

ITEM # _____ PREPARED BY: Bobby Decker

Moved: _____ REVIEWED BY: Robert B. Rolwing
Assistant County Attorney

Seconded by: _____

JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY BUILDING CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL BUILDING CODE AND LOCAL AMENDMENTS, INCLUDING CERTAIN APPENDICES IN THE ICC BUILDING CODE TO REPLACE AN OUTDATED BUILDING CODE, AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS. SPONSORED BY CHAIRMAN WILLIE F. BROOKS, JR.

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, rather than State control of those activities, to 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 is necessary and prudent to adopt more recent code editions covering the construction of non-residential structures that had previously been covered by regulations in the 2015 Edition of *International Code Council (ICC) International Building Code* which is now outdated; and

WHEREAS, Copies of the 2021 Edition of the *ICC International Building Code* have been placed in the Offices of the Minutes Clerks of the Shelby County Commission and of the Memphis City Council for public review before their adoption by reference by the Shelby County Board of Commissioners and the Council of the City of Memphis, as required by state law; and

WHEREAS, The certain provisions of the 2021 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 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 2021 Edition of the *ICC International Building Code* is hereby adopted by reference, a copy of said code being on file in the Minutes Clerks' Offices of the Shelby County Commission

and of the Memphis City Council.

BE IT FURTHER ORDAINED, That the following Appendices of the 2021 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 the 2021 Edition of the *ICC International Building Code* and relevant Appendices are hereby amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit A.

BE IT FURTHER ORDAINED, That the building code as so adopted and amended shall be known as the 2021 Memphis and Shelby County Building Code.

BE IT FURTHER ORDAINED, That Chapter 6, Article II of the Shelby County Code of Ordinances, currently encoded at §§ 6-41, et seq., is amended to make such changes as necessary to reflect these amendments, in accordance with the changes shown in Exhibit B attached hereto and incorporated herein by reference.

BE IT FURTHER ORDAINED, That should any part of this ordinance or code be found to be unlawful 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, 2021, by virtue of the concurring and separate passage thereof by the Board of Commissioners of Shelby County and the Memphis City Council, or if not adopted by each legislative

body by that date, then at the date of 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

Memphis

and

Shelby County

2021 Building Code

Chapter 1 – Scope and Administration

1. Section 101.1 Title shall be deleted and replaced with the following:

101.1 Title. These regulations of the 2021 Edition of the International Code Council Building Code shall be known as the 2021 Memphis and Shelby County Building Code, part of the 2021 Technical Code for Memphis and Shelby County, Tennessee, hereinafter referred to as "this code."

2. Section 101.2 Scope. The exception of this section shall be amended to add the words "and large homes" after the word townhouses in the first sentence.

3. Section 101.2.1 Appendices shall be deleted and replaced with the following:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically

adopted. 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

4. Section 101.3 Purpose is amended to add the following new sub-section:

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.

5. Section 101.4 Referenced Codes is amended to add the following new sub-section:

101.4.8 Electrical. The provisions of the 2020 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

6. Section 101, Scope and Administration is amended to add the following new Sub-section:

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

7. Section 102.6 Existing structures is amended to delete the words “the International Property Maintenance Code” without replacement.

8. Section 102.6.2, Buildings previously occupied, is amended to delete the words “or International Property Maintenance Code” after the words Fire Code without replacement.

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.

9. Section 103 is amended to delete the entire section and replace with the following:

SECTION 103 – Code Compliance Agency - Memphis And Shelby County Office of Construction Enforcement

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 Enforcement. 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 2021 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 2021 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.

10. Section 105, Permits shall be deleted and replaced with the following:

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 A-9 of the fee ordinance as set forth in Appendix A);

2. Racking systems/Shelving (Permit and Inspection Fees are as set for in section A-9 of the fee ordinance as set forth in Appendix A);

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 A)

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. Playhouses, treehouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 M²).
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.
15. Multifamily reroofing projects with pitched roofing with a pitch greater than 3:12, where no decking, structural and/or equipment supports are modified.
16. All detached single-family reroofing projects where no decking, structural and/or equipment supports are modified.

