complex.** In self-storage (mini-warehouse) complex, facilities shall not be located in each building, but shall be located at the office or entrance, and such that the Code Official determines the intent of the Code has been met.

**25. Amend The Title Of Chapter 30 As Follows:**

**Elevator, Dumbwaiters, Escalators, Moving Walks, Conveying Systems, and Amusements Devices**

**26. Amend IBC Section 3001.1 Entitled “Scope”, IBC Section 3001.2 Entitled “Referenced Standards”, and IBC Section 3001.3 Entitled “Accessibility” As Follows:**

**3001.1 Scope.** – The provisions of the Technical Codes shall govern the design, construction, installation, alteration, repair, operation, inspection, maintenance, testing and safety requirements of elevators, escalators, dumbwaiters, moving walks, conveying systems, amusement devices, chair lifts and automatic transfer devices and repair of elevators. Wherever there is a conflict between the Technical Codes and any other construction code or standard, the Technical Codes shall prevail.

**3001.2 Referenced standards.** – Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevator and conveying systems and their components shall conform to ASME A17.1/CSA B44 and ASCE 24 for construction in flood hazard areas established in IBC Section 1612.3.

**3001.3 Accessibility** – Passenger elevators required to be accessible or to serve as part of an accessible means of egress shall comply with Sections 1009 and 1109.7 and shall conform to the standards established there in by reference to the ANSI 117.1 code.

**27. 3001.5As Follows:**

**3001.5.5 Transfer device.** – Whenever the term “transfer device(s)” is used in the Technical Codes, the meaning of the term shall include elevators, escalators, dumbwaiters, moving walks, stairlifts, chairlifts and automatic transfer devices.

**28. Add IBC Section 3009 Entitled “Installing Agency And Enforcement” And All the Sections Thereunder As Follows:**

**3009 Installing agency and enforcement**

**3009.1 Qualified installing agency.** Installation, replacement, and repair of transfer devices within the meaning of the Technical Codes is to be performed only by a qualified, licensed and registered entity. By the term “qualified, licensed, and registered” entity: it is meant any individual, firm, corporation, or company which is engaged in and is responsible for the installation, replacement, or repair of elevators, escalators, dumbwaiters, moving walks, amusement devices, stairlifts, chair lifts, and material lifts and who is experienced in such work, familiar with all precautions required, and has complied with all the requirements of the MSCCCE and the Technical Codes.

**3009.2 Building official, deputies, and special inspectors**

**3009.2.1 Experience required.** The Building Official and assistants as may be necessary in the proper performance of the duties of the office shall be appointed by the administrator of the Memphis and Shelby County Construction Code Enforcement (MSCCCE). Any assistants assigned to perform inspections under the Technical Codes shall be licensed elevator inspectors or have had at least 5 years practical experience as a mechanical engineer or in the elevator industry in the erection, operation, installation, or repair of such machinery or equipment.

**3009.2.2 Transfer device reports.** The Building Official and/or licensed assistant inspector shall make inspections of all transfer devices as provided for in this Chapter. They shall make daily, monthly and annual reports as may be required by the MSCCCE.

**3009.3 Inspectors License**

**3009.3.1 Requirements.** A licensed transfer device inspector must be an employee of the Memphis and Shelby County Office of Construction Code Enforcement, and such person has satisfied the Mechanical Board that he/she has had the experience required by IBC Section 3007.2.1 and has passed a written examination given by the Board testing his knowledge of the Technical Codes or has passed the ASME QEI test for Elevator Inspectors. Anyone holding a



license as an inspector from a state or local governmental entity that has a qualification standard and examination standard substantially equal to that provided for within this IBC Section may conduct inspections authorized by the Building Official or his authorized assistants.

#### **3009.4 Inspection Reports**

**3009.4.1 Time for report.** A report of required inspection shall be filed with the Building Official by the inspector who performs the inspections on a form approved by the Building Official, within 20 days after the inspection or test has been completed. This filing requirement shall apply to inspections made by a licensed inspector of a duly accredited insurance company, which is the primary insurer of the conveyance.

