

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 10/19/2021
DATE

PUBLIC SESSION: 10/19/2021
DATE

FIRST READING: 09/21/21
DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Building Code.

CASE NUMBER: n/a

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: John Zeanah, Division Director

REQUEST: Adopt amendments to the Memphis and Shelby County Building Code.

AREA: This amendment affects all property within the City of Memphis and unincorporated Shelby County.

RECOMMENDATION: Division of Planning and Development: Approval

PRIOR ACTION ON ITEM:

n/a APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

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INTERNATIONAL BUILDING CODE AND LOCAL AMENDMENTS, INCLUDING CERTAIN APPENDICES IN THE ICC BUILDING CODE TO REPLACE AN OUTDATED BUILDING CODE, AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Ordinance will amend 2015 Building Code adopted on December 4, 2018.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution does not require an expenditure of funds or budget amendment.



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.

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 COUNCIL OF THE CITY OF MEMPHIS, 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 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.

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 Sherriff'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 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

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 10/19/2021
DATE**

**PUBLIC SESSION: 10/19/2021
DATE**

**FIRST READING: 09/21/21
DATE**

ITEM (CHECK ONE)

ORDINANCE _____ CONDEMNATIONS _____ GRANT ACCEPTANCE / AMENDMENT
 _____ RESOLUTION _____ GRANT APPLICATION _____ REQUEST FOR PUBLIC HEARING
 _____ OTHER: _____

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Existing Building Code.

CASE NUMBER: n/a

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: John Zeanah, Division Director

REQUEST: Adopt amendments to the Memphis and Shelby County Existing Building Code.

AREA: This amendment affects all property within the City of Memphis and unincorporated Shelby County.

RECOMMENDATION: Division of Planning and Development: Approval

PRIOR ACTION ON ITEM:

n/a _____ APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY EXISTING BUILDING CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL EXISTING BUILDING CODE AND LOCAL AMENDMENTS.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Ordinance will amend 2015 Existing Building Code adopted on December 4, 2021.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution does not require an expenditure of funds or budget amendment.



JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY EXISTING BUILDING CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL EXISTING BUILDING CODE AND LOCAL AMENDMENTS.

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 and residential buildings and structures in the Community; and

WHEREAS, it has been determined that it is necessary and prudent to adopt a more recent code edition covering construction on existing structures which had previously been covered by regulations in the 2015 edition of *International Code Council (ICC) International Existing Building Code* which is outdated; and

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

WHEREAS, The provisions of the 2021 Edition of the *ICC International Existing 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.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That all previous existing-building codes are hereby repealed except as may be set out in the attachments hereto, and that the 2021 Edition of the *ICC International Existing Building Code* is hereby adopted by reference, a copy of said code being on file in the Minutes Offices of the Shelby County Board of Commissioners and of

the Memphis City Council.

BE IT FURTHER ORDAINED, That the *2021 Edition of the ICC International Existing Building Code* is amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit A.

BE IT FURTHER ORDAINED, That the *2021 Edition of the ICC International Existing Building Code* and those local amendments attached to this Joint Ordinance as Exhibit A are hereby incorporated by reference as if set out herein in their entirety.

BE IT FURTHER ORDAINED, That the *ICC International Existing Building Code Appendix A -Guidelines for the Seismic Retrofit of Existing Buildings, and Appendix B - Supplemental Accessibility Requirements for Existing Buildings and Facilities of the 2021 Edition of the ICC International Existing Building Code, are hereby adopted as part of the 2021 Existing Building Code. No other Appendix is adopted.*

BE IT FURTHER ORDAINED, The adoption of the *2021 Edition of the ICC International Existing Building Code, Appendices, and local amendments attached thereto, shall be known as the 2022 Memphis and Shelby County Existing Building Code, and shall be implemented through their inclusion in the appropriate section of the Memphis and Shelby County Building Code which contains a provision that addresses the appropriate standards for construction on existing structures.*

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 shall 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 Memphis City Council and by the Board of Commissioners of Shelby County or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.

EXHIBIT A
LOCAL AMENDMENTS TO ICC INTERNATIONAL
EXISTING BUILDING CODE

Memphis
and
Shelby County

2021 EXISTING BUILDING
CODE

PART II - CODE OF ORDINANCES
Chapter 6 - BUILDINGS AND BUILDING REGULATIONS
ARTICLE II. - MEMPHIS AND SHELBY COUNTY BUILDING CODE AND EXISTING BUILDING CODE
**MEMPHIS AND SHELBY COUNTY LOCAL AMENDMENTS TO THE 2015
INTERNATIONAL EXISTING BUILDING CODE**

1. DELETE SECTION 101.1 AND REPLACE WITH THE FOLLOWING:

Section 101.1 Title. – These regulations shall be known as the 2021 Memphis and Shelby County Existing Building Code, as part of the 2021 Technical Codes for Memphis and Shelby County, hereinafter referred to as this code.

2. DELETE REFERENCE TO *INTERNATIONAL PROPERTY MAINTENANCE CODE* IN SECTION 101.4 .2 AS FOLLOWS:

101.4.2 Buildings previously occupied. – The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code or the International Fire Code or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

3. AMEND SECTION 101.6 AND ADD THE FOLLOWING NEW SUB-SECTION:

101.6.1 Appendices adopted. Appendix A - Guidelines for the Seismic Retrofit of Existing Buildings and Appendix B - Supplemental Accessibility Requirements for Existing Buildings and Facilities of the 2021 Edition of the *ICC International Existing Building Code* are adopted.

4. ADD A NEW SECTION 101.8 AS FOLLOWS:

101.8 Maintenance. – Buildings and parts thereof shall be maintained in a safe and sanitary condition. The provisions of this code and the MSC Building Code shall apply to the maintenance of existing buildings and premises; recertification; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing buildings. The owner or owner’s designated agent shall be responsible for the maintenance of the building. To determine compliance with this subsection, the Building Official shall have the authority to require a building to be reinspected. Except where specifically permitted by this code, the code shall not provide the basis for removal or abrogation of the fire protection and safety systems and devices in the existing buildings.

5. AMEND SECTION 103 AS FOLLOWS:

Section 103. Memphis And Shelby County Office Of Construction Enforcement

6. AMEND SECTION 103.1 AS FOLLOWS:

103.1 Creation of enforcement agency. Joint Resolution/Ordinance #3333 was adopted and approved by the City and County legislative bodies, to create the Memphis and Shelby County Office of Construction Enforcement (MSCCE). This joint agency is charged with the enforcement of the Memphis and Shelby County (MSC) Building,

Memphis and Shelby County Existing Building, Memphis and Shelby County Residential, Memphis and Shelby County Energy Conservation, Memphis and Shelby County Electrical, Memphis and Shelby County Fuel Gas, Memphis and Shelby County Mechanical and Memphis and Shelby County Plumbing Codes, which are to be known collectively as Memphis and Shelby County 2021 Technical Codes.

7. AMEND SECTION 103.2 AS FOLLOWS:

103.2 Appointment. See Section 103.2.1 in the MSC Building Code.

8. AMEND SECTION 103.3 AS FOLLOWS:

103.3 Deputies. See Section 103.2.4 on the MSC Building Code

9. AMEND SECTION 104.10 AS FOLLOWS:

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code, and such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modification shall be recorded and entered into the files of Memphis and Shelby County Office of Construction Enforcement.

10. SECTION 105.3 SHALL BE AMENDED TO DELETE THE WORDS “Department of Building Safety” AND REPLACE WITH “Memphis Shelby County Construction Enforcement”:

11. ADD SUB-SECTION 105.4.1 AS FOLLOWS:

105.4.1 Permitting and inspection. The inspection and permitting 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.

12. AMEND SECTION 109.3.7 TO DELETE THE WORDS “DEPARTMENT OF BUILDING SAFETY” AND REPLACE WITH THE LETTERS “Memphis Shelby County Construction Enforcement”:

13. AMEND SECTION 112 AS FOLLOWS:

Section 112

MSC Board Of Appeals.

See Section 112 *et seq.* of the MSC Building Code concerning the MSC Joint Board of Appeals

14. SECTION 117.1 GENERAL IS AMENDED TO ADD THE FOLLOWING SENTENCE AFTER THE LAST SENTENCE IN THIS SECTION:

Such demolition shall be in compliance with Section 1510 of this code and Section 3303 of the MSC Building Code.

15. Add NEW SECTIONS IN SECTION 117 AS FOLLOWS:

Section 117.5 - Contractors License for Demolition

117.5.1 Required. Except as hereinafter provided, it shall be unlawful for a person, firm or corporation to wreck, demolish, or raze any building or structure within Shelby County, unless such person, firm or corporation has been issued a Demolition Contractor License by the Building Official.

Exception: A property owner of record shall not be required to obtain a license to demolish his own residential building or accessory building provided such building is not more than two stories in height and contains not more than 5,000 square feet per floor. Such property owner shall be subject to all other requirements set out hereafter

117.5.2 Classification of Demolition Contractor Licenses

117.5.2.1 Class A licenses. Class A licenses shall entitle the holder to participate in all demolition work for which he demonstrates, in his application to the Building Official, sufficient experience and expertise. Minimum requirements for a Class A license shall be:

1. At least five years' experience in demolition work and proof of experience in all methods of demolition for which licensee will be granted a permit to wreck, demolish or raze a building.
2. Proof of liability insurance coverage, specifically for demolition purposes, as hereinafter required.
3. Proof of compliance with the Tennessee Tax Act (TCA 67-5801 et seq).

117.5.2.2 Class B licenses. Class B licenses shall entitle the holder to demolish buildings or structures not more than two stories in height that do not exceed 5,000 square feet per floor, or a total volume of the structure to be demolished which does not exceed 120,000 cubic feet.

Minimum requirements for a Class B license shall be:

1. At least two years' experience in demolition work or a related field.
2. Proof of liability insurance coverage, specifically for demolition purposes, as hereinafter required.
3. Proof of compliance with the Tennessee Business Act (TCA 67-4-701 et seq).

117.5.3 Application for license. - Application shall be submitted in writing on such form as the Building Official may prescribe, which shall show the training, experience and qualifications of the applicant in the demolition of buildings. Each application shall be accompanied by the required fee.

117.5.4 Fees:

- | | |
|-----------------------------|-------|
| 1. Class A – Application | \$100 |
| 2. Class A – Annual Renewal | \$100 |
| 3. Class B – Application | \$ 75 |
| 4. Class B – Annual Renewal | \$ 75 |

117.5.6 Issuance. - It shall be the duty of the Building Official to review each application within 30 days of receipt of same, and to issue a license to any applicant demonstrating compliance with the requirements and provisions of the Section.

117.5.7 Expiration. - All licenses shall expire on June 30 of each year. Renewal shall be during the month of June. If not renewed before expiration, it shall be unlawful for licensee to perform any demolition work.

117.6 Suspension And Revocation

117.6.1 Grounds. – The Building Official shall have the power to suspend or revoke any license after hearing, upon 10 days written notice to the holder to be heard, when it has been proven that such licensee has violated, refused, or neglected to observe any of the proper orders and regulations of the Building Official, or willingly and persistently violated any Construction Code of Memphis and Shelby County or law of the State of Tennessee for demolition of a building.

117.6.2 Duration. – All suspensions and revocations may be indeterminate and dependent upon correction of an existing violation, determinate and depending upon correction of an existing violation, or determined for the purpose of prohibiting further demolition activities for a period of from a minimum of 30 days to indefinitely. Such party shall have a right of appeal as provided in Section 117.8 of this code.

117.6.3 Appeals. – All decisions of the Building Official required and allowed by the Technical Codes shall be considered as valid and enforceable. Any applicant who has been denied a permit or otherwise is aggrieved because of interpretation of provision of the Technical Codes, after review of such interpretation by the Building Official, may make an appeal to the Joint Board of Appeals of Memphis and Shelby County under the terms and conditions set forth in the Technical Codes and in the Technical Codes for the Joint Board of Appeals. See Section 112.

117.7 Liability insurance. - See Section 119.2

117.8 Annual bond. - See Section 119.1

16. ADD A NEW SECTION 118 AS FOLLOWS:

Section 118 - Contractor License For Moving Of Buildings Or Structures

118.1 Application for license. Application shall be submitted in writing on such form as the Building Official may prescribe, which shall show the training, experience, and qualifications of the applicant in moving buildings or structures. Each application shall be accompanied by a fee of \$75, proof of a minimum of one-year experience in moving of buildings or structures, proof of liability insurance covering specifically for purposes of moving buildings or structures, and proof of compliance with the Memphis and Shelby County Business License requirements.

17. ADD A NEW SECTION 119 AS FOLLOWS:

119 Contractor Responsibilities.

119.1 Bonding

119.1.1 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 at its initial licensing, registration or first renewal of same after the effective date of this section, a permit bond, on a form acceptable to the Building Official in the penal sum of \$25,000, and issued by an incorporated insurance company authorized to do business in the State of Tennessee. Upon arrival of said bond the person desiring to do such work shall secure from the Office of Construction Code Enforcement a registration to do business, which shall run concurrent with the fiscal policy of such authority. When a single legal entity maintains two or more such licenses or registrations with Office of Construction Code Enforcement or undertakes to work on two or more structures under different permits, the total penal sum of the bond for all such licenses and permits shall not exceed \$50,000. A single bond may be used to meet this requirement.

119.1.1.1 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 done for inspection by the Building Official in conformity with the Technical Codes.

119.1.1.2 Duration. Such bond or letter of credit shall be continuous and remain in effect every year thereafter, unless canceled by providing 60 days written notice to the principal and obligee. Immediately upon receiving written notice of cancellation, the Building Official shall require that a new bond or letter of credit be furnished. The proper bond or letter of credit form will be provided by the Building Official.

119.1.1.3 Failure to furnish. Every contractor who fails to furnish a new bond or letter of credit as required above shall be deemed to have ceased to engage in the business of

contracting. No further permits for work under the Technical Codes shall be issued, nor shall work proceed on permitted work until the required bond is furnished.

119.1.1.4 Deposit or bond to insure lot cleaning. Before issuing a permit to demolish a building or structure, the Building Official shall require that a deposit be posted, either a cashier's check or an approved surety bond, to ensure that the premises, from which the building has been demolished or removed, will be properly cleaned and left in condition as outlined hereinafter. Deposit shall be in the following amounts for each building or structure:

1. A deposit of \$300 shall be made when the demolition is of residential dwellings of one or two stories in height, and containing not more than 5,000 square feet per floor, and said demolition is by the property owner.
2. A deposit of \$500 shall be made when the demolition is of residential and/or multi-dwellings of one or two stories in height, and containing not more than 10,000 square feet per floor.
3. A deposit of \$1,000 shall be made when the demolition is of residential dwellings of more than two stories in height, and/or containing over 10,000 square feet per floor.
4. A deposit of \$1,500 shall be made when the demolition is of commercial and industrial structures of one or two stories in height, and containing not more than 10,000 square feet per floor.
5. A deposit of \$2,500 shall be made when the demolition is of commercial and industrial structures of one to three stories in height, and containing not more than 25,000 square feet floor space.
6. A deposit of \$5,000 shall be made when the demolition is of commercial and industrial structures of more than three stories in height, and/or containing over 25,000 square feet per floor.

Exceptions. Where a permit for demolition under condemnation by the sovereign, federal, state or municipal, the above deposit or bond may be waived by the Building Official.

119.2 Liability insurance

119.2.1 Insurance policy. Every registered and/or licensed contractor, acting as a contractor as listed below, shall be required to file with the Building Official an insurance policy issued by an incorporated insurance company licensed to do business in Tennessee. The policy must cover the registered or licensed contractor, their employees and Memphis and Shelby County, with liability insurance providing a minimum coverage of \$150,000 per person, and \$500,000 for any one occurrence of bodily injury, and for property damage to the extent of \$150,000 per accident. Such insurance policy shall specify (one of the following) in its coverage.

1. Building Mover Contractor: such insurance policy shall specify moving of buildings as the purpose and coverage.
2. Demolition Contractor: Such insurance policy shall specify demolition as the purpose and coverage.

Exception. A property owner of record shall not be required to file with the Building Official proof of liability insurance when demolishing his own

residential building, provided such building is not more than two stories in height and contains not more than two living units.

119.2.2 Insolvency or bankruptcy. Such policy shall provide that the insolvency or bankruptcy of the assured shall not relieve the company from payment of damages for injuries or death sustained or loss occasioned within the provisions of the policy.

119.2.3 Cancellation. Such policy shall further provide that it may not be canceled, except for non-payment of premium, unless the Building Official is given at least 30 days written notice, sent registered mail, prior to cancellation. If cancellation is for non-payment of premium, at least ten days' notice, sent by registered mail, shall be given.

18. ADD TO SECTION 202 AS FOLLOWS:

Code Official. Add the following after the last sentence: Any references in this code to the “code official” are to be considered references to the “building official”.

Inspection Professional. A State of Tennessee licensed engineer or architect performing a recertification of an existing building in accordance with this code.

International Building Code. Whenever the word “International Building Code (IBC)” is used in this code as adopted, it shall mean the 2021 Edition of the *ICC International Building Code* with all local amendments thereto and will be known as the Memphis and Shelby County Building Code (MSCBC)

International Electrical Code. Whenever the word “International Electrical Code (IEC)” is used in this code as adopted, it shall mean all the *2020 Edition of the National Electric Code (NEC)* with local amendments thereto, and will be known as the Memphis and Shelby County Electrical Code (MSCEC)

International Existing Building Code. Whenever the word “International Existing Building Code (IEBC)” is used in this code as adopted, it shall mean all the 2021 Edition of the *ICC International Existing Building Code* with local amendments and will be known as the Memphis and Shelby County 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 word “International Fuel Gas Code (IFGC)” is used in this code as adopted, it shall mean all the 2021 Edition of the *ICC 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 (IMC)” is used in this code as adopted, it shall mean all the 2021 Edition of the *ICC International Mechanical Code* with local amendments and will be known as the Memphis and Shelby County Mechanical Code (MSCMC)

International Plumbing Code. Whenever the word “International Plumbing Code (IPC)” is used in this code as adopted, it shall mean all the 2021 Edition of the *ICC International Plumbing Code* with local amendments and will be known as the Memphis and Shelby County Plumbing Code (MSCPC)

Recertification of existing building and structures. The requirement for specific inspection of existing buildings and structures and furnishing the Building Official with a written report of such inspection as prescribed in section 120 of this code.

19. AMEND SECTION 1301.3.2 AS FOLLOWS:

1301.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code*.

20. AMEND SECTION 1401.2 AS FOLLOWS

1401.2 Delete the words “and the Property Maintenance Code” without replacement.

21. AMEND CHAPTER 14, RELOCATED OR MOVED BUILDINGS, TO ADD THE FOLLOWING NEW SECTIONS:

1403 License. Except as hereinafter provided, it shall be unlawful for any person, firm or corporation to move a building, structure (including tanks) or part of a building in excess of 8 ft. 6 in. wide and 13 ft. 6 in high through or across any sidewalk, street, alley or highway, exclusive of the Interstate Highway System, within Shelby County and passing through or terminating within Shelby County, unless such person, firm or corporation has been issued a Building Mover License and a permit by the Building Official.

1403.1 Application for license. Application shall be submitted in writing on such form as the Building official may prescribe which shall show the training, experience, and qualifications of the applicant in the moving of buildings or structures. Each application shall be accompanied by a fee of \$75; proof of a minimum of one-year experience in moving of buildings or structures; proof of liability insurance coverage specifically for purposes of moving buildings or structures; and proof of compliance with the Memphis and Shelby County Business License requirements.

1403.2 Issuance. It shall be the duty of the Building Official to review each application within 30 days of receipt of same to issue a license to any applicant demonstrating compliance with the requirements and provisions of the Technical Codes.

1403.3 Expiration. All licenses shall expire on June 30 of each year. If not renewed by such date, it shall be unlawful for licensee to move any building tank or structure within Shelby County.

1403.4 Suspensions and revocations. The Building Official shall be empowered to refuse to grant, to suspend, or to revoke any license when he finds that such licensee has violated, refused, or neglected to observe any of the proper orders and regulations of the Building Official or has willfully and persistently violated any Construction Code of Memphis and Shelby County or law of the State of Tennessee relative to the moving of buildings. Before such revocation, the licensee shall have been informed of the charges against him/her, shall have been given 10 days written notice of the hearing at which the charges will be considered, and shall have been given an opportunity to be heard in his own defense. All subsequent suspensions and revocations may be indeterminate and dependent upon correction of an existing violation; or determined for the purpose of prohibiting further moving of buildings for a period of from a minimum of 30 days to indefinitely. Such party shall have a right of appeal, as provided herein.

1403.5 Appeal. Any person aggrieved by a decision of the Building Official to refuse to grant, renew or revoke any license may, within 10 days of such decision, file with the Board of Appeals a petition for review of the action of the Building Official, accompanied by a fee of \$125, and it shall be the duty of the Board of Appeals to either grant or deny the petition.

1403.6 Liability insurance. No Building Mover License shall be issued until the applicant has filed with the Building official a Policy of Insurance in some good and solvent incorporated insurance company licensed to do business in Tennessee, covering the applicant and the applicant's employees with minimum coverage as set forth in Section 105.9.2.

1404 Permits. A building or structure, or part of any building or structure, shall not be moved through or across any sidewalk, street, alley, or highway within Shelby County without first obtaining a permit from the Building Official. A permit shall not be issued until all parties listed in Section 3408.12 have approved the proposed route that will be taken to the new location. The permit shall become invalid 30 days from the date it is issued.

1404.1 Additional permits. Additional permit for the placement and repair and/or renovation of structure shall be required as in Section 105.

1404.2 Written application. Any person desiring to move a building or structure shall first file with the Building Official a written application setting forth the following information:

1. Written authorization from the property owner for the building or structure to be moved by the applicant.
2. Type and kind of building or structure to be moved.

3. The original cost of such building.
4. The extent of any unrepaired damage to the building
5. The extreme of dimensions specifically identifying the length, height, and width of the building or structure when loaded on wheels for moving.
6. Present location and proposed new location by lot, block, subdivisions, and street number.
7. The approximate time such building or structure will be upon the streets and the contemplated route that will be taken from the present location to the new location.

1404.3 Permit Refusal

1404.3.1 Grounds for refusal. If, in the opinion of the Building Official, the moving of any building or structure will cause serious injury to persons or property, or serious injury to the streets or other public improvements, or if the building or structure to be moved has deteriorated more than 50% of its original value by fire or other elements, or if the moving of the building or structure will violate any of the requirements of the Technical Codes or the zoning regulations, the permit shall not be issued and the building or structure shall not be moved.

1404.4 Bond Required

1404.4.1 Terms. The Building Official, as a condition precedent to the issuance of such permit, shall require a bond to be executed by any person desiring such permit with corporate surety to his satisfaction. Such bond shall be made payable to the City of Memphis and County of Shelby jointly in the amount set forth in Section 105.9.1. It shall indemnify the City of Memphis and County of Shelby jointly against any damage caused by the moving of such building to streets, curbs, sidewalks, trees, highways, and any other property, which may be affected, by the moving of a building.

1404.4.2 Compliance with permit conditions required. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of said permit as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay said City and County as liquidated damages an amount not exceeding \$50, to be prescribed by the Building Official, for each and every day's delay in completing such removal or in repairing any damage to property or public improvement or in cleaning all public streets, alleys, or highways of all debris occasioned thereby.

1404.4.3 Deposit in lieu of bond. Before issuing a permit to demolish a building or structure, the building official shall require that a deposit be posted, either a cashier's check or an approved surety bond, to insure that the premises, from which the building has been demolished or removed, will be properly cleaned and left in condition as outlined hereinafter. Deposits shall be in the following amounts for each building or structure:

ARTICLE II. - MEMPHIS AND SHELBY COUNTY BUILDING CODE AND EXISTING BUILDING CODE

1. A deposit of \$300 shall be made when the demolition is of residential dwellings of one or two stories in height, and containing not more than 5,000 square feet per floor, and said demolition is by the property owner.
2. A deposit of \$500 shall be made when the demolition is of residential and/or multifamily dwellings of one or two stories in height and containing not more than 10,000 square feet per floor.
3. A deposit of \$1,000 shall be made when the demolition is of residential dwellings of more than two stories in height and/or containing over 10,000 square feet per floor.
4. A deposit of \$1500 shall be made when the demolition is of commercial and industrial structures of one or two stories in height and containing not more than 10,000 square feet per floor.
5. A deposit of \$2500 shall be made when the demolition is of commercial and industrial structures of one to three stories in height and containing not more than 25,000 square feet per floor.
6. A deposit of \$5,000 shall be made when the demolition is of commercial and industrial structures or more than three stories in height and/or containing over 25,000 square feet per floor.

Exceptions – Where a permit for demolition under condemnation by the sovereign, either federal, state or municipal, the above deposit or bond may be waived by the building official.

1404.5 Notices to be given by building official. Upon the issuance of said moving permit, the Building Official shall cause notice to be given to the Sheriff or to the Police Department, Fire Department, Telephone Company, Memphis Light, Gas and Water Division, and Memphis CATV, or others whose property may be affected by such removal. The Building Official shall set forth in all notices the route to be taken; time started, and approximates time of completion.

1405 Public Safety Requirements

1405.1 Warning devices. Every building, which occupies any portion of public property after sundown, shall have in place sufficient numbers of properly applied and positioned traffic control devices to warn and safely guide motorists around the obstruction between sunset and sunrise. These devices shall be in conformity to Part VI of the Manual on Uniform Traffic Control Devices, published by the U.S. Department of Transportation, edition of 1978, or latest revision thereof.

1405.2 Warning lights. At least five (5) steady burning yellow, Type C warning lights shall be placed on each street side of the building or structure in such a manner as to indicate extreme width, height, and size.

1405.3 Appropriate channelization devices. In addition to yellow lights on the building or structure, appropriate channelization devices shall be used to warn and alert drivers of the hazard and to guide them safely past. These devices include, but are not limited to, cones, vertical panels, drums, barricades and barriers.

1405.4 Channelizing taper. The length of the taper used to direct motorists around the building or structure shall be computed by the formula $L = S \times W$ for roadways having a posted speed of 45 MPH or less. L equals the taper length in feet, W the width of offset in feet, and S the posted or legal speed limit. The maximum space between devices in a taper should be approximately equal in feet to the speed limit. Type C steady burning yellow warning lights shall be used on traffic control devices used to delineate the channelizing taper.

1405.5 Portable warning devices. Where motorists, by channelization, are required to oppose oncoming traffic to the left of the centerline, a row of channelizing taper. Standard and appropriate portable type warning signs shall be used in advance of the channelization to properly warn motorists of the unexpected obstruction of their normal travel.

1405.6 Flagmen. When more than 50% of the street, measured between curbs, is occupied at night by the building or structure, or when, in the opinion of the Building Official, flagmen are necessary to direct or caution traffic, the owner or person moving such building or structure shall employ at his own expense, two flagmen to divert and/or caution traffic from sunset to sunrise. Flagmen shall operate as specified in Section 6F of the MUTCD.

1405.7 Service connections. Before a building or structure can be removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer, and other connections. A permit to remove a building or structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment have been removed and plugged in a safe manner. Sewer lines shall be capped in an approved manner approximately 18 in. below grade by the structure moving contractor. A capped sewer line shall not be covered until it has been inspected. If covered, the contractor shall expose the cap for inspection.

1406 Treatment of Lot After Moving Of Building Or Structure

1406.1 Filling of lot to grade. When a building or structure is removed, all walls except party walls, including foundations and basement walls, located on the lot involved in razing operation, shall be reduced to a level of the final grade. Excavations, holes, and depressions shall be filled and leveled to provide a final grade, which will affect good drainage. The finished surface of the lot shall be free of holes and depressions, which could accumulate water or be hazardous to pedestrians. All grade slabs shall be removed from the site.

1406.2 Protection for open pits and holes. Basements, cellars, open holes and pits resulting from moving of building or structure, shall be properly protected with barricades and warning lights as directed by the Building Official until such time as they can be properly filled to grade. All excess materials, rubbish and debris shall be removed from the premises.

1406.3 Fill. No materials other than clean earth, broken masonry, tile, plaster, or concrete may be used in filling depressions and grading the site. All excess earth, brick, lumber, and other building materials and debris, shall be removed from the site, and the premises shall be left in a safe, clean and sanitary condition.

1406.4 Failure to clean premises. Failure of a person, firm or corporation to comply with the provisions dealing with the cleaning of premises shall be sufficient cause to withhold a contractor's privilege of obtaining permits until there has been compliance with the cleaning provision. Repeated failure to properly clean premises shall be cause for suspension or revocation of a contractor's license.

1406.5 Improvements by owner. The owner of any house, building or structure proposed to be moved shall make all necessary improvements required in order for said house, building or structure to comply with the requirements of the Technical Codes within 90 days from the date of the issuance of moving permit. Extensions of such time as deemed reasonable may be granted by the Building Official upon a showing of delay caused by matters beyond the control of the owner or structure mover. The application for the moving permit shall be accompanied by an application for a building permit, accompanied by plans consisting of a legal survey or plot plan of the lot where the house, building, or structure is to be located; a site plan showing where the house, building or structure is situated on the lot, drawn to scale showing setbacks from property lines, and all contemplated improvements, additions or repairs to the house, building or structure; signed by the owner or the owner's agent.

1406.6 Abandoned structures. Houses, buildings and structures not meeting the requirements of Section 3408.16 shall upon the authority of the Building Official be deemed abandoned structures, shall be hereby declared illegal, and shall be abated by repair and rehabilitation or by demolition.

22. AMEND CHAPTER 15 TO ADD SECTIONS 1510 THROUGH 1519 AS FOLLOWS:

1510 Demolition of Buildings

1510.1 Demolition permits. The standards set forth in this section shall apply to the demolition of buildings or structures for which a permit is required under Section 105 of the Technical Codes.

1510.2 Definition. Demolition – the act of razing, dismantling, or removal of a building or structure.

1511.3 Remove Debris. – All debris and accumulation of material resulting from demolition of any building or structure shall be removed from the premises.

1511.4 Seal sewer pipes. All building sanitary sewers shall be effectively plugged with concrete 18 inches below grade or as may be required by the Building Official.

1511.5 Dust control – Except where there is adequate space, or approval has been granted by the Building Official, the demolition of a multi-story building by other than explosive means shall proceed with the complete removal of one story at a time. In the demolition of any building other than by explosive means, story after story shall be removed and shall be properly wet to alleviate any dust.
portion thereof to the ground level.

1510.3 Time limit. Notwithstanding the provision of Section 104.6, the Building Official may impose a time limit as an additional condition of a permit for completion of demolition work once such work shall have commenced. The Building Official may also provide one or more extensions of time with such extensions granted in no more than 30-day intervals, upon written request by the contractor or owner conducting the demolition when good cause is present. Any extension shall only be granted in writing.

1511 Standards

1511.1 Limit unsafe working conditions. Demolition work having commenced shall be pursued diligently and without unreasonable interruption with due regard to safety. It is the intent of this section to limit the existence of an unsafe condition or nuisance on the premises during the period of demolition operations.

1511.2 Fill lot to grade. Any surface holes or irregularities, wells, septic tanks, non-petroleum underground storage tanks, basements, cellars, sidewalk vaults, or coal chutes remaining after demolition of any building or structure shall be filled with material as approved by the Building Official, and shall be graded in such manner that will provide effective surface drainage.

1511.3 Proper demolition procedures. No wall, chimney, or other construction shall be allowed to fall in mass on an upper floor. Bulky material, such as beams and columns, shall be lowered and not allowed to fall. When any building over one story in height is demolished, precautions for protecting the public shall be taken as prescribed in Chapter 33.

1511.4 Slabs, Driveways and sidewalks – Unless otherwise approved by the building official, all slabs, driveways and private sidewalks shall be demolished and removed during the demolition process.

1512.1 Inspections. In lieu of the inspections required by Section 109 of the Memphis and Shelby County Building Code, the Building Official shall make the following inspections upon notification from the permit holder or his agent:

1. Initial Inspection: To be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or remain after demolition operations.
2. Final Inspections: To be made after all demolition work is completed.

1513 Permits

1513.1 Required. No person, firm or corporation shall wreck, demolish, or raze any building or structure within Memphis and Shelby County without first obtaining a permit therefore from the MSCCE. Such permit shall be issued only to a person, firm or corporation licensed as a demolition contractor in accordance with the provisions of the Technical Codes.

Exception: A permit may be issued to the property owner of record for demolition of his own residential building if such building is not more than two stories in height and contains not more than 5,000 square feet per floor. The property owner shall be required to make affidavit in his application for permit that he shall personally supervise all demolition and cleanup of the site for which the permit was issued.

1513.2 Application for permit. Application for demolition permit shall be made by the owner of the building or structure, or authorized agent of the owner, or by a licensed demolition contractor employed by the owner. The full names and addresses of the owner, applicant, and responsible officers, if the owner is a corporate body, shall be stated, and the application shall be signed by the owner and the demolition contractor. In the case of all commercial buildings, or residential buildings being razed by a contractor for the development of commercial property, notice from the Shelby County Health Department that a “Ten Day Asbestos Notice” has been filed with that Department’s Pollution Control Section is also required.

1513.3 Approval of permit. The Building Official shall cause to be examined all applications for permit within a reasonable time after filing. If the proposed work

conforms to the requirements of this Section, regarding proof of liability insurance and posting of necessary deposit and when necessary, filing of a pre-demolition survey, the Building Official shall issue a permit therefore as soon as practical. Each permit to raze a building shall name the owner of the property to be razed and the person performing the razing work for or on behalf of such owner, and such permit shall be valid only to long as the razing work authorized by it is actually performed by or under the supervision of the person named thereon as being the person to perform such work. It shall be a violation of this code for any person to perform work in connection with the razing of a building under the purported authority of a permit, which does not name them as the person to perform such work.

1513.3.1 Time limitations. Each permit shall set forth a definite number of days in which demolition work shall be completed and the premises cleaned as required hereinafter. An extension of time may be granted by the Building Official for good cause.

1513.3.2 Service connections. Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer, and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities stating that their respective service connections and appurtenant equipment have been removed and plugged in a safe manner. Sewer lines shall be capped in an approved manner, approximately 18 inches below grade, by the demolition contractor. A capped sewer line shall not be covered until it has been inspected. If covered, the contractor shall expose the cap for inspection.

1514 Safeguards During Demolition

1514.1 Roof covering. During the demolition of any building exceeding one story in height that is located at a distance less than 10 feet, or less than $\frac{1}{4}$ of the height of the building, from any street or alley property line, or when required by the Building Official, a roof covering for the entire length of the project shall be provided over the temporary or permanent sidewalk, from the time demolition commences above the second floor level until materials are no longer being used or handled on the front above such walk. Where required for demolition operation, the passageway shall be covered with an enclosed canopy or shed the width of the passageway with a head clearance of not less than 7 feet. The support shall be four-inch by six-inch (4" x 6") timbers, with beams of three-inch by twelve-inch (3" x 12") timbers on centers of not over four feet (4'), and such shed shall be roofed with two layers of sound two-inch (2") planks; however, other construction of equal strength may be used when approved by the Building Official. The sides shall be enclosed with tight, smooth sheathing and such covered walks shall be suitably lighted with necessary.

Exception: Where, in the opinion of the Building Official, a covered walk is not necessary, permission may be granted to block off part of the sidewalk, street or alley with the approval of the traffic engineer.

1514.2 Fence. Where the distance from the building to the street or alley property line is less than half the height of the building, a fence of solid construction at least six feet high shall be provided.

1514.3 Sidewalk access. Areas occupied by a sidewalk or temporary walkway in use shall not be excavated unless such area is provided with a walkway capable of supporting at least 150 pounds per square foot. Walkways shall be provided with suitable ramps at each end.

1515 Method of Razing

1515.1 Required to start at top. Razing, by other than explosive means, shall begin at the top of the structure and proceed downward. No wall, beam, column, or member supporting a load shall be disturbed or weakened until such load is entirely removed. All masonry walls shall be removed unit by unit or in the manner approved by the Building Official. All loosened materials and debris shall be removed from time-to-time so as not to accumulate in such quantity or in such weight as may overload any floor, platform, or scaffold. Plain or reinforced concrete structures shall be razed in such sections and in such manner as approved by the Building Official.

1515.2 Prohibitions. No structure or portion thereof being demolished or declared to be dangerous or unsafe shall be thrown, pulled or blasted, unless special approval is given by the Building Official.

1515.3 Control of dust. All material and rubbish apt to produce dust must be kept wet or covered to prevent its being blown by the wind.

1515.4 Approval of debris disposal. All demolition debris, which is not being reused or recycled, must be disposed of in a place approved by the governing authority. Materials to be recycled or reused that are stored on-site during demolition activities shall be managed and stored so as not to pose a danger to workers on the site or to the general public.