17. Parking lot additions of ten (10) or less parking spaces.

18. Restriping and resurfacing exiting parking lots (even if additional parking spaces are created by the restriping).

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

105.3.1.1.1 Project Information Panels. Project information panels shall be provided for all construction and demolition projects that meet any one of the following criteria:

1. New construction or demolition of a building more than three (3) stories in height; or
2. New construction or demolition of a building with an average roof height more than 40 ft. above grade, excluding roof access structures or parapets; or
3. New construction or demolition of a building covering 10,000 sq. ft. or more of lot space (regardless of height); or
4. Any alteration of a building façade or any demolition activity which impacts the exterior of the building and is performed at a level above the third story or more than 40 feet above grade.

Exception: Projects that involve less than three (3) one/two family dwellings do not require a project information panel.

5. All building expansion with removal of more than 25% of existing walls facing a public street, or a street-facing elevation if the parcel is landlocked; or removal of more than 50% of all existing exterior walls.

105.3.1.1.1.1 When required by section 105.3.1.1.1, the project information panel shall be obtained and presented to plan review personnel upon issuance of the building permit and shall meet the following guidelines.

105.3.1.1.1.2 Project panels required by this section shall be exempt from the requirements of obtaining a sign permit.

105.3.1.1.2 Posting Requirements. It is the responsibility of the contractor listed on the building permit and/or the owner to develop,

install and maintain the project information panel.

105.3.1.1.2.1 The required panels shall be presented for review prior to issuance of the building permit and in place on the job site 24 hours prior to the start of construction or demolition activity and remain visible at the site until work is completed.

105.3.1.1.2.2 Panels shall remain legible and in good condition during the construction of demolition. Damaged panels must be replaced within 14 days of receipt of notice.

105.3.1.1.3 Installation. A project information panel is required on each street frontage of the building. Where multiple major buildings are being constructed, demolished or structurally altered, a single panel is required on each street frontage.

105.3.1.1.3.1 The panel shall be prominently posted onsite in an area reasonably likely to draw attention of persons passing by and remain visible to the general public at all times.

105.3.1.1.3.2 The bottom of the panel shall be a minimum of 4 ft. above grade and the top of the panel shall be a maximum of 8 ft. above grade.

105.3.1.1.3.3 The panel shall be securely attached to the building, covered walkway, barrier, construction railing or construction fence or shall be mounted on posts or affixed to fencing by a minimum of six (6) zip ties. The panel shall be properly supported to prevent against wind loads and be free of sharp edges, protruding nails or similar hazards.

105.3.1.1.4 Required Information on Panels. When a project information panels is required, the panel shall contain, as a minimum, the following information:

1. Job address
2. Job Description
3. Construction hours as permitted by the jurisdiction in which the project is located. Construction hours for projects located in the City of Memphis will comply with ordinance #5660: 7:00 a.m. – 6:00 p.m. Monday through Friday; 8:00 a.m. – 4:00 p.m. Saturday; Construction prohibited on Sundays
4. Contractor's name and contact information
5. 24-hour contact information for urgent concerns
6. Phone number(s) for the Memphis Police Department and/or the Shelby County Sheriff's Department.
7. Estimated completion date

8. Other information if deemed necessary by the building official

105.3.1.1.5 Material. The panel shall be constructed of durable and weather resistant material (i.e. corrugated plastic sign board or equivalent) capable of withstanding the elements for the project duration.

105.3.1.1.6 Size Requirements. Each panel shall be a minimum of 2 ft. in height and 4 ft. in width, for lots up to 100 feet of frontage and a 4 ft. in height and 8 ft. in width for lots exceeding 100 feet of frontage.

105.3.1.1.7 Font Requirements. The project information panel content shall be written in Calibri font or similar sans serif font style, with letters a minimum of 3/4" for 2 feet by 4 feet signs and 1 1/2 inches in height for 4 feet by 8 feet signs as measured by upper-case letters.

105.3.1.1.8 Color Requirement. Lettering shall be black or red on white or cream background unless otherwise approved.

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 Contractor Responsibilities

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

105.9.2 Bonding

105.9.2.1 Financial Assurance – In order to enhance enforcement of technical code provisions, every person doing business in Memphis and Shelby County as a registered and/or licensed building/structure mover or demolition contractor shall file with the building official a bond or irrevocable letter of credit acceptable to the building official in the penal sum of \$25,000, and issued by an incorporated insurance company authorized to do business in the State of Tennessee. Upon arrival of said bond or letter of credit, the person desiring to do such work shall secure from MSCCE a registration to

do business, which shall run concurrent with the fiscal policy of such authority.

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

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.