**3009.4.2 Information required in report.** The report shall include all information required by the Office of Construction Code Enforcement to determine whether the transfer device is in a safe operating condition, and whether the owner or lessee of the transfer device has complied with the rules and regulations applicable under the provisions of the Technical Codes. In addition, the reports shall indicate whether the transfer device has been installed in accordance with the construction permit issued under the Technical Codes and meets the requirements of the applicable rules of the Elevator and Safety Code.

**3009.5 Guide for inspections and tests.** The American National Safety Code for the Inspection of Elevators and Escalators, Moving Walks – ASME A17.2-2010, is hereby adopted as a guide for making the inspection and test required by the Technical Codes. Upon completion of all tests, the person or entity conducting the tests shall attach a metal tag to the transfer device, which shows the name of the person, or entity, which conducted the tests and the month and year that such test were performed.

### **29. Add IBC Section 3010 Entitled “Permits” And All the Sections Thereunder As Follows:**

#### **3010 Permits**

##### **3010.1 Construction permits for elevators, dumbwaiters, escalators, moving walks, stairlifts, chair lifts and material lifts.**

**3010.1.1 Permits.** A construction permit shall be obtained from the Memphis and Shelby County Construction Code Enforcement (MSCCCE) before erecting new transfer devices, moving apparatus from one hoistway to another, or before making alterations to existing equipment. The owner, or his authorized agent, shall submit an application for such permit accompanied by plans and specifications as set forth IBC Section 104.2. If plans and specifications indicate compliance with the technical Codes, the Building Official shall issue a construction permit. No permit shall be required for repairs and replacements normally necessary for maintenance and made with parts of equivalent materials, strength and design.

**3010.1.2 Permits for repairs.** Construction permits are required for any alterations covered by IBC Section 8.7, ASME A17.1-2010 of the Elevator Safety Code. A permit is required for the replacement of hydraulic casings and plungers, and hydraulic valves and pumps. A permit is required for the replacement of hoisting cables and governor cables and compensating cables or chains.

**3010.2 Operating certificates.** No commercial elevator or any other transfer device, as defined in IBC Section 3001 shall be operated by the owner or lessee thereof, unless an operating permit has been issued pursuant to the Technical Codes; however, no operating certificate shall be required for transfer devices, owned, and operated by United States Government.

### **3010.3 Issuance of operating certificates**

**3010.3.1 Time for final inspection report for new commercial transfer devices.** A report of required final inspection shall be filed with the Building Official by the inspector who performs the inspections on a form approved by the Building Official, within 20 days after the inspection or test has been completed. This filing requirement shall apply to inspections made by an authorized licensed inspector of a duly accredited insurance company, which is primary insurer of the conveyance.

**3010.3.2 Information required in report.** The final inspection report shall include all information required by the Office of Construction Code Enforcement to determine whether the transfer device is in a safe operating condition and whether the owner or lessee of the transfer device has complied with the rules and regulations applicable under the provisions of the Technical Codes. In addition, the report shall indicate whether the transfer device has been installed in accordance with the construction permit issued under the Technical Code and meets the requirements of the applicable rules of the Elevator and Safety Codes. Upon filling a report showing such compliance, a operating certificate shall be issued which shall be good for one year.

**3010.3.3 Compliance notice.** If the inspection report required by above indicated failure of compliance with the applicable requirements of the Technical Codes, or with the detailed plans and specifications approved by the Building Official under 3008.1, the Building Official shall give notice to the owner or lessee, or the person filing such plans and specifications, of changes necessary for compliance therewith. After such changes have been made, the Building Official shall issue an operating certificate.

**3010.3.4 Renewing operation certificates.** Operating certificates shall be renewed semi-annually by the MSCCCE, to the owner or lessee of every new and existing commercial transfer device when the inspection report indicates compliance with the Technical Codes. No certificates shall be issued if the required fees have not been paid. Time limits shall be 30 days for existing transfer devices, and 3 days for new transfer devices, after the required date for filing the inspection report required by IBC Section 3008.3.1, unless such time limit is extended by the Building Official.

**3010.4 Posting.** The certificate required by this Chapter shall be posted in a conspicuous location in the transfer device car or cage, or on the platform, on or near the transfer device, or available at the onsite Building Manager's office.