1516 Treatment of Party Walls

1516.1 Masonry walls. When any building or other structures is demolished so as to expose any party wall which forms a part of the building or other structure upon which any of the aforesaid operations are being performed, the permit holder shall repair and restore any flashing and other weatherproofing of adjoining property which is broken or damaged during such operations, and shall fill from the exposed side of such party wall any and all holes. In addition, the permit holder shall be responsible for maintaining or restoring the structural integrity for the party wall. For purposed of this section, a “party wall” is a dividing partition between two adjoining buildings (or units) that is shared by the tenants of each residence or business. The permit holder shall also install such new

flashing as may be required to protect any vertical joints exposed by the permitted demolition operations.

1516.2 Non-Masonry walls. Where party walls are of other than masonry construction, such walls shall be restored and weather proofed in accordance with the requirements of the building code for exterior walls of the particular type of construction involved. All such party walls shall be faced with material commonly used, or exterior finish identical to, or as closely resembling as practicable, the facing material of the other exterior walls of the building left standing, and shall be painted or otherwise finished in a manner similar to other parts of the building.

1517 Protection for open pits and holes. Demolition shall be properly protected with barricades and warning lights, as directed by the Building Official, until such time as they can be properly filled to grade. All excess materials, rubbish, and debris shall be removed from the premises.

1518 Treatment of Lot After Building Demolished or Removed

1518.1 Leveling. When a structure or building is demolished or removed, all walls, except party walls, including foundations and basement walls or other structures located on the lot involved in razing operation, shall be removed. Excavations, holes, and depressions shall be filled and leveled to provide a final grade, which will affect good drainage. The finished surface of the lot shall be free of holes and depressions, which could accumulate water or be hazardous to pedestrians. All grade slabs shall be removed from the site.

1518.2 Fill. No materials other than clean earth, broken masonry, tile, plaster, or concrete may be used in filling depressions and grading the site. All excess earth, brick, lumber, and other building materials and debris shall be removed from the site, and the premises shall be left in a safe, clean, and sanitary condition.

1519 Failure to clean premises. Failure of a person, firm, or corporation to comply with the provisions dealing with the cleaning of premises shall be sufficient cause to withhold a demolition contractor's privilege of obtaining demolition permits until there has been compliance with the cleaning provisions. Repeated failure to properly clean premises shall be cause for suspension or revocation of a contractor's license.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 10/19/2021

DATE

PUBLIC SESSION: 10/19/2021

DATE

FIRST READING: 09/21/21

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Residential Code.
CASE NUMBER: n/a
LOCATION: City of Memphis and unincorporated Shelby County
APPLICANT: Memphis and Shelby County Division of Planning and Development
REPRESENTATIVE: John Zeanah, Division Director
REQUEST: Adopt amendments to the Memphis and Shelby County Residential Code.
AREA: This amendment affects all property within the City of Memphis and unincorporated Shelby County.
RECOMMENDATION: Division of Planning and Development: Approval

PRIOR ACTION ON ITEM:

n/a
 _____ APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY RESIDENTIAL CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL RESIDENTIAL CODE AND LOCAL AMENDMENTS.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Ordinance will amend 2015 Residential Code adopted on December 4, 2018.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution does not require an expenditure of funds or budget amendment.



JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY RESIDENTIAL CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL RESIDENTIAL CODE AND LOCAL AMENDMENTS.

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 and residential buildings and structures in the Community; and

WHEREAS, It is necessary and prudent to adopt a more recent code edition covering the construction of residential structures which had previously been regulated by the 2015 edition of *International Code Council (ICC) International Residential Code* that is now outdated; and

WHEREAS, A copy of the 2021 Edition of the *ICC International Residential Code* has been placed in the Shelby County Commission and Memphis City Council Minutes Offices for public review of those documents 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 provisions of the 2021 Edition of the *ICC International Residential 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.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That all previous residential codes are hereby repealed except as may be set out in the attachments hereto, and that the 2021 Edition of the *ICC International Residential Code* is hereby adopted by reference, a copy of said code being on file in the Minutes Offices of the Shelby County Board of Commissioners and the Memphis City Council.

BE IT FURTHER ORDAINED, That the *2021 Edition of the ICC International Residential Code* is amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit A.

BE IT FURTHER ORDAINED, That the *2021 Edition of the ICC International Residential Code* and those local amendments attached to this Joint Ordinance as Exhibit A are hereby incorporated by reference as if set out herein in their entirety, and that no Appendices from the *2021 Edition of the ICC International Residential Code* are adopted.

BE IT FURTHER ORDAINED, The adoption of the *2021 Edition of the ICC International Residential Code* and those local amendments attached thereto shall be known as the *2021 Memphis and Shelby County Residential Code*, and shall be implemented through their inclusion in the appropriate section of the *Memphis and Shelby County Building Code* which contains a provision that addresses standards for construction of residential structures.

BE IT FURTHER ORDAINED, That should any part of this ordinance or code be found 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 Memphis City Council and by the Board of Commissioners of Shelby County or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.

Exhibit A

Local Amendments to 2021 *ICC International Residential Code*

1. Amend “Section R101.1 Title” by adding the term “of Memphis and Shelby County” in the parenthetical phrase so when amended it shall read:

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two- Family Dwellings* of Memphis and Shelby County, and shall be cited as such and will be referred to as “this code.”

2. Amend Section “R101.2 Scope” by adding the following sentences at the end of the section after the word “height” and before the exception:

This code is also applicable to multi-family homes with 3 to 6 dwelling units meeting the definition of a “large home” and subject to the scope limitations specified within this code. Existing buildings undergoing repair, alteration or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code* as locally amended.

3. Amend Section R102.7 “Existing structures” by deleting the phrase “the *International Property Maintenance Code* or”

4. Delete “Section R103 Department of Building Safety” in its entirety including subsections “R103.1 Creation of enforcement authority”, “R103.2 Appointment” and “R103.3 Deputies” and replace it with the following:

Section R103

Reserved

5. Add a new subsection R105.1.1 entitled “Design and construction of retaining walls” which shall read as follows:

R105.1.1 Design and construction of retaining walls. Retaining wall systems over 3 feet in height above finished grade shall be designed by a professional engineer or a registered design professional licensed to practice in the state of Tennessee, for all applicable loads as specified in the Building Code and in keeping with nationally recognized standards. Design shall be based upon sound engineering and geo-technical principles.

6. Delete the provisions under “Section R105.2 Work exempt from permit” after the last numbered exemption for building permits section so that when amended it reads as follows:

Section R105.2 Work exempt from permit. Exemption 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:

Building

1. Reserved
2. Reserved
3. 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. Such structures shall include but not be limited to permanent buildings and public roadways.
4. 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.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of the height to the diameter or width does not exceed 2 to 1.
6. Side walks and driveways not more than 30 inches (762mm) above adjacent grade and not over any basement or store below.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Prefabricated swimming pools that are less than 24 inches (610mm) deep.
9. Swings and other playground equipment accessory to a one or two family dwelling.
10. Window awnings supported by an exterior wall which do not project more than 54 inches (1732mm) from the exterior wall and do not require additional support.
11. Decks not exceeding 200 square feet (18.58M²) in area, that are not more than 30 inches (762mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
12. All detached single-family reroofing projects where no decking, structural and/or equipment supports are modified.

7. Add a new Item 8 to Section R105.3 Application for permit as follows:

8. Storm Water Clearance – **Include a** copy of the owner's notice of coverage letter from the Department of Environment and Conservation or a written notarized statement from the owner that no such letter is needed for this construction.

8. Add the following new sentence and exception to Section R105.3.1, after the last sentence following the word “practicable”

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 as allowed by T.C.A. Section 62-6-103 entitled “License requirements – Recovery of expenses by unlicensed contractors” which allows a person or firm specified in subdivision (a)(2)(A) of the act to make an application for a permit to construct a single residence, provided that person shall not construct more than one (1) single residence within a period of two (2) years.

9. Delete the entire Section entitled “R112 Board of Appeals” and replace it with the following:

SECTION R112 BOARD OF APPEALS

R112.1 General. The Memphis and Shelby County Joint Board of Appeals, as established in the Memphis and Shelby County Building Code, shall hear all appeals and variance requests that arise under this Code.

10. Add the following definitions to Section R202 in the appropriate alphabetical locations:

Building Section – Whenever the term “Building Section” is used in the Memphis and Shelby County Residential Code herein adopted, it shall mean the Building Section of the Memphis and Shelby County Office of Construction Enforcement (MSCE).

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.

Freestanding 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. This definition shall not include standard wood privacy fences as used in residential applications.

International Electrical Code – Whenever the word “International Electrical Code” is used in this code herein adopted, it shall mean the 2020 Edition of the

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 word “International Energy Conservation Code” is used in this code herein adopted, it shall mean the 2021 Edition of the *ICC International Energy Conservation Code* with Local Amendments and will be known as the Memphis and Shelby County Energy Conservation Code (MSCECC).

International Building Code – Whenever the word “International Building Code” is used in this code herein adopted, it shall mean the 2021 Edition of the *ICC International Building Code* with Local Amendments, will be known as the Memphis and Shelby County Building Code (MSCBC).

International Fuel Gas Code – Whenever the word “International Fuel Gas Code” is used in this code herein adopted, it shall mean the 2021 Edition of the *ICC International Fuel Gas Code* with Local Amendments and will be known as the Memphis and Shelby County Fuel Gas Code (MSCFGC).

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 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 Mechanical Code – Whenever the word “International Mechanical Code” is used in this code herein adopted, it shall mean the 2021 Edition of the *ICC International Mechanical Code* with Local Amendments and will be known as the Memphis and Shelby County Mechanical Code (MSCMC).

International Plumbing Code – Whenever the word “International Plumbing Code” is used in this code herein adopted, it shall mean the 2021 Edition of the *ICC International Plumbing Code* with Local Amendments and will be known as the Memphis and Shelby County Plumbing Code (MSCPC).

Large Home. A building with three (3) to six (6) attached dwelling units consolidated into a single structure. A large home is located on a single tract or lot, and contains common walls. The building looks like a conventional single-family house with a functional street facing primary entrance. Dwelling units within the building may be situated either wholly or partially over or under other dwelling units.

Retaining Wall – A manmade structure built out of rock, block, wood, concrete or other similar material and used to either directly support retained material or to serve as a facing of a cut slope. This definition includes, but is not limited to other systems design to retain earth or other materials such geosynthetic-reinforced soil system or pre-engineered modular materials.

Structural Wall. An interior load-bearing wall and/or a wall that forms the perimeter of a floor opening, as defined by 301.2.2.3.11.12, Item 3.

Chapter 3 Building Planning

11. Table R301.2 (1) shall read as follows and all existing footnotes shall remain unchanged.

**Table R301.2
Climatic and Geographic Design Criteria**

GROUND SNOW LOAD ^o	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARD ^e	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMPERATURE (°F) ^j
	Speed ^d (mph)	Topographic effects ^k	Special wind region ^l	Windborne debris zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c				
10 lb/ft ²	105	No	No	No	D ₁	Moderate	5 Inches	Moderate to Heavy	No	February 6, 2013	158	61.8

12. Sections R301.2.2.1 “Determination of seismic design category” and R301.2.2.1.1 Alternative determinations of seismic design category” shall be deleted in their entirety along with Table R301.2.2.1.1 and that section held in reserve so that when amended the code shall read as follows:

Section R301.2.2.1 – Reserved

R301.2.2 Seismic provisions. The seismic provisions of this code shall apply as follows:

1. Townhouses in Seismic Design Categories C, D₀, D₁ and D₂.
2. Detached one- and two-family dwellings and large homes in Seismic Design Categories D₀, D₁, and D₂
3. Large homes in Seismic Design Categories C, D₀, D₁, and D₂.
4. Townhouses and detached one- and two-family dwellings shall be allowed to follow Section R301.2.2.3.11 as an alternative compliance method for meeting the structural requirements of this code’s seismic provisions.

13. A new section R301.2.2.3.11 is added entitled “Alternative compliance method for structural requirements.” along with its various subsections numbered R301.2.2.3.11.1 thru R301.2.2.3.11.12 which shall read as follows:

R301.2.2.3.11 Alternative compliance method for seismic structural requirements. In addition to meeting all the structural requirements for Seismic Design Category C and sections R301.2.2, an alternative compliance method for meeting seismic structural requirements when wood framing is used shall include compliance with the following items. In the event any requirement in this section differs from wind code structural requirements, the more stringent will apply.

R301.2.2.3.11.1 Anchorage exterior walls (Sole Plates). Exterior wall sole plates shall be secured to the foundation or framing below by one of the following methods:

1. Foundation: ½ inch (12.7 mm) anchor bolts, with 3 inch by 3 inch (76 mm by 76 mm) washers, embedded in the foundation a minimum of 7 inches (178 mm) in depth. Such anchor bolts are to be placed 4 feet on center maximum and within 12 inches (305 mm) of the end of each plate section. A minimum of 2 anchors per plate section is required.
2. Foundation: MASA anchors or equivalent embedded in the foundation and placed at 4 feet (1219 mm) on center maximum and within 12 inches (305 mm) of the end of each plate section. A minimum of 2 anchors per plate section is required.
3. Elevated Floors: 10d nails placed at 8 inches on center and embedded in a continuous rim board. Rim board depth to match depth of floor framing. Rim board shall be nailed to the end of each floor framing member with three 10d nails. Where floor framing parallels exterior wall, 2 rim boards shall be provided and nailed per Table R602.3(1). The Rim board shall be fastened to wall top plate with metal plates at 6 feet (1829 mm) on center; installed plate capacity shall equal or exceed 440 pounds

R301.2.2.3.11.2 Anchorage all interior structural walls (Sole Plates). Interior wall framing shall be secured by one of the following methods:

1. Foundation: ½ inch (12.7mm) anchor bolts, with 3 inches by 3-inch (76 mm by 76 mm) washers, embedded a minimum of 7 inches (178 mm) in depth in the concrete foundation (thickened slab) at 4 feet (1219 mm) on center maximum and within 12 inches (305mm) of the end of each plate section.
2. Foundation: By power actuated fasteners that provide 210 pounds per linear foot shear capacity, placed 2 feet (610 mm) on center maximum and within 12 inches (305 mm) of each plate section or equivalent means of anchorage. A minimum of 2 anchors are required per plate section.
3. Elevated Floors: 10d nails placed at 8 inches (204 mm) on center and embedded in one of the following:
 - a) Structural wall top plate flush with bottom of floor sheathing, or
 - b) Floor joist parallel with and directly below plate, or
 - c) Blocking, depth to match, placed between floor joists and running the full length of the plate. Blocking to be nailed per Table R602.3(1).

R301.2.2.3.11.3 Stud spacing - Exterior walls. All 2x4 exterior walls shall be a maximum of 16 inch (406 mm) stud spacing up to 3 stories. Gypcrete flooring or similar cementitious leveling products shall not be used on elevated floors.

Exception: Thin-set or other base material required for installation of flooring products in isolated confined spaces such as bathrooms.

R301.2.2.3.11.4 Wall sheathing.

R301.2.2.3.11.4.1 Exterior wall sheathing. Exterior wall sheathing shall be 7/16 inch (11mm) exterior rated OSB or equivalent or 7/16 inch (11mm) exterior rated plywood, minimum. Sheathing is to be fastened every 6 inches (152 mm) on the edges and 12 inches (305 mm) at intermediate supports.

R301.1.2.3.11.4.2 Interior wall sheathing. Interior walls shall have sheathing on both sides. Interior sheathing shall be a minimum of ½ inch (12.7mm) gypsum fastened every 7 inches (178 mm) on edges and every 7 inches (178 mm) at intermediate supports. Minimum fastener size shall be 5d cooler or wallboard nails or 1 ¼" #6 Types S or W screws.

R301.2.2.3.11.5. Garage door openings. Brace wall panels are required for garage openings as per Section R602.10.6 of this Code.

Exception - An engineered pre-manufactured wall panel is allowed to be used at garage openings.

R301.2.2.3.11.6.APA Narrow Wall systems are not permitted. Use of APA narrow wall systems is not permitted for establishing compliance with these requirements.

R301.2.2.3.11.7 Connections across floor joist space. 18 gauge galvanized steel coil strapping (ex. CS 18) installed at 48 inch (1219 mm) on center across floor joist space or equivalent is required on all exterior walls and stacked interior structural walls. Strapping shall run vertical along edge of studs and shall be centered on floor joist space. Stud shall be vertically aligned.

R301.2.2.3.11.8 Roof framing connections. Roof framing members shall be fastened to wall top plate with 18 gauge galvanized steel clips (ex. H2.5A) or equivalent, not to exceed 48 inches (1219 mm) on center maximum. Provide clips in addition to fastening requirements in Table R602.3(1). This requirement applies to all contact points with structural walls. In the event wind fastening requirements differ, the more stringent shall apply.

R301.2.2.3.11.9 Shearwall holddowns.

1. Exterior walls: A single holddown shall be installed at each end of each wall over 8 feet (2438 mm) in length (2 holddowns per wall length). Holddown capacity (P), in pounds, shall be equal to 210 lbs/ft times wall height. ($P = 210 * H$)
2. Wall height (H): distance from wall bottom plate to wall top plate.
3. A cut sheet of the holddown type(s) used shall be provided to code enforcement when requested by the Building Official. Cut sheet shall show tested product load rating and manufacturer information.

R301.2.2.3.11.10 Opening straps/clips. This section applies only to window and door openings and only to openings located in exterior walls and interior structural walls. Louver, pipe penetrations, dryer vents, and all other wall openings are not required to meet this section unless they exceed 4 sq. ft. in area.

1. Studs above and below headers and window sill plates: Provide 18 gauge galvanized steel clips (ex. H2.5A) or equivalent at 32 inches (813 mm), top and bottom of studs, minimum 2 clips per opening width at headers and sills.
2. Headers: Headers shall bear on minimum 1 ply jack post and be fastened to post with 18 gauge galvanized steel clips (ex. H2.5A), or continuous sheathing from king post to header or sill or equivalent.
3. Window Sill plate: Sill plate shall be end nailed with three 10d nails each end through minimum 1 ply of king/jack posts, or continuous sheathing from king post to header or sill, or equivalent.
4. King/Jack posts: Provide 20 gauge galvanized steel stud plate connector (ex. SP1) or equivalent from post to wall plate, top and bottom. Post plys shall be nailed together with 10d nails at 8 inches (204 mm) on center staggered full height.

R301.2.2.3.11.11 Brick veneer.

1. Exterior brick veneer shall not exceed 25 feet (7620 mm) in height above non-combustible foundation. Brick at gable peaks shall not exceed 40 feet (12 192 mm) in height above non-combustible foundation.

2. Exterior brick veneer shall comply with all other applicable Chapter 7 IRC requirements.

3. Interior brick veneer and masonry chimneys shall comply with Chapter 7 IRC requirements.

R301.2.2.3.11.12 Floor openings. When floor openings in the second or third floors exceed 15 percent of the ground floor square footage, garage space excluded, they shall be considered as large floor openings.

1. The gross floor area shall be the area bounded by exterior walls.

2. Openings for stairs and egress are excluded from the net floor opening area.

3. Perimeter interior walls bounding a large floor opening shall be considered structural walls and shall be subject to all requirements as such. If perimeter walls are not present below opening perimeter (i.e. beam and column system is used), the supporting structure shall be engineered.

14. R302.3 and R302.3.1 shall be amended to delete the entire sections and replace with the following:

R302.3 Two-family dwellings and large homes.

R302.3.1 Two Family Dwellings

Dwelling units in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating where tested in accordance with ASTM E199, UL 263, or Section 703.2.2 of the International Building Code. Such separation shall be provided regardless of whether a lot line exists between the dwelling units or not. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

Exceptions:

1. A fire-resistance rating of ½ hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with [Section P2904 NFPA 13D](#).
2. Wall assemblies need not extend through attic spaces where the ceiling is protected by not less than 5/8-inch (15.9 mm) Type X gypsum board, an attic draft stop constructed as specified in Section R302.12.1 is provided above and along the wall assembly separating the dwellings and the structural framing

supporting the ceiling is protected by not less than ½-inch (12.7 mm) gypsum board or equivalent.

R302.3.2 Large Homes Under 5000 Square Feet and Under 3 Stories in Height

R302.3.2.1 Dwelling units in large homes under 5,000 square feet in area and less than three (3) stories in height shall be separated from each other by wall and floor assemblies having not less than a 2-hour fire-resistance rating where tested in accordance with ASTM E199, UL 263, or Section 703.2.2 of the International Building Code. Such separation shall be provided regardless of whether a lot line exists between the dwelling units or not. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing or rated floor/ceiling assembly.

Exception:

1. A fire-resistance rating of 1-hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D.
2. A fire-resistance rating of ½-hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13.

R302.3.2.2 Up to two dwelling units on the second story may utilize a shared egress path.

R302.3.2.3 Local amendment to seismic provisions of this code shall not apply to large homes.

R302.3.2.4 Public spaces in large homes shall be limited solely to any shared means of egress.

R302.3.3 Large Homes 5000 Square Feet to a maximum of 8,000 sq. ft. and Up to Three Stories in Height

R302.3.3.1 Large homes 5,000 square feet to a maximum of 8,000 sq. ft. in area or greater and up to three (3) stories in height shall be equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13R.

R302.3.3.2 Dwelling units in large homes shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating where tested in accordance with ASTM E199, UL 263, or Section 703.2.2 of the International Building Code. Such separation shall be provided regardless of whether a lot line exists between the dwelling units or not. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing or rated floor/ceiling assembly.

Exception:

A fire-resistance rating of ½-hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13.

R302.3.3.3 Plans shall be prepared by structural engineer licensed in the State of Tennessee and shall bear the design professional’s stamp and signature. Separate mechanical, electrical and plumbing drawings shall not be required.

R302.3.3.4 Local amendment to seismic provisions of this code shall not apply to large homes.

R302.3.3.5 Public spaces in large homes shall be limited solely to any shared means of egress.

R302.3.3.6 Dwelling units on the second and third floor level may utilize a properly designed shared path of egress.

R302.3.3.7 Large homes greater than 8,000 sq. ft. shall be designed in accordance with the International Building Code.

R302.3.4 Supporting Construction.

Where floor assemblies are required to be fire-resistance rated by Section R302.3, the supporting construction of such assemblies shall have an equal or greater fire-resistance rating.

15. Delete Section R313.1 “Townhouse automatic fire system”, its Exception and Section 313.1.1 “Design and installation” in their entirety with no replacement

16. Delete Section R313.2 “One and two-family dwellings automatic fire system”, its Exception and Section 313.2.1 “Design and installation” in their entirety with no replacement.

17. Amend Section R320 entitled “Accessibility” is amended by adding a new Section R320.2 as follows :

R320.3 Visitability Requirements (Applicable in the City of Memphis Only):

R320.3.1 Statement of intent - The adoption of Ordinance #5541 by the City of Memphis on December 12, 2013 was specifically enacted to further the policy of the City of Memphis to provide new single-family and duplexes, which are constructed with public funds as described in this section, be provided with design features to provide accessibility and usability for persons with mobility impairments. The purpose of that ordinance is to specifically promulgate certain

standards which may be less restrictive than ICC/ANSI A117.1 while economically providing solutions to accessibility.

R320.3.2 Applicability - This exception shall be applicable to new single-family and duplexes which receive City and Federal assistance. For purposes of this Section, “City or Federal Assistance” shall mean funding or assistance from the City of Memphis, or any agent thereof, through any of the following means:

- i. Receipt of a building contract or similar contractual agreement involving any city funding program or funding provided through the Division of Housing and Community Development, Memphis Housing Authority, or the Memphis Land Bank, Inc.
- ii. Real estate purchased, lease or donate from the City of Memphis or any agent thereof
- iii. Dispersal under city auspices of any Federal or State construction funds such as HOME, CDBG; or
- v. Receipt of any other funding or financial benefit from the City of Memphis or any agency thereof.

R320.3.3 Design requirements

R320.3.3.1 Building entrances. Applicable dwelling units shall be designed and constructed to have at least one building entrance on an accessible route served by a ramp complying with ANSI A117.1-1986, Section 4.8, having a maximum slope not to exceed one in twelve (1:12), unless it is impractical to do so because of terrain or unusual character of the site. Such building entrance doors shall comply with ANSI A117.1, 4.3, and shall have a minimum clear opening of 32 inches. Any entrance at the front, side or back is acceptable as long as it is served by an accessible route such a garage, carport or sidewalk. An accessible ramp may not be removed from the home during the first year of initial ownership.

R320.3.3.2. Interior door criteria. All dwelling units, whether or not on an accessible route, shall be designed in such a manner that all the doors allow passage into and within all premises and are sufficiently wide to allow passage by persons in wheelchairs. Lever hardware is required. Doors, except those serving closets less than 15 square feet in area, within individual dwelling units intended for user passage must provide minimum 32” clear opening. A 2’10” door or standard 6’0” sliding patio door assembly is deemed sufficient to comply with this required provide however compliance with ANSI Section 4.13.6 (Maneuvering Clearance at Doors) shall be mandatory.

R320.3.3.3. Accessible routes into and through the dwelling unit. An accessible route shall be designed and constructed in such a manner that a 36” wide level route, except at doors, must be provide through the main floor of the unit with ramped or beveled changes at door thresholds.

R320.3.3.4 Wall reinforcement in bathrooms - Reinforcements in the walls shall be provided at designated locations as specified by ANSI A117.1, Section 4.24, Section 4.32, figure 48 and figure 49 so that grab bars may be installed, if needed, at a later date with the necessity of removing portions of the existing wall.

R320.3.3.5 Light switches electrical outlets, thermostats and other environmental controls. All applicable dwelling units shall be designed and constructed in such a manner that all premises contain light switches, electrical outlets, thermostats and other controls in accessible locations. Controls shall meet the requirements of ANSI A117.1, Section 4.25. Where multiple controls serve the same elements (e.g. two remote switches for a light) only one need be accessible.

R320.3.4 Contracts. The provisions of this Section shall be incorporated in applicable City of Memphis contracts.

R320.3.5 Waiver of exterior disability accessibility regulations. The requirements of R320.2.3.1 of this section (Building Entrances) may be waived by the Director of the Memphis Division of Housing and Community Development (the Director), through the issuance of an “Exterior Disability Accessibility Waiver” (“waiver”)

R320.3.5.1 Application. A person requesting said waiver shall file an application for disability accessibility waiver with the Director, including all documents necessary to prove the existence of the exemption standard herein. The application shall demonstrate the typographical conditions on the site render it impossible to comply with the provision of said section.

R320.3.5.2 Granting waiver. If the application so demonstrates, the Director shall issue an Exterior Disability Accessibility Waive to the applicant, in writing, within ten (10) days of receipt of a completed application which shall become an official component of any issued contract. The Director shall retain a copy of said waiver in the Department’s official records and shall also forward a copy of said waiver to the Building Official at the Office of Construction Code Enforcement at the time of issuance.

18. Delete Section R327 in its entirety and replace it with the following

Section R327 Swimming Pools, Spas and Hot Tubs

R327.1 General. The provisions of this section shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

R327.2 Pools in flood hazard areas. Pools that are located in flood hazard areas established by Table R301.2(1), including above ground pools, on ground pools and in ground pools that involve the placement of fill, shall comply with Section AG101.21 or AG101.2.2.

Exception; Pools located in riverine flood hazard areas which are outside of designated floodways.

R327.2.1 Pools located in designated floodways. Where pools are located in designated floodways, documentation shall be submitted to the building official which demonstrates that the construction of the pool will not increase the designated flood elevation at any point with the jurisdiction.

R327.2.2 Pools located where floodways have not been designated. Where pools are located where design floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates the proposed pool will not increase the design flow elevation more than 1 foot (305mm) at any point within the jurisdiction.

R327.3 Definitions General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

Above Ground/Inground Pool. See Swimming Pool

Barrier. A fence, wall, building wall, or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot Tub. See Swimming Pool.

In-Ground Pool. See Swimming Pool

Residential. That which is situated on the premise of a detached one- or two family dwelling, or a one family townhouse not more than three stories in height.

Spa, Nonportable. See Swimming Pool

Spa Portable. A nonpermanent structure intended for recreational bathing, in which all controls, water heating and water circulation equipment are an integral part of the product.

Swimming Pool. Any structure intended for swimming or recreational bathing that contain water more than 24 inches (610mm) deep. This includes in-ground, above ground and on ground swimming pools, hot tubs and spas.

Swimming Pool, Indoor. A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of the enclosing structure.

Swimming Pool, Outdoor. Any swimming pool which is not an indoor pool.

R327.4 Swimming Pools

R327.4.1 In-ground Pools. In-Ground Pools shall be designed and constructed in compliance with ANSI/NSPI-5.

R327.4.2 Above ground and on-ground pools. Above ground and on ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

R327.4.3 Pools in flood hazard areas. In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE24.

Section 326.5 Spas and Hot Tubs

R327.5.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

R327.5.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

R327.6 Barrier Requirements

R327.6.1 Application. The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

R327.6.2 Outdoor swimming pools. An outdoor swimming pool, including in-ground, above ground or on ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade such as an above ground pool, the barrier may be at ground level such that the pool structure or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the tops of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow the passage of a 4 inch diameter (102 mm) sphere.
3. Solid barriers which do not have openings such as masonry or stone walls, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143mm) the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 $\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts with vertical members, spacing within the cutouts shall not exceed 1 $\frac{3}{4}$ inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm).
6. Maximum mesh size for chain link fences shall be 2 $\frac{1}{4}$ inches (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1 $\frac{3}{4}$ inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal member shall be more than 1 $\frac{3}{4}$ inches (44 mm).

8. Access gates shall comply with the required of items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and opening shall comply with the following;

8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate and

8.2 The gate and barrier shall have no opening larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

9.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;

9.2. Doors with direct access to the pool through the wall shall be equipped with an alarm which produces an audible warring when the door and or its screen if present are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switches shall be located at least 54 inches (1373 mm) above the threshold of the door; or

9.3 Other means of protection, such as self-closing doors with self-latching device that are approved the governing body shall be accepted as long as the degree of protection afforded is not less than the protection afforded by item 9.1 or 9.2 described herein.

10. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps.

10.1 The ladder or steps shall be capable of being secured, locked or removed to protect access, or

10.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of items 1 through 9. When the ladder or steps are secured, locked or remove, any opening created shall not allow the passage of a 4-inch (102 mm) diameter sphere.

Chapter 4 Foundations

19. Delete Section 401.3 and its Exception in their entirety and substitute the following:

401.3 Drainage and foundation elevation. – Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The finish floor (elevation) shall be nominal 10 inches above the exterior finish grade (ground) and the finish grade shall slope a minimum of 8% (1 in 12) away from foundation for a minimum of 3 feet for drainage.

20. Section R403.1.1 “Minimum size” is deleted in its entirety and replaced with the following:

R403.1.1 Minimum size. Minimum size for concrete and masonry footings shall be as set fourth in Table R403.1 and Figure R403.1 (1). The footing width, W , shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. All footings shall be at least 10 inches (255mm) in thickness. Footing projections, P , shall be at least 2 inches (51mm) and shall not exceed the thickness of the footing. The size of footing supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1.

21. Section R403.1.4 “Minimum depth” is deleted in its entirety and replaced with the following language.

R403.1.4 Minimum depth. All footings shall bear on undisturbed or properly compacted soils a minimum of 13 inches (330 mm) below grade. When applicable the depth of footing shall also conform to Section R403.1.4.1 through R403.1.4.2.

22. Figure R403.1 (2) entitled “Permanent Wood Foundation Basement Wall Section” and Figure R403.1 (3) entitled “Permanent Wood Foundation Crawl Space Section” are deleted with no replacement provided.

23. Section R403.2 is deleted in its entirety and replaced with the following language.

Section R403.2. Reserved

24. Section R404.2: is deleted in its entirety and replaced with the following language.

Section R404.2 Reserved

25. Section R405.2 is deleted in its entirety and replaced with the following language.

Section R405.2. Reserved

26. Section R406.3 is deleted in its entirety and replaced with the following language.

Section R406.2. Reserved

Chapter 5 Floors

27. Section R504 is deleted in its entirety and replaced with the following language.

Section R504. Reserved

Chapter 7 Wall Covering

28. Section R703.2 Water-Resistive Barrier is amended to add #5 in the list of approved materials as follows:

5. Tyvek sheeting for exterior sheathing

29. Delete Chapter 11 in its entirety and replace it with the following Sections:

Chapter 11 Energy efficiency

Section N1101 – General

N1101.1 Scope. This chapter sets forth the energy-efficiency related requirements for the design and construction of buildings regulated by this code.

Exception: Provided that they are separated by building envelope assemblies from the remainder of the building, portions of the building that do not enclose conditioned space shall be exempt from the building envelope provision, but shall comply with the provisions for building mechanical and service water heating systems.

N1101.2 Compliance for one and two family dwellings and Large Homes.

Compliance for one and two family dwellings and large homes shall be demonstrated by meeting the requirements of the 2021 Edition of the *ICC International Energy Conservation Code* for detached one and two family dwellings in Climate Zone 3A as found in the Residential provisions thereof and as those provisions are amended by the local ordinances adopting that code.

N1101.3 Compliance for townhouses. Compliance for townhouses shall be demonstrated by meeting the requirements of the 2021 Edition of the *ICC International Energy Conservation Code* for residential buildings of Group R-2 or townhouses in Climate Zone 3A as found in the Residential provisions thereof and as those provisions are amended by the local ordinances adopting that code.

Part V-Mechanical

30. Delete Chapter 12 in its entirety and replace it with the following:

Chapter 12 Mechanical Administration

Section M1201 General. The administration of the Mechanical Provisions of this Code shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

31. Delete Chapter 13 in its entirety and replace it with the following:

Chapter 13 General Mechanical System Requirements

Section M1301 General. The General Mechanical System Requirements Provisions of this Code shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code

32. Delete Chapter 14 in its entirety and replace it with the following:

Chapter 14 Heating And Cooling Equipment

Section M1401 General. The heating and cooling equipment provisions of this Code shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

33. Delete Chapter 15 in its entirety and replace it with the following:

Chapter 15 Exhaust Systems

Section M1501 General. The exhaust system provisions of this Code shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

34. Delete Chapter 16 in its entirety and replace it with the following:

Chapter 16 Duct Systems

Section M1601 General. The provisions of this code relating to the construction and operation of duct system shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

35. Delete Chapter 17 in its entirety and replace it with the following:

CHAPTER 17 Combustion Air

Section M1701 General. The provisions of this code relating to the construction and operation of combustion air shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

36. Delete Chapter 18 in its entirety and replace it with the following:

Chapter 18 Chimneys And Vents

Section M1801 General. The provisions of this code relating to the construction and operation of chimneys and vents shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code and Building Code .

37. Delete Chapter 19 in its entirety and replace it with the following:

Chapter 19 Special Appliances, Equipment and Systems

Section M1101 General. The provisions of this code relating to the construction and operation of special fuel burning equipment shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

38. Delete Chapter 20 in its entirety and replace it with the following:

Chapter 20 Boilers And Water Heaters

Section M2001 General. The provisions of this code relating to the installation and operation of boilers and gas water heaters shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

39. Delete Chapter 21 in its entirety and replace it with the following:

Chapter 21 Hydronic Piping

Section M2101 General. The provisions of this code related to the installation and operation of hydronic piping shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

40. Delete Chapter 22 in its entirety and replace it with the following:

Chapter 22 Special Piping And Storage Systems

Section M2201 General. The provisions of this code related to the installation and operation of special piping and storage systems shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

41. Delete Chapter 23 in its entirety and replace it with the following:

Chapter 23 Solar Thermal Energy Systems

Section M2301 General. The provisions of this code related to the installation and operation of Solar Energy Systems shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

Part VI – Fuel Gas

42. Delete Chapter 24 in its entirety and replace it with the following:

Chapter 24 Fuel Gas

Section G2401 General. The provisions of this code related to the installation and operation of Fuel Gas shall be determined by reference to the latest adopted Memphis and Shelby County Fuel Gas Code.

Part VII - Plumbing

43. Delete Chapter 25 in its entirety and replace it with the following:

Chapter 25 Plumbing Administration

Section P2401 General. The provisions of this code related to the Plumbing Administration shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

44. Delete Chapter 26 in its entirety and replace it with the following:

Chapter 26 General Plumbing Requirements

Section P2601 General. The provisions of this code related to the General Plumbing Requirements shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

45. Delete Chapter 27 in its entirety and replace it with the following:

Chapter 27 Plumbing Fixtures

Section P2701 General. The provisions of this code related to the Plumbing Fixtures shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

46. Delete Chapter 28 in its entirety and replace it with the following:

Chapter 28 Water Heaters

Section P2801 General. The installation and operation of electric water heaters shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing and Electrical Codes.