105.9.3.1 Registration Packet – Contractors shall complete a license registration packet supplied by MSCCE and submit the following and fees before issuance of permits shall occur:

1. Copy of Tennessee Contractors License
2. A copy of an affidavit letter from the State of Tennessee Contractors Board to verify the Qualifying Agent
3. Contractors licensed by the State shall obtain a contractor registration packet from the Licensing Section of Shelby County Construction Code Enforcement which includes the following:

- a. Building Contractor Registration form. When completing, enter name (as listed on State Certificate), mailing address, and telephone number with area code.
- b. A Construction Code Enforcement Input Document for entering the qualifying agent's information.
- c. A Special Power of Attorney form to be used in the event of permits being pulled at the absence of the qualifying agent. Only two Power of Attorney attachments may be added to each license holder (make copy if needed).
- d. A Construction Code Enforcement Input Document for entering the person(s) receiving power of attorney

(make an additional copy if needed).

- e. Completed input document(s) for any individual(s) listed in the application must include photo I.D.

105.9.3.1.1 Registration Fee – General Contractors shall submit a registration fee of \$50 when submitting a registration packet.

105.9.3.1.1.1 Renewal Fee – License registration will expire each December 31 and a renewal fee of \$50 will be due to maintain registration in good status.

11. Section 107.3.4 is amended to add the following new sub-section:

107.3.4.2. Design professional. - The Design Professional shall be an architect or engineer legally registered under the laws of this state

12. Section 109.2 – Schedule of Permit Fees is amended to add the following new sub-section:

109.2.1 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, refunds and other related areas of this code are found in Appendix A.

13. Section 110, Inspections is amended by adding the following new sub-sections:

110.7 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 A, and charged for re-inspection of the same infraction and each re-inspection thereafter until the infraction is corrected.

110.7.1 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.

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

110.8 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.

110.9 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.

14. Section 111 Certificate of Occupancy is amended to add the following new sub-sections:

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

111.6 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.

15. Section 113 - Means of Appeal is amended to delete the entire section and replace with the following:

Section 113 - Means of Appeal

113.1 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.

113.1.1 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)

113.1.2 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.

113.1.3 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.

113.2 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.

113.3 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.

113.3.1 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.

113.3.2 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.

113.3.3 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.

113.4 Quorum and Voting. A simple majority of the Board shall constitute a quorum. In varying any provision of this code, the affirmative votes of $\frac{3}{4}$ members present, but not less than five affirmative votes, shall be required. In modifying a decision of the building official, not less than five affirmative votes of the members present. In 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.

113.5 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.

113.6 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.

113.7 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.

113.8 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.

113.9 Appeals

113.9.1 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.

113.10 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.

113.11 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.

113.12 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.

113.13 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.

113.14 Procedures of the board

113.14.1 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.

113.15 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.

16. SECTION 114 – Violations is amended to add the following new sub-sections:

114.5 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.

114.6 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.

114.7 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 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.

114.8 Code Does Not Affect Liability For Damages.

114.8.1 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.

114.8.2 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.

114.9 False representation

114.9.1 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.

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

114.10 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.

114.11 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

114.12 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.

114.13 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 Enforcement.

17. Chapter 1 SCOPE AND

ADMINISTRATION is amended to add the following new sections and sub-sections:

Section 117 - Street numbers for building and lots

117.1 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.

117.2 No fractional numbers allowed. There shall be no fractional street numbers.

117.3 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.

117.4 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 118 - Zoning letters, compliance letters, damage restoration statements, board of adjustment rejection letters and other requested verification letters.

118.1 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 Office of Construction Enforcement. A written request for a letter from the Office of Construction Enforcement 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 Appendix A, section 22 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 119 Reserved

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 12 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)
- Two (2) 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 fire prevention representative

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.

18. 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.

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 Enforcement.

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.

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 2021 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 2020 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 2021 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 2021 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 2021 Edition of the *ICC International Fire Code* with local amendments 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 2021 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 2021 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 2021 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 2021 International Code Council International Residential Code with Local Amendments and will be known as the Memphis and Shelby County Residential Code (MSCRC).

Large Home. A building with three to six attached dwelling units consolidated into a single structure as defined by the Memphis and Shelby County Unified Development Code.”