### **3010.6 Limited permits**

**3010.6.1 Temporary use.** The Building Official may permit the temporary use of any transfer device for freight service during its installation or alteration, or for use in construction, under the authority of a limited operating permit issued by him for each class of service. In the case of elevators, such limited permit shall not be issued until the elevator shall have been tested under contract load, and the car safety stopping equipment has been tested to determine the safety of the equipment for construction purposes, and until permanent or temporary guards or enclosures are placed on the car and around the hoistway at the landing entrances on each floor. Landing

entrance guards shall be provided with locks that can be released from the hoistway side only. Automatic and continuous-pressure elevators shall not be placed in temporary operation from the landing push buttons. An operator shall be on any elevator being operated under the authority of a limited operating permit during all times of operation.

**3010.6.2 Fees.** Limited permits shall be issued for a period not to exceed 30 days at a fee rate of \$100.00. It can be renewed every 30 days for a fee of \$100.00 for each additional 30 days. Payment to be made before permit is finalized.

**3010.6.3 Posting permits.** Where a limited permit is issued, a notice bearing the information that the equipment has not been finally approved shall be conspicuously posted on or near each entrance to such transfer device in a place where it is clearly visible at each entrance of the transfer device.

**3010.7 Guide for inspections and tests.** The American National Safety Code for the Inspection of Elevators and Escalators, Moving Walks – ASME A17.2-2010, is hereby adopted as a guide for making the inspection and test required by the Technical Codes. Upon completion of all tests, the person or entity conducting the test shall attach a metal tag to the transfer device which shows the name of the person or entity which conducted the test and the month and year that such tests were performed.

**30. Add IBC Section 3011 Entitled “Supervisor, Responsibility, Accidents And Insurance”  
And All the Sections Thereunder As Follows:**

**3011 Supervisor, responsibility, accidents and insurance**

**3011.1 Supervision of installation, relocation, alteration or repair of equipment.** The installation, relocation, alteration or repair of all transfer devices must be performed by a properly licensed and registered transfer device contractor registered with the MSCCCE.

**3011.2 Responsibility of person installing, relocating, or altering equipment.** The person or firm installing, relocating, or altering a transfer device shall be responsible for its operation and maintenance until the operating certificate therefore has been issued by the Building Official, except during the period when any limited operating permit, as defined in IBC Section 3008.6 shall be in effect, and shall also be responsible for all tests of new, relocated, and altered equipment until the operating certificate therefore has been issued by the Building Official.

**3011.3 Elevator, dumbwaiter, escalator, moving walk, stairlift, chair lift and material lift accidents**

**3011.3.1 Accident notification.** The owner of a transfer device, or his duly authorized agent, shall immediately notify the Building Official of each and every accident involving:

1. A person requiring the service of a physician; or
2. Damage which results in disability of the transfer or amusement device exceeding one day; and shall provide the Building Official access to every facility and cooperate fully in investigating and inspecting such accident or damage.

The Building Official shall, without delay, after being notified, make an investigation and shall place on file a full and complete report of such accident.

**3011.3.2 Accident report.** Such report shall give in detail all material facts and information available, and the cause or causes so far as they can be determined, which shall be open to the public for inspection at all reasonable hours. When an accident involves the failure or destruction of any part of the construction or the operation mechanism of such a device, the use of such device is forbidden until it has been made safe, and until it has been re-inspected and any repairs, changes, or alteration have been approved by the Building Official, and a permit in such form as the Building Official may prescribe has been issued by the MSCCCE. The removal of any part of the damaged construction or operating mechanism from the premises is forbidden until permission to do so has been granted by the Building Official.

**31. Add IBC Section 3012 Entitled “Safety And Equipment Requirements” And All the Sections Thereunder, As Follows:**

**3012 Safety and equipment requirements**

**3010.1 Generally.** The requirements of the Code adopted by IBC Section 3010.1 shall apply to all installations of transfer devices, as hereinafter specified, and except as otherwise provided in the Chapter.

**3010.2 New Installations.** All new transfer devices shall be designed and installed in accordance with the requirements of the Elevator Safety Code – A17.1, 2010 Edition plus Addendums, A18.1 2008 Edition, and Handicap Ordinances for wheelchair and stair lifts.

**3010.3 Relocations.** All relocation of transfer devices made after January 1, 1961, shall meet the requirements of the Elevator Safety Code.

**3010.7 Repairs and replacements.** Repairs and replacements of damaged, broken or worn parts shall conform to the requirements of Part 8.6 of the Elevator Safety Code.