47. Delete Chapter 29 in its entirety and replace it with the following:

Chapter 29 Water Supply And Distribution

Section P2901 General. The provisions of this code related to the installation and operation of water supply and distribution systems shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

48. Delete Chapter 30 in its entirety and replace it with the following:

Chapter 30 Sanitary Drainage

Section P3001 General. The provisions of this code related to the installation and operation of sanitary drainage systems shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

49. Delete Chapter 31 in its entirety and replace it with the following:

Chapter 31 Vents

Section P3101 General. The provisions of this code related to the installation and operation of vents systems and related devices attached to a plumbing system shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

50. Delete Chapter 32 in its entirety and replace it with the following:

Chapter 32 Traps

Section P3201 General. The provisions of this code related to the installation and operation of traps that are part of or attached to plumbing systems shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

51. Delete Chapter 33 in its entirety and replace it with the following:

Chapter 33 Storm Drainage

Section P3301 Scope. The provision of this code related to the design, materials, construction and installation of storm drains shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

Part VII –Electrical

52. Delete Chapter 34 in its entirety and replace it with the following:

Chapter 34 General Requirements

Section E3401 General. The provisions of this code related to the General Requirements for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

53. Delete Chapter 35 in its entirety and replace it with the following:

Chapter 35 Electrical Definitions

Section E3501 Electric Definitions. The provisions of this code related to the Electric Definitions shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

54. Delete Chapter 36 in its entirety and replace it with the following:

Chapter 36 Services

Section E3601 Services. The provisions of this code related to the electrical services shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

55. Delete Chapter 37 in its entirety and replace it with the following:

Chapter 37 Branch Circuit And Feeder Requirements

Section E3701 General. The provisions of this code related to Branch Circuit and Feeder Requirements for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

56. Delete Chapter 38 in its entirety and replace it with the following:

Chapter 38 Wiring Methods

Section E3801 General. The provisions of this code related to the General Requirements for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

57. Delete Chapter 39 in its entirety and replace it with the following:

Chapter 39 Power And Lighting Distribution

Section E3901 General. The provisions of this code related to Power and Lighting Distribution for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

58. Delete Chapter 40 in its entirety and replace it with the following:

Chapter 40 Devices And Luminaires

Section E4001 General. The provisions of this code related to Devices and Lighting Fixtures shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

59. Delete Chapter 41 in its entirety and replace it with the following:

Chapter 41 Appliance Installation

Section 4101 General. The provisions of this code related to Application Installation for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

60. Delete Chapter 42 in its entirety and replace it with the following:

Chapter 42 Swimming Pools

Section E4201 General. The provisions of this code related to the electric installations for swimming pools shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code. Those related to building matters will be determined by reference to the latest adopted Memphis and Shelby County Building Code.

61. Delete Chapter 43 in its entirety and replace it with the following:

Chapter 43 Class 2 Remote-Control, Signaling And Power-Limited Circuits

Section E4301 General. The provisions of this code related to Class 2 Remote-control, signaling and Power-limited Circuits shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 10/19/2021
DATE**

**PUBLIC SESSION: 10/19/2021
DATE**

**FIRST READING: 09/21/21
DATE**

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Energy Conservation Code.

CASE NUMBER: n/a

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: John Zeanah, Division Director

REQUEST: Adopt amendments to the Memphis and Shelby County Energy Conservation Code.

AREA: This amendment affects all property within the City of Memphis and unincorporated Shelby County.

RECOMMENDATION: Division of Planning and Development: Approval

PRIOR ACTION ON ITEM:

n/a _____ APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY BUILDING CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL ENERGY CONSERVATION CODE AND LOCAL AMENDMENTS.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Ordinance will amend 2015 Energy Conservation Code adopted on December 4, 2018.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution does not require an expenditure of funds or budget amendment.



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 ENERGY CONSERVATION CODE AND LOCAL AMENDMENTS.

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 and residential buildings and structures in the community; and

WHEREAS, The need for sustainable and energy efficient buildings, structures, and building systems, has never been more important to this community and the promotion of construction that recognizes the need for such energy efficiency and construction sustainability is crucial to the smart growth of this community and for the well being of its citizens; and

WHEREAS, It is necessary and prudent to adopt a more recent edition of the standard code specifically covering the energy use and required insulation for the construction of structures and their support systems in both commercial and residential structures that had previously been covered by regulations of the 2015 Edition of the *International Code Council (ICC) Energy Conservation Code* which is now outdated; and

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

WHEREAS, The provisions of the 2021 Edition of the *ICC International Energy Conservation Code*, when adopted by the Board and Council, will provide a modern and internally consistent Code for evaluating proposed construction and is within the family of codes already adopted in Memphis and Shelby County.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That

all previous energy conservation codes are hereby repealed except as may be set out in the attachments hereto, and that the 2021 Edition of the *ICC International Energy Conservation Code* is hereby adopted by reference, a copy of said code being on file in the Minutes Offices of the Shelby County Board of Commissioners and of the Memphis City Council.

BE IT FURTHER ORDAINED, That the *2021 Edition of the ICC International Energy Conservation Code* is amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit A.

BE IT FURTHER ORDAINED, That the 2021 Edition of the *ICC International Energy Conservation Code* and those local amendments attached to this Joint Ordinance as Exhibit A are hereby incorporated by reference as if set out herein in their entirety, and that no Appendices from the 2021 Edition of the *ICC International Energy Conservation Code* are adopted.

BE IT FURTHER ORDAINED, That the adoption of the 2021 Edition of the *ICC International Energy Conservation Code* and local amendments shall be known as the 2021 Memphis and Shelby County Energy Conservation Code, and shall be implemented through their inclusion in the appropriate section of the Memphis and Shelby County Building Code, the Memphis and Shelby County Residential Code, and other Technical Codes which contain provisions that address the appropriate standards for energy efficiency of various buildings, structures, and internal support systems.

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 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, at the date of such adoption by the last adopting body.

EXHIBIT A

1. Amend Section C101.1 Entitled “Title” So When Amended It Shall Read As Follows:

C101.1 Title. This code shall be known as the 2021 Memphis and Shelby County Energy Conservation Code and shall be cited as such. It is referred to herein as “this code.”

2. Delete C104 Entitled “Fees” And All Subsections Under It And Reserve the Section Number So That When Amended It Shall Read:

Section C 104 – Reserved.

3. Amend Section C105.2.6 By Removing Requirements On Commissioning Of A Building In The Final Inspection So When Amended The Section Shall Read As Follows:

C105.2.6 Final inspection. The building shall have a final inspection and shall not be occupied until approved. The final inspection shall include verification of the installation and proper operation of all required building controls.

4. Amend Section C110.1 “General” So That When Amended It Shall Read As Follows:

C110.1 General. The Memphis and Shelby County Joint Board of Appeals shall be the appeals body which is authorized to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code. It shall have the same authority and responsibilities to hear such appeals and make such determinations as is authorized in the Memphis and Shelby County Building Code.

5. Delete Section C110.2 Entitled “Limitation On Authority” Without Replacement.

6. Delete Section C110.3 Entitled “Qualifications” Without Replacement.

7. Amend Section C301.1 Entitled “General” So When Amended It Shall Read As Follows:

C301.1 General. - Climate zones in Figure C301.1 or Table C301.1 shall be used in determining the applicable requirements from Chapters 4 and 5.

8. Amend Section C403.5 Entitled “Economizers” By Adding A New Exception #8 Which Shall Read As Follows:

8. Buildings, which due to their size or intended use, and based on an analysis provided by the engineer and satisfactory to the Building Official, will not realize an economic payback on the use of this equipment within a 10 year equipment life assumption.

9. Amend Section C405.2.4 Entitled “Daylight Responsive Controls” By Adding A New Exception # 4 Which Shall Read As Follows:

4. Any area or room which classifies as a single daylight control zone which does not have fenestration, either by window or skylight, that exceeds 250 square feet.

10. Delete Section C405.6 Entitled “Dwelling Electrical Meter” Without Replacement.

11. Delete Section C405.11 Entitled “Automatic Receptacle Control” and Section C405.11.1 Entitled “Automatic Receptacle Control Function” Without Replacement.

12. Delete Section C405.12 Entitled “Energy Monitoring” And All Its Subsections, Without Replacement.

13. Delete Section C408 Entitled “Maintenance Information and System Commissioning” And All Its Subsections, Without Replacement

14. Amend Section C502.2 Entitled Change In Space Conditioning” By Deleting The Existing Provisions Replacing It As Shown Below:

C502.2 Change in space conditioning.- Any nonconditioned space that represents 5% of a commercial building, in which it is located, which is altered to become conditioned space shall be required to be brought into full compliance with this code. The Building Official may look back for two years prior to the application to capture other projects during that time that increased the floor area of conditioned space and total those previously conditioned areas with the proposed project’s area to determine if the applicable area threshold is exceeded.

15. Amend Section C503.2 to add the following Exception 2:

Exception 2: Compliance with the requirements of Section C402 (Building Envelope Requirements) is not required unless the change in occupancy or use will increase fuel or energy use by more than twenty five percent (25%) and the renovations include changes to at least twenty five percent (25%) of the building

envelope. In such cases, all envelope renovations must incorporate Section C402 requirements to the extent it is not structurally impractical to do so.

16. Amend Section C503.3 to add the following Exception 1:

Exception 1: If change of occupancy or use which will increase fuel or energy use requires renovations that are more than twenty five percent (25%) of the area of the space then that renovate portion of the building must meet all requirements in Section C403 (Building Mechanical Systems) except compliance with Section C403 is waived where HVAC systems do not serve at least twice the area renovated.

17. Amend Section C503.4 to add the following Exception 1:

Exception 1: If change of occupancy or use which will increase fuel or energy use requires renovations that are more than twenty five percent (25%) of the area of the space then that renovated portion of the building must meet all requirements in Section C404 (Service Water Heating) except compliance with Section C404 is waived where heating water systems do not serve at least twice the area renovated.

18. Amend Section C503.5 to add the following Exception 2:

Exception 2: If change of occupancy or use which will increase fuel or energy use requires renovations that are more than twenty five percent (25%) of the area of the space then that renovate portion of the building must meet all requirements in Section C405 (Electrical Power and Lighting System).

19. Amend Section R101.1 Entitled “Title” So When Amended It Shall Read As Follows:

R101.1 Title. This code shall be known as the 2021 Memphis and Shelby County Energy Conservation Code and shall be cited as such. It is referred to herein as “this code.”

20. Delete Section R104 Entitled “Fees” And All Subsections Under It And Reserve the Section Number So That When Amended It Shall Read:

Section R104 – Reserved.

21. Amend Section R109.4 Entitled “Failure To Comply” So When Amended It Shall Read As Follows:

R109.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one dollar or more than fifty dollars.

22. Amend Section R110.1 Entitled “General” So That When Amended It Shall Read As Follows:

R109.1 General. The Memphis and Shelby County Joint Board of Appeals shall be the appeals body which is authorized to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code. It shall have the same authority and responsibilities to hear such appeals and make such determinations as is authorized in the Memphis and Shelby County Building Code.

23. Delete Section R110.2 Entitled “Limitation On Authority” Without Replacement.

24. Delete Section R110.3 Entitled “Qualifications” Without Replacement.

25. Delete Section R401.3 Entitled “Certificate” Without Replacement

26. Replace Table R402.1.3 Entitled “Insulation Minimum R-Values And Fenestration Requirements By Component” With The Table Provided Below:

TABLE R402.1.3
INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT ^a

Climate Zone	Fenestration <i>U</i> -Factor _b	Skylight <i>U</i> -Factor _b	Glazed Fenestration SHGC _b	Ceiling <i>R</i> -Factor	Wood Frame Wall <i>R</i> -Value	Mass Wall <i>R</i> -Value _g	Floor <i>R</i> -Value	Basement Wall <i>R</i> -Value	Slab <i>R</i> -Value & Depth _f	Crawl Space Wall <i>R</i> -Value _c
3	0.50 _g	0.65	0.30	30	13	5/8	19	5/13 _e	0	5/13

Footnotes

- a - *R*-Values are minimums. *U*-factors and SHGC are maximums. R-19 batts compressed into normal 2X6 framing such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-Value in addition to full thickness *R*-value.
- b - The fenestration *U*-factor column excludes skylights. The SHGC column applied to all glazed fenestration.
- c- “5/13” means 5-R continuous insulated sheathing on the interior or exterior of the home or R-13 insulation at the interior of the crawl space wall.
- d. R-5 shall be added to the required slab edge *R*-Values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zone 3 for heated slabs.
- e – Basement wall insulation shall not be required in warm-humid locations as defined by Figure R301.And Table 301.1.
- f- The second *R*-value applies when more than half the insulation is on the interior of the mass wall.
- g- For impact rated fenestration complying with Section R301.2.1.2 of the International Residential Code or Section 1609.1.2 of the International Building Code, the maximum *U*-factor shall be 0.65.

27. Amend Section R402.2.4 Entitled “Access Hatches And Doors” By Deleting the entire section and replacing with the following:

R402.2.4 Access hatches and doors. Access hatches from conditioned spaces to unconditioned spaces such as attics and crawl spaces shall be weatherstripped.

28. Amend Section R402.2.4.1 Entitled “Access Hatches And Door Insulation Installation and Retention” By Deleting the entire section after the word “equipment” to read as follows:

R402.2.4 Access hatches and door insulation installation and retention. Vertical or horizontal and doors from conditioned spaces to unconditioned spaces such as attics and crawl spaces shall be weatherstripped. Access that prevents damaging or compressing the insulation shall be provided to all equipment.

29. Amend Section R402.3.3 Entitled “Glazed Fenestration Exemption” By Inserting “45 Square Feet (4.2 M²) In Place Of “15 Square Feet (1.4m²) So When It Is Amended The Section Shall Read As Follows:

R402.3.3 Glazed fenestration exemption. Not Greater than 45 square feet (4.2 M²) of glazed fenestration per dwelling unit shall be exempt from the *U*-factor and SHGC requirements in Section R402.1.2. This exemption shall not apply to the Total UA alternative in Section R402.1.5.

30. Delete Existing Table R402.4.1.1 Entitled “Air Barrier, Air Sealing And Insulation Installation” And Replace It With The Table Provided Below:

**TABLE R402.4.1.1
AIR BARRIERS AND INSULATION INSTALLATION COMPONENT CRITERIA”**

COMPONENT	CRITERIA
Air Barrier and Thermal Insulation	Exterior thermal envelope insulation for framed walls is installed in substantial contact or continuous alignment with the building envelope air barrier Breaks or joints in air barrier are filled and repaired. Air-permeable insulation is not used as a sealing material. Air-permeable insulation is inside of an air barrier.
Ceiling/attic	Air Barrier in dropped ceiling/soffit is substantially aligned with insulation an any gaps are sealed. Attic access (except unvented attic), knee wall door, or drop down stair is sealed.
Walls	Corners and headers are sealed. Junction with foundation and sill plate is sealed.
Windows and doors	Space between windows/door jams and framing is sealed.
Rim Joists	Rim joints are insulated and include air barrier.
Floors (including above garage and cantilevered floors)	Insulation installed to maintain permanent contact with underside of subfloor decking Air Barrier is installed at any exposed edge of insulation.
	Insulation is permanently attached to walls.

Crawl space walls	Exposed earth in unvented crawl space is covered with Class 1 vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled with sprayed or blown insulation.
Garage separation	Air sealing is provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures are air tight, IC rated, and sealed to drywall. Exception – Fixtures in conditioned space.
Plumbing and wiring	Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.
Shower/tub on exterior wall	Showers and tubs on exterior wall have insulation and an air barrier separating them from the exterior wall.
Electrical/phone box on exterior walls	Air barrier extends behind box or air sealed-type boxes are installed.
Common Wall	Air barrier is installed in common wall between dwelling units.
HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.
Fireplace	Fireplace walls include an air barrier.

31. Delete Section R402.4.1.2 402.4.1.3 Entitled “Testing” In Its Entirety With No Replacement.

32. Delete Section R402.4.1.3 Entitled “Leakage rate” In Its Entirety With No Replacement.

33. Amend Section R402.4.2 Entitled “Fireplaces” By Deleting The Phrase “And Outdoor Combustion Air” Without Replacement So When Amended It Shall Read As Follows:

R402.4.2 Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers or doors. Where using tight-fitting doors on factory-built fireplaces listed and labeled in accordance with UL 127, the doors shall be tested and listed for the fireplace. Where using tight-fitting doors on masonry fireplaces, the door shall be listed and labeled in accordance with UL 907.

34. Delete Section R403.3.5 Entitled “Duct Testing” Without Replacement.

35. Delete Section R403.3.6 Entitled “Duct Leakage” Without Replacement.

36. Amend Section R403.3.7 Entitled “Building Cavities” By Adding The Phrase At The End Of The Existing Language “Except For Return Air On Interior Walls.” So When Amended It Reads As Follows:

R403.3.5 Building cavities. Building framing cavities shall not be used as ducts or plenums except for return air on interior walls.

37. Delete Section R403.5.1 Entitled “Heated Water Circulation And Temperature Maintenance Systems” To remove the first sentence so when amended it shall read as follows:

R403.5.1 – Heated water circulation and temperature maintenance systems. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be in a location with access. Manual controls shall be in a location with ready access.

38. Delete Section R403.5.1.1. Entitled “Circulation Systems” without replacement

39. Delete Section R403.5.1.1.1 Entitled “Demand Recirculating Water Systems” without replacement.

40. Amend Section R403.6 Entitled “Mechanical Ventilation” By Deleting The Last Sentence In So That When Amended Its Shall Read As Follows:

R403.6 Mechanical ventilation. Buildings and dwelling units shall be provided with ventilation that meets the requirements of the *International Residential Code* or *International Mechanical Code*, as applicable or with other approved means of ventilation.

41. Delete Sections R403.10 Entitled “Energy Consumption of Pools And Spas” And All Of Its Subsections (R403.10.1, R403.10.2, R403.10.3), R403.11 Entitled “Portable Spas” And R403.12 Entitled “Residential Pools And Permanent Residential Spas” Without Replacement.

42. Amend Section R404.1 Entitled “Lighting Equipment” by replacing “All” with “Not less than 75 percent” in the two places it appears in this section so that when amended it shall read as follows:

R404.1 Lighting equipment (Mandatory). Not less than 75 percent of permanently installed lighting fixtures, excluding kitchen appliance lighting fixtures, shall contain only high-efficiency lighting sources.

Exception: Low voltage lighting.

43. Delete Section R404.1.2 Entitled “Fuel Gas Lighting Equipment” Without Replacement.

44. Delete Section R404.2 Entitled “Interior Lighting Controls” without replacement.

45. Delete Section R405.3.2.1 Entitled “Compliance Report For Permit Application” And Section R405.3.2.2 Entitled “Compliance Report For Certification Of Occupancy” In Their Entirety Without Replacement, But Showing The Section Numbers As “Reserved” To Preserve Numbering Consistency Of The Remaining Sections. So When Amended They Shall Read:

R405.4.3.1 - Reserved.

R405.4.3.2 - Reserved.

46. Delete Existing Section R502.2 Entitled “Change In Space Conditioning” And Replace It With The Following:

R502.2 Change in space conditioning- Any nonconditioned space which is altered to become conditioned space shall be required to be brought into full compliance with the envelope insulation requirements of Section R402.1.2 this code.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 10/19/2021
DATE**

**PUBLIC SESSION: 10/19/2021
DATE**

**FIRST READING: 09/21/21
DATE**

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Electrical Code.

CASE NUMBER: n/a

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: John Zeanah, Division Director

REQUEST: Adopt amendments to the Memphis and Shelby County Electrical Code.

AREA: This amendment affects all property within the City of Memphis and unincorporated Shelby County.

RECOMMENDATION: Division of Planning and Development: Approval

PRIOR ACTION ON ITEM:

n/a APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<i>CHIEF ADMINISTRATIVE OFFICER</i>
_____	_____	<i>COMMITTEE CHAIRMAN</i>



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A JOINT ORDINANCE AMENDING THE JOINT ELECTRICAL CODE OF MEMPHIS AND SHELBY COUNTY SO AS TO ADOPT THE 2020 EDITION OF THE NATIONAL ELECTRICAL CODE WITH LOCAL AMENDMENTS AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Ordinance will amend 2012 Electrical Code adopted on December 4, 2018.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution does not require an expenditure of funds or budget amendment.



JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AMENDING THE JOINT ELECTRICAL CODE OF MEMPHIS AND SHELBY COUNTY SO AS TO ADOPT THE 2020 EDITION OF THE NATIONAL ELECTRICAL CODE WITH LOCAL AMENDMENTS AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.

WHEREAS, The Board of Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis previously adopted the 2014 edition of the *International Code Council Electrical Code* with certain local amendments thereto, now collectively known as the 2018 Joint Electrical Code of Memphis and Shelby County; and

WHEREAS, The International Code Council will no longer update its edition of a model electrical code, depending instead on the provisions of the *National Electrical Code* (NEC) to provide the appropriate technical standards for regulation of both residential and commercial electrical system design and installation; and

WHEREAS, The Office of Construction Enforcement, with the review and advice of the Memphis and Shelby County Electrical Code Advisory Board, has determined that certain additions and modifications to this model code are necessary or advisable to make it more appropriate for this jurisdiction, including the administrative provisions previously found in Chapter One of the *ICC Electrical Code* that regulate local licensing and registration of Electrical Contractors and others involved in providing electrical installation and repair services; and

WHEREAS, Copies of the 2020 Edition of the National Electrical Code have been placed in the Offices of the Minutes Clerks of both the Shelby County Commission and the Memphis City Council for public review before their adoption by reference, as required by state law; and

WHEREAS, Every effort has been made to streamline and reduce local exceptions to allow a greater understanding of the requirements by all those involved in conducting electrical design, installation, repair, or replacement in Shelby County while improving the safety that is designed and

constructed into these systems.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That the 2018 Memphis and Shelby County Electrical Code is repealed in its entirety on the effective date of this ordinance.

BE IT FURTHER ORDAINED, That the 2020 Edition of the *National Electrical Code (NEC)* is hereby adopted by reference as if set out in its entirety herein.

BE IT FURTHER ORDAINED, That local amendments, including certain amendments to the *NEC* and locally drafted Appendix A - Electrical Permit and Inspection Fees, as set forth in Exhibit A hereto, are also adopted and that together these provisions and the 2020 *NEC* shall be known as the 2021 Memphis and Shelby County Electrical Code.

BE IT FURTHER ORDAINED, That should any part of this ordinance or code be found unlawful or unenforceable by a court of competent jurisdiction that such a determination will have no effect on the remaining 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 Memphis City Council and by the Board of Commissioners of Shelby County, or if not adopted by each legislative body by that date then at the date of such adoption by the last adopting body.

Memphis

and

Shelby County

2021 Joint Electrical Code

Local

Amendments

Chapter 1 – General

Section 101 - Scope

101.1 Title - These regulations, together with the 2020 National Electric Code, shall be known as the 2021 Memphis and Shelby County Joint Electrical Code, part of the 2021 Joint Technical Code for Memphis and Shelby County hereinafter referred to as "this code."

101.2 Intent. – The purpose of this code is to establish and provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of material, location, operation, and maintenance or use of electrical systems and equipment.

101.3 Scope The provisions of this code shall apply to and regulate the design, construction, installation, alteration, repairs, relocation, replacement, addition to, use or management of electrical systems and equipment.

101.4 Quality Control - Quality control of materials and workmanship is not within the purview of the Technical Codes except as it relates to the purposes stated herein

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 the adoption of the Technical Codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

Section 102 - Applicability

102.1 General - The provisions of this code shall apply to all matters affecting or relating to structures and premises as set forth in Section 101.

102.1.1 Existing Installations - Except as otherwise provided for in this chapter, a provision in this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, existing electrical systems and

equipment legally installed at the time of the adoption of this code.

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

102.1.3 Additions, Alterations or Repairs - Additions, alterations, renovations or repairs to electrical systems shall conform to the provisions of the International Existing Building Code as amended locally, and this code as applicable. Additions, alterations or repairs shall not cause an existing installation to become unsafe, hazardous or overloaded.

Minor additions, alterations, renovations and repairs to existing installations shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved

[EB] 102.1.4 Change In Occupancy – The provisions of *the International Existing Building Code*, as locally amended, shall apply to all buildings undergoing a change in occupancy.

102.1.5 Electrical Service Hazards – Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of, inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reason, the Building Official shall require the defects to be corrected to eliminate the hazard.

102.1.6 Historic Buildings - The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be

mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

102.1.7 Moved Buildings - Except as determined by Section 102.1.1, installations that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations

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

102.3 Other Laws – The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

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

102.5 Application Of References – References to chapter or section number, or to provisions not specifically identified by number, shall be construed to refer to such chapters, sections, or provisions of this code.

102.6 Referenced Codes And Standards – The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes or standards, the provisions of this code shall apply.

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

102.7 Appendices Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

Appendix A – **Electrical Permit and Inspection Fees**

102.8 Subjects Not Regulated By This Code Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with the applicable requirements of nationally recognized standards, as are approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the Building Official to determine compliance with the codes or standards for those activities or installations within the Building Official’s jurisdiction or responsibility.

102.9 Exemptions

102.9.1 Power Facilities On Easement - Electrical transmission primary and secondary lines in underground conduits, power distribution substations, transformer stations, transformer vaults on poles and primary metering and switching facilities owned by public utilities, when such work is performed by employees of MLGW within their easement, shall be exempt from the Technical Codes.

102.9.2 Low Voltage - Communication and alarm circuits and low voltage power sources directly connected to, and necessary for, the operation of the communication circuits owned by the regulated utility companies supplying the County or inhabitants thereof with telephone, telegraph or communication services, when work is performed by employees of the utilities and on facilities owned by the utilities or within the public right of way shall be exempt from the Joint Technical Codes.

102.9.3 Compliance With Code - All licensed or certified State Contractors who contract directly with Memphis Light Gas and Water Division (MLGW) shall comply with the procedures listed below:

1. Such contractors shall comply with the provisions of Technical Codes, in that they shall be licensed and registered in the appropriate area

to install work in the City of Memphis and in Shelby County.

2. The contractor shall obtain permits for the work to be installed under the contract with the MLGW and the contractor shall pay a permit fee as established in Appendix A.

102.10 Code Does Not Affect Liability For Damages.

102.10.1 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.

102.10.2 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.

Chapter 2 Definitions

Section 201- General

201.1 Scope - Unless otherwise expressly stated, the following words and terms shall for the purposes of this code, have the meanings indicated in this chapter.

201.2 Interchangeability - Words used in the present tense include the future, words in the masculine gender include the feminine and neuter, the singular number includes the plural and the plural, the singular.

201.3 Terms Defined In Other Codes -Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Energy Conservation Code, International Residential Code, International Plumbing Code or NFPA 70, such terms shall have meanings ascribed to them as in those codes.

201.4 Term Not Defined - Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 202 - General Definitions

Approved - Approved by the Building Official or other authority having jurisdiction.

Approved Agency - An established and recognized agency regularly engaging in conducting tests or furnishing inspections services, where the agency has been approved by the Building Official.

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

Chief Appointing Authority – Wherever 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 the County of Shelby Tennessee.

Code Official - Whenever the term “Code Official” is used it shall mean the Building Official.

Commercial, Industrial and Institutional Electrical Maintenance Electrician – The term Commercial, Industrial and Institutional Electrical Maintenance Electrician is defined to include any person having in his charge the maintenance of electrical systems, plants, building or places.

Electrical Contractor – Whenever the term Electrical Contractor is used in the Electrical Code herein adopted, it shall mean an Electrical Contractor who holds a current license issued by the Office of Construction Code Enforcement or a properly registered Certified State Contractor.

Electrical Contractor, Certified - Certified Electrical Contractor is defined as an electrical or specialist contractor who has received a license from the Tennessee State Contractor Licensing Board after passing an examination to qualify for certification as an electrical or specialist contractor and complied with the registration procedures established herein and Chapter 4.

Electrical Section – Whenever the term “electrical section” is used in this code, it shall mean the electrical section of the Memphis and Shelby County Office of Construction Code Enforcement.

Electrical or Specialist Contractor - The term Electrical or Specialist contractor as used in this code is defined to include any person, firm or corporation properly licensed or registered to engage in the business of installing, erecting, altering, repairing or contracting to install, erect, alter or repair electric wires, conductors, material, machinery, apparatus or systems used for the transmission of electrical power or electric light, heat, power control or signal purposes.

Employee - Whenever the word “employee’ is used in the Technical Codes herein adopted, it shall mean a person working directly for a licensed and/or registered contractor for wages or salary subject to federal and/or state payroll tax laws.

Employment - Employment shall be defined as set forth in the rules and regulations of the United States Internal Revenue Service.

Industrial Plant Electrician - The term industrial plant electrician is defined to include any person licensed and regularly employed by an industrial manufacturing plant operated in Shelby County for the purposes of maintaining the existing electrical equipment of said plant. Every Industrial Plant Electrician is required to have an Industrial Plant Electricians License.

Journeyman Electrician – The terms Journeyman Electrician and Lineman, as used in this code, are defined to include any individual duly licensed as Journeyman Electricians under this code to perform electrical wiring under the direction and supervision of a Master Electrician or Industrial Plant Electrician who procured the permit for the wiring being performed.

Journeyman Sign Installer – The term Journeyman Sign Installer is defined to include any person duly licensed under the Technical Codes to install, repair, or service electrical signs and fixtures under the direction and supervision of the Supervising sign installer who procured the sign or fixture permit. No Journeyman Sign Installer shall supervise direct or control more than two Apprentice Sign Installers. Each Journeyman shall be required to have a Journeyman Sign Installer License from the Memphis and Shelby County Electrical Code Advisory Board.

Licensed Contractor – A person, firm, or corporation that has properly registered with OCCE a certificate of license issued by the Tennessee Board for Licensing Contractors noted with the classification for Electrical Contracting (CE).

Listed And Listing - Equipment, appliances, or material included in a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of listed equipment, appliances and materials, and whose listing states either that the equipment appliances or materials meet nationally recognized standards, or has been tested and found suitable for use in a specific manner. Not all testing laboratories, inspection agencies and other

organizations concerned with product evaluation use the same means for identifying listed equipment, appliances or materials. Some do not recognize equipment appliances and materials as listed unless they are also labeled. The authority having jurisdiction shall utilize the system employed by the listing organization to identify a listed product.

Master Electrician - The term Master Electrician as used in this code, is defined to include any duly certified person having the general charge and supervision of the business of an Electrical Contractor, whether on his own account or as the manager or superintendent of a licensed Electrical Contractor. Every Master Electrician shall be required to have a Master Electrician's License issued by the Building Official.

Occupancy - The purpose for which a building or part thereof, is utilized or occupied.

Right of Control - When the term right of control is used it shall be understood to mean right of control according with Tennessee Law, statutory and common, relating to partnership and business law.

State of Tennessee Certified Licensed (CE & CEC) Contractors – A person, firm, or corporation that holds an electrical contractor's license issued by the State of Tennessee.

Supervising Sign Installer – The term Supervising Sign Installer is defined to include any person licensed to install, alter, repair and service illuminating signs, including outdoor on-premises signs or secondary wiring required for indoor signs such as neon and outline lighting and the assembling installing, and wiring of electric light fixtures where such fixtures can be attached to existing outlets which have been properly installed by a licensed and bonded Electrical Contractor. All such work shall be performed in strict accordance with this code.

Wiring Defined – Interior and exterior wiring, including power, lighting, control, and signal wiring together with all their associated hardware, fittings, and wiring devices, both permanently and temporarily installed. This includes (a) wiring from the service point or power source or (b) wiring from and including the power source to the outlets where there is no service point. Such wiring does not include

wiring internal to appliances luminaires, motor controllers, motor control centers, and similar equipment where that wiring is installed in listed equipment by the manufacturer.

Chapter 3 - Organization and Enforcement

Section 301 - Creation Of Enforcement

Agency - Joint Resolution/Ordinance #3333 was adopted and approved by the City of Memphis and the Shelby County legislative bodies, to create the Memphis and Shelby County Office of Construction Code Enforcement (MSCCE). This is a joint agency charged with enforcement of the Memphis and Shelby County Building Code, (including the Existing Building Code, Residential and Energy Conservation Code referenced therein), the Memphis and Shelby County Mechanical Code, the Memphis and Shelby County Fuel Gas Code, the Memphis and Shelby County Plumbing Code and this Code, which are to be known as the 2021 Memphis and Shelby County Technical Codes.

301.1 Employee Qualifications

301.1.1 Building Official Qualifications – As established by Ordinance 3333

301.1.2 Chief Inspector Qualification – The Building Official, with the approval of the Administrator, may designate chief inspectors to administer the provisions of the 2021 Memphis and Shelby County Technical Codes. The qualifications of the Chief Inspectors shall be as established by Ordinance #3333.

301.1.3 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.

Section 301.2 Appointment - The Building Official shall be appointed by the Chief appointing authority of the jurisdiction.

Section 301.3 Deputies - In accordance with the prescribed procedures of this jurisdiction, and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a deputy Building Official, the related technical officers, inspectors, plans examiners, and other employees. Such employees shall have powers as delegated by the Building Official. For employee minimum qualifications, see Shelby County Administration Job Class Master.

Section 302 - Duties And Powers Of The Building Official

302.1 General - The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policy procedures rules and regulations shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

302.2 Local Policies And Procedures - The Building Official shall have authority as necessary in the interest of public health, safety, and general public welfare, to adopt and enforce local policies and procedures and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving requirements specifically provided for in this code or in violating accepted engineering methods involving public safety.

302.3 Application And Permits - The Building Official shall receive applications, review construction documents and issue permits for the design maintenance and installation of electrical systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

302.4 Notices And Orders – The Building Official shall issue all necessary notices or orders in accordance with Chapter 10 as required to effect compliance with this code.

302.5 Inspections – The Building Official shall make all of the inspections necessary to determine compliance with the provisions of this code in accordance with Chapter 7.

302.6 Identification - The Building Official shall carry proper identification as required by Section 702.4.1.

302.7 Right Of Entry - The Building Official shall be authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code in accordance with Section 702.4.

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

302.8 Department Records - The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, notices and orders issued, and as required by this code, such records shall be retained in the official records for the period required for retention of public records.

302.8.1 Approval And Modifications. - A record of approvals and modifications granted shall be maintained by the Building Official and shall be available for public inspection during business hours in accordance with applicable laws.

302.8.2 Inspections - The Building Official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each...

302.8.3 Alternative Methods Or Materials - The application for modification, alternative methods or materials, and the final decision of the Building Official shall be in writing and shall be officially recorded in the permanent record of the Building Official.

302.9 Liability - The Building Official, officer or employee or member of the Joint Board of Appeals or Electrical Code Board, charged with the enforcement of this code, while acting for the jurisdiction in the discharge of the duties required by this code or other pertinent law or ordinance, shall hereby be relieved from all personal liability accruing to persons or property as a result of any act or omission in the discharge of his duties. Any suit instituted against any officer or employee or member, performed by him in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representation of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate or Board

member shall not be liable for costs of any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any official, officer or employee or board member, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection thereto.

302.10 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 specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with the duties or conflicts, or may appear to conflict, with the interest of the department.

Section 303 - Certificate

303.1 Use And Occupancy/Certificate Of Occupancy - No building or structure shall be used or occupied until a certificate of occupancy has been provided in accordance with the *International Building Code*, as locally amended.

303.1.1 Building Occupancy - A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until the Building Official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the Technical Codes and other applicable laws and ordinances and released by the Building Official.

303.1.2 Issuing Certificate Of Occupancy - Upon satisfactory completion of construction of a building or structure, the installation of electrical, gas, mechanical, and plumbing systems in accordance with the Technical Codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a certificate of occupancy stating the nature of occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in

accordance with the provisions of the Technical Codes.

303.1.3 Temporary/Partial Occupancy – A temporary/partial occupancy may be issued for a portion or portions of a building, which may safely be occupied prior to (final installation) completion of the building upon the approval of the Building Official.

303.2 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.

Chapter 304 Interior Wiring Out Of Service; Meter Put Back.

304.1 Prohibition - No system, or installation of interior electrical wiring, in any residential building that has been out of service for 365 days or more, or any commercial property that has been out of service for 90 days or more, shall be energized without re-inspection by, and a certificate issued from, the Building Official. In emergency situations, the inspector is authorized to issue a temporary certificate, until re-inspection can be made. This section shall apply to new buildings which have never been occupied as well as buildings which are vacant after having been previously occupied.

304.1.1 Owner/Tenant Request For Re-inspection – The owner or tenant of any building needing a re-inspection under this section may apply to the Building Department for such re-inspection and will pay a fifty (\$50.00) dollar fee for one inspection by the Department. Should the Department determine that repairs are needed to return a system to a compliant condition; a licensed and/or registered electrical contractor will be required to conduct the work after having applied for a new permit to conduct the work identified in the Department inspection. The minimum fee for minor repair conducted under this section shall be fifteen (\$15.00) dollars, exclusive of any surcharges, but if this amount is exceeded using the standard fee ordinance provisions, the higher fee shall be charged.

304.1.2 Contractor Request For Re-inspection

– Any contractor hired by an owner/tenant to conduct permitted work at a location which has been out of service for the time periods indicated above, but prior to Department re-inspection, must identify in his application for a permit that a meter put back is required. The contractor shall be charged the appropriate re-inspection fee in addition to any repair work related fee, beyond minor repair, based on the work to be conducted, with a minimum additional fee of fifteen (\$15.00) dollars, exclusive of any surcharges.

304.1.3 Minor Repairs For purposes of this section only, minor repair shall include strapping, replacement of switches, receptacles, light fixtures, reconstruction or replacement of ground rod clamps, labeling and installation of device plates.