19. Amend IBC Section 310.3, Residential Group R-2 to add the following new exception at the end of the section:

Exception: Multi-family homes with 3 to 6 dwelling units meeting the definition of a “large home” can be built and shall comply with the requirements located in the 2021 International Residential Code

Added to avoid conflict with UDC

20(a). Amend IBC Section 310.5 Residential Group R-3 to add the following words in the first sentence in front of the word “occupancies” :

Family (as defined in section 202) and residential

20(b)Further amend Section 310.5 to add the following below “Lodging houses with five or fewer guest rooms”

Large homes as defines in section 202 with 16 or fewer occupants may be constructed in accordance with Section R302.3(b) as amended in the International Residential Code.

21. 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.

22. 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.

23. 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.

24. Add A Sixth Condition To IBC Section 1006.3.4 Entitled “Single Exits” As Follows:

6. 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:
 - 6.1 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.

- 6.2 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.
- 6.3 Emergency lighting, exit lights and directional exit lights, if required by the building official shall be required.
- 6.4 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.
- 6.5 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.
- 6.6 The travel distance from the most remote point of the RDP to the stair shall not exceed seventy-five (75) feet.
- 6.7 The maximum allowable size of an RDP when served by a single stair is seven hundred and fifty (750) square feet.

25. Add Exception, #6, #7, #8 And #9 Under IBC Section 1020.2 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.

26. 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).

27. 3001.1 is amended to add the following new sub-section:

3001.1.1 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. IBC Chapter 30 Elevators and Conveying Systems is amended to add the following new sections and sub-sections: 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. IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: 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 filing 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. IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: 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. IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: Section 3012 Entitled “Safety And Equipment Requirements” And All the Sections Thereunder, As Follows:

3012 Safety and equipment requirements

3012.1 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.

3012.2 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.

3012.3 Relocations. All relocation of transfer devices made after January 1, 1961, shall meet the requirements of the Elevator Safety Code.

3012.7 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.

3012.9 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.

3012.10 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:

3012.10.1 – 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.

3012.10.2 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.

3012.10.3 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.

3012.11 Maintenance in safe operating condition

3012.11.1 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.

3012.11.2 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.

3012.12 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. IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: 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. Memphis Shelby County Construction Enforcement (MSCCE) 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 MSCCE before the operation of the amusement device. A daily maintenance and safety check shall be available upon request by MSCCE.

3013.2 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. IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: Section 3014 Entitled “Penalty For Violation” And All the Sections Thereunder As Follows:

3014 Penalty for violations

3014.1 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. IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: Section 3015 Entitled “Fees” And All the Sections Thereunder As Follows:

3015 Fees

3015.1 Transfer devices. For the installation of transfer devices, the fee shall be set forth in the Building Permit, Plans and Inspection Fees Schedule.

3015.2 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 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. Chapter 35 Referenced Standards is amended to add the following referenced standard to the section titled “ASME”

A17.6 – 2017/ Standard for Elevator Suspension, Compensation, and Governor Systems

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 and Large Homes.

- 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 \$125 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 \$3537.50 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 \$57,537.50 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 and Large Homes

- 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. 401 to 800 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. Residential fence installation not exceeding 400 linear feet will have a minimum fee of \$25. Minimum fee for residential fencing exceeding 400 linear feet shall be \$0.07 per linear foot with a minimum of \$50.
- e. All residential permit submittals will be assessed an application fee of \$50 for new and addition permits and \$25 for alteration, repairs and accessory permits.

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, in accordance with the International Building Code and the Unified Development Code (UDC), 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.* For the demolition of an off-premise sign, the permit fee shall be \$70.
- 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 with a total gross surface area of more than 150 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, retaining wall 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 \$70.
- 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.
- 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.
- f. Commercial reroofing not exempted in 105.2, shall be charged in accordance with the valuation of the project. The fee shall be \$5.00 per \$1,000 of valuation. The maximum fee shall be \$560. The minimum fee shall be \$70.

11. Curb Cuts, Driveway Entrances, Exits and Parking Lots

- 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 \$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.
- d. The fee for the new construction of stand-alone parking lots not associated with any other building construction or for an addition of more than 10 parking spaces (1,710 Square Feet) to an existing parking lot on the same lot shall be based on the total construction cost (valuation) of said construction, addition or alteration (including reconstruction of the base subgrade and overlay surfaces) shall the same as those set out in Paragraph 1 above. Resurfacing (hot mix overlay), pothole repair, alligator cracking or joint repair, seal coating or striping shall not be considered as permittable items.

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 \$125. 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 given 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 1st 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 invalidated 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. ASPR Evaluation and Administrative Site Plan Review

An ASPR evaluation fee shall be assessed for all new construction, additions and accessory buildings other than one- and two- family dwellings to cover costs associated with the research required to determine the necessity of an ASPR review and/or other agency review.