**3010.9 Existing installations.** Existing transfer devices, legally installed before January 1, 1961, may be used without being reconstructed to comply with the requirements of the Elevator Safety Code, except as such rules of the Code specifically refer to such installations.

**3010.10 Alterations generally.** Existing installations may be altered to obtain the advantage of any provisions of the Elevator Safety Code, provided the safety requirements covering such provision are met. Alterations of existing installations shall conform to Part 8, Section 8.7 of such Code, or to the following exception:

**3010.10.1 – Existing freight elevator gates.** Hoistway gates for freight elevators in existing buildings may be five feet six inches high (5’ 6”) with maximum two-inch (2”) openings, if approved by the Building Official.

**3010.10.2 Major combination of alterations.** When any combination of alterations or changes is made, constituting more than 50% of the cost of the installation of a new elevator or hoistway construction, as determined by the Office of Construction Code Enforcement, the entire installation shall conform to the requirements of the Elevator Safety Code A 17.1, 2010 Edition.

**3010.10.3 Repairs and replacements.** Repairs and replacement of damage, broken or worn parts shall conform to the requirements of Part 8.6 of the Elevator Safety Code.

### **3010.11 Maintenance in safe operating condition**

**3010.11.1 Responsibility of owner.** Every transfer device shall be maintained by the owner or lessee in a safe operating condition so that it conforms to the provision of this Chapter.

**3010.11.2 Proper maintenance.** The owner, or his duly appointed agent, shall be responsible for the safe operation and proper maintenance of a transfer device after the operating certificate has been issued by the MSCCCE, and also during the period of effectiveness of any limited operating permit as defined in IBC Section 3008.6.2. The owner shall also be responsible for making all initial and periodic tests required by this Chapter.

**3010.12 Portable hoists for elevators and dumbwaiters prohibited.** No portable power chain or cable hoist shall be installed to raise or lower an elevator car or platform, or dumbwaiter car or platform.

### **32. Add IBC Section 3013 Entitled” Special Provisions For Amusement Services” And All the Sections Thereunder As Follows:**

#### **3013 Special provisions for amusement services**

**3013.1 Visual inspections.** MSCCCE inspection of amusement rides shall consist of a visual inspection of fencing, entrances, exits, lap bars, seat belts and blocking. In addition, a complete NAARSO (National Association of Amusement Ride Safety Officials) level III inspection of the assembly of the ride shall be made to ensure all bolts, nuts, cotter pins and all other safety devices are properly installed.

**3013.1.1 Technical information.** It is the responsibility of the amusement device owner to provide all Technical information and conduct all testing required by the manufacturer. This information shall be presented to MSCCCE before the operation of the amusement device. A daily maintenance and safety check shall be available upon request by MSCCCE.

**3014.2 Amusement device operator.** Amusement devices shall be in the charge of competent persons of sound mind who shall have attained the age of 18 years.

**3013.3 Inspection of amusement devices.** Amusement devices shall be inspected before the season or engagement period opens and/or at least once a year by a level III NAARSO inspector.

### **33. Add IBC Section 3012 Entitled “Penalty For Violation” And All the Sections Thereunder As Follows:**

#### **3012 Penalty for violations**

**3012.1 Suspension of operations.** The Building Official is authorized to order the suspension of operation of any transfer device for which a certificate is required, but has not been issued, or which upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a suspension is made, a notice shall be attached to the transfer device suspended of operation by the Building Official, or one of his assistants, together with the reason or reasons for suspension. Additionally it shall be unlawful for any person to remove said notice or resume use of said transfer device without authorization by the Building Official, or one

of his assistants, and such transfer device shall not be put into service or used until the Building Official has attached his certificate of approval in lieu of his prior suspension notice.

**Penalties.** A violation of the provision of this chapter shall be violation of this Code and subject to all other penalties proscribed herein.

**34. Add IBC Section 3013 Entitled “Fees” And All the Sections Thereunder As Follows:**

**3013 Fees**

**3013.1 Transfer devices.** For the installation of transfer devices, the fee shall be set forth in the Building Permit, Plans and Inspection Fees Schedule.