Chapter 4 - Permits And Fees

Section 401 - General

401.1 Permits Required – Permits required by this code shall be obtained from the Building Official. Permit fees, if any, shall be paid prior to issuance of the permit.

401.2 Types Of Permits - Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical systems or equipment, 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 for the work.

Exception: – Where repair or replacement of electrical systems or equipment must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Electrical Section.

401.3 Work Exempt From Permit - The following work shall be exempt from the requirements for a permit:

1. Listed cord and plug connected temporary decorative lighting
2. Reinstallation of attachment plug receptacles, but not the outlets therefore.
3. Temporary wiring for experimental purposes in suitable experimental laboratories

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

401.4 Issuing Permits

401.1.1 Only to Licensed/Registered Contractors Permits shall be issued to licensed and/or registered contractors only. The work authorized by the permit shall be performed by personnel meeting the requirements of 401.1.1, or 401.1.2.

401.1.1.1 Employees of a Licensed Contractor - Work shall be performed by employees of the permit holder or employees of another licensed and/or registered contractor.

401.1.1.2 Temporary Labor Work shall be permitted to be performed by personnel from temporary employment agencies where work is performed under the direct supervision of an employee of a licensed and/or registered contractor.

Exception No. 1 to 401.1: A homeowner shall be permitted to apply for a permit to install and maintain the wiring system of a single-family dwelling that is to serve as his/her principal dwelling unit provided the following conditions are met:

- (1) The applicant shall provide documentation confirming that the dwelling unit will serve as his/her principal residence and is not intended for rent, lease, or resale.
- (2) The applicant shall demonstrate competency in the requirements of the Technical Codes relating to residential wiring installations by scoring a minimum of 70 percentile on an examination approved by the Electrical Code Board and administered by the Building Official.
- (3) The work is performed solely by the homeowner or his/her immediate family.

Note: The applicant shall be permitted to take the exam a maximum of three times within a 6 month period. There shall be a minimum of 10 business days between exams. The first exam shall be administered at no charge; subsequent examinations shall be administered for a fee of \$25.00. Not more than one permit shall be issued to any one individual in any two year period.

Exception No. 2 to 401.1: An HVAC/Electrical permit shall be permitted to be issued to a licensed mechanical contractor. The permit shall authorize the permit holder to perform work on load side of the disconnecting means required by Section 440.14 of the NEC. Where the disconnecting means is integral to the equipment the mechanical contractor shall be permitted to terminate the branch circuit conductors to the line side of the disconnecting means.

401.1.2 Refusal To Issue Permit - If the application for a permit, and the accompanying contract document describing the work, do not conform to the requirements of the Technical Codes or pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall include a written explanation of the reasons for refusal.

Section 402 – Application

402.1 General - The Building Official is authorized to receive applications for and issue permits as required by this code.

402.2 Application – Application for a permit required by this code shall be made to the Building Official in such form and detail as prescribed by the Building Official. Applications for a permit shall be accompanied by such plans as prescribed by the Building Official. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical systems or equipment, or cause such work to be done, shall first hire a licensed and/or registered Contractor. Contractor shall first make applications to the Building Official and obtain the required permit for the work.

402.2.1 Permits Required For Appurtenances To Buildings And Other Structures Or 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 the fee ordinance provisions applicable to the most current Memphis and Shelby County Building Code);
2. Racking systems/Shelving (Permit and Inspection Fees are as set for in the fee ordinance provisions applicable to the most current Memphis and Shelby County Building Code);
3. Process Piping System (Permit and Inspection Fees for Process Piping System will be as set forth in the fee ordinance provisions applicable to the most current Memphis and Shelby County Building Code)

402.2.1.1 Permits For Specific Structures – When multiple codes are, or may be applicable, 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
2. Temporary construction trailers
3. Elevators

Building Code/ Electric Code/ Mechanical Code

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

Building Code/ Mechanical Code/ Plumbing Code

1. Storage tank or bin

Building Code/Electric Code

1. Fire Alarms

Mechanical Code/Electric Code

1. Fire suppression systems, including commercial kitchen hoods

Fuel Gas Code/Electric Code

1. Liquefied petroleum gas systems

Permit and inspection fee shall be as set forth in the Fee ordinance and the appropriate Appendix abstracting this Ordinance...

402.2.3 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.

402.2.4 Information Required - Such application for a permit shall be filed with the Building Official on a form furnished for that purpose and shall contain a general description of the proposed work and its location.

402.2.4.1 Electrical – Electrical permit applications shall be signed by the contractor, or an authorized agent with power of attorney. Power of Attorney shall be limited to two authorized agents only. To register an agent the contractor shall submit a Special Power of Attorney form for each prospective agent. The form shall be notarized and signed by the company owner or qualifying agent. Agents shall remain valid until their authority is revoked by the owner or qualifying agent in writing to the CCE Licensing Department.

402.3 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 pertinent laws, the Building Official shall reject such application in writing, stating the reason 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.

Section 403 Conditions

403.1 Conditions of A Permit - A permit shall constitute permission to conduct work as set forth in this code in accordance with the provisions of this code. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

403.2 Expirations - Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within six months after its issuance, or if the work is suspended or abandoned for a period of six months after the time the work is commenced. Works shall be considered suspended or abandoned if an approved inspection has not been made within a 6 month period.

403.3 Extensions - The Building Official is authorized to grant, in writing, one or more extensions of the time period of the permit for periods of not more than 90 days each. Such extensions shall be requested by the permit holder, in writing, and justifiable cause demonstrated.

403.4 Reserved

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

The issuance of a permit based upon construction documents and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations from being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction. The inspection or permitting of an 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.

403.6 Information On The Permit - The Building Official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the Building Official.

403.7 Suspension Or Revocation - The Building Official is authorized to suspend or revoke a permit, under the provisions of this code, wherever the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information; in violation of any ordinance, 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.
8. The work is being performed by personnel that are not employees of the firm to which the permit was issued unless otherwise permitted by Section 401.4.1.

403.8 Removal Of Defective Work. –

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

403.9 Code Not Affecting Liability For Damages –

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

403.9.1 For The Benefit Of The Public - 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, and any official or employee, or board member charged with the enforcement of the Technical Codes acting for the City or 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 damages 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

403.10 False Representation

403.10.1 General - It shall be a violation for any person engaged in the installation of electrical work to exhibit any sign or advertise in any media representing himself to be other than that for which he has been licensed as required by the Technical Codes.

403.10.1.2 Advertisements In License Name

Only - It shall be a violation for any person, firm or corporation or any other business that engages in, seeks to engage in, or follows the business or occupation of contracting, to advertise in any form or media under any name other than the same company name on the application the licensed or certified State contractor has on file with the Office of Construction Code Enforcement..

403.10.1.3 Representation As An Inspector -

It shall be a violation for persons not employed by the authority having jurisdiction established by the state statute and local codes or ordinances to represent themselves to the public as an inspector.

403.10.2 Licensed Engineers And Contractors

- This does not preclude licensed engineers and contractors from making inspections as required in performing their duties.

403.10.3 Fine For Violation -

Any person, firm, or corporation who violates any provision of Section 403.10 shall be punished by a fine of not more than \$50 for each offense. Each day during which a violation continues shall be a separate offense.

403.11 Concealing Improper Or Defective Electrical Systems –

Any person intentionally concealing from view improperly connected joints or any defective or substandard construction work shall be guilty of a violation and punishable by a penalty as determined the limits of this code.

403.12 Permits Issued On The Basis Of Affidavit -

Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation

under conditions, which in the opinion of the Building Official, are hazardous or complex, the Building Official shall require the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise the work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the Technical Codes. In the event such engineer or architect is not available, the owner shall employ in their stead a competent person or agency whose qualifications are reviewed by the Building Official.

403.13 Contractor's Responsibilities

403.13.1 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 electrical contractor shall file with the Building Official at its initial licensing, registration or first renewal of same after the effective date of this section, a bond, on a form acceptable to the Building Official, in the penal sum of \$25,000, and issued by an incorporated insurance company authorized to do business in the State of Tennessee. Upon arrival of said bond, the person desiring to do such work shall secure from the Office of Construction Code Enforcement, a registration to do business, which shall run concurrent with the fiscal policy of such authority. When a single legal entity maintains two or more licenses or registrations with Office of Construction Code Enforcement, the total penal sum of the bond for all such licenses shall not exceed \$50,000. A single bond may be used to meet this requirement.

403.13.1.1 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 done for inspection by the Building Official in conformity with the Technical Codes.

403.13.1.2 Duration – Such bond shall be continuous and remain in effect every year

thereafter, unless canceled by providing 60 days, or 30 days in the event cancellation is for non-payment of premium, written notice to the principal and obligee. Immediately upon receiving written notice of cancellation, the Building Official shall require that a new bond be furnished. The proper bond form will be provided by the Building Official.

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

403.13.2 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.

403.13.4 Vehicle Used By Electrical Contractors To Have Signs Identifying Ownership.

403.13.4.1 Owned Vehicles – All trucks and similar vehicles used in the conduct of electrical work by electrical contractors or their employees shall have signage conspicuously displayed on both sides of the vehicle as prescribed by sections 403.13.4.1.1, or 403.13.4.1.2. The signage shall include the full name of the firm utilizing the vehicle in lettering not less than 2-inches in height and the MSC Registration number in lettering not less than 1-1/2 inches in height. Violations of this section are subject to the penalties prescribed by Chapter 10.

403.13.4.1.1 Company Owned Vehicles - The signage shall be painted or shall be permitted to be a decal affixed to the side of the vehicle with adhesive backing.

403.13.4.1.2 Temporary, Leased, or Employee's Vehicles - The signage shall be permitted to be temporary and affixed to the vehicle by any means acceptable to the owner or operator. Where employees of the contractor use

their personal vehicles for the conduct of electrical work, the contractor is responsible for compliance with this section.

Section 404 - Fees

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

404.2 Schedule Of Permit Fees – A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fees for electrical work shall be as indicated in the most current fee ordinance as set out in Appendix A.

404.3 Work Commencing Before Permit Issuance - Any person who commences any work before obtaining the necessary permits shall be subject to a fee established by the Building Official that shall be in addition to the required permit fee. This additional fee shall be 100% of the usual permit fee.

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

404.5 Refunds – The Building Official is authorized to establish a refund policy.

Chapter 5 - Construction Documents

Section 501- General

501.1 Submittal Documents – Construction documents, special instructions and structural observation programs, and other necessary data shall be submitted in four sets with each application for a permit. The Construction Documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional. **Exception:** The Building Official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

501.1.1 Design Professional - The design professional shall be an architect or engineer legally registered under the laws of Tennessee regulating the practice of architecture or engineering and shall affix his official seal to said plans, specifications and accompanying data for the following:

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

Exceptions:

1. Group R3 buildings, regardless of size, shall require neither a registered architect nor engineer, nor a certificate that an architect or engineer is not required.
2. The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

501.2 Information On Construction

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

501.2.1 Penetrations - Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the materials and methods for maintaining required structural safety, fire resistance ratings and fireblocking.

501.2.2 Load Calculations. – Where an addition or alteration is made to an existing electrical system, an electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.

Section 502 Examinations of Documents

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

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

502.2.1 Previous Reviews – This code shall not require changes in the construction documents, construction or installation of electrical systems or equipment for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 day of the effective date of this code and has not been abandoned.

502.2.2 Phase Review – The Building Official is authorized to issue a permit for the construction of part of an electrical system before the construction documents for the electrical system have been submitted, provided that, adequate information and detailed statements have been filed complying with pertinent requirements of the code. The holder of such permit may proceed at the holder’s risk with the building operation and without assurance a permit for the entire system will be granted.

Section 503 - Design Professional In Responsible Charge

503.1 General – Where it is required that documents be prepared by a registered design professional, the Building Official shall require the owner to engage and designate on the permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall be permitted to designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the system.

Section 504 - Handling Submittals

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

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

Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall

review then and forward them to the Building Official with a notation indicating the deferred submittal documents have been reviewed and they have been found to be in general compliance with the design of the system. The deferred submittal items shall not be installed until the design and submittal documents have been reviewed by the Building Official.

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

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

Chapter 6 -Approval

Section 601- General

601.1 Approved Material and Equipment - All materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

601.1.1 Technical Assistance - To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the department, the Building Official is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion or report. The opinion or report shall be prepared by a qualified engineer, specialist, laboratory, or organization acceptable to the Building Official and shall analyze the properties of the design, operation, or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The Building Official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

601.2 Modifications - Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, provided that the Building Official shall first find that special individual reasons make the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the Office of Construction Code Enforcement.

601.3 Alternative Materials, Methods, Equipment, and Appliances - The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided any such alternative has been approved. An alternative material or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and

that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where approved by the Building Official, the use of later editions of the National Electrical Code shall be permitted where it can be determined that an equivalent degree of protection required by this code can be achieved.

601.4 Material, Equipment, And Appliance Reuse Material, equipment, appliances, and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

Section 602 –Testing

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

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

602.3 Test Agency - All tests shall be performed by an approved agency.

602.4 Test Reports - Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

Section 603 - Alternative Engineered Design

603.1 General. – The design, documentation, inspection, testing, and approval of an alternative engineered design electrical system shall comply with this section.

603.2 Design Criteria - An alternative engineered design shall conform to the intent of the provisions of this code and shall provide equivalent level of quality, strength, effectiveness, fire resistance, durability and safety. Materials, equipment, or components

shall be designed and installed in accordance with the manufacturer's installation instructions.

603.3 Submittal - The registered design professional shall indicate on the permit application that the electrical system is an alternative engineered design. The permit and permanent permit records shall indicate that an alternative engineered design was part of the approved installation.

603.4 Technical Data – The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineered design and to prove the performance meets the intent of this code.

603.5 Construction Documents - The registered design professional shall submit to the Building Official two complete sets of signed and sealed construction documents for the alternative engineering design. The construction documents shall include floor plans and a diagram of the work.

603.6 Design Approval - Where the Building Official determines the alternative engineered design conforms to the intent of this code, the electrical system shall be approved. If the alternative engineered design is not approved, the Building Official shall notify the registered design professional in writing stating the reasons therefore.

603.7 Inspections And Testing – The alternative engineered design shall be tested and inspected in accordance with the requirements of this code.

Chapter 7 - Inspections and Testing

Section 701 General

701.1 General - The Building Official is authorized to conduct inspections that are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspections by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinions as deemed necessary to report upon unusual, detailed, or complex technical issues subject to the approval of the governing body.

Section 702 - Required Inspections

702.1 General - The Building Official, upon notification, shall make the inspection set forth in this section.

Exception: Building and structures as defined by the State Modular Act are exempt from inspections set forth in this section.

702.1.1 Evaluation And Follow-up Inspection

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

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

702.1.1.2 Follow-up Inspection – Except where ready access is provided to electric systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the Building Official shall conduct the in-plant inspections as frequently as

necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the Building Official with the follow-up inspection manual and a report of inspections upon request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

702.1.1.3 Testing And Inspection Reports

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

702.1.2 Concealed Work – Work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause work to remain accessible and exposed for inspection purposes. Wherever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the Building Official shall have the authority to require that such work be exposed for inspection. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

702.1.3 Underground - Underground inspection shall be made after trenches or ditches are excavated and bedded, piping, and conductors installed and before backfill is put in place. Where excavated soils contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selective materials, approved running board, sleeves or other means.

702.1.4 Rough-in - Rough-in inspection shall be made after the roof, framing, firebricking and bracing are in place and all wiring and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.

702.1.5 Other Inspections - In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and

other laws that are enforced by the Office of Construction Code Enforcement.

702.1.6 Final Inspections - The final inspection shall be made after all work required by the permit is completed.

702.1.7 Approval Required - Work shall not be performed beyond the point indicated in each successive inspection and test without first obtaining the approval of the Building Official upon notification, shall make the requested inspections and tests and shall either, indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

702.2 Validity - Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspection presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

702.3 Preliminary Inspections. – Before issuing a permit, the Building Official is authorized to examine, or cause to be examined, buildings, structure, and sites for which an application has been filed. The Building Official shall be notified when the installation is ready to be inspected and is authorized to conduct the inspection within a reasonable time period.

702.4 Entry - The Building Official is authorized to enter and examine any building, structure, marine vessel, vehicle, or premises in accordance with Section 702.4.3 for the purpose of enforcing this code.

702.4.1 Identification – The Building Official shall carry proper identification issued by the governing authority where inspecting structures, premises or facilities in the performance of duties under this code and shall be identified by proper credentials issued by the governing authority.

702.4.2 Impersonation Prohibited – A person shall not impersonate the Building Official or any inspector employed by the Office of Construction Code Enforcement through the use

of a uniform, identification card, badge or any other means.

702.4.3 Right Of Entry - Where it is necessary to make an inspection to enforce the provisions of this code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code, which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable time to inspect or to perform the duties imposed by this code, provided that if such structure or premises is occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official is authorized to first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

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

702.6 Inspection Requests. - It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. It shall be the duty of the person requesting the inspection required by this code to provide access to and means of inspection of such work.

702.6.1 Maximum Number of Inspections Per Permit – The fees for a permit shall include the number of inspections specified for each applicable item in the Fee Schedule. Where more than one fee item applies to a permit, the number of inspections shall be the aggregate of the items selected. The fee for additional inspections not included in the initial permit fee shall be \$50.00 per inspection. Section 702.6.2 notwithstanding, a fee item that does not specify the number of inspections, includes all inspections necessary to complete the work.

702.6.2 Re-inspection Fee For Excessive Or Repeat Inspection Calls - When an inspector rejects an inspection of part or all of an electrical system or equipment due to the work being

incomplete, or no plainly visible street address is posted on the job site, an additional fee shall be as set forth in the Fee Ordinance and Appendix A.

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

702.6.3 When Paid – Re-inspection fees shall be paid before the next inspection

702.7 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.

702.8 Contractor’s Responsibilities – It shall be the responsibility of every Contractor who enters into contracts for the installation or repair of electrical systems for which a permit is required to comply with the adopted state and local rules and regulations concerning licensing.

702.9 Requirements Not Covered By The Code – Any requirements necessary for the strength, stability or proper operation of an existing or proposed electrical, system, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Building Official.

Section 703 Testing

703.1 General – Electrical work shall be tested as required in this code. Test shall be performed by the permit holder and observed by the Building Official...

703.2 Apparatus, Material And Labor For Tests - Apparatus, material and labor required for testing an electrical system, or part thereof, shall be furnished by the permit holder.

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

Section 704 Joint Technical Boards

704.1 Scope - The public safety requires that persons engaged in the following:

1. The construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such building or structures.
2. The installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto, and related accessories as covered by the Technical Codes.
3. The installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances fixtures, fitting and/or appurtenances, including ventilation, heating cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems.
4. Plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and connections to a water or sewage system,
5. And any related activity:
be qualified to perform such duties competently and in compliance with the Technical Codes.

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

704.2 Duties of the Technical Boards – The duties of the Boards shall consist of, but are not limited to, the following:

1. Approve or reject the use of new materials or assemblies of materials
2. Review and recommend changes in the Technical Codes suggested by changes in the International Codes and National Electric Code.
3. Consider and recommend changes in the Technical Codes.
4. Act as advisors to the Administrator, Building Official or the Chief Inspectors and any other way in which their service may be requested;
5. Develop orderly procedures for reviewing complaints and violations and when necessary suspending or revoking licenses issued by

Shelby County, or by suspending or revoking the permitting privileges of contractors licensed by the State of Tennessee, or otherwise disciplining person(s), firms, or corporations by charging a penalty as provided in Chapter 10 of this Code. The penalty shall be submitted to the Building Official before work is resumed.

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

704.3 Membership Of Electrical Code Board

– The Electrical Code Board shall consist of 8 appointed members, who shall serve for a period of three years with their term staggered so that no more than 4 terms expire in any 1 year. All appointed members of the Board shall be appointed by either the Mayor of Memphis or the Mayor of Shelby County and approved respectively by the City Council or the County Commission. Each Mayor will make half of the appointments. The Building Official and Chief Electrical Inspector shall serve as ex-officio members without a vote. Additionally, representatives of the Fire Marshall’s Office for the City of Memphis and for the County of Shelby, shall serve as ex-officio members without the right to vote.

704.3.1 Composition Of The Electrical Code Advisory Board

– Membership of the Electrical Code Board shall include the following:

1. Professional or Business Person
2. Electrical Contractor
3. State of Tennessee Engineer (electrical)
4. Electrical Contractor primarily doing residential work
5. Electrical Contractor primarily doing non-residential work
6. Electrician who holds master electrician or certified state licenses
7. Citizen Member
8. Memphis Light Gas and Water - Electrical Engineer Representative.

704.3.2 Ex-Officio Members - After the above categories have been appointed, the Mayors may appoint such other persons as each may deem qualified to serve as ex-officio members.

704.4 Absence of Members – During the absence of members by reason of disability or disqualification, the Administrator or Building Official shall designate a qualified substitute. However, 3 successive unexcused absences from any regular or special meetings shall be grounds

for termination at the will and pleasure of the appointing Mayor without the necessity of a hearing and such action shall be final.

704.5 Chairperson, Vice-Chairperson, and Secretary to the Electrical 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 Electrical Code Advisory Board shall serve on the Joint Board of Appeals with one vote representing their disciplines.

704.6 Meetings Of The Board – The Board shall be subject to meetings at the call of the Chairperson, the Administrator or the Building Official. Each member shall be given 3 days notice before the date of any called meeting.

704.7 Decisions And Findings Of The Board

704.7.1 Administrative Issues – The Board shall report its decisions, findings and recommendations in writing to the Administrator, who, if he approves, shall cause recommendations concerning the administration of the Office of Construction Code Enforcement to be proposed for enactment.

704.7.2 Technical Issues - The Board shall report its decisions, findings and recommendations in writing to the Building Official, who, if he approves, shall cause recommendations concerning the technical codes of the Office of Construction Code Enforcement to be enacted.

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

704.8.1 Minutes – The Administrator or Building Official shall designate one of the employees of the Office of Construction Code Enforcement to transcribe the minutes of each meeting.

Chapter 8 - Service Utilities

Codes, until the notice is complied with and approved.

Section 801 General

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

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

801.3 Authority To Disconnect Service Utilities – The Building Official shall have the authority to authorize disconnection of utility service or energy sources to the building, structure or system regulated by the Technical Codes, in case of an emergency where it is necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.

801.3.1 Connection After Order To Disconnect – A person shall not make utility service or energy source connections to systems regulated by this code, which have been disconnected or ordered to be disconnected by the Building Official, or the use of which has been ordered to be disconnected by the Building Official, until the Building Official authorizes the reconnection and use of such system.

801.4 Notification To Owner – The Building Official, or his duly authorized representative, shall notify the owner or user and the person performing electrical services in violation of the Technical Codes to correct such violations immediately or within the time designated. Failure to comply with said notice shall require the Building Official to order the serving utility to terminate part of or all utilities service supplying service to the building's wiring systems, and/or devices which are deemed by him to be in an unsafe condition, or installed in violation of the requirements of the Technical

Chapter 9 - Unsafe Systems and Equipment

Section 901 Conditions

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

901.2 Authority To Condemn Electrical Systems - Whenever the Building Official determines any electrical system, or portion thereof, regulated by this code has become hazardous to life, health or property, the Building Official shall order, in writing, such electrical system either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective electrical system after receiving such notice. Where such electrical system is to be disconnected, written notice as prescribed in this code shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

901.3 Dangerous Conditions - Whenever the Building Official shall find in any structure or upon any premises dangerous or hazardous conditions or materials, the Building Official is authorized to order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of this code.

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

901.5 Notice - If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe condition to

be removed within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.

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

Chapter 10 - Violations

Section 1001 Unlawful Acts

1001.1 General - It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any system or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Section 1002 Notice Of Violation

1002.1 Issuance – Where the Building Official finds any building, premises, vehicle, system, or equipment that is in violation of this code, the Building Official is authorized to issue corrective orders.

1002.2 Notice - Wherever the Building Official determines violations of this code, the Building Official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this code, or in violation of a detail statement or the reviewed construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

1002.3 Service - Any order or notice issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

1002.4 Compliance With Orders And Notices – Orders and notices issued, or served as provided by this code, shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains

1002.5 Failure To Correct Violation – If the notice of violation or orders are not complied with, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceeding to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of any order or direction made pursuant thereto.

1002.6 Failure To Comply – Failure to comply with an abatement notice or other corrective notice or order issued by the Building Official shall result in each day that such violation continues being regarded as a new and separate offense and penalties shall be applied as per this Code

1002.7 Prohibition Of Interference And Unauthorized Tampering – 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. Signs, tags or seals posted or affixed by the Building Official shall not be mutilated, destroyed, or tampered with or removed without authorization from the Building Official.

Section 1003 - Penalties

1003.1 Violation A Civil Offense; Civil Penalties – Any person, firm, corporation or agent who shall violate a provision of the Technical Codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any electrical system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a civil offense. Each such person shall be considered guilty of a separate offence for each and every day or portion thereof during which any violation of any of the provisions of the Technical Codes is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state law. In addition, any person who fails to comply with the provisions of this code, or who fails to carry out an order made pursuant of this code, or violates any condition attached to a permit, approval, or certificate shall

also be subject to civil penalties as established by the Electrical Board, but not to exceed \$50 per violation with each day or part thereof on which the offense is committed or continues to be considered a separate violation.

1003.2 Withholding Permits – The failure to respond to official correspondence from the Building Official, his designee or the Board, after registered mailing to the contractor’s address of record (record with the Office of Construction Code Enforcement) shall be deemed a sufficient reason to withhold permits, and every contractor shall be held responsible for the violation of the Technical Codes by his employees. Permits shall be issued only to a licensed and/or registered contractor. No permit shall be issued to any licensed and/or registered contractor during the time that he shall fail to remedy defective work or fail to call for inspections after being informed by the Building Official or his designee that he has been held responsible therefore under the Technical Codes. Any other violation of the Technical Codes shall also be grounds for withholding permits.

1003.3 Abatement of Violation – The imposition of the penalties herein described shall not prevent 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 structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

1003.4 Authority To Institute Suit – When, in the decision of the Building Official or his assistants, there has been a violation of the Technical Codes, the Building Official or any other officer, board, or properly authorized person, in addition to any other remedies provided by law and the Technical Codes, is hereby authorized to institute suit in any appropriate manner to enforce the code by issuing court summons and prevent, enjoin, or abate any violation.

Section 1004 Stop Work Order

1004.1 Issuance – Upon notice from the Building Official that any electrical work is being done contrary to the provisions of this code, or in a dangerous or unsafe manner, such work shall be immediately ceased. Such notice shall be in writing and shall be given to the

owner of the property, or the owner’s agent, or to the person doing the work. The notice shall state the condition under which the work is authorized to resume.

1004.2 Emergencies – Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work and all construction work at that location shall cease.

1004.3 Unlawful Continuance – Any person, who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person is directed to perform to remove the violation or unsafe condition, shall be subject to penalties as prescribed by law.

Chapter 11 - Means Of Appeal.

Section 1101 General

1101.1 Board Of Appeals Established - In order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this code, there is hereby created a board of appeals. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

1101.2 Limitation On Authority – An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of the code do not fully apply, or an at least equivalent method of protection or safety is proposed. The board shall have no authority to waive the requirements of this code and/or local amendment.

Section 1102 – Membership

1102.1 Membership Of Joint Board Of Appeals – The Memphis and Shelby County Joint Board of Appeals shall consist of a total of 17 members, 13 appointed 4 by their position as Chairperson or as appointed representative of other Code Advisory Boards Board and 2 ex-officio members. All appointed members of the Board shall be appointed by both the Mayors and approved by the Memphis City Council and the Shelby County Board of Commissioners. Those appointed members and representative members from other Boards, not employees of any government unit, are as per Section 1102.1.1.

1102.1.1 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. Tennessee Licensed Mechanical Engineer
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)

1102.1.2 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.

1102.1.3 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.

1102.3 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.

1102.4 Disqualification Of Members – A member shall not hear an appeal in which that member has a personal, professional, or financial interest.

1102.5 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.

1102.6 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.

1102.7 Term Of Office.

1102.7.1 Generally – 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.

1102.7.2 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.

1102.7.3 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.

1102.7.4 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.

1102.8 Quorum And Voting – A simple majority of the Board shall constitute a quorum. In varying any provision of this code, the affirmative votes of $\frac{3}{4}$ members present, but not less than five affirmative votes, shall be required. In modifying a decision of the building official, not less than five affirmative votes of the members present. In approving an equal to or better method, the majority affirmative votes shall be required. In the event that regular members are unable to attend and a quorum is not present, the Building Official shall be empowered to appoint alternative members to obtain a quorum.

Section 1103 - Procedures

1103.1 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.

1103.1.1 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.

1103.1.2 Conditions On The Variance – In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violations of the conditions of a variance shall be deemed a violation of this code.

1103.1.3 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.

1103.1.4 Notice Of Meeting – The Board shall meet as required and called by the Chairperson or the Building Official. Written notice shall be provided to all members of the time, date and location of these meeting.

1103.2 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.

1103.3 Open Hearing – All hearings before the Board shall be open to the public. The appellant, the appellant’s representative, the Building Official, and any person whose interest are affected shall be given an opportunity to be heard.

1103.4 Rules Of Procedure – The board shall adopt and make available to the public through the secretary, rules of procedure under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

1103.5 Postponed Hearings – Where five members are not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing,

1103.6 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.

The board shall modify or reverse the decision of the Building Official by an equal to or better than method of construction with a concurring vote of half the members present and for a variance to this code by a two-thirds vote of the members present.

1103.7 Resolution – A certified copy of the decision shall be sent by mail, or otherwise, to the appellant and a 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 equity.

1103.7.1 Administration – The Building Official shall take immediate action in accordance with the decision of the board.

1103.8 Court Review - Any aggrieved person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law, following the filing of the decision in the office of the chief appointing authority.

Required Insurance

1201.1 Insurance Requirements – Contractors shall have insurance equal to or exceeding the insurance required by the Tennessee Department of Commerce and Insurance. The contractor shall submit to the Building Official a certificate of insurance or a worker’s compensation policy as evidence of the existence of worker’s compensation insurance.

Exception: This section does not apply to those persons who are not required by title 50, chapter 6, of the Tennessee Code to obtain workers’ compensation coverage. To qualify for this exception the Qualifying Agent shall present or sign a Contractor’s Affidavit for Renewal or Registration as provided by Construction Code Enforcement that attest to their exemption from this requirement. The affidavit shall identify the specific exemption that applies.

Chapter 13 - Required Electrical Licenses

Section 1301 General

1301.1 License Required - Except as hereinafter provided, it shall be a violation for any person to do electrical work within the City or County unless such person is licensed or registered under the provisions of this Code.

Section 1302 Classifications - For purposes of this code, the classification of the various licenses of the electrical industry shall be as follows:

1. Electrical or Specialist Licensed Electrical Contractor – Sec. 1303
2. Certified Electrical Contractor – Sec. 1304
3. Master Electrician – Sec. 1305
4. Specialist:
 - 4.1 Industrial Plant Electrician –Sec 1307
 - 4.2 Supervising Sign Installer – Sec. 1309
 - 4.3 Low Voltage and/or Alarm Contractor – Sec. 1310
5. Memphis and Shelby County Low Voltage Licensed Contractor –Section 1311
6. Commercial, Industrial, and Institutional Electrical Maintenance Electrician – Sec. 1312.1

1302.1 Specialist Not A Substitute For A Masters. – Nothing in the Technical Code is intended to indicate that a licensed Specialist may substitute as a Licensed Master Electrician.

1302.2 Master Electrician And/Or Specialist Conditions For Changing Employment – A Registered Licensee or a Master Electrician or Specialist Licensee, serving as a Master for an electrical or specialist contractor, who desires to change his license and employment to another electrical or specialist contractor must correct all defects and pay, or caused to be paid, all permit fees due on record in the Electrical Inspection Section that occurred while he had supervision over the electrical work of the electrical or specialist contractor, whose employment he intends leaving, before receiving an approval to change from the Electrical Board.

Section 1303 Electrical Or Specialist Contractor

1303.1 General – Each electrical or specialist Contractor shall be required to have a contractor's license from the Memphis and Shelby County Office of Construction Code Enforcement.

1303.2 Qualifications Of Applicant – Applications submitted for a person, firm or corporation shall be submitted through the name of an individual person. The name of that individual shall be specified on the application form. Each person through, or in whose name an application is submitted, shall be no less than 21 years of age. All applicants shall have a business telephone listed in the business name.

1303.2.1 Permits Only To Assigned Entity - No Master or Specialist Electrician or Registered Licensee, whether self-employed or employed by a contractor, shall secure an electrical permit for any person, firm or corporation, except that entity to which his license has been assigned and approved by the Electrical Code Board.

1303.2.2 Conspiracy To Evade -Any subterfuge, such as the creation of a holding or parent company with subsidiary electrical contracting companies, partnerships or individuals designated as private contractors, but not actually employed by such contractor and/or master or specialist, shall be considered a violation of this section.

1302.2.3 Working Under Another's Name Prohibited - Contacting for work, accepting payment or submitting invoices in the name of any other person, firm or corporation other than the electrical contractor described above who is properly licensed or registered under the Technical Codes, shall be deemed a conclusive presumption of violation of this section by either a registered licensee, a master or specialist electrician, an electrical or specialist contractor or an individual working as an independent contractor.

1303.3 Examination – As recommended by the Electrical Code Board.

1303.3.1 Requirements Of License - Each Electrical or Specialist Contractor shall be licensed or registered, to install, alter, or repair electrical wiring in the City of Memphis and Shelby County.

1303.4 Affidavit

1303.4.1 Requirements - Each applicant for an Electrical or Specialist Contractor's license shall submit the proper affidavit to the Building Official properly signed and notarized. The affidavit shall specify the name of the contractor, the master or specialist Electrician responsible for the work of the applicant's company, and shall provide that the Master or Specialist Contractor Licensee shall have access to all company records relating to permits, defects, and personnel records.

1303.4.2 Information To Be Provided To Board. – The Affidavit shall further provide that the contractor and/or Master Licensee or Specialist Electrical Licensee, shall furnish the Electrical Code Advisory Board conclusive proof of the employment status of an individual being investigated.

1303.5 Fees. - Fees for applications shall be as follows:

Initial License	\$150
Registration	\$150
Annual Renewal	\$150

1303.6 Duties

1303.6.1 Conformance To The Code - Every person holding a license or registration issued by the Building Official or State Contractor's Licensing Board, pursuant to the terms and provisions of this code, shall conform strictly with the NEC and Electrical Code governing installation, repair, construction, and inspection of electrical work. No electrical work requiring a permit shall begin until a permit is applied for by a properly licensed person.

1303.6.2 Compliance With Other Codes Required - Before any person, firm or corporation shall engage in the business of electrical or specialty contracting as herein defined, he shall comply with all other applicable codes.

1303.6.3 Licensee List Maintained. - The Building Official shall maintain a list of all licensees.

1303.6.4 List Information – The list of licensees shall include the following information.

1. Name, address, social security number, telephone number, and license or registration number of individual licensee.
2. Company name, business address, business phone, State Contractor License Number, State Contractor Registration Number, name of Master Electrician or Specialist Electrician and the date such license or registration was issued.
3. Each Licensed or Registered Electrical or Specialist Contractor shall immediately report to the Building Official any change in address, phone number of the business and the death, resignation or discharge of the Master or Specialist Electrician. If another Master or Specialist Electrician is not secured within 30 days, the license or registration of the Electrical or Specialist Contractor shall be suspended until such individual is employed and approved by the Electrical Code Board.
4. It shall be considered a violation of this code for the Licensee to directly, or indirectly furnish permits to another contractor under their license or registration.

Section 1304 State Certified Electrical Contractor- Certified Electrical Contractor (CEC) shall have a contractor's license issued by the State of Tennessee Board of Licensing Contractor's in conformance with TCA Section 62-6-111 of the State Code.

1304.1 Qualification Of Applicants – Applicants shall complete a registration form and submit evidence of a current State of Tennessee certificate of license to the Building Official. The registration form is available from the Building Official.

1304.2 Reserved.

1304.3 Affidavit – Each Certified Electric Contractor shall submit evidence of a current State of Tennessee certificate of license to the Building Official with a personal appearance by qualifying agent in possession of affidavit verifying his full-time employment.

1304 Fees.

Registration	\$150
Annual/Renewal	\$150

1304.5 Duties

1304.5.1 Conformance To The Code - Every person holding a registration issued by the Building Official, pursuant to the terms and

provisions of this code, shall conform strictly with the NEC and Electrical Code governing installation, repair, construction, and inspection of electrical work. No electrical work requiring a permit shall begin until a permit is applied for by a licensed Certified Electric Contractor.

1304.5.2 Conformance With Other Codes - Before any person, firm or corporation shall engage in the business of electrical or specialist contracting as herein defined, he shall comply with all other applicable codes.