ASPR Evaluation \$50

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
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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. Plan Review Fees

Construction documents submitted for review and approval shall include the payment of a plan review fee. The fee shall be calculated in accordance with paragraphs (a) or (b), and (c). The review fee includes the initial plan review and one follow up plan review to verify that corrections have been made based on the initial review.

(a) One and Two-Family Dwellings and Large Homes

1. For all new dwellings up to 2,500 square feet \$ 125
2. For additions and accessory structures 401 square feet to 2500 square feet \$ 125
3. For new dwellings, additions and accessory structures greater than 2,500 square feet \$ 150

(b) Other Occupancies - The fee shall be in accordance with the schedule below based on the total cost of construction.

\$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

(c) Amended Construction Documents - For other than one- and two-family dwellings, where amended construction documents are submitted for review, the fee shall be in accordance with schedule 20(b) based on the total cost of additional work. The minimum fee for review of amended plans shall be \$80.

20. 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 \$120
 - ii. 11 thru 20 landings \$180

- iii. Over 20 landings \$250
 - c. Amusement Devices
 - i. Major Rides \$70
 - ii. Kiddie Rides \$45
 - d. Dumbwaiters \$60
 - e. Wheelchair & Stair Lifts \$60

21. Research, Copies and Zoning Letter Fees

- a. The fee for archival research will be based on \$25.00 per hour of research with a one-hour minimum fee. Additional research time will be assessed for each 15-minute increment thereafter.
- b. Copies will be furnished for \$.015 per copy with a minimum fee of \$1.00.
- c. For zoning letter fees refer to Land Use Controls Revised Fee Schedule, section XVII.

2022 FEE SCHEDULE BUILDING SECTION FEES

*****ALL FEES BELOW DO NOT INCLUDE AN ADMINISTRATIVE CHARGE OF \$4.00 AND A SURCHARGE OF \$1.00 FOR RESIDENTIAL OR \$5.00 FOR COMMERCIAL (ADD \$5 TO RESIDENTIAL TOTAL AND \$9 TO COMMERCIAL TOTAL)**

COMMERCIAL FEES

PLAN REVIEW FEE

SIGNS

VALUATION	2019 FEES	ERECTION, CONSTRUCTION, RELOCATION, ALTERATION OR MAINTENANCE OF SIGNS	\$1.25 PER SQ FT
\$0 - \$25,000	\$80.00	MINIMUM FEE	\$25.00
\$25,001 - \$50,000	\$160.00	ANNUAL REINSPECTION FEE UP TO 150 SQ FT	\$25.00
\$50,001 - \$100,000	\$325.00	ANNUAL REINSPECTION FEE OVER 150 SQ FT	\$50.00
\$100,001 - \$200,000	\$650.00	INSTALLATION PRIOR TO ISSUANCE OF PERMIT	TRIPLE FEE
\$200,001 - \$500,000	\$875.00		
\$500,001 - \$1,000,000	\$1,200.00		
\$1,000,001 - \$2,000,000	\$1,600.00		
\$2,000,001 - \$5,000,000	\$2,000.00		
\$5,000,001 AND UP	\$3,000.00		

COMMERCIAL BUILDING PERMIT FEES

NEW CONSTRUCTION/ ADDITIONS/ ACCESSORY BUILDINGS COMMERCIAL		APPURTENANCES TO BUILDINGS/ STRUCTURES/ APPARATUS		
MINIMUM FEE	\$75.00	CONVEYOR, PROCESS PIPING, RACKING/SHELVING 0 - \$250,000		\$70.00
\$0 - \$25,000	\$5.00/1,000	EACH ADDITIONAL \$1,000		\$2.00/1,000
\$25,001 - \$1,000,000	\$125 + \$3.50/1,000			
\$1,000,001 - \$25,000,000	\$3537.50 + \$2.25/1,000			
\$25,000,001 AND UP	\$57,537.50 + 1.75/1,000			

ASPR Evaluation	\$50.00			
MISCELLANEOUS CONSTRUCTION				
TOWER, STACK, POOL, RETAINING WALL (\$5.00 / 1,000)	\$70.00 MIN.		IMPLOSION	\$1,120.00
GATE, WALL, FENCE (OTHER THAN 1&2 FAMILY) \$25,000 OR LESS (\$5.00/1,000)	\$70.00 MIN.		PORTABLE BLDG MOVE	\$224.00
OVER \$25,000 (\$4.00/1,000)	\$200.00 MAX.		TEMPORARY CONSTRUCTION OFFICE/STORAGE STRUCTURE	\$45 PER 6 MONTHS
DEMOLITION \$9.00 PER 25,000 CU. FT.	\$70 MIN - \$560 MAX		COMMERCIAL ROOFING (\$5.00 PER 1,000)	\$70 MIN. - \$560 MAX.