**3013.2 Operating certificates, semi-annual renewal.** The operating certificates for all commercial elevators, escalators, dumb waiters, moving walks, chair lifts and material lifts shall be renewed semi-annually. The fees shall be as set forth in the building permit, plans and inspection fee schedule.

**35. Amend IBC Section 3103 Entitled “Temporary Structures” In Its Entirety And Replace It With The Follow Section, So That When Amended It Shall Read As Follows:**

**IBC Section 3103 Temporary structures and uses**

**3103.1 General.** The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

**3103.1.1 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, MEANS of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

**3103.1.2 Permit required.** Temporary structures that cover an area greater than 200 square feet including connecting areas or spaces with common means of egress or entrance that are used or intended to be used for the gathering of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a building permit from the Building Official.

**3103.2 Temporary power.** The Building Official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *ICC Electrical Code*, as locally amended.

**3103.3 Location.** Temporary structures shall be located in accordance with the requirements of IBC Section 602 based on the fire-resistance rating of the exterior walls for the proposed type of construction.

**3104.4 Means of egress.** Temporary structures shall conform to the means of egress of Chapter 10 and shall have an exit access travel distance of 100 feet (30480 mm) or less.

**3104.5 Termination of approval.** The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

**36. Add New IBC Section 3112 Entitled “Intermodal Shipping Containers” And IBC Section 3112.1 Entitled “Requirements For Repurposed Use” As Follows:**

**IBC Section 3112**

**Intermodal Shipping Containers:**

**3112.1 Requirements for repurposed use.**

A permit shall be required to erect, install, or alter intermodal shipping containers for use as a human occupied space. The permit submission must be accompanied by plans sealed by a licensed architect and by engineers qualified in each applicable discipline, and shall include a structural engineer’s analysis of the lateral stability of the modified intermodal shipping container structure. The building official has the discretion to deny re-use of shipping containers.

Repurposed shipping containers shall comply with the zoning code, building code and all related technical codes applicable to the intended occupancy use. This includes but is not limited to: life safety, energy conservation, accessibility, seismic, wind, plumbing, electrical, fuel gas, and mechanical requirements as established by Memphis/Shelby County Code Enforcement.

**37. ADOPT THE FOLLOWING APPENDICES**

**APPENDIX A - BUILDING PERMIT, PLANS AND INSPECTION FEES (See Local Amendments Below.)**

**APPENDIX C - GROUP U – AGRICULTURAL BUILDING as shown in 2015 Edition of the ICC International Building Code.**

**APPENDIX D – FIRE DISTRICT (SEE LOCAL AMENDMENTS BELOW)**

**APPENDIX F - RODENT PROOFING as shown in 2015 Edition of the ICC International Building Code.**

**Appendix G - Flood Resistant Construction as shown in 2015 Edition of the ICC International Building Code.**

**APPENDIX H - SIGNS– As shown in 2015 Edition of the ICC International Building Code.**

## Appendix A

### Building Permit, Plans and Inspection Fees

#### 1. New Construction And Additions To Buildings Other Than One- And Two-Family Dwellings.

- a. The fee for a building permit for new construction, or for an addition to an existing structure, shall be based on the total construction cost (valuation) of said construction, addition, alteration, or repair and shall be determined by the following paragraphs. However, the minimum permit shall be \$75.
- b. When the valuation is less than \$25,000, the fee shall be \$5 per \$1,000 of valuation or any fraction thereof.
- c. When the valuation is as much as \$25,001, but less than \$1,000,000, the fee shall be \$100 plus \$3.50 for each additional \$1,000 of valuation or any fraction thereof above the valuation of \$25,000.
- d. When the valuation is as much as \$1,000,001, but less than \$25,000,000, the fee shall be \$3,025 plus \$2.25 for each additional \$1,000 of valuation or any fraction thereof above the valuation of \$1,000,000.
- e. When the valuation is as much as \$25,000,001, the fee shall be \$51,025 plus \$ 1.75 for each additional \$1,000 of valuation or any fraction thereof above the valuation of \$25,000,000.