1304.5.3 Licensee List Maintained -The Building Official shall maintain a list of all licensees.

1304.5.3.1 List Information - The list shall include the following information:

1. Firm name address, and telephone number
2. Contractor Licensee, State Contractor Registration Number with expiration date and.
3. Each Certified Electric Contractor shall immediately report to the Building Official any change in address or telephone number of the business or the death, resignation or discharge of the Licensee.

1304.5.5 Permits Only For Assignee - No Certified Electric Contractor shall secure an electrical permit for any person, firm, or corporation, except that entity to which his registration has been assigned.

1304.5.6 Conspiracy To Evade - Any subterfuge, such as the creation of a holding or parent companies, partnership or individuals designated as private contractors, but not actually employed by such contractor shall be considered a violation of this section.

1304.6 Certified Electrical Contractor – Each Certified Electric Contractor who is licensed by the Tennessee Board for Licensing Contractors, in conformance with the TCA Section 62-6-111 of the State Code, shall complete the registration form required by the Building Official.

1304.7 Renewal – A registration issued under this Chapter may be renewed on or before the expiration date by payment of the prescribed renewal fee. If renewal occurs after this date, an additional fee of \$12 (late fee) will be charged.

1304.8 Joint Venture – All persons who wish to enter in a Joint Venture to install electrical

wiring shall be registered with the Building Official and shall be properly licensed.

1304.9 Final Certificate Of Inspection Not Relief For Defective Wiring – The issuance or receipt of a final certificate of inspection or approval for any wiring shall not relieve the Certified Electric Contractor of responsibility for any defective wiring or work.

1304.10 Limited License Electrician Not Contractors – Section 62-2-130 of the Tennessee Contractors License Law states: Nothing in this chapter shall be construed to provide that a limited licensed electrician is a contractor. It is the intent of this Chapter to provide that a limited licensed electrician is subject to the jurisdiction of the Board solely for the purposes of licensure and disciplinary proceedings. No limited license electrician shall be authorized to use the appellation “Contractor” or any other designation that gives or is designated to give the impression that a limited license electrician is a contractor (act 1999, Chapter 236, section 3, 2000 chapter 876, section 12).

Section 1305 Master Electrician

1305.1 Qualifications of Applicant - Applicants for the Master’s Electrician License shall meet all of the requirements of sections 1305.1.1 and 1305.1.2. The required documentation shall be submitted with the application for approval by the electrical Section. Approved applicants will be issued the license for a fee of \$150.00.

1305.1.1 Minimum Experience - The applicant shall be a person not less than 24 years of age, and either:

1. A graduate Electrical Engineer from a recognized university or college, with at least two years of actual experience in the electrical construction industry covering the physical installation of wires, conductors, and electrical power for light, heat, or power purposes, or;

2. Documentation certifying 4 years of actual experience as a journeyman electrician or equivalent in the electrical construction industry.

1305.1.2 Examination - The applicant shall provide a letter from the International Code Council confirming a passing score on the National Standard Master Electrician’s

Examination. The passing score shall have been achieved within no more than six months preceding the date on the application.

1305.3 Fees. –

Initial License	\$100
Annual Renewal of Active License	\$150
Annual Renewal of Inactive License	\$ 30

1305.3.1 Time For Initial Fee Payment -

Applicants who pass the Master Examination and are eligible for the license shall pay the initial license fee within 60 days, after being notified. Failure to pay the fee as prescribed may require the applicant to pay an additional Registration Fee and be re-examined to obtain his license, if so directed by the Electrical Code Advisory Board.

1305.4 License – A licensed Master or Specialist Electrician shall not be required to be the holder of a Journeyman’s license in order to perform as a Specialist or Journeyman.

1305.5 Duties – It shall be the duty of each licensed Master or Specialist Electrician to assure all the requirements of this code and any applicable ordinances are complied with on all wiring installed under his direction, supervision, and control for which a permit was obtained through his license.

1305.6 Employment And Registration Of Licensed Master Or Specialist Electrician – No person holding a license as a Master or Specialist Electrician Licensee shall:

1. Pursue employment, work for, or serve any more than one person, firm, or corporation at the same time as a Master or Specialist Electrician or Licensee.
2. Pursue employment, work for, or serve any person, firm, or corporation as a Licensed or Specialist Master Electrician Licensee without prior registration and approval by the Building Official of such employment or connection with said person, firm, or corporation.

1305.6.1 Licensee To Be Employed By Only One Contractor - The Master Electrician or Specialist Electrician licensee shall be a full-time employee of only one contractor. He shall directly supervise and control the licensed or registered employees and shall have no other

employment while his license is assigned to a contractor.

1305.7 Duties Of An Inactive Master

Electrical – A Master Electrician who is no longer employed in the electrical industry, who has retired, or is unable to work due to a physical disability, may request registration as an Inactive Master Electrician and maintain this status by payment of the prescribed annual fee. An Inactive Master Electrician may resume active status by paying the fee for annual renewal of an active Master and satisfying the Building Official the applicant has maintained his knowledge of current electrical installations.

Section 1306 - Reserved

Section 1307 - Industrial Plant Electrician

1307.1 Qualification Of Applicants –

Applicants shall be not less than 21 years of age and must be a graduate Electrical Engineer with no less than one year experience in the physical installation of such type of wiring as utilized in the plant where employed, or shall be a licensed Journeyman Electrician with no less than 5 years of experience in the physical installation of such type of wiring as utilized in the plant where employed. Each of the above time elements shall directly proceed the date of application.

1307.1.2 Employer’s Request -The applicant’s employer shall request in writing that an examination be given such employee.

1307.2 Examination - The applicant’s technical knowledge of the power, lighting, control, rectifiers, motors, transformers and other devices and equipment usually installed in the type of manufacturing plant where employed or other industrial locations, and the applicant’s knowledge of the requirements of the NEC and Memphis and Shelby County Joint Electrical Code shall be tested.

1307.3 Duties - An Industrial Plant Electrician’s license shall authorize the holder to perform his duties as electrician at all industrial locations occupied by his employer. No Industrial Plant Electrician shall replace any existing wiring or move motors, or other electrical equipment, or do any kind of electrical work for which a permit is required without first applying for a permit to do such work. Said application shall outline in

detail the location and character of work for which such permit is required.

1307.3.1 No New Installation Work Allowed -

An Industrial Plant Electrician may install new and additional electrical wiring, equipment, or apparatus within the existing physical plant. Applicants shall not be permitted to install wiring, equipment or apparatus in new structures, which are an addition to, adjacent to or separate from the existing plant.

1307.4 License. – An Industrial Plant Electrician’s license shall expire automatically if the licensee changes the place or nature of his employment.

1307.5 Fees

Initial Registration	\$100
Annual Renewal	\$100

Section 1308 - Reserved

Section 1309 Supervising Sign Installer

1309.1 Qualifications Of Applicant – Applicant must be a graduate Electrical or Mechanical Engineer licensed to practice in the State of Tennessee or have 3 years actual experience as a Journeyman in the installation, alteration, and servicing of signs and fixtures.

1309.2 Examination – The examination shall be designed to test the applicant’s knowledge of the standards, materials, methods, and Codes governing the installation, alteration, repair, and servicing of electrical signs and fixtures. Upon passing the required examination and meeting all other requirements, the applicant shall be issued a Supervising Sign Installer’s License.

1309.3 Duties – In order to obtain a permit to perform the work covered by this license, the Supervising Sign Installer Licensee, whether self-employed or employed by a company, firm, or corporation, shall be required to have a business address with a business telephone, open to the public during normal business hours. Applicants shall also be required to post the required security bond required by Section 403.13.1. Applicant shall employ only licensed Journeyman or registered Apprentice Sign Installers to install, alter or service the signs outline lighting, and fixtures described herein. The said Journeymen and Apprentices shall be under the direct supervision and control of the

Supervising Sign Installer to assure that all work conforms to the requirements of this Code. An applicant will not permit the installation of conduit or wire to extend from the sign more than 6 feet and shall install fixture on outlets, which have been installed by a properly licensed Electrical Contractor.

1309.3.1 Wiring Regulated - Wiring on the secondary side of sign transformers for neon and outline lighting is regulated by this license. The current supply (primary wiring) for each such unit shall be installed by a licensed Electrical Contractor. The Supervising Sign Installer shall be allowed to reconnect signs to the primary source of supply.

1309.4 Fees

Initial License	\$100
Annual Renewal	\$ 50

Section 1310 Low Voltage And/Or Alarm Systems Contractor

1310.1.1 Scope Of Certification - The scope of certification of this license shall apply to Class 1, Class 2, and Class 3 remote control signaling and power limited circuits as defined in Article 725, and communication circuits as set out in Article 800 of the NEC which do not exceed 50 volts, except as provided under 1311 Low Voltage Alarm System Contractor.

1310.1.2 Work Not Included -The scope of certification shall not include work performed by public utilities that are controlled and regulated by the Tennessee Regulatory Authority if the work is actually performed by the employees of such utilities.

1310.1.3 Electrical Contractor Allowed To Perform Work - The requirements set forth above are not intended to prevent the work defined herein from being performed by a properly licensed and bonded electrical contractor as provided by Section 403.13.1 of the Technical Code.

1310.2 Registration – Registration forms submitted for a sole proprietorship, firm or corporation shall be submitted through the name of an individual whose name shall be specified on the application form as the responsible manager who has complete control over the contracting activities of the business entity as

identified by T.C.A 62-32-308 as the Qualifying agent.

1310.3 Duties – Every person holding a license issued by the State Board pursuant to the terms and provisions of the State Alarm System Contractors Act of 1991 shall conform strictly to this code governing the installation, alteration, and repair of the wiring systems covered by the license. No electrical work shall commence until an electrical permit is obtained and the plans reviewed by the appropriate fire department and Building Official, a copy of which shall be furnished to the Building Official.

1310.3.1 Employment Limitation - Each Low Voltage Alarm Systems Contractor shall employ only State Registered Technicians and Registered Apprentices to perform the work covered by this license. The said Technicians and Apprentices shall be licensed by the Board and work under the qualifying agent supervision of the Licensed Low Voltage Alarm System Contractor.

1310.3.2 No Subcontracting Of License - No person, firm or corporation engaged in the business of low voltage alarm system contracting shall allow their name to be used by any other person, firm or corporation directly or indirectly to obtain a permit, or for the installation of any work under their names, license, or bond, nor shall they make any misrepresentation or omissions in their actions.

1310.3.4 Grounds For Revocation - Any Licensee contracting in Memphis or Shelby County for alarm work without a state license Low Voltage Alarm Contractor License and a permit shall be summoned before the Electrical Board to answer charges and show cause why his Technician's or Apprentice's registration should not be suspended or revoked.

Section 1311 Memphis And Shelby County Low Voltage Licensed Contractor

1311.1 Scope - Low Voltage Contractors performing low voltage work over \$ 25,000 shall have a state of Tennessee General Contractors License. Low Voltage Contractors performing only work \$25,000 or less shall have a Shelby County License issued by the Office of Construction Code Enforcement. [Note: Alarm work only requires state Alarm System license, not a General Contractor License.]

All Low Voltage Contractors must register with the Office of Construction Code Enforcement. Registration forms can be obtained from the Building Official. Low Voltage Contractors shall obtain permits, and shall comply with all articles of the Technical and Joint Electrical Code and are subject to all penalties and fines listed therein.

1311.2 Qualifications Of Applicant -

Applicants for Low Voltage License shall be at least 21 years of age and be certified by BICSI or equivalent; and have a Local Privilege License.

1311.3 Fees. –

Registration	\$150
Annual Renewal	\$150

Section 1312 Commercial, Industrial And Institutional Electrical Maintenance Electrician –

1312.1 Required - Every person employed to maintain or supervise the maintaining of electrical systems or electrical machinery shall be licensed as an electrical maintenance man.

1312.2 Qualification Of Applicants -

Applicants shall be at least 21 years of age, with two years of mechanical and electrical experience maintaining the type of equipment utilized in the company employing such applicant.

1312.3 Examination – The Electrical Code Board shall review the applicant's qualifications submitted by the Company employing said applicant, and upon approval, issue the required restricted license.

1312.4 Duties Of Commercial, Industrial, And Institutional Electrical Maintenance Electrician -The electrical maintenance

electrician's license shall authorize the holder to perform the limited duties set forth below:

1. All mechanical duties associated with electrical maintenance.
2. Replace limit switches that are mounted in enclosures, such as start and stop push buttons, toggle switches, receptacles, ballasts, etc.
3. Replace limit switches, P.L.C. boards, DC power supplies, and blown fuses associated with

control function where the voltage does not exceed 120 volts.

4. Replace fuses in dead front type switches reset tripped motors overload heaters and relays.

5. Disconnect and re-connect existing motors and damaged or faulty conductors when they are installed in not more than 6 feet of flexible metallic conduit.

1312.5 License – The Maintenance Electrical Electrician licenses are not transferable. A Licensee found guilty of violating any of the restrictive duties set forth above shall have their license suspended or revoked.

1312.6 Inspection – No individual inspections are required, but the Chief Electrical Inspector shall order random inspections to be made. The Maintenance Electrician shall not be permitted to make extensions or additions to any class of electrical work. A minimum of one inspection shall occur annually by Office of Construction Code Enforcement. See Appendix A.

1312. 7 Fees

Registration	\$150
Annual Renewal	\$ 50

(Annual includes one inspection per year.)

Section 1313 Application - Anyone desiring a license required by this chapter shall apply in person and submit written application to the Building Official. The applicant shall be recommended on the application by no less than 3 persons associated with the electrical industry for which the application is made.

Section 1314 Waiting Period For Investigation Of Applicants - After an application for license under this chapter has been filed, a waiting period of not less than 30 days shall be required to investigate the applicant’s claim as to his qualifications in the branch of the electrical industry for which the license is desired.

Section 1315 Examination of Applicant.

1315.1 Board Review Of License Applications

- At a time and place fixed by the Electrical Board, each applicant for a license under the Technical Codes shall be reviewed to determine the qualifications to perform the work of the various branches of the electrical industry described by this chapter.

1315.1.2 When License Granted - The applicant may be granted a license if the applicant has proven to the Electrical Board’s satisfaction the applicant is qualified to receive the type of license for which the applicant has applied.

1315.1.3 Re-taking Examination - Applicants failing to pass an examination shall be required to file a new application with the Electrical Code Board at least 30 days prior to the next regularly scheduled examination if an applicant is authorized, and desires to retake the examination.

Section 1316 Issuance Or Replacement Of License Or Registration Card

1316.1.1 License Granted When Requirements Met

- If it is determined that the applicant for a license or registration under this chapter is qualified to perform the work and service covered by the type of license or registration applied for, and that the applicant meets the qualifications specified and has complied with all applicable provisions of this code, the license and registration shall be issued.

1316.1.2 Reporting Of Lost Or Destroyed Card

- The loss or mutilation of license or registration card shall be reported immediately to the Building Official.

1316.1.3 Fee - A fee of \$12 will be charged for the replacement of license or registration cards.

1316.1.4 Surrendering License

- Should the Electrical Code Board suspend or revoke a license or registration card, the licensee shall surrender the license or registration card immediately. The Electrical Code Board must approve the reinstatement of the suspended license or registration card and set any penalties required for the reinstatement.

Section 1317 Deposit Of Required Bond

- A licensed Electrical or Specialist Contractor shall deposit with the Building Official a bond as specified in Section 403.13.1 of this code, and said bond must be renewed each year the license or registration is in force.

Section 1318 Not Assignable Or Transferable

- No license or registration card issued under this chapter shall be assignable or transferable.

Section 1319 Expiration

1319.1.1 Expiration Date - All licenses and registrations shall expire on the last day of June of each year. Registration of State Licenses shall expire on the date shown on the State License Certificates.

1319.1.2 No Work After License Expiration - It shall be a violation for any person licensed or registered under this chapter to do any electrical work covered by the Technical Codes, or any other ordinance of the City or County, after the expiration of the license or registration.

Section 1320 - Renewal

1320.1.1 General - A license or registration issued under this chapter may be renewed on or before the 16th day of July, following its expiration date, without examination, upon payment of the prescribed renewal fee. If renewed after this date, a \$12 late fee will be charged. If not renewed by the first day of October, the applicant shall be subject to all provisions of this chapter relative to the issuance of an original license or registration.

1320.1.2 Inactive License For Master Electrician - Any Master Electrician who does not intend to work as a Master Electrician, as defined by this code, during the course of a year, but desires to be able to resume active Master Electrician status in subsequent years, shall be required to pay \$30 per year to be designated an inactive Master Electrician or the license shall expire. Before resuming the duties of an active Master Electrician, the required active license fee shall be paid. If a Master Electrician remains on inactive status for more than 3 consecutive years and fails to work at the trade during said period, the applicant will not be allowed to resume active status until certified as competent as a Master Electrician by the Electrical Code Board.

1320.1.3 Inactive License For Specialist Electrician - Any Specialist who does not intend to work as a Specialist, as defined by this code, during the course of a year, but desires to be able to resume active Specialist status in subsequent years, shall be required to pay \$30 per year to be designated an inactive license holder or the license shall expire. Before resuming the duties of an active Specialist, the required active license fee shall be paid. If a Specialist remains on

inactive status for more than 3 consecutive years and fails to work at the trade during said period, the applicant will not be allowed to resume active status until certified as competent as a Specialist by the Electrical Code Board.

Section 1321 Falsification Of Information - Falsification of information on the application form for any license or registration, authorized or required by the Technical Codes, shall be justification for refusal to give or grade an examination, or to revoke a license or registration.

Section 1322 Suspension Or Revocation Generally - A license or registration issued under this chapter may be suspended or revoked for any violation of the terms of this code or other Ordinance governing the installation or inspection of electrical work; provided, however, that charges shall be preferred in writing and served upon the licensee, who shall be given the right to be heard by the Electrical Code Board as to why such license or registration should not be revoked or suspended.

Section 1323 Special Grounds For Revoking Or Suspending Master, Electrical, Contractor, Or Specialist License.

1323.1 Direct Supervision Required - If a licensed Master or Specialist Electrician acts as his own Master or Specialist, or permits an Electrical or Specialist Contractor to subsidize him/her for use of the license, but does not actually supervise, direct or control all electrical work performed by such licensed or registered Electrical or Specialist Contractor, the Electrical Code Board may revoke the Master's or Specialist's license.

1323.1.1 Employment Limited To Principle Employer - Licensed Master or Specialist Electrician who acts as his Master or Specialist, or who is a full time employee of a Licensed Electrical or Specialist Contractor, who has other principle employment shall have his license or registration suspended so long as this condition exists and until it is rectified. During the period of suspension, Stop Work Orders may be issued and no electrical permits will be issued to such Electrical or Specialist Contractor.

1323.1.2 Conspiring To Evade Code Prohibited - Any person or persons licensed or registered under the Technical Codes who

conspire with a Master or Specialist Electrician to evade any of the provisions of this Code, or other ordinances of the City of Memphis and Shelby County governing the installation of electrical devices, apparatuses and instruments, shall have his license or registration suspended or revoke, either temporarily or permanently, by the Electrical Code Board upon submission of proof that such a conspiracy exists, or did exist.

1323.1.3 Requirements For Joint Ventures - Electrical and Specialist Contractors that wish to enter into a joint venture to install electrical wiring, as defined in the Technical Codes, shall meet the requirements listed below:

1. Both shall be licensed by the Building Official or have a certified Electrical Contractor's License issued by the Tennessee State Board for Licensing Contractors.
2. Submit application for each job, including proof of a legal contract between the parties, to the Electrical Code Board requesting approval. The Electrical Code Board may approve such request upon proof of proper control and supervision of the work to be performed.

1323.1.4 No Subcontracting Of License - A Licensed Electrical or Specialist Contractor shall not furnish permits for electrical installation to any person, firm, or corporation other than his own. All work done under any permit shall be performed under the supervision of the Master or Specialist Contractor Licensee who obtained the permit. Work cannot be subcontracted, under any condition, to other than a licensed Electrical or Specialist Contractor who shall obtain his own permits.

1323.1.5 Responding To Official Correspondence Required - Any Master, Specialist, or Licensed Electrician who fails to answer or respond to official correspondence from the Building Official shall have their license or registration suspended until the condition is corrected.

1323.1.6 Work While Master Or Specialist Under Other Employment - Any Master or Specialist Licensee who allows electrical work to be performed on jobs permitted under their license or registration during the hours the Master or Specialist Licensee is in the employment of another person, firm, or

corporation shall be cause for charges being brought for failure to supervise.

1323.1.7 Incompetence - Licensee has become incompetent under the provisions of this chapter to perform a service to the public as an Electrical or Specialist Contractor, or Master Electrician.

1323.1.8 Unprofessional Or Dishonorable Conduct - Licensee is guilty of unprofessional or dishonorable conduct when their actions are of such a nature so as to deceive or defraud materials, suppliers, or the public.

Section 1324 Re-examination Of Master Or Specialist Electricians - The holder of a Master, Journeyman, or Specialist Electrician's license, heretofore issued under the Technical Codes and prior to the amendment thereto, shall be deemed to be a Master, Journeyman, or Specialist Electrician, and shall not be required to be re-examined except for revocation of that license, or not be employed as a Master or Specialist Electrician for an Electrical Contractor or employed in the electrical construction industry in the City of Memphis and Shelby County for a period of at least 12 consecutive months during any consecutive 3 year period. The Master or Specialist Electrician shall appear before the Electrical Code Board, when requested, and may be re-examined as to his knowledge of the last Joint Electrical Code. The fee charged shall be the same as for new applicants.

Section 1325 Altering Or Lending A License; Use Of Another's License; Falsely Representing One's Self To Be License - It shall be a violation for any person licensed or registered under this chapter to alter, transfer, lend or rent his license or registration, or use a license or registration that is not his own. It shall be a violation for any person to falsely represent himself/herself to be licensed or registered under this chapter or wrongfully use a license or registration.

Section 1326 Final Certificate of Inspection Not Relief for Defective Wiring - The issuance or receipt of a final certificate of inspection or approval for any wiring shall not relieve the Contractor, Specialist, Master, Registered Licensee, or Journeyman Electrician of responsibility for any defective wiring or work.

Section 1327 Penalties - It shall be a violation for any person to install or repair any electrical

wiring for which a permit is required by this code or any Ordinance of the City of Memphis or Shelby County without being under the supervision and control of a licensed Master or Specialist Electrician.

Chapter 14 - Optional Local Electrical Licenses

Sections 1401 General - The following licenses have historically been used as a proof of qualification in the Electrical Industry. Although they will no longer be required, they are still available for that purpose.

Section 1402 Classifications - For purposes of this code, the classification of the various licenses of the electrical industry shall be as follows:

1. Journeyman, electrician (Optional License)
2. Journeyman, Lineman (Optional License)
3. Apprentice Electrician (Optional License)
4. Specialists:
 - 4.1 Journeyman Sign Installer (Optional License) Sec. 1405
 - 4.2 Apprentice Sign Installer (Optional License) Sec. 1406

Section 1403 Journeyman Electrician

1403.1 Qualifications of Applicant - Applicants for the Journeyman's Electrician License shall meet all of the requirements of sections 1403.1.1 and 1403.1.2. The required documentation shall be submitted with the application for approval by the Department. Approved applicants will be issued the license for a fee of \$50.00.

1403.1.1 Minimum Experience - The applicant shall be a person not less than 20 years of age and shall furnish to the Department proof, in writing, of at least three years actual experience installing electrical work, and to the satisfaction of the Department, give dates, locations, and employer's names. The required experience shall have been acquired within the four year period immediately preceding the application.

1403.2 Examination - The applicant shall provide a letter from the International Code Council confirming a passing score on the National Standard Journeyman Electrician's Examination. The passing score shall have been achieved within no more than six months preceding the date on the application.

1403.3 Fees

Annual Renewal \$50

1403.4. License Suspension or Revocation -

Each Licensed Journeyman found guilty of contracting in Shelby County where this ordinance requires a permit and properly

licensed contractor shall be summoned before the Electrical Code Board after written charges are preferred and shall be subject to having his license or registration suspended or revoked.

1403.5 Duties:

1403.5.1 Duty To Inform Master Or Specialist

- It is the duty of the Journeyman to keep the Licensed Master or Specialist Electrician informed as to the progress of the wiring, when inspection requests are required, of all code deficiencies, and any other problems encountered.

Section 1404 Apprentice Electrician

1404.1 Qualification Of Applicants -The Apprentice Electrician shall be at least 18 years of age, (an apprentice may be employed at 16 years of age if all applicable local, state, and federal regulations are observed).

1404.2 Application - Any person desiring to be registered as an Apprentice Electrician may make a written application to the Electrical Code Board on a form provided by the Building Official. The application shall be accompanied by a letter from one of the following;

1. The Licensed Electrical or Specialist Contractor recommending the applicant as an Apprentice Electrician and agreeing to employ the applicant as an apprentice, or:
2. The director of a US Department of Labor Bureau of Apprenticeship and Training Approved program indicating active enrollment.

Each applicant seeking such a certificate shall furnish the Building Official a bust size photograph (one inch square)

1404.3 Registration Certificate - Each registration certificate issued an Apprentice Electrician shall specify the name and address of the person to whom the certificate is issued, the date of the issuance thereof, and the expiration date.

1404.4 Duties

1404.4.1 Carry Certificate At Work. - Each Registered Apprentice shall carry the Registration Certificate on or about his person while performing the work, which such Certificate entitles him/her to perform. The

Certificate shall be produced immediately upon the request of any Electrical Inspector or member of the Board.

1404.4.2 Maintain Work Record - A Registered Apprentice shall be required to maintain a record of his employment and training, which shall include the following information:

1. Name of Electrical Contractor
2. Date Employed
3. Type of work performed (residential, commercial, industrial, institutional)
4. Total hours of related classroom instruction, Proof of satisfactory completion of an electrical apprenticeship-training program recognized and approved by the US Department of Labor, Bureau of Apprenticeship and Training, or successful completion of an electrical course from an approved technical school.
5. Each holder of an Apprentice Electrician's Registration certificate shall carry such certificate upon or about his person while performing the acts, which such certificate entitles him/her to perform. The certificate shall be produced immediately upon request of any Electrical Inspector or member of the Electrical Code Board.

1404.5 Penalties:

1404.5.1 Prohibited Work - It shall be a violation for any person to perform acts which require a registered apprentice certificate, or for such apprentice to install any electrical wiring for which a permit is required by this code or any Ordinance of the City or County without being under the direct control of a licensed Master or Specialist Electrician or a licensed Journeyman Electrician.

1404.5.2 Suspension Or Revocation - Any apprentice found guilty of contracting in Memphis and/or Shelby County for electrical work where the ordinance requires a (1) Master Electrician (2) license contractor, and (3) permit and inspection shall be summoned before the Electrical Code Board after written charges are preferred, and shall be subject to having his Apprentice Registration suspended or permanently revoked.

1404.6 Fees:

Initial Registration	\$12
Annual renewal Registration	\$12

Section 1405 Journeyman Sign Installer

1405.1 Qualification of Applicant - Applicant shall be a person of not less than 20 years of age and shall furnish the Building Official proof, in writing, of at least 3 years of experience in the sign industry working under the supervision of a Supervising Sign Installer and or a Journeyman Sign Installer, giving the dates, locations, and names of employers.

1405.2 Examination – Upon approval of the application, the applicant shall appear on the date and time designated for the examination.

1405.2.1 Scope of Examination - The examination shall be designed to test the applicant's knowledge of the electrical sign industry, including manufacturing or building, internal wiring, erection, servicing, and repair of sign and outline lighting, both luminous and gas or electric discharge type.

1405.3 Fees

Initial License	\$40
Annual Renewal	\$30

1405.4 License -Each Journeyman Sign Installer License shall specify the name and address of the person to whom it is issued, the date of the issuance thereof, the expiration date, and a photograph of the licensee. All applicants shall furnish a small bust-size photo to be placed on the license issued to the individual applicant.

1405.5 Carry License At Work - The holder of a Journeyman Sign Installer's License shall carry the license upon or about his person while performing the work; the license entitles such holder to perform.

1405.6 Duty To Inform Supervising Installer -

It is further the duty of the Journeyman Sign Installer to keep the Supervising Sign Installer informed of the progress on the job when inspections are required, and any code deficiencies and other problems related to the Technical Codes.

1405.6.1 Supervision Of Apprentices - The Journeyman shall not allow an Apprentice Sign Installer to perform any work when the Apprentice is not under his direct supervision.

1405.6.2 Suspension Or Revocation - A Journeyman Sign Installer found guilty of

contracting or performing work in Memphis and/or Shelby County, which normally requires a permit and a Supervising Sign Installer License, shall be summoned before the Electrical Code Board to answer a charge of violation of this code and show cause why his license should not be revoked or suspended.

1405.6.3 Prohibited Work. - Further, it shall be considered a violation for any person to perform any sign work for which a permit is required by the Technical Codes unless the person has the proper Journeyman License and is working under the supervision of a Supervising Sign Installer.

Section 1406 Apprentice Sign Installer

1406.1 Qualification Of Applicant - The Apprentice Sign Installer shall be at least 18 years of age.

1406.2 Application - Any person desiring to be registered as an Apprentice Sign Installer shall make written application, to the Building Official. The application, which is furnished by the Building Official, shall be accompanied by a letter from the Supervising Sign Installer employed by the firm recommending the applicant for registration and agreeing to employ said applicant as an apprentice. Each person applying for a Registration Card shall furnish a small bust-size photo of himself/herself.

1406.3 Registration Card - Each Registration Card shall specify the name and address of the Apprentice Sign Installer, the date issued, the expiration date, and a photo of the licensee together with other information the Electrical Code Board may deem necessary.

1406.4 Duties - No person shall perform any work as an Apprentice Sign Installer prior to registering with the Electrical Code Board and receiving his Registration Card.

1406.4.1 Carry Card At Work - Every holder of an Apprentice Sign Installer Registration Card shall carry the Card on or about his person while performing the work such Registration Card entitles him/her to perform.

1406.4.2 Maintain Work Record - The Apprentice shall maintain a record of his employment showing the date, employer, and type of work performed. This information shall

be submitted on the Application for the Journeyman Sign Installer's examination.

1406.5 Penalties - It shall be a violation for any person to perform the work of an Apprentice Sign Installer without having the proper registration on or about his person and under the direct, personal supervision of the Supervising Sign Installer who procures the permit and/or the Licensed Journeyman Sign Installer employed by the Supervising Sign Installer.

1406.6 Fees

Initial Registration	\$12
Annual Renewal	\$12

Section 1407 Application - Anyone desiring a license under this chapter shall apply in person and submit written application to the Building Official. The applicant shall be recommended on the application by no less than 3 persons associated with the electrical industry for which the application is made.

Section 1408 Waiting Period For Investigation Of Applicant

- After an application for a license under this chapter has been filed, a waiting period of not less than 30 days shall be required to investigate the applicants claim as to his qualifications in the branch of the electrical industry for which the license is desired.

Section 1409 Examination Of Applicant

1409.1.1 Review Of Applicant - At a time and place fixed by the Electrical Code Board, each applicant for a license under the Technical Codes shall be reviewed to determine the qualifications to perform the work of the various branches of the electrical industry described by this chapter.

1409.1.2 Forfeiture Of Fee - Applicants who fail to take the examination on the designated date shall forfeit the paid examination fee.

1409.1.3 Granting License - The applicant may be granted a license if the application has proven to the Electrical Code Board's satisfaction that the applicant is qualified to receive the type license for which applicant has applied.

1409.1.4 Re-Examination - Applicants failing to pass an examination shall be required to file a new application with the Electrical Code Board at least 30 days prior to the next regularly scheduled examination if the applicant is

authorized, and desires to take another examination. An addition required fee will be paid by the applicant for each examination.

Section 1410 - Issuance Or Replacement Of License Or Registration Card

1410.1.1 Issuing License - If it is determined the applicant for a license or registration under this chapter is qualified to perform the work and service covered by the type of license or registration applied for, and that the applicant meets the qualifications specified and has complied with all applicable provisions of this code, the license or registration shall be issued.

1410.1.2 Lost Licenses - The loss or mutilation of license or registration card shall be reported immediately to the Building Official.

1410.1.3 Fee - A fee of \$12 will be charged for the replacement of license or registration card.

1410.1.4 Surrender Of License - Should the Electrical Code Board suspend or revoke a license or registration card, the licensee shall surrender the license or registration card immediately.

Section 1411 Not Assignable Or Transferable - No License or registration card issued under this chapter shall be assignable or transferable.

Section 1412 Expiration - All licenses and registration issued under this chapter shall expire on the last day of June of each year.

Section 1413 Renewal - A license or registration issued under this chapter may be renewed on or before the 16th day of July, following its expiration date, without examination, upon payment of the prescribed renewal fee. If renewed after that date, a \$12 late fee will be charged. If not renewed by the first day of October, the applicant shall be subject to all provisions of this chapter relative to the issuance of an original license or registration.

Section 1414 Falsification Of Information - Falsification of information on the application form for any license or registration, authorized or required by the Technical Codes, shall be justification for refusal to give or grade an examination, or to revoke a license or registration.

Section 1415 Suspension Or Revocation

Generally - A license or registration issued under this chapter may be suspended or revoked for any violation of the terms of this code or other Ordinance governing the installation or inspection of electrical work; provided, however, that charges shall be preferred in writing and served upon the licensee, who shall be given the right to be heard by the Electrical Code Board as to why such license or registration should not be revoked or suspended.

Chapter 15 - Technical Rules

The requirements listed herein are in excess of National Electrical Code (NEC) provisions and are recognized and approved as the acceptable wiring methods for Memphis and Shelby County, except as modified by Chapters 16 and 17.

Section 1501 Service Disconnect Requirements; Number Of Disconnects

1501.1 Maximum Allowed - The maximum number of service disconnect devices shall conform to requirements of NEC 230-71 (a) and (b) except when the house meter main is necessary it shall be allowed as the seventh disconnect.

1501.2 Minimum Separation - A minimum separation of 10 feet between adjacent ends of the groups of services shall be required to qualify as a separate location.

1501.3 Location Of Disconnects In Multiple Occupancy Buildings - Service disconnects for multiple occupancy buildings shall be located either outside or in a common meter room directly accessible to an outside entrance or an accessible one-hour fire resistant rated corridor room. The common meter room shall be separated by a minimum of one-hour fire resistant rated walls from the rest of the building. The outside entrance to corridor and/or to the common meter room shall be properly identified and provided with a Knox box or equal for access.

1501.4 No Splicing Of Service Entrance Conductors - Service entrance conductors shall not be spliced.

Exceptions: 1 – Clamped or bolted connections in metering equipment enclosures shall be permitted.

Exception 2 – Where service-entrance conductors are tapped to supply two to six disconnecting means grouped at a common location.

Exception 3 - At a properly enclosed junction point where underground wiring method is changed to another type of wiring method.

Exception 4 – A connection shall be permitted where service conductors are extended from a

service drop to an outside meter location and returned to connect to the service-entrance conductors of an existing installation.

Exception 5 - Where the service-entrance conductors consist of busway, connections shall be permitted as required to assemble the various sections and fittings.

Exception 6 – For existing service entrance conductors, it shall be permissible to install listed underground splice kits for:

- a. Repair of existing conductors
- b. Extensions of conductors, by special permission of the authority having jurisdiction.

Section 1502 Service Entrance Conductors Without Over Current Protectors - Service entrance conductors without over current protection shall not extend more than 15 feet inside a building, as measured from their point of entrance.

Section 1503 Ampacity Calculations; Service And Feeder Sizes – Minimum service and feeder conductors shall be sized in accordance with the NEC except lighting demand factors of NEC Table 220-42 shall not apply to warehouse storage occupancies, which shall be based on 100% of the connected load.

Section 1504 Calculation Of Additional Load To Existing Buildings {NEC 220.87}; Calculation Procedures - The existing service requirements shall be permitted to be 125 percent of the peak demand of the proposed user as recorded by MLGW over the previous 12 months. The minimum service size shall be this value converted to amperes and plus the load computed as set forth above. This section will not apply to vacant buildings or changes of use (occupancy).

Section 1505 Responsibilities For Service And Feeders; Designing, Installing, Or Adding Electrical Load - Any person, firm, or corporation designing, installing or adding load to an existing electrical system shall be responsible that the main service conductors, main service equipment, and feeders on which the additional load is added shall be of the proper size for the total connected load as required by this code.

Section 1506 Location Of Meters And Metering Equipment.

1506.1 Requirement - Location of service drops, transformers, and metering equipment shall conform to the requirements of the MLGW.

1506.2 Location Of Service Overcurrent And Disconnects - Service overcurrent device and disconnecting means shall always be located on the load side of metering equipment except where a single master disconnect is required and approved by Memphis Light Gas and Water to comply with the 6 subdivision provision.

1506.2.1 Prohibited Line Or Load Tap Location - No line or load tap shall be made in a self-contained metering enclosure.

Exception –The tap location for alternative energy sources shall be approved by MLGW.

1506.3 House Meters. - A house meter shall be provided for all multiple occupancy buildings where common area lighting is required for egress from the building. Over current protection for a house meter shall be located outside or in a common area.

Exception: A house meter will not be required for multiple occupancy buildings supplied through a single meter, unless required elsewhere in this code.