RESIDENTIAL FEES

ONE AND TWO FAMILY DWELLINGS AND LARGE HOMES PERMIT FEES			
APPLICATION FEE – NEW, ADDITIONS	\$50.00	APP. FEE – ALTERATIONS, REPAIRS, ACCESSORY	\$25.00
NEW CONSTRUCTION OR ADDITION PER SQ. FT.	\$0.07	CURB CUT DRIVEWAY APPROACH	
MINIMUM FEE FOR NEW SFR OR DUP	\$125.00	NEW/REPLACEMENT	\$35.00
MINIMUM FEE FOR ADDITIONS 400 SQ. FT. OR LESS	\$50.00		
MINIMUM FEE FOR ADDITIONS 401 SQ. FT. - 800 SQ. FT.	\$75.00	TRAILERS AND MANUFACTURED HOMES	
MINIMUM FEE FOR ADDITIONS OVER 800 SQ. FT.	\$125.00	MANUFACTURED HOME/TRAILER SPACE - PER SPACE	\$45.00
DETACHED ACCESSORY BUILDINGS 400 SQ. FT. OR LESS	\$25.00	ANNUAL INSPECTION FEE - EACH SPACE	\$12.00
DETACHED ACCESSORY BUILDINGS OVER 400 SQ. FT.	(\$0.07/SQ FT) \$50.00 MIN	MANUFACTURED HOMES APPROVED AS PERMANENT/ TEMPORARY RESIDENCE	\$0.06 / SQ FT \$140 MIN
ALTERATION/REPAIR (\$5.00/1,000 VALUATION)	\$50.00 MIN / \$325.00 MAX	HOUSE MOVE	\$224.00
CONSTRUCTION/REPAIR/ALTERATION TO DECKS, SPAS AND SIMILAR STRUCTURES	\$50.00	ONE & TWO FAMILY DWELLINGS PLAN REVIEW FEE	
POOL OR RETAINING WALL \$5.00/1,000 (NO MAX)	\$70.00 MIN	UP TO 2,500 SQ FT	\$125.00
RESIDENTIAL FENCE PERMIT 400 LINEAR FT OR LESS	\$25.00	OVER 2,500 SQ FT	\$150.00
RESIDENTIAL FENCE PERMIT 401 LINEAR FT OR MORE	(\$0.07/SQ. FT.) \$50.00 MIN.		

OTHER FEES			
CERTIFICATE OF OCCUPANCY	\$125.00	PERMIT AMENDMENT	\$25.00
WORK COMMENCING BEFORE PERMIT ISSUANCE	DOUBLE FEE	BOARD OF APPEALS	\$125.00
TENTS, SPECIAL EVENTS, BEER CHECK AND AMUSEMENT RIDES	\$70 PLUS \$12 FOR EACH ADDT'L TENT AFTER FIRST	REINSPECTION FEE	\$50.00
ADMINISTRATIVE SITE PLAN REVIEW	\$650.00		
ASPR EVALUATION	\$50.00		

RESEARCH, COPIES AND ZONING LETTER FEES	
ARCHIVAL RESEARCH	\$25.00 PER HOUR AND 15 MINUTE INCREMENTS THEREAFTER
COPIES	\$0.15 PER COPY – MINIMUM \$1.00
ZONING LETTERS	LAND USE CONTROLS REVISED FEE SCHEDULE, SECTION XVII.

REFUNDS

NO WORK COMMENCED AND WITHIN 6 MONTHS OF ISSUANCE AND PERMIT IS SURRENDERED, REQUESTS IN WRITING WILL BE ELIGIBLE FOR REFUND OF 2/3 OF PERMIT FEE UPON APPROVAL OF BUILDING OFFICIAL. MINIMUM AMOUNT TO BE RETAINED BY CODE ENFORCEMENT WILL BE \$70.00.

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



Memphis and Shelby County
Division of Planning and Development
Department of Regional Services

2 SEP 2004