#### 2. One And Two Family Dwellings

- a. The permit fee for alteration or repairs to a one-two family dwelling, building or structure shall be based on the total construction cost (valuation) of alterations or repairs, and shall be charged at a rate of \$5 per \$1,000 or fraction thereof. The minimum fee for any permit shall be \$50. Permit fee for the alterations or repairs for one and two family dwellings shall not exceed \$325.
- b. The permit fee for new construction or addition of more than 400 square feet for one- two family dwelling, building or structure shall be charged at the rate of \$0.07 per square foot or fraction thereof. The minimum fee for new construction of a one – two family dwelling or structure permit shall be \$125 and the minimum fee for addition of more than 801 square feet to existing one-two family dwelling, building, or structure shall be \$125. 800 to 401 square feet to an existing one-two family dwelling, building, or structure shall be \$75. Minimum fee for addition of 400 square feet or less to an existing one-



two family dwelling, building, or structure permit shall be \$50. All above areas shall include, but not be limited to, living area, porches, carports, canopies, garages, and storage areas. The permit fee of \$125 includes the fees for the new installation of sidewalks and curb cuts.

- c. Detached one-story residential accessory buildings, carports, canopies, garage or patios not exceeding 400 square feet will have a minimum fee of \$25. Minimum fee for detached one-story residential accessory building, carports, canopies, garages, or patios exceeding 400 square feet shall be \$0.07 per square foot with a minimum fee of \$50.
- d. **Exception:** Minimum fee for fences shall be \$25 per permit.

### **3. Fee For Amending Permits**

- a. 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:
  - i. For each and every amendment which involves additional work, not originally applied for to complete the entire project, the additional fee shall be the normal fee for the work completed and shall be computed disregarding the valuation of the work previously permitted.
  - ii. For each and every amendment or supplement not involving additional work by square footage, volume, or dollar value, the minimum fees normally required for such work shall apply, even though the project dollar value or building volume may be decreased. (Minimum fee of \$25).

### **4. Work Commencing Before Permit Issuance.**

In the 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.

### **5. Special Tax**

The uncollected cost of repairing, vacating, or taking down and removing an unsafe building may be certified to the County Trustee. It shall then be the duty of the County Trustee to place the amount so certified on the bill for the County taxes assessed against the property on which said dangerous structure was located. It shall be the duty of the County Trustee to collect as a special

tax the amount so certified, which is hereby declared to be a special tax on said property. The special tax may be collected in the same manner as other general taxes are collected by the County.

**6. Demolition Of Structures**

- a. Permits to demolish structures as provided for in the Existing Building Code, the fees shall be at the rate of \$9 for each 25,000 cubic feet, or fraction thereof, with a minimum fee of \$70 and maximum fee of \$560.
- b. For permits to implode structure, as provided for in the Existing Building Code, the fee shall be at the rate \$1,120.

**7. Removal Or Moving Of Structures.**

The permit fee to move or remove a structure, as provided for in the Existing Building Code, shall be \$224. For replacement, repair and/or renovated of said structure, the fee shall be charged as in Paragraph 1 above.

**8. Structural Permits For Signs**

- a. For the erection, construction, relocation, alteration, or maintenance of signs, as required by the Building Code, the fee shall be computed on the basis of the gross, cross section area of the sign, including any decorative framing, but not including structural supports. The rate shall be \$1.25 for each square foot of such gross sign area. The minimum fee shall be \$25. *The minimum fee for change in copy (text's) shall be \$25 for existing business, same context.*
- b. The annual fee for re-inspection of signs as required in the Building Code shall be \$25 for signs with gross surface area of 150 square feet and less and \$50 for each sign structure with a total gross surface area of more than 50 square feet.
- c. **EXCEPTION:** Non-illuminated wall signs not exceeding 12 square feet in area, and any non-illuminated sign not more than 4 square feet in area, placed in a legally constituted location that does not encroach over a public right of way, shall not require a fee for re-inspection.
- d. Any sign installed without the required permit being obtained will be subject to triple fees when the necessary permits are obtained.

**9. Fees For Appurtenances To Buildings And Other Structures And Apparatus.**

The permit fee for the installation of the following shall not be less than \$70 for the first \$250,000 of valuation, and \$2 for each \$1,000 more than \$250,000.