1506.3.2 Fire Pumps

1506.3.2.1 Required Metering - All electrical services to a fire pump shall have CT Metering, regardless of voltage.

Exception: A self-contained meter socket shall be permitted where equipped with a bypass handle and approved by the authority having jurisdiction.

1506.3.2.2 Meter Required – All fire pumps in multi-occupancies buildings shall be supplied by a house meter.

Exception: House meter will not be required for a fire pump in a multi-occupancies building supplied through a single meter.

1506.4 Self Contained Metering Equipment Enclosures.

1506.4.1 Location Of Bonding - Bonding within the utility’s metering equipment shall be at the equipment manufacturer’s designated location.

1506.4.2 Extension Of Conductor To First Service Disconnect - Services provided by the utility with a grounded phase or neutral shall have that conductor(s) extended to the first service disconnect beyond the utility meter socket or meter device.

1506.4.3 Overhead Service Mast - A 2” rigid metal conduit or 2” IMC conduit will be the minimum size allowed for the overhead service mast when used as the service attachment device. The conduit shall be securely mounted to withstand a minimum pull of not less than the mechanical load expected to occur.

1506.5 Paralleling Conductors Within A Common Connector Inside The Utility’s Self-Contained Metering Socket.

1506.5.1 Limitation - Paralleling conductors within a common connector will be permitted so long as there are no more than two conductors per phase. The terminals shall be identified for more than one conductor.

1506.5.2 Total Circular Mil Area Allowed - The total circular mil area of the paralleled conductors shall not exceed the circular mil area of the connector. Stands shall not be trimmed.

1506.5.3 Utility Approval - The combination of wire sizes to be paralleled within a common connector shall be approved by Memphis Light Gas and Water.

Section 1507 Wiring Method For Living Quarters in Commercial Occupancies - Living quarters located in connection with commercial buildings shall be wired in accordance with requirements for the commercial portion and may have separate meters.

1507.1 Smoke Detection Circuits – Smoke detectors required by the International Building Code and installed within dwelling units shall not be connected as the only load on a branch circuit. Such detectors shall be supplied by branch circuits having lighting loads consisting of lighting outlets in habitable spaces.

Section 1508 Marking And Labeling Of Service Equipment; Devices To Be Identified.

1508.1 Marking Required - The service disconnecting means and meters for multiple occupancy buildings shall be legibly, and permanently marked with a metal tag showing the occupancy or apartment designation.

1508.1.1 Indexing Of Branch Circuit Panel Boards - All branch circuit panel boards shall be indexed correctly and legibly.

1508.2 Tagging Multiple Meter Installations - Each meter of all multiple meter installation shall be permanently and legibly identified with a tag showing the occupancy designation and located so as to be visible after installation in a manner acceptable to MLGW.

Section 1509 Parallel Overhead Services - Where more than two conductors per phase are paralleled to connect to an overhead service, the service conductors shall terminate in an approved busway service head.

Section 1510 Service And Feeder Requirements In Excess Of 600 Volts; Design Requirements. -

1510.1 Professional Engineer Required - System installed by contractors for private owners above 600 volts shall be designed by a Registered Professional Engineer licensed in Tennessee in accordance with the requirements of MLGW.

1510.2 Plans Approval - The plans of such systems shall be approved by the Building Official and MLGW prior to installation.

Section 1511 Wiring Methods Inside Buildings Where The Voltage Is Less Than 600 Volts.

1511.1 Requirements - In order to provide a greater degree of protection from electrical fires, all electrical wiring for lighting, receptacles, appliances, power and controls in construction, alteration or repair of buildings shall be installed in rigid or intermediate metallic conduit, electrical metallic tubing, surface metal raceway, underfloor raceway, wireway, busway, MC Cable, Rigid PVC, ENT, TC Tray Cable or other approved wiring methods. Approved shall mean the approval of the Memphis and Shelby County

Electrical Code Advisory Board, and not necessarily inclusion in the NEC.

1511.2 Low Voltage Exception - This does not include low voltage fire alarm system wiring as defined in Article 760 of the NEC.

1511.2.1 Other Low Voltage Requirements - Low Voltage System defined in NEC Article 725, 760, 770, 800, 810, 820 and 830 shall be installed as required by the NEC. When such wiring is subject to mechanical injury, it shall be installed in approved raceway.

Section 1512 Methods Not Approved

1512.1 Armored Cable - Armored Cable (NEC 320) shall not be used.

1512.2 Flat Conductor Cable. - Flat conductor cable (NEC 324) shall not be used.

1512.3 Others - Non-metallic sheathed cable, (NEC 334), and Service Entrance Cable (NEC 338), shall not be used.

Section 1513 Underground Feeder And Branch Circuit Cable; Type UF; Direct Buried Cable (NEC 340); Restrictions For Use.

1513.1 Installation Under Concrete - Where direct buried cable passes under concrete, asphalt, or other paving systems it shall be installed in an approved raceway.

1513.2 Limitation On Use Of Electrical Metallic Tubing - Electrical metallic tubing (EMT) shall not be installed underground or in direct contact with the earth.

Section 1514 Wiring Methods On Rooftops; Type And Method Of Installation - Where wiring is installed on rooftops, only rigid metal conduit or intermediate conduit shall be used. The conduit shall be properly supported by treated wood blocks, or approved supports that raise the conduit at least 1 ½" above the roof surface.

Section 1515 Aluminum Conductors:

Aluminum conductors shall be permitted under any of the following conditions:

1. Indoor Installations.

(a) Sizes No, 1/0 AWG and larger in any wiring methods permitted in Section 1511.

(b) Compact conductor sizes No. 8 AWG through No. 1 AWG where installed in any metal raceways or metal-clad cable assemblies permitted in Section 1511. In addition to these requirements, all junction boxes, pullboxes, outlet boxes, auxiliary gutters, and wireways containing such conductors shall be metal.

2. Outdoors installations.

(a) Sizes No. 8 AWG or larger aluminum conductors shall be installed in accordance with Section 1511 or Section 1513.

(b) Smaller sizes of aluminum conductors used in triplex or other forms of messenger supported wiring may be installed outside of buildings.

Section 1516 General Wiring Requirements; Ampacity Of Circuits And Number Of Outlets Per Circuit.

1516.1 Minimum Capacity - Circuits supplying convenience outlets, lighting or appliances shall have a minimum capacity of 20 amperes.

1516.2 Limits In Installation - Not more than eight (8) convenience outlets or floor box receptacles, single or duplex, shall be connected to one 120-volt circuit. Convenience outlets shall not be installed on lighting circuits. Office furniture outlets listed in Article 605 of the NEC are not included in this limitation.

Section 1517 227-Volt Lighting Circuit – Conductors shall not be less than #12 AWG. The load on final branch circuits shall not exceed 4,200 watts per 20-ampere circuit.

Section 1518 Service Laterals from MLGW Pad-mounted Transformer Secondary, 600 Volts or Less - Service lateral conductors shall have their minimum size and rating determined in accordance with the Minimum Cable Amperes column of Table 1518 based on the KVA rating of the transformer supplying the conductors, or they shall have sufficient ampacity to carry the current for the load calculated in accordance with Article 220 of the NEC. The minimum cross sectional area of the service lateral raceways from the transformer, when combined, shall permit the installation of conductors having an ampacity not less than that listed in the Service Size Conduit Capacity Amperes column of Table 1518 based on the KVA rating of the transformer.

TABLE 1518

The following Table is provided as a guide to MLGW requirements.

Minimum Service Size and Number of Service Connections In Three-Phase Grounded-Front Pad-Mounted Transformers					
Service Voltage	Transformer Size KVA	Minimum Cable Amperes	Service Size Conduit Capacity Amperes	Maximum Number of Cables per Phase	
				Compression or Mechanical Lugs	Compression Lugs with NEMA Stacking Spacers
208/120	75	255	510	4	6
208/120	150	510	1040	6	9
208/120	300	1040	1735	8	12
208/120	500	1735	2600	8	12
208/120	750	2600	3400	12	12
208/120	1000	3400	5205	12	12
480/277	75	115	230	4	6
480/277	150	230	450	4	6
480/277	300	450	750	8	12
480/277	500	750	1130	8	12
480/277	750	1130	1500	8	12
480/277	1000	1500	2255	12	12
480/277	1500	2255	3000	12	12
480/277	2000	3000	4511	12	12
480/277	3000	4500	-	12	12

The number of connections is based on standard secondary terminals depending on depth of secondary compartments. More terminations may be made per phase by utilizing spade terminal extensions.

Final determination of service size can be made only after sufficient information is submitted to MLGW for transformer size.

Section 1519 Electrical Signs; UL Requirements - Electrical Signs shall bear the Underwriters Laboratory Label.

Exception: Electrical signs manufactured by local licensed and bonded sign contractors may be constructed to meet the UL standards and identified as per NEC 600-4

Section 1520 License Required For All Sign Work - All wiring, service, and alteration of electrical signs shall be performed by a person, firm, or corporation that is properly licensed and bonded to perform such work.

1520.1 Neon - Transformers used to supply neon letters, neon decorative lighting, neon signs, or any other neon shall be limited to an output voltage of not more than 9,000 volts.

Section 1521 Securing And Supporting On Ceiling Structure – Installing and supporting branch circuits, conduits, boxes and cables on ceiling supports grid and wires will be allowed, however, electrical conduit and cables supported in this manner shall contain a green ground conductor and shall terminate at all outlet boxes with green ground pigtailed.

Section 1522 - Separation Of Meter Line And Load Conductors.

1522.1 Separate Conduit Required - Line wires to a meter and load wires from a meter to customer’s load shall not be run in the same conduit, nipples, or auxiliary gutters.

1522.2 Isolation Of Separate Occupancies - Load conductors from meters supplying separate occupancies shall not be installed in the same

conduit, raceway, pull boxes, junction boxes, outlet boxes, or conduit fittings. This does not apply to wiring a trough at meter centers located in public places. Attic spaces or crawlspaces under buildings are not considered public places.

Section 1523 Workmanship – All wiring installations shall be made in a neat and workmanlike manner.

Section 1524 Warehouse Smoke Evacuation Systems (WSES).

1524.1 Wiring Must Meet Codes - All electrical work must meet this code, the current *International Fire Code* (IFC) and the *International Building Code* (IBC) as locally amended.

The warehouse smoke evacuation systems are not considered, as a smoke control system of Section [IBC] 909.11 and therefore do not require a second source of power.

1524.1.2 Protection Of Fan Circuits - All fan circuits must have provisions for Overload Protection as well as Short Circuit protection in accordance with NEC.

1524.1.3 Effect Of Four Hour Rated Firewalls - A building that is segmented by 4-hour rated firewalls may be considered as either one building or may be considered as several buildings.

1524.1.4 Grouping Of Fan Controls - All of the electrical WSES Fan controls and equipment for a single building must be grouped in one location except as permitted in 1524.1.11 or 1524.1.15. This may be in a special fire rated room inside the building meeting the IFC code or it may be located outside of the building at a common location.

1524.1.5 Fire Rated Room Installation – If the above equipment is installed in a special fire rated room, it must be provided with an automatic sprinkler protection and an outside entrance.

1524.1.6 Single Main Disconnect Required - A single main disconnect switch is to be provided for the WSES Fan System in each building. This switch is to be appropriately marked and connected ahead of the building mains. This switch may be the 7th main for that building.

1524.1.7 Dedicated Raceway - The entire WSES Fan electrical system shall have a dedicated raceway and no other wiring may be installed in its raceway.

1524.1.8 Source Of Power - WSES Fan control power, and power for the louvers, must be obtained from the same source as the power for the fans themselves.

1524.1.9 Disconnect Switches - Disconnect switches for the fan motors and the louver motors must comply with the NEC. All motorized louvers are to be considered as an electrical motor.

1524.1.10 Switches For Fans - WSES Fans may be switched independently or grouped in units of up to three. The wiring for this group of fans (or louvers) may be installed in a single common conduit. No other equipment may share this conduit. A single Fireman override switch may control the fans independently or in above groups of two or three fans.

1524.1.11 Fireman Control Station - A single Fireman Control Station must control all fans in a single building. This station is to contain the override switches for all fans in that building. The station is to be appropriately marked, it is to be acceptable to the Fire Department having jurisdiction, and its location must be approved by that Fire Department.

Exception: A single occupancy building of 400,000 sq. ft. or larger, where approved by the Fire Department having jurisdiction, shall be permitted to have more than one fireman's control station.

1524.1.12 Shared System With Building Ventilation - If the WSES Fan system is also to be used as a building ventilation system, the controls must be designed so that all fans will be stopped when they receive a signal from the House (building) fire alarm or if the Fireman Station is activated. The Fireman Station then must take complete control of the fans. Individual fire alarm systems in tenant spaces that do not report back to the house fire alarm panel are not required to activate the WSES system.

1524.1.13 Control Wiring Requirements - The control wiring from the Fireman Station to the

WSES fan equipment shall not be installed inside the building in such a manner that a fire at a single location could disable all the WSES fan operation. It is to be installed outside the building or contained within a properly fire rated space.

1524.1.14 Metering - Multi-tenant buildings shall have the WSES system on a house meter. A single fireman control station will be required. The station shall be appropriately marked, and acceptable to the Fire Department having jurisdiction, and its location must be approved by that Fire Department.

Exception: Large tenants of 100,000 square feet and larger, that have a dedicated transformer that serves no other tenant may have a separate system and control station if approved by the Fire Department.

Section 1525 - Generators

1525.1. Optional Standby Systems - An optional standby system shall have adequate capacity and rating for the supply of all equipment intended to be operated at one time. The user of the optional standby system shall be permitted to select the load connected to the system.

Section 1526 Cutting, Notching And Boring – The cutting, notching and boring of wood or steel framing members, structure members, engineered wood products shall be in accordance with the *International Building Code*.

Section 1527 Penetrations – Penetrations of walls, floors, ceilings and assemblies required to have a fire resistant rating, shall be protected in accordance with the *International Building Code*. Where cables, conductors, and raceways penetrate fireblocking or draftstopping, such penetrations shall be protected by filling the annular space with an approved fireblocking material.

Section 1528 Smoke Control Systems – Smoke control systems required by the International Building Code or the International Fire Code shall be supplied with two sources of power. Primary power shall be the normal source of power. Secondary power shall be from an approved standby source complying with this code. The standby power source and its transfer switches shall be either outside of the building or

in a separate room from the normal power transformers, and switch gear, and shall be enclosed in a room constructed of not less than 1-hour fire resistance rated fire barriers, ventilated directly to and from the exterior. Power distribution from the two sources shall be by independent routes. Transfer to full standby power shall be automatic and within 60 seconds of failure of the primary power.

1528.1 Power Sources And Power Surges – Elements of smoke management systems relying on volatile memories or the like shall be supplied with an uninterruptible power source of sufficient duration to span 15-minute primary power interruption. Elements of the smoke management system susceptible to power surges shall be suitable protected by conditioners, suppressors or other approved means.

1528.2 Wiring – In addition to meeting the requirements of this code, all signals and control wiring for smoke control systems, regardless of voltage shall be fully enclosed within continuous raceways.

1528.3 Warehouse Smoke Evacuation – Warehouse smoke evacuation systems are not considered as a smoke control system, therefore are not required to have a second source of power. See Section 1524 of this code.

Chapter 16 - Technical Rules Applicable to Multi-Family Dwelling and Multiple Occupancy Residential Buildings.

R-2 & R-4 Uses Building Code

The Rules herein are Exceptions to Chapter 15 of the Joint Electrical Code.

Section 1601 Multi-Family Dwelling Residential Services; Requirements

1601.1 Service Connector Requirements -An individual building shall be supplied power by one set of service conductors, except as permitted by the NEC and Section 1601.2, Item 3.

1601.2 Voltage Of 250 Volts Or Less - On residential occupancies where voltage between conductors is 250 volts and less, the following requirements shall govern:

1. All multiple occupancy dwelling buildings shall have the disconnecting means for each metered tenant grouped at the point of either underground or overhead service attachment. For existing installations only the disconnecting means for each metered tenant may consist of not more than six fused switches or six circuit breakers in a common enclosure or a group of separate enclosures. The disconnecting means for not more than 6-metered tenants may be grouped at the point of service attachment. Groups of disconnecting means shall be separated by 10 feet or greater distance between adjacent ends to qualify as separate groups.
2. All branch circuits that supply 125 volts single phase 15 and 20-ampere outlets in bedrooms shall be protected by an ARC FAULT CIRCUIT INTERRUPTER (S). These AFCI Circuits may also extend into other bedrooms.
3. Building of multiple-occupancy may be supplied by two or more service drops. The disconnecting means for each tenant shall conform to the requirements of Section 1601.2.Item 1 and shall be grouped at the individual service drops. Branch circuits and service sizes shall comply with the NEC, and this chapter.
4. Any residential appliance or equipment rated at 1,000 watts and any electric motor of ½ horsepower or larger shall be supplied by individual circuits of adequate capacity for the device to be connected. Receptacles installed in

such circuits shall be single opening grounding type rated at 125% of the nameplate current of the equipment to be connected, but in no case shall they be rated less than 20 amperes. Service outlets installed at heating equipment may be duplex outlets rated at 20 amperes.

Section 1602 Additional Load For Existing Occupancies

– On existing residential occupancies where the main service to each dwelling consist of No. 8 AWG conductors, additional load may be added without increasing the service conductor size provided the sum of the existing load and additional load as computed under Section 1601..2 Item 4 shall not exceed 40 amperes per phase or leg.

Section 1603 - Load Calculations

1603.1 General - Service feeders, overcurrent devices, and panel board buses shall have a current carrying capacity equal to the connected load supplied. This includes circuits in use and spare circuits. (Notice: This shall not include spaces.)

1603.2 Spare Lighting And Appliance Circuits

-Spare lighting and appliance branch circuits shall be computed as circuits in use.

1603.3 Other Spare Circuits - Spare circuits for load other than lighting and appliances shall be computed on the basis of their intended use, or where the future load is not known, the average of the connected load of similar circuits in use on the premises.

Section 1604 Underground Service

Conductors – When a service from overhead secondary conductors is carried under ground to a building, that portion of the service running underground and up the pole shall have moisture resistant insulation and shall be suitably protected from mechanical injury. The sizing of these residential underground service conductors shall be determined by the Commercial and Residential Engineering Department of MLGW. The neutral conductors of such underground service may have weatherproof covering or be bare.

Section 1605 Service Conductor Splicing

– On existing installations, the conductor from the meter to the service drop may be extended splices being made with approved fittings. On new installations service entrance conductors

from the meter to the service drop shall be without splices, except as permitted by Section 1501.4.

Section 1606 Service Equipment And Meters: Locations And Requirements

1606.1 Location Of Service Outlets And Meters - Location of service outlets, meters, and metering equipment shall conform to the requirements of MLGW.

1606.2 Location Of Disconnects - Disconnect means shall always be located on the load side of metering equipment, except where a master disconnect is required ahead of the meters to comply with subdivision requirements.

1606.3 Additional Taps On Existing Residential Installations - On existing residential installations, in addition to the tap or connection from the load terminals of the meter socket to the line terminals of the main or subdivision switch, and that from the load terminals of the main or subdivision switch to the load, two additional taps to load may be made, one from the load terminal of the meter socket and one from either the line terminals or the load terminals of the main or sub-division switch.

1606.4 Additional Taps In Existing Panel. - On existing residential electrical installations where there is no trough or gutter installed, taps may be made in panels to supply additional load.

Section 1607 Identification.

1607.1 Marking - Main disconnecting devices and feeder protective devices of the service equipment of multiple occupancies shall be legible and permanently marked and branch circuit panels shall be legible, and permanently marked as to occupancy or apartment designation when located outside of occupancy. Panel boards shall be legibly indexed.

1607.2 Multiple Meter Installation Markings - Each meter position on all multiple meter installations shall be permanently and legibly marked with a metal tag as to apartment designation or occupancy on the socket body so as to be visible after the installation and not on its lid.

Section 1608 Wiring Methods; Two Stories Or More In Height

existing multiple occupancy dwellings or buildings two stories or more in height shall be wired using a wiring method approved in Chapter 15. **Type NM Non-Metallic or NMC Non-Metallic Sheath cable shall not be used.**

Exception: Service-entrance cable shall be permitted for use as service conductors on the exterior of existing multifamily dwellings in accordance with Article 338 of the NEC

Section 1609 Wiring Methods – One Story – Branch circuit wiring in new or existing multiple occupancy (apartment) buildings not over one story in height may be wired using type NM or NMC non-metallic sheathed cable or other wiring methods permitted by this code.

Exception: Service-entrance cable shall be permitted for use as service conductors on the exterior of existing multifamily dwellings in accordance with Article 338 of the NEC

Section 1610 Installation Requirements; Cable Installation.

1610.1 General – Cable assemblies with conductors smaller than No. 8 AWG must be run through bored holes, except that in attics where the distance between the top of the ceiling joists and the bottom rafter is two feet or less, the cable may be secured directly to the structural member.

1610.2 Truss Roof Construction Installations - In truss roof construction, cable assemblies with conductors smaller than No. 8 AWG may be secured to the bottom of top chord of trusses and/or may be secured to other structural members, except that protection for cable assembly shall be required within 6 feet of the nearest edge of scuttle hole or attic entrance, Nominal 2 x 4 truss members shall not be bored for cable assemblies.

1610.3 Branch Circuit Conductors - All branch circuit conductors shall be properly joined and terminated prior to rough-in inspection.

Section 1611 Garages, Storage And Carports – Attached or detached garages, and attached carports, and storage areas of 20 square feet or more in area shall have a minimum of one grounding type convenience outlet and one

lighting outlet, which may be combined if supplied by a 20 – ampere circuit.

Section 1612 - Kitchen Circuits – Two or more circuits, each protected at 20 amperes, and with each such circuit supplying not more than three convenience outlets, shall be installed in every kitchen in new buildings or where kitchens are completely remodeled, or where kitchens are added to existing buildings, or where existing kitchens are enlarged. A vent-a-hood, gas fired appliance, or electric clock may be wired as the fourth outlet on a kitchen circuit. These circuits and outlets shall not extend beyond the kitchen (except as permitted in Section 1715.5)

Section 1613 Lighting Circuit – At least one lighting circuit shall be installed for each 750 square feet of floor area or fraction of this area, in residential occupancies. Not more than 12 lighting outlets shall be connected to any lighting circuit. Lighting circuits may be wired with 14-gauge wire and protected by 15-amp overcurrent devices.

Section 1614 Receptacle Circuits – Not more than 16 convenience outlets, single or duplex, shall be connected to any circuit and no single circuit shall supply an area of more than 750 square feet. Receptacle circuits shall be wired with 12-gauge wire and protected by 20-amp over current devices.

Section 1615 Public Area Lighting

1615.1 General - Sufficient lighting outlets shall be installed to light all public hallways, stairways, corridors, porches and outside entrances for apartment or houses. Such lighting outlets may be controlled in either of two ways:

1. Time switch, photocell, or other automatic device, on house meter located at distribution center.
2. Switches controllable by individual tenants and on that tenant's meter (light for inside stairs shall be controlled by 3-way switches or equivalent control at top and bottom of stairs).

1615.2 House Meter Required - Where three or more apartments are located above the first floor and are served by a common stair, a house meter shall be installed.

Section 1616 Special Convenience Lighting – Special wall convenience outlets for clocks, fans etc., located 5 feet or more above floor shall not be considered as complying with convenience outlets required for each room, but such special wall outlets may be connected to either the lighting or convenience outlet circuit.

Section 1617 Existing Residential Structures.

1617.1 Boarding, Lodging Or Rooming Houses - Existing portions of buildings with or without cooking facilities, such as boarding houses, lodging houses, or rooming houses, buildings arranged or used for lodging, with or without meals, for compensation, where more than 5 but not more than 20 individuals reside, may be wired with 20 ampere capacity circuits with not over 10 outlets per circuit.

1617.2 Use Of Existing Wiring Allowed - Existing wiring, not defective, may be used, providing there are not over 10 outlets on a circuit, and the circuit does not extend beyond two family units.

1617.3 Combining Light And Receptacles On A Circuit - Light and receptacles may be combined on circuits of 20-ampere capacity, providing there are not over 10 outlets installed on a circuit in existing dwellings.

Section 1618 Air Conditioning Units

1618.1 Window Units - Window type air conditioning units shall be wired for 120 volt or 208/240- volt operation, but each unit shall be wired on an individual grounded circuit of proper ampacity.

1618.2 Accessibility - The electrical equipment of air conditioning and/or electrical resistance heating units installed in unfinished attics or crawl spaces shall be accessible for inspection and maintenance. Such equipment shall be considered accessible when located within 12 feet of access hole or opening to attic or crawl space, and not less that two sides of the unit are adjacent to working spaces. A combination keyless lamp holder and convenient outlet shall be installed adjacent to each unit and the combination shall be counted as one outlet on either a lighting or receptacle circuit.

1618.2.1 Control Switches And Motor Disconnect - The combination device shall be

controlled by a switch located adjacent to access hole or opening to attic or crawl space. Each complete unit shall have a motor rated disconnecting means without over-current protection device, mounted adjacent to or on the unit. Each unit shall be grounded.

1618.3 Power Conductors In Raceway -

Raceway required to protect conductors supplying power to central air conditioning units shall be UL approved and identified for use where subject to physical damage. An equipment-grounding conductor sized in accordance with NEC shall be installed.

Section 1619 Multi-Pole Circuits – Plug fuses, when used on 208/240 volt circuits, shall be opposite or adjacent and will not be accepted for the required disconnecting means of appliances or heating devices.

Chapter 17- Technical Rules Applicable To Residential Occupancies (One And Two Family Dwellings)

Section 1701 General Requirements

1701.1 Applicability – Chapter 17 shall apply to all one- and two-family dwellings except that sections 1703 and 1711 shall not apply where the prescriptive requirements of the NEC are met. Where the feeder and service loads are calculated in accordance with the NEC, the load calculations shall be submitted with the permit application.

1701.2 Arc- Fault Protection. Arc Fault Circuit Interrupter protection shall not be required for bathrooms, garages, and unfinished basements; and for individual branch circuits supplying refrigeration equipment.

Section 1701.3 Additional Load For Existing Occupancies – On existing residential occupancies where the main service to each dwelling consist of No. 8 AWG conductors, additional load may be added without increasing the service conductor size provided the sum of the existing load and additional load as computed shall not exceed 40 amperes per phase or leg.

Section 1703 - Load Calculations

1703.1 General - The load for services and feeders shall be permitted to be calculated in accordance with this section in lieu of the methods required by Article 220 of the National Electrical Code. Where this method is used the installation shall comply with all of the provisions of this Chapter.

1703.2 General Purpose Circuits - The service conductors, feeder and service equipment in single and two family residential occupancies, for general purpose circuits shall have a capacity of not less than 10 amperes for each of the first six 120 volt 2-wire branch circuit; not less than 5 amperes for the next six 120 volt 2-wire branch circuits, and all other 120 volt 2-wire branch circuits 13 and over shall be computed at 3.5 amperes each.

1703.3 Addition Of Load - On existing jobs where additional load is being installed, services, feeders, and service equipment shall be increased to provide for the additional load.

1703.4 Range Service Requirements - Where the total connected single-family range does not exceed 17 KW, a service and/or feeder demand of 35 amperes may be used. Conductors supplying outlets for ranges other than built-in type shall be of sufficient size for the range connected, but in no case shall they be smaller than number 8 copper (AWG) rated at 50 amperes. Receptacles used for disconnecting means shall be rated at 50 amperes and supplied by a 50-ampere overcurrent device. Cook tops may be wired with #10 conductors and protected by 30 ampere over current devices.

1703.5 Electric Washer-Dryer Combinations - Electric washer-dryer combinations rated 5KW or less may be wired on a 30-ampere circuit with a 30 ampere grounding type receptacle. The service demand shall be 20 amperes.

1703.6 Spare Circuits For Lighting And Appliances - Spare lighting and appliance branch circuits shall be computed as circuits in use.

1703.7 Other Spare Circuits - Spare circuits for loads other than lighting and appliances shall be computed on the basis of their intended use, or where the future load is not known, the average of the connected load of similar circuits in use on the premises.

1703.8 Other Loads – Loads for appliances and equipment not listed in this section shall be calculated in accordance with the 2020 National Electrical Code.

Section 1704 Unprotected Service Conductors Length – Service entrance conductors (without over current protection) shall not extend more than 15 feet inside a building measuring horizontal from the point of entrance.

Section 1705 Minimum Service Size - No service shall be installed with less than #6 AWG. In new single-family dwellings and in each unit of duplex residential dwellings, the service entrance conductors shall have the equivalent capacity of not less than the following:

1. 100-amperes for residences with an area of 501 square feet through 1,500 square feet; the service conductors shall extend from the service head to the terminals of the first over current devices or the distribution equipment.

2. 200-amperes for residences with an area of 1,501 square feet through 3,000 square feet; the service conductors shall extend from the service head to the line terminals of the first over current devices or the distribution equipment.

3. 225-amperes for residences with 3,001 through 4,000 square feet, the service conductors shall extend from the service head to the line terminals of the first over current device or distribution equipment.

4. 400 amperes for residences with over 4,000 square feet, the service conductors shall extend from the service head to the line terminals of the meter socket.

Section 1706 Service Conductor Splicing - On existing installations, the conductors from the meter to the service drop may be extended splices being made with the appropriate fittings. On new installations, service entrance conductors from the meter to the service drop shall be without splices, except as permitted by Section 1501.4.

Section 1707 Service Equipment And Meters; Location And Requirements.

1707.1 Location - Location of services outlets, meters, and metering equipment shall conform to the requirements of MLGW.

1707.2 Location Of Disconnect - Disconnect means shall always be located on the load side of metering equipment.

1707.3 Additional Taps On Existing Residential Installations - On existing residential installations, in addition to the tap or connection from the load terminals of the meter socket to the line terminals of the main or subdivision switch, and that from the load terminals of the main or subdivision switch to the load, two additional taps to load may be made, one from the load terminal of the meter socket and one from either the line terminals or the load terminals of the main or sub-division switch.

1707.4 Taps for Alternative Energy Metering Equipment - A tap complying with MLGW requirements shall be permitted to be made to conductors or equipment on the line side of metering equipment, within the metering equipment enclosure, for the connection of

alternative energy source metering equipment to the premises wiring system

Section 1708 Wiring Methods; Single And Two Family Occupancies

1708.1 General - Nonmetallic-sheathed cable and service-entrance cable shall be permitted to be used in one- and two-family dwellings. Where nonmetallic-sheathed cable is extended through outside walls or floors the cable shall be run through a conduit nipple, properly bushed. Roof sheathing must be completed before cable is installed.

1708.2 Securing Methods For Cable - Service entrance cable and non-metallic sheathed cable, 8 AWG or larger, may be secured directly to permanent structural members on attics and lower edges of joists under houses and unfinished basements. Where distance between ceiling joist and bottom rafters is two feet or less in attics, cable may be run on top of joists or lower edges of roof rafters. Where cable is run parallel to joists, it shall be secured at intervals not exceeding 4-1/2 feet. Where cable is run across joists, it shall be secured on every other joist.

Section 1709 Installation Requirements; Cable Installation

1709.1 General - Assemblies with conductors smaller than No. 8 AWG must be run through bored holes, except that in attics where the distance between the top of the ceiling joist and bottom of rafters is two feet or less, the cable may be secured directly to structural members.

1709.2 Truss Roof Construction Installation - In truss roof construction, cable assemblies with conductors smaller than No. 8 AWG may be secured to the bottom of top chord trusses or may be secured to the top of the bottom chord of trusses and/or may be secured to other structural members, except that protection for cable assemblies shall be required within 6 feet of the nearest edge of scuttle hole or attic entrance. Nominal 2 x 4 truss members shall not be bored for cable assemblies.

1709.3 Branch Circuit Installation - All branch circuit conductors shall be properly joined and terminated prior to rough-in inspection.

Section 1710 - Wiring Methods Service Requirements For Townhouses

1710.1 Definition – A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with an open space on at least two sides.

1710.2 Meter Location – The electric meter for townhouses shall be located on the dwelling unit it serves.

Exception: The meter shall be permitted to be located in a common area as dedicated on the recorded plat provided that the feeder conductors are routed below grade from the meter center to the occupancy served and do not pass through or enter any other occupancy.

Section 1711 Minimum Requirements for Dwellings Using the Shelby County Optional Calculation Method (1703)

1711.1 Applicability - This section amends the requirements of the NEC for dwelling units that have the service and feeder loads calculated in accordance with Section 1703. Where this optional method is used, the dwelling unit shall comply with all of the requirements of this section. This section shall not apply to dwelling units wired in accordance with the 2020 NEC. Wherever floor areas are mentioned herein, it shall be understood that such areas are to be calculated from the outside dimensions of the building and by the number of floors.

1711.1.2.1 Locations Not Included In Area - Carports, open porches, unfinished attics, basements, and rooms not connected to the house shall not be computed in the area requirements.

1711.1.2.2 Omissions Allowed For Lighting Circuits - Living rooms and dens without lighting outlets shall be omitted from floor area calculations for lighting circuit calculations.

1711.1.2.3 Kitchen Exclusion - The area of the kitchens supplied by special kitchen circuits shall be omitted from the floor area calculations for receptacles.

1711.2.1 Branch Circuit Wiring - At least one lighting outlet shall be installed in each room, including bathrooms, toilet rooms, halls, and storage rooms, on porches, and at outside entrances without porches, in attics where stairs

are installed or provided, and in basement rooms, attached garages, except in living rooms, bedrooms, and dens where one or more convenience outlets are controlled by wall switch. Porch and outside entrance lights shall be walled switched. Switch shall be adjacent to door where practicable. Attic light shall be installed close to or over attic stairs and controlled by wall switch. Switches for lighting outlets shall be located on the strike side of doors; if this is not possible, it shall be located as near the door as possible, but in no case shall it be behind the door swing.

1711.2.2 Lighting Circuits, Minimum Required - At least one lighting circuit shall be installed for each 750 square feet of floor area or fraction of this area, in residential occupancies. Not more than 12 lighting outlets shall be connected to any lighting circuit. Lighting circuits may be wired with 14-gauge wire and protected by 15-amp overcurrent devices. Receptacles shall not be supplied by lighting circuits.

1711.2.3 Bathrooms - Toilet rooms that have a washbasin and bathrooms shall have one convenience outlet adjacent to each sink. Halls having over 50 square feet of floor space shall have at least one convenience outlet.

1711.2.4 Special Installation Allowed - Where the required number of convenience outlets is installed in a room, and due to special conditions it is impractical to space them 12 feet apart, they may be spaced in the most practical manner as near as possible to the 12 foot requirement.

1711.2.5 Separate Eating Areas - Receptacle outlets in eating areas, which are or are not a part of the kitchen may be installed as part of the kitchen receptacle circuits, or installed on receptacle circuits.

1711.2.6 Kitchen Circuits - Two or more circuits, each protected at 20 amperes, and with each such circuit supplying not more than three convenience outlets, shall be installed in every kitchen in new buildings or where kitchens are completely remodeled, or where kitchens are added to existing building, or where existing kitchens are enlarged. A vent-a-hood, gas fired appliance or electric clock may be wired as the fourth outlet on a kitchen circuit. These circuits and outlets shall not extend beyond the kitchen (except as permitted in Section 1715.5).

1711.2.7 Electric Clothes Washing Machines -

Electric clothes washing machines shall be installed on a separate circuit.

1711.2.8 Central Vacuum Power Units -

Permanently installed central vacuum cleaner power units shall be installed on a separate circuit.

Section 1711.1.3 Garage, Storage, Basements And Carports – Attached and detached garages, and attached carports, basements, and storage areas of 20 square feet or more in area shall have a minimum of one grounding type convenience outlet and one lighting outlet, which may be combined if supplied by a 20-ampere circuit. Such outlets shall not include those installed for door openers and freezers.

Section 1711.1.4 Detached Living Quarters – Rooms connected to a house and used, as living quarters shall comply with requirements for installation of convenience outlets. Ceiling outlets may be combined with the convenience outlet on a 20-ampere circuit in rooms not exceeding 250 square feet.

Section 1711.1.5 Receptacle Circuits – Not more than 16 convenience outlets, single or duplex shall be connected to any circuit and no single circuit shall supply an area of more than 750 square feet. Receptacle circuits shall be wired with 12-gauge wire and protected by 20-amp overcurrent devices.

Section 1711.6 Special Convenience Lighting – Special wall convenience outlets for clocks, fans, etc., located 5 feet or more above floor level shall not be considered as complying with the convenience outlet required in each room, but such special wall outlet may be connected to either lighting or convenience outlet circuits.

Section 1711.7 Room Additions– Rooms added to existing residential occupancies, where the addition does not exceed 250 square feet of floor areas, the lighting and convenience outlets, not exceeding 12, may be connected to the same circuit, and not less than 20 ampacity wires can be used. This shall not apply to kitchen additions.

Section 1712 Small Appliance Circuits – For installations not utilizing the optional methods permitted by sections 1703 and 1711, the small

appliance circuits required by Section 210.11(C) of the NEC shall have the load evenly proportioned between the circuits by having each adjacent receptacle in the area(s) served supplied by a different circuit.