- Conveyor Systems;
- Process piping systems;
- Racking systems / Shelving

**10. Fees for Miscellaneous Construction**

- a. The fee for a permit for construction of a tower, stack, swimming pool, or other similar type structure; and the fee for a permit for the addition, alternation, or the repair of such structure shall be based on the total construction (valuation) of the work to be done and shall be \$5 per \$1,000 or fraction thereof. The minimum fee for any permit shall be \$70.
- b. The permit fee for tents, special events, special sales promotions, beer check and amusement rides shall be \$70, plus \$12 per additional tent after the first tent.
- c. The permit fee for temporary construction trailers (job shacks) for a period of 6 months shall be \$45.
- d. The fee for a permit for the repair, construction or installation of an automated or non-automated gate, wall, fence, or other similar type of structure or vehicular access control device; and the fee for a permit for the addition, alternation, or the repair to such structure shall be based on the total construction cost (valuation) of the work to be done and when the valuation is less than \$25,000, the fee shall be \$5 per \$1,000 of valuation or any fraction thereof and \$4 for each additional \$1,000 of valuation on any fraction thereof above the valuation of \$25,000, with a maximum fee of \$200. Fences for one and two family dwellings are exempt from this requirement if less than 8 feet in height.
- e. The fee for a permit for the construction of decks and spas, or other similar types of structures: and the fee for a permit for the addition, alteration, or the repair to such structures shall be \$50.

**11. Curb Cuts, Driveway Entrances and Exits**

- a. The fee for curb cuts on public property, either new or replacement, when location outside the municipal limits of the City of

Memphis, shall be \$0.07 per square foot; however, no less than \$35 per permit will be charged.

- i. **Exception:** The fee for new installation of curb out for one-two family dwellings included under Paragraph 2(b) above.
- b. Sidewalks required by Subdivision Plat Outside the Municipal Limits of the City of Memphis. The fee for sidewalks on public property, either new or replacement shall be \$35.
  - i. **Exception:** The fee for new installation of curb out for one-two family dwellings included under Paragraph 2(b) above.
- c. Permits for the installation of sidewalks, curb cuts, driveway entrances and exits inside the City of Memphis, shall be obtained from the City of Memphis prior to the issuance of a building permit.

## **12. Filing Of Application For Joint Board Of Appeals**

Notice of Joint Board of Appeals under Chapter 1 of the Building Code shall be accompanied by a fee of \$125.

## **13. Refunds**

Permit fees may be refunded if no work has commenced and a request for refund is submitted to the Building Official in writing by the permittee within 6 months of the date of issuance. The permit is surrendered with 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 \$70.

## **14. Certificates of Use and Occupancy**

a. No charge shall be made for a certificate of use and occupancy for a structure when it is issued upon the satisfactory completion of new construction, addition, alteration, or repair work under a valid permit. When a certificate is issued under the provision of Chapter 1 of the Building Code, the fee shall be \$70. The fee charged for such certificate shall be in addition to those which may be required for any specific test and/or inspections of special features or equipment which are otherwise required by this or any Code.

b. For hazardous occupancies, the Certificate of Occupancy will be limited to a 12 month period. Upon approval by the Building Official and before issuance or reissuance of said certificate, the applicant will pay a fee of \$115.

- 15. Reinspection Fee For Excessive Or Unessential Inspection Calls.**
- a. An additional fee shall be charged for the second re-inspection of \$50, and for each additional inspection thereafter, until the violation is corrected, a fee of \$50 shall be charged. **Exception:** Due to the complicated nature of framing inspection, one free re-inspection shall be give on each Building Permit. All re-inspections occurring after this shall be charged a listed above.
  - b. Any person, firm or corporation aggrieved by the assessment of any re-inspection fee may appeal to the Building Official for a review of the facts involved and a possible reduction or dismissal of said fees.

**16. Trailer And Manufactured Home Space Permit Fees.**

- a. The fee to establish a trailer space or manufactured home space within a manufactured home park shall be \$45 for each space. The annual inspection fee for each manufactured home or trailer space shall be \$12 for each space. The annual inspection fee shall be due and payable July 1<sup>st</sup> of each year. Failure to pay the annual inspection fee within 60 days after receiving notice of payment due shall result in the manufactured home being classified as illegal and ordered removed.
- b. A building permit fee for the general development of trailer or temporary manufactured home parks shall be required. A building permit for the trailer or manufactured home unit shall not be required. A building permit for permanent structures such as but not limited to offices, laundry, recreational, storage, utility buildings, garages and carports shall be required as set forth in Paragraph 1 above.
- c. For manufactured homes approved as a permanent or temporary residence located on property outside of a trailer or manufactured home park development, the permit fee for new construction of, or addition to, a one –two family manufactured dwelling (home), building or structure shall be charged at the rate of \$0.06 per square foot or fraction thereof. The minimum permit fee shall be \$140. All above areas shall include, but not be limited to, living areas, porches, carports, garages, and storage areas.