Section 1720 Branch Circuits Existing Residential Occupancies; General Wiring Requirement – (Minimum Property Standards)

1720.1 Removal Of Unsafe Wiring - In existing dwelling building previously wired with cord wiring, unauthorized extensions, or where other hazardous wiring conditions exist, all hazardous wiring shall be removed, and the new wiring installed to comply with the minimum requirements.

1720.2 Wiring Upgrade For Substandard Dwellings - Existing substandard dwellings shall be wired to meet the minimum requirements as stated below.

1720.3 Retention Of Existing Wiring -Existing portions of dwelling buildings may be wired with 15-ampere capacity circuits for lighting and 20-ampere capacity circuits for receptacles.

1720.4 Required Receptacles, Circuits, Special Location Standards And Lighting Outlets - In determining the minimum number of receptacles or lighting outlet in each room of a building, their location in such rooms, the circuits required to properly accommodate such receptacles and outlets and related requirements, the standards and minimum requirements established in the 2003 Edition of the *ICC Property Maintenance Code*, or any later edition hereafter adopted by Memphis and Shelby County, shall be used to locate, size, type and establish the minimum number of such items.

Section 1721 Fire Damaged Buildings - An inspection and written ruling must be obtained from the MSCCE prior to commencing work, other than demolition work or temporary service, on fire damaged building.

Section 1722 Building Relocation – Minimum Requirements Buildings moved from one location to another that are to be used as a single-family dwelling shall meet the following minimum requirements:

1. Service entrance conductors shall be governed by new service rules.

2. Kitchens shall have no less than two circuits with a maximum of 3 convenience outlets per circuit.

3. Lights and convenience outlets shall comply with existing branch circuit residential occupancies general requirements.

Chapter 18 - Amendments to NEC Provisions

Section 1801 Scope – This Chapter is intended to provide local amendments deemed appropriate and necessary to the 2008 Edition of the National Electric Code (NEC) to provide appropriate local electrical construction. It is not intended to weaken the protection provided by this national code.

Section 1804 Amendment to NEC Article 700, Section 700.27 This article shall read as follows:

Section 700.27 Coordination. Emergency systems installed after January 1, 2012 shall be selectively coordinated with all emergency system overcurrent devices for faults with a duration of 0.1 seconds or longer using accepted engineering practice. For new emergency systems that are supplied from existing emergency systems installed prior to January 1, 2012, this requirement shall apply only to the new portion of the emergency system. The engineer shall certify that the system is coordinated in accordance with these requirements.

Appendix A

Electrical - Permit and Inspection Fees

The fee for each permit shall start with a base fee of \$20.00, with the exception of meter put backs (E-5.2.) Additional fees shall be computed from the *Electrical Permit Fee Schedule* as listed below.

E-1 Fees for Amending Permits

E1.1 After a permit has been issued and an amendment or supplemental revision is applied for, the additional fee or service charge shall be as follows:

E1.2 For each 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 contemplated and shall be computed disregarding the valuation of the work previously permitted.

E-1.3 For each amendment or supplement a minimum fee of \$20.00 shall be charged.

E-1.4 Fee(s) for amendments or supplements shall be paid prior to re-inspection.

E-2 Work Commencing Before Permit Issuance and Penalty

E-2.1 In the event work is begun prior to obtaining the required electrical permit, the total 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.

E-2.2 Penalties issued by the Technical Boards to persons appearing or caused to appear before the Technical Board shall pay in the lump sum the penalty fee of 300% (3 times) of the original permit fee plus the cost of the original permit or \$50.00 a day for each day or portion thereof, which ever is greater to MSCCE. The license holder, and/or non-license holder shall not proceed with the work until he has paid the Building Official the penalty.

E-3 Minimum Fees, Payment, & Address Assignments

E-3.1 Wiring on each meter installation shall require a separate permit and fee; separate meter installations on apartment jobs may be listed on one permit so long as the apartments listed are for one address. No permit, initial or added after an inspection has been made shall be issued for a fee of less than \$15.00.

E-3.2 Full payment for all fees shall accompany any electrical permit submitted.

E-3.3 Address assignments from MLGW will be the official address used by the Office of Construction Code Enforcement.

E-4 Refunds. - Permit fees may be refunded if no work has commenced and a request for refunds is submitted to the Building Official in writing by the permittee within 6 months of the date of the issuance. The permit is surrendered when a request for refund is submitted. The amount of the refund will be 2/3 of the permit fee, but in no case, will the amount retained by the Office of Construction Code Enforcement be less than \$15.00. Note that the refund does not include the \$20.00 base fee, the \$4.00 Data Processing fee, or the \$1.00 Residential/\$5.00 Commercial Housing Initiative.

E-5 Re-inspection

E-5.1 Fee for Excessive or Repeat Inspection Calls

E-5.1.1 A \$50.00 re-inspection fee shall be charged for the re-inspection and rejection of the same infraction and for every re-inspection thereafter until the infraction is corrected.

E-5.1.2 Any person, firm, or corporation aggrieved by the assessment of any re-inspection fee may appeal to the Chief Electrical Inspector for a review of the facts involved and a possible reduction or dismissal of said fees.

E-5.2 Interior Wiring Out of Service Meter Put Back. -No system or installation of interior electrical wiring in any building which has been out of service for 365 days or more on residential property or 90 days or more on commercial property shall be used as an electrical conductor without re-inspection by or a certificate from the Building Official. In emergency situations, the inspector is authorized to issue a temporary certificate until re-inspection can be made. A fee of \$50.00 shall be charged for a re-inspection or certificate required by this section. This section shall apply to new buildings, which have never been occupied as well as buildings, which are vacant after having been previously occupied.

E-6 Residential Fees – Chapter 6 & 7

E-6.1 New Residential (Multi-family Multi-occupancy)

The fee for multi-family & multi-occupancy shall be \$1.00 per amp for the main overcurrent device(s) for each metered tenant.

0-150 Amps	\$70.00
151-400 Amps	\$125.00
Over 400	\$250.00

This fee will include low voltage installations if they are listed on the permit. This fee provides three inspections; additional inspections shall be \$50.00 each.

E-6.2 Existing Residential Occupancies

The following fees shall apply to circuits only new or existing:

1 to 5 circuits	\$30
Over 5 circuit	\$45

The fee will provide two inspections; Additional inspections shall be \$50.00 each.

E-6.3 Service, Feeder, & Panel Replacement -

The fee for service, feeder, or panel replacement shall be \$50.00. This fee shall apply if one or all three are done; and if replacement(s) are for like equipment and conductors. This fee will provide one inspection; additional inspections shall be \$50.00 each.

E-6.4 Swimming Pools - The fee for residential in-ground pools shall be \$100.00 and will cover circuits for pool equipment only. This fee will provide two inspections; additional inspections shall be \$50.00 each. The fee for residential above ground pools shall be the same as set forth in E-6.2. This fee will provide one inspection; additional inspections shall be \$50.00 each.

E-6.5 Residential Low Voltage - The fee for low voltage installed in a 1 or 2-family dwelling by licensed and/or registered low voltage contractors shall be \$30.00. If low voltage Rough-in is not in place before walls are sheet rocked, a \$50.00 Inspection Fee will be assessed. The Fee for multi-family or multi-occupancy buildings, three floors or less shall be \$30.00 per system, per building. If Low Voltage Rough-in is not in place before walls are sheet rocked, a \$50.00 Inspection Fee will be assessed.

E-6.6 Manufactured (Mobile) Homes - The fee for mobile homes shall be \$50.00 and will include the A/C connection if it is listed on the permit. The fee applies to mobile home parks only; installations other than mobile home park shall be as set forth in E-6.1

E-6.7 Concealed Wiring - Wiring in all type residential (new or existing) occupancies shall not be concealed until approved inspections have been received for both low voltage and line voltage installations. Concealed wiring shall be uncovered in its entirety.

E-6.8 Residential Temporary Meter Center -

The fee for temporary meter centers used only for the construction of new one and two family dwellings shall be \$25.00.

E-7 Permit Fees for Installations Other Than Residential - New Services or Feeders

E-7.1 The permit fees listed below shall cover the installation of a new service or feeder including all circuits and current consuming equipment and devices connected thereto when installed concurrently with the service or feeder.

E-7.1.1 120-Volt single phase, 120/240-volt single phase, or 120/208 voltage three phase the fee shall be \$1 per ampere of service or feeder size.

E-7.1.2 277-volt single phase, 480 volt single phase, 480 volt three phase or 277/480 volt three phase; over 400 amperes shall be \$1.50 per ampere of service or feeder size.

E-7.1.3 277 volt single phase, 480 volt single phase, 480 volt three phase or 277/480 volt three phase up to 400 amperes shall be \$2 per ampere of service or feeder size.

E-7.1.4 Building or premises that are supplied by electrical services with voltage more than 480 volts; the fee shall be as follows:

\$1.50 per KVA for the first 10,000 KVA

\$0.50 for each additional KVA above 10,000 KVA and up to 50,000 KVA

\$0.25 for each additional KVA above 50,000 KVA

E-7.2.1 The capacity of a service or feeder shall be the overcurrent device or buss size.

E-7.2.2 The permit fee shall be based on the overcurrent device(s) or buss size of each metered service or feeder.

E-8 Increase in Service Size

E-8.1 The permit fee for the increase of size of a service shall be computed as set forth in section E-7.1, this fee will cover work associated with the service increase (new panels & circuits). Circuits in existing panels not associated with the increase that are to be re-configured in existing panels or relocated shall be assessed as set forth in Section E-12, The increase in the service size only shall be used in calculating the permit fee, (i.e. increasing an 800 ampere service to 1200 ampere will be computed as a 400 ampere fee).

E-9 Remodeling of Existing Buildings

E-9.1 Where an existing building is completely remodeled and the existing service is of adequate capacity, a permit fee shall be 75% of the fee as set forth in E-7.1 for a new service or feeder.

E-10 Service Feeder, & Panel Replacement (Nonresidential)

E-10.1 Replacement of existing services, feeders, or panels shall be permitted at 25% of the fee shown under the appropriate voltage figured in Section E-7. Replacement(s) shall be for like equipment and conductors. This fee shall apply if one or all three replacements are done for an individual service, feeder, or panel.

E-11 Emergency Power Systems. - The installation of an emergency stand by system, (generator, UPS, etc.) required or non-required shall be 25% of the fee as set forth in E-7, at the appropriate voltage. This fee applies to installations not associated with new construction.

E-12 Non-Residential Fees for Branch Circuits.

The fee for branch circuits shall be figured at 25% of the overcurrent device at the appropriate voltage. All others shall be figured as set forth in Section E-7.

E-13 Empty Conduits

E-13.1 Empty Conduit systems for services, feeders, branch circuits, & low voltage systems shall be permitted for a fee of \$10 for each 50 ft. of conduit or bank of conduits.

E-13.2 Termination of services for multi-occupancy services shall be made on terminal blocks in the service trough and shall be permitted for a fee of \$10 for each 50 ft. of conduit or bank of conduits.

E-14 Inspection & Permit Procedures for Special Amusement Rides. - The procedure listed herein for the inspection of all electrical wiring and components, associated with the installation, construction, alteration, repair, removal, and use of amusement rides and devices and wiring for special events, are in conformance with the requirements of the Joint Building Code of Memphis and Shelby County.

E-14.1 A permit shall be required for each location for amusement rides or special events that require wiring.

E-14.2 Permits shall be issued only to licensed electrical contractors, as set forth in the Licensing section of the JEC of Memphis and Shelby County.

E-14.3 Permit fees shall be based on the service, or if power is received from generators, the ampere rating of the over-current device(s) protecting the circuit(s); the fee shall be figured at 25% of the amps at the appropriate voltage as set forth in A-7 If over-current devices(s) are not available KW will be converted to amps and the fee figured accordingly.

E-14.4 All wiring and grounding shall be in accordance with the requirements of the JEC,

E-15 Low Voltage (Non-residential) - All low voltage systems shall be figured as \$15 per system per floor. This fee will cover a permit for that category on a single floor or tenant space; and will provide two inspections. If additional inspections are required, they shall be \$50 each.

E-16 Temporary Meter Centers (Non-Residential) -The fee for temporary meter centers above 100 amperes other than residential 1&2 family shall be 25% of the ampacity at the appropriate voltage as set forth in A-7, all below shall be \$25.00.

E-17 Filing of Joint Board of Appeals - Notice of Joint Board of Appeals under Section 108 shall be accompanied by a fee of \$125.00.

E-18 Contractor for MLGW - The contractor shall obtain a permit for the work to be installed under the contract with MLGW Division and shall pay a full permit as set forth elsewhere in the fee schedule.

E-19 General Inspection - For general examination of a wiring system when requested by the owner a fee of \$50.00 shall be charged. The fee shall not apply to investigation of complaints.

E-20 Termination of Permits - Electrical permits issued for any project shall terminate 30 days after the Building Section has issued a certificate of occupancy. The Chief Electrical Inspector may grant an extension beyond the 30-day interval but not to exceed one year from the date of the Certificate of Occupancy on the presentation of adequate reasons for the extension.

E-21 Miscellaneous Fees

Fire Rulings (Sec. 1721)	\$50
Relocated Houses (Sec. 1722)	\$50
Modular Buildings	\$50

ELECTRICAL PERMIT AND INSPECTION FEES SCHEDULE

2020 Section	Section Title	2020 Fee
E-0	Fee Issuance Cost per Permit except for meter put backs (E5.2)	\$20.00
E-1.3	Each amendment minimum fee.	\$20.00
E2.1	Work commencing before permit issuance	Double Fee
E3.1	Minimum Fee	\$15.00
E-4	Refund will be 2/3rds of the permit fee minimum refund	\$15.00
E5.1.1	Re-inspection Fee	\$50.00
E5.2	Meter Put Back	\$50.00
E6-1	New Multi-Family residential	
	Main overcurrent devices per tenant	\$1.00
	0-150 Amps	\$70.00
	151-400 Amps	\$125.00
	Over 400 Amps	\$250.00
	This fee provides 3 inspections	
E-6.2	Existing Residential 1&2 Family Occupancies	
	1 to 5 circuits	\$30.00
	Over 5 circuits	\$45.00
	Existing Residential Multi-Family	
	1 to 5 circuits	\$30.00
	Over 5 circuits	\$45.00
	This fee provides 2 inspections.	

E6.3	Service, feeder, or panel replacement	\$50.00
	This fee will provide 1 inspections.	
E6.4	In ground residential swimming pool	\$100
	This fee provides 2 inspections	
E6.5	Residential Low Voltage	\$30.00
	Multi-Family Low Voltage	\$30.00
E6.6	Manufactured Homes	\$50.00
E6.8	Residential Temporary Meter Center	\$25.00
E7	Installations Other than Residential New Services or Feeders	
E7.1.1	120/240 volt single phase	\$1.00
E7.1.2	277 volt single phase over 400 ampere	\$1.50
E7.1.3	277 volt single phase up to 400 amperes	\$2.00
E7.1.4	Excess of 480 volts	
	First 10,000 KVA	\$1.50
	Between 10,001 and 50,000 KVA	\$0.50
	Greater than 50,000 KVA	\$0.25

ELECTRICAL PERMIT AND INSPECTION FEES SCHEDULE – Page 2

E8	Increase in service size	
E8.1.1	120/240 volt single phase	\$1.00
E8.1.2	277 volt single phase over 400 ampere	\$1.50
E8.1.3	277 volt single phase up to 400 amperes	\$2.00
E8.1.4	Excess of 480 volts	
	First 10,000 KVA	\$1.50
	Between 10,001 and 50,000 KVA	\$0.50
	Greater than 50,000 KVA	\$0.25

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 10/19/2021
DATE**

**PUBLIC SESSION: 10/19/2021
DATE**

**FIRST READING: 09/21/21
DATE**

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Plumbing Code.

CASE NUMBER: n/a

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: John Zeanah, Division Director

REQUEST: Adopt amendments to the Memphis and Shelby County Plumbing Code.

AREA: This amendment affects all property within the City of Memphis and unincorporated Shelby County.

RECOMMENDATION: Division of Planning and Development: Approval

PRIOR ACTION ON ITEM:

n/a _____ APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY PLUMBING CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL PLUMBING CODE AND LOCAL AMENDMENTS TO REPLACE AN OUTDATED PLUMBING CODE AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Ordinance will amend 2015 Plumbing Code adopted on December 4, 2018.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution does not require an expenditure of funds or budget amendment.



JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY PLUMBING CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL PLUMBING CODE AND LOCAL AMENDMENTS TO REPLACE AN OUTDATED PLUMBING CODE AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.

WHEREAS, the Board of Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis have previously adopted the 2015 Edition of the *International Code Council International Plumbing Code* with certain local amendments thereto, now collectively known as the 2018 Memphis and Shelby County Plumbing Code; and

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

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

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

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

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

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That all previous plumbing codes are hereby repealed except as may be set out in the attachments hereto, and that the 2021 Edition of the International Code Council (ICC) *International Plumbing Code* is hereby adopted, a copy of said code being on file in the Shelby County Commission and Memphis City Council Minutes Offices.

BE IT FURTHER ORDAINED, That the local amendments to the sections of the 2021 Edition of the *ICC Plumbing Code* on the attached Exhibit A are also adopted and together these provisions and the 2021 *ICC Plumbing Code* shall be known as the 2021 Memphis and Shelby County Plumbing Code.

BE IT FURTHER ORDAINED, That Appendix A – Plumbing Permit And Inspection Fees, as locally re-drafted, and as attached to Exhibit A hereto, Appendix B – Rates of Rainfall for Various Cities, Appendix C – Structural Safety, Appendix D – Degree Day and Design Temperatures, and Appendix E – Sizing of Water Piping System, are hereby adopted into this code, but that no other appendix listed in the 2021 *ICC International Plumbing Code* is adopted.

BE IT FURTHER ORDAINED, That should any part of this ordinance or code be found 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 Memphis City Council and by the Board of Commissioners of Shelby County or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.

Memphis

and

Shelby County

2021 Joint Plumbing Code

Chapter 1

Replace Existing Chapter One with the Following

101.1 Title. – These regulations together with the 2021 Edition of the International Code Council Plumbing Code shall be known as the 2021 Memphis and Shelby County Plumbing Code, part of the 2021 Technical Code for Memphis and Shelby County, hereinafter referred to as “this code.

101.2 Scope. - The provisions of this code shall apply to and regulate the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems. This code shall also regulate non-flammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel gas water heaters and water heater venting systems shall be regulated by *the International Fuel Gas Code*. Provisions in the appendices shall not apply unless specifically adopted.

Exceptions: Plumbing systems in existing buildings undergoing repair, alteration, or addition, and changes of occupancy shall be permitted to comply with the *International Existing Building Code*.

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

Appendix A. - Plumbing Permit and Inspection Fee Schedule

Appendix B. - Rates of Rainfall for Various Cities

Appendix C. – Structural Safety

Appendix D. - Degree Day and Design Temperature

Appendix E. - Sizing of Water Piping Systems

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

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

101.4 Severability. - If any section, subsection, sentence, clause or phrase of this code is, for any

reason, held to be unconstitutional, illegal or void, such decision shall not affect the validity of the remaining portions of this code.

Section 102 – Applicability

102.1 General. - The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.1.1 Plumbing. – The provisions of the *International Plumbing Code* shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fitting and appurtenances and connections to the water or sewage system.

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

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

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

any plumbing system to be re-inspected. Maintenance requiring a permit shall be performed by a registered or licensed contractor.

[EB] 102.4 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] 102.5 Change In Occupancy. - It shall be unlawful to make a change in the occupancy of any structure which will subject the structure to any special provision of this code 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] 102.6 Historic Buildings. - The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

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

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

102.9 Requirements Not Covered By This Code. - Any requirements necessary for the strength, stability or proper operation of an existing or proposed plumbing system, or for the public safety, health and

general welfare, not specifically covered by this code, shall be determined by the Building Official.

102.10 Other Laws. - The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.11 Application Of References. - References to chapter or section number, or to provisions not specifically identified by number, shall be construed to refer to such chapters, sections, or provisions of this code.

SECTION 103 - Memphis and Shelby County Office of Construction Code Enforcement (MSCCCE)

103.1 Creation of Enforcement Agency. - Joint Resolution /Ordinance #3333 was adopted and approved by the City of Memphis and the Shelby County legislative bodies, to create the Memphis and Shelby County Office of Construction Code Enforcement (MSOCCE). 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 are to be known as the Memphis and Shelby County 2011 Technical Codes.

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 Listing

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.

103.4 Records. – The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

103.5 Liability. – Any officer or employee, or member of the Joint Board of Appeals or Plumbing Code Board, charged with the enforcement of the Technical Codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of the Technical Codes shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

SECTION 104 - Powers and Duties of the Building Official

104.1 General. – The Building Official shall enforce all of the provisions of this code and shall act on any question relative to the installation, alteration, repair, maintenance or operation of all plumbing systems, devices and equipment except as otherwise specifically provided for by statutory requirements. The Building Official shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policy procedures rules and regulations shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Right of Entry

104.2.1 Authorization. - Whenever necessary to make an inspection to enforce any of the provisions of the Technical Codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any

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

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

104.2.3 Identification. – The Building Official and all his designees shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

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

104.4 Revocation Of Permits

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

104.4.2 Violation Of Code Provisions – The Building Official may revoke a permit upon determination by the Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or

plumbing system for which a permit was issued is in violation of, or not in conformity with, the provisions of the Technical Codes or any other local ordinance and or applicable law or regulation.

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

104.6 Requirements Not Covered By The Code – Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other Technical Codes, shall be determined by the Building Official. This authority shall include the ability to issue written interpretations of code requirements which are not clearly addressed by other provisions of the technical codes.

SECTION 105 – APPROVAL

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

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

submitted to substantiate any claim regarding the alternative.

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

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

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

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

105.4 Alternative Engineering Design. – The design, documentation inspection testing and approval of an alternative engineering design plumbing system shall comply with sections 105.4.1 through 105.4.6.

105.4.1 Design Criteria. – An alternative engineering design shall conform to the intent of the provisions of this code and shall provide an equivalent level of quality, strength, effectiveness, fire resistance, durability, and safety. Material equipment or components shall be designed and installed in accordance with the manufacturer’s installation instructions.

105.4.2 Submittal. – The registered design professional shall indicate on the permit application that the plumbing system is an alternative engineering design. The permit and permanent permit records shall indicate that an alternative engineered design was part of the approved installation.

105.4.3 Technical Data. - The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineering design and to prove that the performance meets the intent of this code.

105.4.4 Construction Documents. – The registered design professional shall submit to the Building Official two complete sets of signed and sealed construction documents for the alternative engineered design. The construction documents shall include floor plans and riser diagrams of the work. Where appropriate, the construction documents shall indicate the direction of flow, all pipe sizes, grade of horizontal piping, loading, and location of fixtures and appliances.

105.4.5 Design Approval. - Where the Building Official determines that the alternative engineered

design conforms to the intent of this code, the plumbing system shall be approved. If the alternative engineered design is not approved, the Building Official shall notify the registered design professional in writing, stating the reason thereof.

105.4.6 Inspection And Testing. - The alternative engineered design shall be tested and inspected in accordance with the requirements of Section 107 and 312.

105.5 Materials And Equipment Reuse. - Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

Section 106 – Permits

106.1 Permits Required

106.1.1 When Required. - Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, refurbish, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system or to cause any such work to be done shall first hire or cause to be hired a licensed and/or registered Contractor. Contractor shall first make application to Building Official and obtain the required permit for the work. Building permits may be issued to the property and building owner when so allowed by the Memphis and Shelby County Technical Codes and the State of Tennessee Contractors' License Laws.

Exception – Where plumbing or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the department of plumbing inspection.

106.1.2 Permit Required For Appurtenances To Buildings And Other Structures And Apparatus –

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

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

106.1.3 Permits For Specific Structures – A permit, and the payment of the appropriate fees, shall be required to erect, install, alter, refurbish, 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 /Mechanical Code/Plumbing Code

1. Storage tank or bin

Building Code/Electric Code

1. Fire Alarms

Mechanical Code/Electric Code

1. Fire suppression systems for commercial kitchen hoods

Fuel Gas Code/Electric Code

1. Liquefied petroleum gas systems

Mechanical Code

1. Medical gas systems

Plumbing Code

1. All potable water systems
2. Sewer private (Private Drive); (See policy and procedures for requirements.)
3. All sanitary and indirect waste piping.
4. All private storm water piping.
5. Any special piping connecting to the plumbing system(s)
6. Fire protection systems
7. Medical Gas Systems

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

106.1.4 Temporary Structures. – A special building permit issued for a limited time shall be obtained for the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

106.1.5 Work Authorized. – A plumbing permit shall carry with it the right to construct or install the work and fixtures identified in the permit, provided the same is shown on the drawings and set forth in the specifications filed with the application for the permit. When additional work is conducted which is not shown on the drawings or covered by the

specifications submitted with the application, additional permits or a permit amendment to include such items or work shall be required.

106.2 Exempt Work. – The following work shall be exempt from the requirements of a permit:

1. The stopping of leaks in drains, water, soil, waste or vent pipes provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repair of leaks in pipes, valves, or fixtures, provided such repairs do not involve or require the replacement, rearrangement or the removal of any cover plate(s) or access ways of valves, pipes or fixtures.
3. All Licensed or Certified State Contractors who contract directly with the Memphis Light Gas and Water Division shall comply with the provisions of the Technical Codes, in that they shall be licensed or registered in the appropriate area to install work in the City of Memphis and County of Shelby, Tennessee. Further the contractor shall obtain permits for the work to be installed under the contract with the Memphis Light Gas and Water Division and the contractor shall pay a permit fee as established in the fee ordinance.

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

106.3 Application For Permit. - Each application for a permit, with the required fee, shall be filed with the Building Official on a form or method, furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the Building Official.

106.3.1 Plumbing Permit Application. - Each plumbing permit application shall be signed by the contractor, or an authorized agent with power of attorney. Power of Attorney shall be limited to two authorized agents only. The permit application shall describe the scope of work and contain such other information as may be required by the Building Official.

106.3.1.1 Authorized Agents. - Contractors wishing to establish authorized agents for the purpose of

signing permit applications shall provide to the Office of Construction Code Enforcement, a letter of Limited Power of Attorney. The letter, submitted on Company Stationary shall contain the following:

1. Name and signature of the Owner
2. Location of the business
3. Name of the Company
4. Name and phone number of employees to act on behalf of said company
6. The owner's signature on the letter shall be notarized.
7. This letter will be resubmitted with each license renewal and contain any updated information that is now applicable and every 6 months thereafter. The plumbing department shall be notified immediately in writing of any change of status of the authorized agent(s).

The permit application shall describe the scope of work and contain such other information as may be required by the Building Official.

106.3.2 Construction Documents. - Construction documents, engineering calculations, diagrams and other data shall be submitted in four sets with each application for a permit. The Building Official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional when required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fire blocking.

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

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

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

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

106.4 By Whom Application Is Made. –

Application for a plumbing permit shall be made by the person or agent to install all or part of any plumbing system. The applicant shall meet all qualifications established by statute, or by rules promulgated by this code, or by ordinance or by resolution. The full name and address of the applicant shall be stated on the applications.

106.5 Permit Issuance - The application, construction documents and other data filed by an applicant for a permit shall be reviewed by the Building Official. If the Building Official finds that the proposed work conforms with the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.3 have been paid, a permit shall be issued. Permits shall be issued only to a licensed and/or registered contractor who performs the work. If work is subcontracted both the contractors shall be licensed and/or registered.

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

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

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

The issuance of a permit based upon construction documents and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations from being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

The inspection or permitting of a building, system, or plans by any jurisdiction, under the requirements of the Technical Codes, shall not be construed in any court as a warranty of the physical condition of such building, system or plans or their adequacy.

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

106.5.4. Repermitting previously permitted work.

When repermitting previously permitted work, the contractor who is repermitting the work will submit a release letter releasing the previous contractor. He/she will also be responsible for correcting any prior defects or corrections necessary that occurred under the previous permit. This letter will be submitted from the owner or general contractor when applying for a new permit.

106.5.5 Suspension Or Revocation Of Permit. -

The Building Official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based. A permit may also be revoked if the work is not started and executed in a timely and professional businesslike manner conforming to good practices.

106.5.6 Retention Of Construction Documents. -

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

106.6 Fees. - A permit shall not be issued until the fees prescribed in Appendix A have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the plumbing system, has been paid.

106.6.1 Work Commencing Before Permit Issuance. -

Any person who commences work on a plumbing system before obtaining the necessary permits shall be subject to triple the usual permit fee. If the same person commits a third violation of this requirement within 12 months of the first occurrence, the license holder will not be allowed to obtain a permit for that work until an appearance before the Plumbing Code Advisory Board for possible disciplinary action. When the property owner allows

work to commence before the proper permits are obtained, he/she shall be required to obtain a licensed and bonded plumbing contractor and the plumbing contractor will be required to permit the work at triple the usual permit fee.

106.6.2 Fee Schedule. – The fees for all plumbing work shall be as indicated in Appendix A of this code.

106.6.3 Fee Refunds. – The procedures to apply for a refund and the amount of any refund provided to an applicant will be determined by the refund policy established in the fee ordinance and shown in Appendix A.

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

106.8 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

Section 107 - Inspection and Testing

107.1 Required Inspections And Testing. - The permit holder or the permit holder's agent shall verify that the work is completed and ready for inspection before scheduling an inspection. The first trip shall be considered as a rejection if the work is not ready for inspection when the inspector arrives, and if the work fails for any defect on the second trip a reinspection fee will be assessed. The Building Official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or

break the piping or cause corrosive action, clean backfill shall be on the job site.

2. Top Out and aboveground rough-in inspections shall be made after the roof, framing, fireblocking and firestopping, draft stopping and bracing are in place and all sanitary, storm and water distribution piping is roughed in, and prior to the installation of wall or ceiling membranes.

3. Final inspection shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure ready for occupancy.

4. All work concealed prior to inspection and/or test shall be uncovered in its entirety for inspector and subject to any re-inspection fee.

Note 1: The registered license holder for the state contractor, a licensed Master or Journeyman Plumber representing the permitting firm is required to be on site during any inspection which requires the system to be tested.

Note 2: See Section 312 of the *International Plumbing Code* for Test requirements.

107.1.1 Approved Agencies. – Test reports submitted to the Building Official for consideration shall be developed by approved agencies that have satisfied the requirements as to qualifications and reliability.

107.1.1.1 Inspection Services - The Building Official may make, or cause to be made, the inspections required by Section 107.1. He may accept reports of inspectors of recognized inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the Technical Codes shall not be based on such reports unless the same are in writing and certified by a responsible official of such service.

107.1.1.2 Evaluation and Follow-Up Inspection Services. - Prior to the approval of a closed, prefabricated plumbing system and the issuance of a plumbing permit, the Building Official shall require the submittal of an evaluation report on each prefabricated plumbing system, indicating the complete details of the plumbing system, including a description of the system and its components, the basis upon which the plumbing system is being evaluated, test results and similar information, and other data as necessary for the Building Official to determine conformance to this code.

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

107.1.1.2.2 Follow-Up Inspection. - Except where ready access is provided to all plumbing systems, service equipment and accessories for complete

inspection at the site without disassembly or dismantling, the Building Official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the Building Official with the follow-up inspection manual and a report of inspections upon request, and the plumbing system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

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

107.2 Special Inspections. – Special inspections of alternative engineering design plumbing systems shall be conducted in accordance with Sections 107.2.1 and 107.2.2 of this code.

107.2.1 Periodic Inspections. – The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved construction documents. All discrepancies shall be brought to the immediate attention of the plumbing contractor for correction. Records shall be kept of all inspections.

107.2.2 Written Reports. – The registered design professional shall submit a final report in writing to the Building Official upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents. A notice of approval for the plumbing system shall not be issued until the written certification has been submitted.

107.3 Testing. – Plumbing work and systems shall be tested as required in Section 312 and in accordance with Section 107.3.1 through 107.3.3. Test shall be made by the permit holder and observed by the Building Official.

107.3.1 New, Altered, Extended Or Repaired Systems. - New plumbing systems and parts of existing systems, which have been altered, extended or repaired, shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:

1. In any case that does not include addition to, replacement, alteration, or relocation of any water supply, drainage or vent piping.
2. In any case where the plumbing equipment is set up temporarily for exhibition purposes.

107.3.2 Equipment, Material, And Labor For Tests. – All equipment, material and labor used for

testing a plumbing system or part thereof shall be furnished by the permit holder.

107.3.3 Re-inspection And Testing. – Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this code. The work or installation shall then be resubmitted to the Building Official for inspection and testing no more than five (5) working days after the previous inspection, unless a longer period is authorized in writing by the code official.

107.3.4 Re-Inspection Fee 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 posted on the job site. A re-inspection fee shall be charged as set forth in the Fee Ordinance and Appendix A for any of the afore mentioned infractions and for each re-inspection thereafter until the infraction is corrected.

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

107.3.4.2 When Paid. – Re-inspection fees shall be paid before the next inspection.

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

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

107.5 Temporary Connection. -The Building Official shall have the authority to authorize the temporary connection of a plumbing system to the sources of energy or water for the purpose of testing plumbing systems or for use under a temporary certificate of occupancy.

107.6 Assistance From Other Agencies. – The assistance and cooperation of police, building, fire and health department officials and all other officials shall be available as required in the performance of duties.

SECTION 108 - VIOLATIONS

108.1 Unlawful Acts. - It shall be unlawful for a person, firm or corporation to erect, construct, alter,

repair, remove, demolish or utilize a plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

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

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

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

108.5 Stop Work Orders. - Upon notice from the Building Official that work on any plumbing system is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work and all construction work at that location shall cease. Any person who continues any work on the system after having been served with a stop work order will be considered to have committed a separate violation of this code and subject to legal action, except such work as that person is directed to perform to remove a violation or unsafe condition.

108.6 Abatement Of Violation. - The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction

or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing system on or about any premises.

108.7 Unsafe Plumbing. - Plumbing regulated by this code that is unsafe or that constitutes a fire or health hazard, unsanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of plumbing regulated by this code constituting a hazard to health, safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

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

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

108.7.2 Authority To Disconnect Service Utilities. - The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical code in case of emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

108.7.3 Connection After Order To Disconnect. - No person shall make connections from any energy, fuel, power supply or water distribution system or supply energy, fuel or water to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment. When any plumbing is maintained in violation of this code, and in violation

of a notice issued pursuant to the provisions of this section, the Building Official shall institute appropriate action to prevent, restrain, correct or abate the violation.

Section 109 - Means Of Appeal

109.1 Membership Of Joint Board Of Appeals –

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

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

1. Tennessee Licensed Architect
2. Tennessee Licensed Structural Engineer
3. Tennessee Licensed Building Contractor
4. Licensed Electrical Engineer
5. Licensed Electrical Contractor
6. Licensed Elevator Contractor or Manufacturer
7. Licensed Heating 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)

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

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

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

109.6 Term Of Office. – The term of office of the board members shall be staggered so no more than

1/3 of the Board is appointed or replaced in any 12 month period. The two alternates, if appointed, shall serve one year terms.

109.6.1 Vacancies For Unexpired Terms. -

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

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

109.6.3 Absence Shall Be Cause For Removal. – Continued absence of any member from required meeting of the Board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

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

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

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

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

109.11 Power. – The Joint Board of Appeals shall have power, as further defined in section 108.4 of the technical codes to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.

109.12 Appeals

109.12.1 Decisions Of The Building Official – The owner of a building, structure or service system, or

his duly authorized agent, may appeal a decision of the Building Official to the Joint Board of Appeals whenever any one of the following conditions are claimed to exist:

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

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

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the code to other buildings, structures, or service systems.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

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

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

109.16 Unsafe Or Dangerous Building Or Service System. – In the case of a building, structure or

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

109.17 Procedures Of The Board

109.17.1 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.

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

Section 110 - Violations and Penalties

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

110.2 Fines Established – Any person, firm or corporation who shall violate a provision of the Technical Codes or fail to comply with any of the provisions thereof, or violate a detailed statement or plans submitted or approved, shall be guilty of a separate offense for each day during which any violation of any provisions of the Technical Codes are committed or continued, and upon conviction in the court of jurisdiction for any such violation such

person shall be punished by a fine of not more than \$50.00. Each day or part thereof that a violation continues shall be deemed a separate offense.

110.3 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

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

110.5 Withholding Permits. – The failure to respond to official correspondence from the Building Official or his designee after registered mailing by said Board to the contractor's address of record (record with the Office of Construction Code Enforcement) shall be deemed a sufficient reason to withhold permits, and every contractor shall be held responsible for the violation of the Technical Codes by his 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.

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

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

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

110.7.2 Notification To Owner. – The Building Official or his duly authorized representative shall notify the owner or user and the person performing electrical, gas, and/or plumbing in violation of the

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

110.7.3 Absentee Owners Of Rental Property. – Absentee owners of rental property receiving notice of defective or unsafe, unsanitary or dangerous conditions in a building, structure or service system who fail to have such condition corrected as specified in the notice, shall be guilty of violating the Technical Codes and shall be fined as provided in *Sections 110.1 and 110.2* and not less than \$50.