**17. Fee Forfeited**

The permit fees will be forfeited on any permit invalidate because work was not commenced as set forth in Chapter 1 of the Building Code.

**18. Building Permit Valuations**

If in the opinion of the Building Official, the valuation of building, alteration, or structure appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimated total construction costs to meet the approval of the Building Official. Permit valuations shall include total costs, such as plumbing, electrical, mechanical equipment, and other systems. As a guideline to determine the average construction costs per square foot, the Building Official shall reference the Building Valuation Data Table published periodically by ICC.

**19. Administrative Site Plan Review**

Fee application for administrative site plan review approvals required by the Memphis and Shelby Unified Development Code shall be accompanied by a nonrefundable fee in accordance with the following schedule:

Building occupancies as required \$650

- a. Approval of an administrative site plan review shall permit the applicant to apply for any other permits and approvals required by the Unified Development Code, and the Building Code. Administrative site plan approvals are valid for 6 months, or until a building permit is issued, whichever is earliest.

**20. Project Approval Fee**

Applications for building project review shall be accompanied by copies of drawings required by Chapter 1 of the Building Code and a non-refundable fee in accordance with the following schedule:

One – two family dwellings	
For building size up to 2,500 square feet	\$ 125
For building size greater than 2,500 square feet	\$ 150
All other occupancies	
\$0-\$25,000 total valuation	\$ 80
\$25,001 to \$50,000 total valuation	\$ 160
\$50,001 to \$100,000 total valuation	\$ 325
\$100,001 to \$200,000 total valuation	\$ 650
\$200,001 to \$500,000 total valuation	\$ 875
\$500,001 to \$1,000,000 total valuation	\$ 1,200
\$1,000,001 to \$2,000,000 total valuation	\$ 1,600
\$2,000,001 to \$5,000,000 total valuation	\$ 2,000
More than \$5,000,000 total valuation	\$ 3,000

- a. An application for building permit review shall be void after 6 months after the date of filing, unless a permit has been issued. One or more extensions of time for period of not more than 90 days each may be permitted by the Building Official.

## **21 Other Permit Fees**

- a. New elevators and escalators: The fee for each permit shall be not less than \$15 for the first \$1000 valuation for the installation of new elevators and escalators and \$8 for each additional \$1,000 of value less than \$1,000,000 and \$3 for each \$1000 more than \$1,000,000.
- b. Annual permit fees for renewals of elevators and escalators shall be as follows
  - i. 2 thru 10 landings \$60
  - ii. 11 thru 20 landings \$90
  - iii. Over 20 landings \$125
- c. Amusement Devices
  - i. Major Rides \$70
  - ii. Kiddie Rides \$45
- d. Dumbwaiters \$60
- e. Wheelchair & Stair Lifts \$60

## APPENDIX D - FIRE DISTRICTS

**DELETE ALL OF SECTION 101.2 ENTITLED “ESTABLISHMENT OF AREA” AND ITS SUBHEADINGS AND REPLACE THEM WITH THE FOLLOWING:**

**D101.2 Establishment Of Area** The Fire District shall include the congested portion of the municipal territory bounded as follows:

Beginning at a point where the south line of the east/west Interstate 40 (I-40) Expressway intersects the east line of North Third Street; thence southwardly to the south line of Exchange Avenue; thence southwardly with said line parallel to North Third Street to the center line of Linden Avenue; thence westwardly with said center line of Linden Avenue to the center line of the Wolf River Navigation Channel; thence northwardly with said center line of the Wolf River Navigation Channel; thence northwardly with said center line to the south line of the east/west Interstate 40 (I-40) Expressway bridge; thence eastwardly with said line to the point of beginning at the intersection of the south line of the east/west Interstate 40 (I-40) Expressway and the east line of North Third Street.

See map below for reference.

**Downtown Fire District**