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

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

110.9 Threatening Eviction - It shall be considered a violation and punishable, as provided in Section 110.1, for an owner to threaten an occupant with eviction for reporting defective and unsafe, unsanitary or dangerous conditions of a building, structure or service system.

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

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

110.10 False Representation

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

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

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

110.10.3.1 Inspections Not Prohibited – This section does not preclude licensed engineers from making inspections when approved in advance by the Building Official as required in performing their duties.

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

110.11 Concealed Improper Or Defective Building, Electrical, Gas, Mechanical And/Or Plumbing Systems. – Any person intentionally concealing from view improperly connected joints or any defective or substandard construction work including but not limited to, spliced wires, piping, gas lines, framing, etc., shall be guilty of a violation and

punishable by a fine as provided in Sections 110.1 and 110.2.

110.12 Connecting Or Utilizing Electric Gas Or Water Services. - Any person who shall connect or utilize service at a job site where the electrical, gas or plumbing work has been provided in a manner contrary to the provisions and regulations of the Technical Code shall be guilty of a violation and subject to a fine according to the provisions of section 110.1 and 110.2.

Section 111-Technical Code Boards

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

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

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

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

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

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

111.2 Duties Of The Technical Advisory Boards. – The duties of the technical advisory boards shall consist of, but are not limited to, the following:

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

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

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

4. Act as advisors to the Administrator, Building Official or the Chief Inspectors and when necessary

suspending or revoking the license of or otherwise disciplining a license holder.

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

111.3 Membership Of The Plumbing Code Advisory Board

111.3.1 Establishing The Board – The Plumbing Code Board shall consist of 10 appointed members, who shall serve for a period of 3 years with their terms staggered so that no more than 4 terms expire in one year. All appointed members of the Board shall be appointed by either the Mayor of Memphis or the Mayor of Shelby County and approved respectively by the City Council or the County Commission. Each Mayor will make half of the appointments that are to be made in each year. The Building Official and Chief Plumbing Inspector shall serve as ex-officio members without a vote. Additionally, representatives from MLGW, Fire Marshal’s Office for the City of Memphis and for the County of Shelby, shall serve as ex-officio members without the right to vote.

111.3.2 Composition Of The Board. – Membership of the Plumbing Code Board shall include the following:

1. Master plumber primarily doing residential work
2. Master plumber primarily doing commercial work
3. Master plumber primarily doing industrial work
4. Master plumber primarily doing service work
5. Plumbing contractor primarily doing residential work
6. Plumbing contractor primarily doing commercial work
7. Plumbing contractor primarily doing industrial work
8. Plumbing equipment manufacturer or supplier
9. State of Tennessee Engineer (mechanical) experienced in designing plumbing and drainage
10. Citizen Member

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

111.3.3 Absence Of Members. – During the 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.

111.3.4 Chairperson, Vice-Chairperson, and Secretary to the Plumbing Code Board. – At the first meeting of each year, the Board shall select one of its members to serve as Chairperson for that year

and one of its members to serve as Vice-Chairperson. The Building Official shall serve as Secretary for the Board. The chairperson of the meeting shall be excluded from any vote at that meeting except to break a tie. The Chairperson or Vice-Chairperson, or selected board member of the Plumbing Code Board shall serve on the Joint Board of Appeals with one vote representing their discipline.

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

111.5 Decisions And Findings Of The Board

111.5.1 Administrative Issues. – The Board shall report its decisions, findings and recommendations in writing to the Administrator, who, if he approves, shall cause recommendations concerning the administration of the OCCE to be proposed for enactment

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

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

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

Section 112 – Licensing

112 Plumbing Contractor Licenses. – It shall be the duty of every contractor, who shall make contracts for the installation or repair of plumbing systems for which a permit is required, and every contractor making such contracts and subcontracting the same, or any part thereof, to pay a license tax as required by the general license ordinance. He must also register his name in a book provide for that purpose, with the Chief Plumbing Inspector, giving his full name, residence, and place of business, and in case of removal from one place to another, to have made corresponding change in said register accordingly. It shall be the further duty of every such person to give good and sufficient bond in a sum prescribed and as required by the applicable governing body, conditioned to conform to the plumbing regulations, the regulations of this Section, and other ordinances or laws of the applicable governing body.

112.1 Plumbers License. – No person or firm shall engage in or work at the business of plumbing, unless such person or firm shall first receive a license to engage therefore in accordance with the provisions of the Technical Codes. The license so issued shall specify the name of the person to whom it is issued, and if issued to a firm or corporation; the license or certificate shall also specify the name of the person through whom the application for license was made. No state contractor or master plumber's name shall be permitted to appear on more than one plumbing license or certificate at any time. The license so issued shall not be assignable or transferable, either directly or indirectly to any other person.

112.2 Plumber's Presence. – Where any plumbing work is being done, a master journeyman plumber or the state contractor shall, at all times, be present on the job and in actual control and in charge of the work being done

112.3 Issuance Of License. - License shall be obtained from the proper local governing body after fully complying with Section 112.

112.4 Bond Required.

112.4.1 Amount - Every person doing business in Memphis and Shelby County as a Registered and/or Licensed Plumbing Contractor shall file with the Building Official, a permit bond in the penal sum of \$25,000 and issued by an incorporated insurance company authorized to do business in the State of Tennessee. If a single legal entity/Contractor maintains two or more licenses with the Office of Construction Code Enforcement that require bonding, the total amount of all bonds required shall not exceed \$50,000.

112.4.2 Conditions. – The conditions of such bonds shall be that the principal and surety shall indemnify the City of Memphis and 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 to the Technical Codes.

112.4.3 Duration. – Such bond shall be continuous and remain in effect every year thereafter, unless cancelled by providing written notice to the principal and obligee. Immediately upon receiving written notice of cancellation, the Building Official shall require a new bond be furnished. The proper bond form will be furnished by the Building Official.

112.4.4 Effect of Cancellation. – Every Contractor who fails to furnish a new bond as required above shall be deemed to have ceased to engage in the business of contracting. No further permits for work under the Technical Codes shall be issued, nor shall

work proceed on permitted work until the required bond is furnished.

112.5 General Regulations On The Licensed And Registered Plumbers.

112.5.1 Limitation On Work By Journeyman Plumbers.

– No registered journeyman plumber shall perform any plumbing or drainage work except for a licensed and bonded master plumber. No registered journeyman plumber shall solicit or contract work.

112.5.2 Limitation On Work For Plumbing Apprentices.

– No registered plumbing apprentice shall perform any plumbing or drainage work except as an assistant under the supervision of a person holding certificates of competency and registration as a master plumber or as a journeyman plumber.

112.5.3 Master Plumber Shall Not Employ Unregistered Journeyman Or Apprentices.

– No person holding a certificate of competency and/or a certificate of registration as a master plumber from the board of examiners as provided in this chapter shall employ or supervise any person in performing plumbing or drainage work, unless such person is duly registered pursuant to the Technical Codes.

112.5.4 Master Plumber Shall Not Permit Unsupervised Work By Apprentices.

– No person holding a certificate of competency and/or a certificate of registration as a master plumber under this chapter shall permit any plumbing apprentice to perform any plumbing or drainage work except as an assistant under the supervision of a person holding a certificate of competency and registration as a master plumber or a certificate of registration as a journeyman plumber. The master plumber shall notify the Chief Plumbing Inspector's Office of any unregistered Apprentice Plumbers employed by the Master Plumber and shall register same within 60 days.

112.5.5 Advertisement By Plumbing Contractors.

– All advertisement by plumbing contractors or master plumbers, including but not limited to, yellow pages, newspaper advertisements, and listings, shall include the city and/or county license number of the master plumber and the name of the firm.

112.6 Application For License. – Application for license under this Code shall be made to the Chief Plumbing Inspector on a form to be supplied by the Building Official. The Chief Plumbing Inspector shall review the application to determine the qualification of the applicant after payment of the fee and proof of experience relevant to the level of license has been given by applicant.

112.6.1 Reserved.

112.6.2 Examination Of Applicants For Master Plumber License

112.6.2.1 Part Of Examination. – The examination for master plumber shall consist of a question and answer test as directed.

112.6.2.2 Passing Grade. – A passing grade for the master plumber examination shall be required before issuance of a master plumbing license. **112.6.3**

Examination Of Applicants For Journeyman Plumber

112.6.3.1 Part Of Examination. – The examination for journeyman plumbers shall consist of a questions and answer test as directed

112.6.3.2 Passing Grade. – A passing grade for the journeyman plumber examination shall be required before issuance of a journeyman plumbing license.

112.7 Requirements Of Experience

112.7.1 Minimum Requirements For Master Plumber. - Before making application to the Plumbing Code Board to take the examination for licensing as a master plumber, each applicant must provide proof that he is a graduate engineer from an accredited college or university with at least 4 years experience in the design and installation of plumbing systems or that he is a licensed journeyman plumber and has a minimum of 4 years experience in the installation of plumbing systems as a journeyman plumber.

112.7.2. – Minimum Requirements For Journeyman Plumber. - Before making application to the Plumbing Code Board to take the examination as a journeyman plumber, each applicant must provide proof that he has had a minimum of 3 years experience installing or helping install plumbing installations.

112.7.3 Carrying Work Card. – Every person holding a license or certificate of registration under the Technical Codes shall, when performing work permitted by the Technical Codes, have his license registration on his person for proper examination by qualified persons requesting the examination of his card.

Section 112.8 Vehicle used to identify ownership. - All trucks and similar vehicles used by plumbing contractors or their employees shall be conspicuously displayed on body of both sides of said vehicles, in any color in contrast to the vehicle's body, the following identification: the full name of the firm to which it belongs, in lettering at least two inches high on the top line, and the wording MSC in lettering at least 1-1/2 inches on the second line along with the contractor's license number.

112.8.1 Temporary Vehicles – In the event a contractor obtains a vehicle for temporary use, he will be permitted to identify said vehicle by placing on it, in a clearly visible position on both sides, a temporary sign or decal letters which may be easily removed. Said temporary sign or letters shall

conform to the same requirements as permanent lettering described hereinabove.

112.9 Altering, Lending, Etc., License; Use Of Another's License; Evasion Of Licensing.

112.9.1 Misuse Or Misrepresentation A Civil offense. – It shall be a civil offense for any person licensed under the Technical Codes to alter, transfer, lend or rent his license or to use a license not his own. It shall also be a civil offense for a person to falsely represent himself to be licensed under the Technical Codes or to wrongfully use a license.

112.9.2 Misrepresentation Of Business Relationship. - It shall also be a civil offense for any person to falsely represent the nature or extent of the business relationship between two or more persons, firms or corporations for the purpose of evading the licensing or other requirements of the Technical Codes.

112.10 Expiration of License; Annual And Renewal Fees.

112.10.1 Term. - A license issued under the Technical Codes shall expire on September 30th of each year. Annual renewal of each license shall be made during the month of September. A late fee of \$10 shall accompany any request for renewal of license received after the date of expiration. Any person whose license is not renewed within 2 years after the expiration thereof shall be required to make a new application, pass the required examination, and pay the appropriate fees before his new license is issued. Payment of a late fee in no way shall relieve the licensee of any other penalties which arise from the performing work with an expired license.

112.10.2 Annual And Renewal Fees. - Annual and renewal fees shall be as follows:

1. Master plumber \$150
2. Journeyman plumber \$ 30
3. Apprentice plumber \$ 12
4. Septic Tank Cleaner and Installer \$ 100

112.10.3 Inactive Licenses. - As used in the Technical Codes, inactive master and journeyman plumbers is defined to include any individual who is duly licensed and who holds a current license under the Technical Codes, but who is not presently active in his license capacity. Any person holding an inactive license shall be required to pay \$15 per year as an inactive license holder, or the license shall expire. Before resuming duties as an active license holder, the required active fee shall be paid.

112.11 Suspension Or Revocation Generally

112.11.1 Grounds For Action. - Any license issued under the Technical Codes may be suspended or revoked by the Plumbing Code Advisory Board upon a violation of the terms of this chapter or any other ordinance or law governing the installation or inspection of plumbing work; provided, however, charges shall be preferred in writing by the Board and

served upon the licensee, and the licensee shall be given the right to hearing concerning such charges.

112.11.2 Conspiracy To Evade Code

Requirements. - Any person licensed under this chapter who conspires with another person or firm to evade any of the provisions of this chapter or other ordinances or laws governing plumbing work shall have that license suspended or revoked, either temporarily or permanently, by the Plumbing Code Board upon submission of proof that such conspiracy exists or did exist.

112.11.3 Repeated Work Failure. - Violation of any provision of the Technical Code and repeated failure to have his work pass inspection shall be grounds for suspension or revocation of licenses issued under the Technical Codes. No person licensed under the Technical Codes shall have his license revoked without an opportunity to appear before the Plumbing Code Board to be heard in his own defense.

112.12 Special Grounds For Revoking Or Suspending License.

112.12.1 Use Of Unlicensed Employees. - It shall be grounds for the Plumbing Code Board to suspend or revoke permitting privileges for state contractors, suspend or revoke the license of any master plumber licensed under this chapter upon proof that said plumbing contractor used an unlicensed employee for the purpose of performing any work for which a license is required and for which it is required to obtain a permit under the Technical Codes.

112.12.2 Incomplete Work. - All licensed contractors, master plumbers, septic tank cleaners

and installers shall be responsible for completing all work performed under the permits issued in their names in accordance with the provisions of the Technical Codes and to the satisfaction of the Chief Plumbing Inspector. Failure to satisfactorily complete said work or to cure any defect in said work shall be grounds for the suspension or revocation of that plumbing contractor's or septic tank cleaner's or installer's license.

112.12.3 Improper Supervision. - The failure of any plumbing contractor or septic tank cleaner/installer to properly supervise, direct, or control any and all plumbing work performed under a permit issued through his license as a state contractor, master plumber or as a septic tank cleaner or installer shall be grounds for the suspension of permitting privileges, suspension or revocation of that license by the Plumbing Code Board, regardless of whether said work was performed by an employee of the master plumber or septic tank cleaner or installer that they represent.

112.12.4 Failure To Respond To Official Communication. - The failure of any licensed master plumber or septic tank cleaner or installer to answer official correspondence from the Building Official, Chief Plumbing Inspector or Plumbing Code Board, without good cause, within 15 days after its receipt by certified mail, shall be grounds for the suspension of that master plumber or septic tank cleaner's or installer's license until such time as appropriate response is received.

Chapter 2

ADD or AMEND Section 202 as follows:

Active Trap. The term active trap shall mean a trap which serves as the trap for a plumbing fixture or drain which is used on a regular or semi-regular basis.

Administrator. Whenever the term “Administrator” is used in the Memphis & Shelby County Plumbing Code herein adopted, it shall mean the Administrator of the Memphis & Shelby County Construction Code Enforcement.

Administrative Authority. Whenever the term “Administrative Authority” is used in the Memphis & Shelby County Plumbing Code herein adopted, it shall mean the Building Official.

Air Conditioning Unit. The condensate or waste from an air conditioning unit shall be classified as a plumbing fixture and shall connect to the plumbing system as an indirect connection as per amendments of Chapter 3 of this Code.

Board of Appeals. Whenever the term “Board of Appeals” is used in the Memphis & Shelby County Plumbing Code herein adopted, it shall mean the Memphis & Shelby County Joint Board of Appeals.

Building Department. Whenever the term “Building Department “ is used in the technical codes herein adopted, it shall mean the Office of Construction Code Enforcement of Memphis and Shelby County, Tennessee.

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

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 Shelby County, 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 Shelby County, Tennessee.

Deep Seal Trap. A term applied to a trap having a water seal of 4 inches or more. However, when applied to deep seal traps used in lieu of catch basins, such traps shall have at least a 12 inch water seal, a back water valve on the outlet when required, and cleanouts placed directly on top of each leg of said trap. When no backwater valve is required, a cleanout shall be placed on the inlet leg of the trap. The outlet turn of the trap shall transition from vertical to horizontal by the use of a short sweep for a pipe diameter two inches and less. Diameters two and one half inches and above shall require the use of two 1/8 bends (45° turns) on the outlet.

Direct Supervision. The term “Direct Supervision” shall be construed to mean supervision of an apprentice plumber by a master plumber or journeyman plumber while the apprentice is installing plumbing work. The journeyman or master plumber supervising said apprentice shall be actually present on the same job site at all times in which the apprentice is working.

Employee. A person working directly for a licensed plumbing contractor for wages or salary subject to Federal and/or State Payroll Tax Laws. A person contracting, sub-contracting or performing plumbing work in any other manner except as described above shall be considered an agent and shall not be construed as an employee.

Floor Sink. A type of indirect liquid waste receptor designed with a removable basket strainer or beehive strainer for the purpose of receiving the discharge from indirect liquid waste pipes only. This classification does not include floor drains with floor level strainers only, but may include 3-inch drains with floor level strainers which incorporate funnel drains as an integral part thereof. Floor sinks shall only receive the discard of indirect waste pipes and shall not be intended to be used as floor drains.

Indirect Waste Receptor. A plumbing fixture designed specifically to collect and dispose of liquid waste from other plumbing fixtures, plumbing equipment, or appliances which are required to discharge to the drainage system through an air gap or air break. The following type fixtures fall within the classification of indirect waste receptors: Floor sinks, mop sinks, service sinks, standpipe drains with integral air gaps, hub drains.

Indirect Waste System. An Indirect Waste System shall be defined as any arrangement that separates the sanitary piping system from another drainage system by the use of deep seal traps, interceptors, separators, neutralizing tanks or basins and may include a connection to the house side of specified traps that connect directly to the sanitary piping system.

International Building Code. Whenever the words “International Building Code” are used in the codes herein adopted, they shall mean the International Building Code with Local Amendments and will be known as the Joint Building Code of Memphis and Shelby County, Tennessee.

International Electrical Code. Whenever the words “International Electrical Code” are used in the codes herein adopted, they shall mean the 2014 National Electrical Code (NEC) with Local Amendments and will be known as the Memphis and Shelby County Electrical Code (MSCEC).

International Fuel Gas Code. Whenever the words “International Fuel Gas Code” are used in the codes herein adopted, they shall mean the 2015 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 words “International Mechanical Code” are used in the codes herein adopted, they shall mean the 2015 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 the codes herein adopted, they shall mean the 2021 International Plumbing Code with Local Amendments and will be known as the Memphis and Shelby County Plumbing Code (MSCPC).

Journeyman Plumber. The term “Journeyman Plumber” as used in the Technical Codes is defined to be any individual duly licensed under the Technical Codes to do plumbing work only under the supervision of, and as an employee of, a master plumber who will have procured the permit for the plumbing work being performed.

Licensed Contractor. Licensed Contractor will be the same as Plumbing Contractor as defined by the State of Tennessee Licensing Board.

Master Plumber. The term “Master Plumber” as used in the Technical Codes is defined to be any individual duly licensed by the Memphis & Shelby County Office of Construction Code Enforcement with all the privileges afforded a journeyman plumber and with the added privilege of engaging in the plumbing business solely or in supervision of others.

Memphis Pattern Deep Seal Trap. Such traps shall have at least a 12-inch water seal, backwater valve on outlet, and cleanouts placed directly on top of each leg of trap. Also reference the term **Deep Seal Trap**.

Plumbing Contractor. Whenever the term “Plumbing Contractor” is used in the Technical Codes herein adopted, it shall mean a plumbing contractor who holds a current license issued by Memphis & Shelby County Construction Code Enforcement.

Plumber’s Helper. Same as Apprentice Plumber. Whenever the word “employee” is used in the Memphis & Shelby County Plumbing Code herein adopted, it shall mean a person working directly for a licensed contractor for wages or salary subject to Federal and/or State Payroll Tax Laws.

Plumbing Section. Whenever the term “Plumbing Section” is used in the Memphis & Shelby County Plumbing Code herein adopted, it shall mean the Plumbing Section of the Memphis & Shelby County Office of Construction Code Enforcement.

Public Swimming Pool. The term Public swimming pool means any body of water used for public or semipublic swimming or recreative bathing, which is artificial or semiartificial construction, including all appurtenances concerning its use, whether operated for the public in general or for a portion of the public, as members of clubs, associations or other organizations.

State of Tennessee Licensed Plumbing Contractor. Is a Contractor licensed by the State of Tennessee who has received a license from the state of Tennessee with a classification as either CMC or CMC-A.

NOTE: Nonflammable medical gas system, inhalation anesthetic system and vacuum piping system installers shall have a *Special Piping (S)* designation attached to their license as required by the State of Tennessee.

State of Tennessee Licensed Mechanical Fire Protection Contractor. If a Contractor licensed by the State of Tennessee who has received a license from the state of Tennessee with a classification of CMC-D. This classification as related to the plumbing code will allow the fire protection contractor to permit, install and repair fire protection backflow preventers and underground fire mains only.

Supervision. Whenever the word “supervision” is used in the Memphis & Shelby County Plumbing Code, herein adopted in reference to a plumbing contractor, the term shall be construed to mean first-hand knowledge of the work being performed by a journeyman plumber or apprentice plumber whose work relies upon the license held by the master plumber and shall include the requirement of active training of the journeyman plumber or apprentice plumber working under the master plumber’s license. It shall further require that the master plumber sign all plumbing permit applications prior to a permit being issued as signifying his or her approval thereof. Before or at the time of inspection of the completed work by the Chief Plumbing Inspector, the master plumber will certify by written affidavit to said Inspector that such work has been satisfactorily completed and will further certify the names of those employees under his supervision upon request.

Toilet Facility. A room, space or area that contains not less than one water closet, one lavatory and one adjacent drinking fountain. The drinking fountain location shall be restricted as per Section 410.5

Chapter 3

AMEND Section 301.6 as follows:

301.6 Prohibited locations. Plumbing systems shall not be located in an elevator shaft or in an elevator equipment room.

Exception: Floor drains, sumps and sump pumps shall be permitted at the base of the shaft provided they are indirectly connected to the plumbing system, and that the elevator is not operated by a hydraulic system. Elevators operated by petroleum hydraulic systems and that will connect to sanitary plumbing system shall be provided with an oil water separator before connecting to the plumbing system. The oil/water separator shall be sized and designed by a State of Tennessee Licensed and Registered Mechanical Engineer. Shaft drains may be piped or pumped to containment. The containment vessel or tank shall be sized by the elevator manufacturer.

ADD Section 301.8 as follows:

301.8 Workmanship. Workmanship shall mean that the plumbing system will be installed uniform in slope, plumb, and level (as required) without stress or strain to piping or structure in a professional manner as required by other sections of the Code.

AMEND Section 305.4 as follows:

305.4 Freezing. Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat, or both. Water piping located within 18 inches of the outside foundation wall in crawl spaces, shall have freeze protection. Exterior water piping shall be installed not less than 16 inches below grade.

AMEND Section 305.4.1 as follows:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a maximum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade. The dimensions shall be taken from the top of the pipe.

AMEND Section 306.1 as follows:

306.1 Support of piping. Buried piping shall be supported throughout its entire length. Building drains and building sewers shall not be installed in filled, unstable ground. It shall be the responsibility of the builder to provide or cause to provide the plumbing contractor a letter from a certified soil testing company stating that fill is at least 90 percent of compaction inside the entire foundation. The plumbing contractor shall forward a copy of the letter to the plumbing official before the inspection can be made for the underground rough-in.

Exception: *Slabs backfilled entirely with compacted sand shall be exempt from said test.*

306.3.1 Backfill of replacement sewers. Replacement sewers shall be backfilled as per manufacturer's requirements depending on the piping materials used. When the replacement sewer is installed under a driveway that portion under the driveway shall be backfilled with a suitable material and method to achieve a minimum of ninety percent compaction. A verification letter from a soil testing firm will be required after the sewer is backfilled to verify ninety percent compaction has been achieved. This letter shall be delivered to the plumbing department before the permit will be finalized out.

AMEND Section 312.1 by adding an Exception that shall read as follows:

Exception: The plastic piping system may be tested with air or as per manufacturer instructions. It is the contractor's sole responsibility to determine which of these two test methods he will conduct.

AMEND Section 312.5 as follows:

312.5 Water supply system test. Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than the working pressure of the system; or, for piping systems other than plastic, by an air test of not less than 50 psi. This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 107.

Exception: The plastic piping system may be tested with air or as per manufacturer instructions. It is the contractor's sole responsibility to determine which of these two test methods he will conduct.

Replace wording Section 314.1 one-eighth unit vertical in 12 units horizontal (1-percent slope) ***with:*** as per the requirements of Table 704.1.

DELETE Table [M] 314.2.2 Entitled "Condensate Drain Sizing"

DELETE Sections 314.2.1 through 314.2.3 and add the following:

314.2.1 Condensate disposal. Condensation from all cooling coils or evaporators may be installed by a mechanical contractor, piped full size from drip pan outlet or outlet supplied by the equipment manufacturer and piped to drain opening provided by the plumbing contractor. The plumbing contractor shall provide a full size (one and one quarter inch minimum) trapped indirect waste opening to within two feet of equipment connected to the plumbing system through an approved indirect waste receptacle, deep seal trap or through specified fixture traps which shall include: floor drains, standpipe drains, bathtubs and showers.

Note: Where the condensate drain is connected to a tub or shower drain trap a means shall be provided to prevent backflow out of the indirect waste receptor from the tub or shower drain if obstructed.

All condensate traps shall be installed within the envelope of the building. All traps shall be protected from freezing as per Section 305.4. Condensate shall not discharge to the outside, except as outlined in **Section 314.2.1.8**. Condensate drains shall be located within the same occupancy, tenant space or dwelling unit as the source of the condensate.

314.2.1.1 Approved indirect waste. The Mechanical Code shall govern the installation and servicing of condensate (first two feet), overflow and flow-down drains from air conditioning, refrigeration, mechanical, and process systems.

314.2.1.2 Drain line sizes and slope. Condensate drain lines from drip pan outlet may be 3/4-inch minimum with a maximum horizontal run of two feet. Any drain exceeding two feet shall be a minimum of 1¼ inches. All indirect waste fittings shall be DWV fittings installed as per code. Condensate piping shall be sloped as per the requirements of Table 704.1. For pipe sizing minimums, see Table 314.1.2

**TABLE 314.1.2
Condensate Drain Sizing**

Minimum Condensate Pipe Diameters	Equipment Capacity (In Tons of Refrigerant)
1 ¼"	Up to 57
1 ½"	Between 57 and 87
2"	Between more than 87 and 145
2 ½"	Between more than 145 and 260
3"	Between more than 260 and 420
4" 1 % grade	Between more than 420 and 670
4" 2% grade	Between more than 670 and 850

Note: Condensate drains to be vented as in accordance with other sections of the code.

314.2.1.3 Indirect waste vent system. The maximum length of the indirect waste opening to the vent or vented indirect waste line shall not exceed 25 feet without having to be re-vented. The vent shall be independent of the sanitary vent system and shall terminate separately through the roof to the open air. An alternate method of venting may be used if the condensate drain terminates through an air break or air gap.

314.2.1.4 Condensate connection to the sanitary drainage system. A Memphis Pattern Deep Seal Trap (see definition of Memphis Pattern Deep Seal Trap), a Deep Seal Trap (see definition of Deep Seal Trap) or catch basin may be used in lieu of an active trap when an active trap cannot be reached by gravity fall. (See Fig. 314.2.1.4 (a), 314.2.1.4 (b) and 314.2.1.4 (c))

314.2.1.5 Residential condensate. The plumbing contractor shall provide an indirect waste opening to within two feet of the unit it serves. This opening must be piped full size (1¼ inch minimum) from an active trap that serves a bathtub, shower, washing machine, or from a 12-inch deep seal trap. This trap shall be located in the heated envelope of the structure and connected to a single vertical vent riser with no other vents connected or horizontal offsets below this point. All indirect waste fittings shall be DWV fittings installed as per Code.

314.2.1.6 Roof top units. A roof top unit shall not spill onto a roof. It shall connect to a trapped indirect waste opening provided by the plumbing contractor. Any above roof condensate piping exceeding five feet (5') in length shall require the approval of the Chief Plumbing Inspector.

314.2.1.7 Pumped condensate. The mechanical contractor shall connect the HVAC unit to the pump supplied by the plumbing contractor. The plumbing contractor shall hard pipe from the pump discharge and tight connect to an approved trapped opening located as close to the unit as possible. From this point, it shall gravity drain to a suitable location as per other sections of Section 314.

314.2.1.8 Alternate condensate disposal. When the condensate drain(s) cannot be connected to the drainage system as determined by the Chief Plumbing Inspector, an alternate method of disposal may be used based on the following limitations:

- i. One to Three Tons cooling units shall drain to a 2' x 2' x 2' pit with gravel and filter cloth.
- ii. Three and one half to five tons cooling units shall drain to a 2' D x 2'W x 10'L trench with 12" of gravel and filter cloth. Four inch diameter perforated pipe shall be placed in the upper portion of the gravel and a stand pipe shall be brought up above the grade of the surrounding area to receive the condensate discharge.
- iii. Over five tons cooling units shall have the alternate disposal system sized and designed by a registered design professional. (See Fig. 314.2.1.8)

314.2.1.9 Modular buildings. All modular office buildings, classrooms and homes shall pipe the condensate discharge to an indirect waste receptor or use an alternate method of disposal as per Section 314.2.6 when connection to the sanitary drainage system is not possible.

314.2.1.10 Cleanouts. Condensate drain lines shall be configured to permit the clearing of blockages and performance of maintenance without requiring the drain line to be cut.

314.2.1.11 Indoor mini-system condensate drainage. Mini split system condensation disposal shall be piped as illustrated in Fig 314.2.1.11

314.2.1.12 Residential condensate and water heater piping. In residential multi-family applications where the air conditioning equipment is installed either with or without the water heater in the same closet, the condensate drain shall be piped through an air break to the bathtub, shower or floor drain trap of the individual unit where the air conditioning equipment is located. The condensate drain piping shall not interconnect from one unit to another. Water heater pans on the first floor only, located in the same closet as the air conditioning equipment may terminate into a hub drain connected to the condensate piping when provided with a backwater valve or other method to prevent overflow from the hub drain. (See Fig. 314.2.1.12)

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314.2.1.13 Self-Storage climate-controlled condensate. The condensate from air conditioning systems in climate controlled self-storage areas shall be connected indirectly to the sanitary plumbing system. Alternate methods of condensate disposal from these areas will require prior approval by the Chief Plumbing Inspector.

Chapter 4

AMEND Section 401.2 as follows:

401.2 Prohibited fixtures and connections. Pan, valve plungers, offset, washout, latrine, frost proof and other water closets having a concealed trap seal or an unventilated space or having walls that are not thoroughly washed at each discharge in accordance with ASME A112.19.2/CSA B 45.1 shall be prohibited. Any water closet that permits siphonage of the contents of the bowl back into the tank shall be prohibited. Trough, floor mounted and waterless urinals shall be prohibited.

DELETE footnote e. Table 403.1 and REPLACE with:

Table 403.1 footnote e. Service sinks shall be required in all businesses where the floor space is 1800 square feet or greater. Service sink(s) for new construction shall be the floor mounted type or an enameled wall hung type with or without a trap standard.

NOTE: Utility sinks shall *not* be considered as a substitute for service sinks.

Service sinks shall be required in the following businesses:

Barbershops	Beauty shops
Doctor's offices	Dental offices
Funeral homes	Grocery stores
Laundries	Restaurants
Nail shops	Tattoo parlors
Veterinary clinics	Automotive service and repair facilities

DELETE Section 403.1.1 Fixture Calculation (Exceptions 2 and 3)

DELETE Section 403.2 Separate facilities (Exceptions 5 and 6)

AMEND Section 403.3.1 as follows:

403.3.1 Access. The route to the public toilet facilities required by Section 403.3 shall not pass through kitchens, storage rooms or closets. Access to the required facilities shall be from within the building. Routes shall comply with the accessibility requirements of the International Building Code. The public shall have access to required toilet facilities at all times that the building is occupied.

AMEND Sections 403.3.3 and 403.3.4 and AMEND as follows:

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

403.3.3.1 Location of employee toilet facilities in mercantile and assembly occupancies. Employees shall be provided with toilet facilities in building and tenant spaces utilized as restaurants, nightclubs, places of public assembly and mercantile occupancies. The employee facilities shall be either separate facilities or combined employee and public facilities. The path of travel to required facilities shall not exceed a distance of 300 feet.

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

AMEND Sections 403.3.4 and ADD Sections 403.3.4.1 through 403.3.4.3 as follows:

403.3.4 Location of facilities in malls. In covered malls and open mall buildings, the required *public* and employee toilet facilities shall meet the requirements of Table 403.1 and be located on the same story as the space requiring toilet facilities, and the path of travel to such facilities shall not exceed a distance of 300 feet. In mall buildings, the required facilities shall be based on the total square footage within a covered mall or within the perimeter line of an open mall building, and facilities shall be installed in each individual store or in a central toilet area located in accordance with this section. The maximum distance of travel shall be measured from the entrance of any store or tenant space. In mall buildings, where employee' toilet facilities are not provided in the individual store, the maximum distance of travel shall be measured from employees' work area of the store or tenant space.

Exception: Mall Tenant Requirements:

- A. Spaces under 1,000 square feet are not required to provide toilet facilities within the space if it is within 300 feet of central core facilities.*
- B. Spaces between 1,000 and 2,500 square feet are required to provide at least one handicap accessible, unisex, public restroom within the space.*
- C. Spaces over 2,500 square feet are required to provide a minimum of one men's restroom and one women's restroom or two family or assisted-use toilet facilities. Restrooms are required to be handicap accessible public restrooms.*
- D. Anchor tenants are required to provide facilities to stand on their own.*
- E. Drinking fountains are required in any space which exceeds 1,000 square feet .*

403.3.4.1 Food courts inside covered malls. Food courts located inside covered malls are not required to have minimum toilet facilities for employees or customers, provided that travel distance from the food court area meets Section 403.3 of this Code.

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

28B403.3.4.3 Portable food carts. Portable food carts may be used inside covered malls or other places of business provided that size of portable food cart is no larger than 4 feet by 6 feet with wheels and that it can be moved by one person. Portable food carts with self-contained plumbing shall meet the requirements of the Health Official. The water for storage tanks shall be from a potable source. The wastewater in tank shall be emptied into the nearest service sink.

Delete and Reserve Section 403.5

AMEND Section 403.6

403.6 Service sink location. Service sinks shall not be required to be located in individual spaces in a covered mall provided that service sinks are located within a distance of 300 feet of the most remote location in the tenant space, on the same story and meet the requirements of Table 403.1 footnote e amended. Service sinks shall be located on an accessible route. Service sinks shall not be located in restrooms.

ADD Section 403.7 through 403.11 as follows:

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

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

403.9 Mezzanines. Mezzanines intended for human occupancy other than storage only shall be provided with adequate restroom facilities at that level within a travel distance of 300 feet. Fixture calculations for these areas shall be based on Table 403.1 and other applicable sections of the technical code.

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

403.11 Drinking fountain location. Drinking fountains shall not be required to be located in individual tenant spaces provided that *public* drinking fountains are located within a travel distance of 500 feet of the most remote location in the tenant space. Where the tenant space is in a covered or open mall, travel distance shall not exceed 300 feet and be located on the same floor as the tenant space. Drinking fountains shall be located on an accessible route.

AMEND Section 405.3 as follows:

405.3 Setting. Fixtures shall be set level and in proper alignment with reference to adjacent walls. Floor mounted water closets shall be set on a level floor, and the space between floor and base of bowl shall not exceed 1/4 inch and water closets shall be set as per manufacturer's rough in specifications.

AMEND Section 405.3.1

405.3.1 Water closets, urinals, lavatories and bidets. A water closet, urinal, lavatory or bidet shall not be set closer than 15 inches (381 mm) from its center to any side wall, partition, vanity or other obstruction. Where partitions or other obstructions do not separate adjacent water closets, urinals, bidets, or lavatories the fixtures shall not be set closer than 30 inches (762 mm) center to center between adjacent fixtures or adjacent water closets, urinals, or bidets. There shall be not less than a 21-inch (533 mm) clearance in front of a water closet, urinal, lavatory or bidet to any wall, fixture or door. Water closet compartments shall be not less than 30 inches (762 mm) in width and not less than 60 inches (1524 mm) in depth for floor mounted water closets and not less than 30 inches (762mm) in width and 56 inches (1422 mm) in depth for wall hung water closets.

AMEND Section 405.4.1 as follows:

405.4.1 Floor flanges. Floor flanges for water closets or similar fixtures shall not be less than 0.125-inch-thick for brass, 0.25-inch-thick for plastic, and 0.25-inch-thick and not less than a 2-inch caulking depth for cast-iron or galvanized malleable iron. Offset closet flanges shall be prohibited except by approval of the Chief Plumbing Inspector.

Floor flanges of hard lead shall weigh not less than 1 pound, 9 ounces and shall be composed of lead alloy with not less than 7.75-percent antimony by weight. Closet screws and bolts shall be of copper alloy. Flanges shall be secured to the building structure with corrosion-resistant screws or bolts.

AMEND Section 405.9 as follows:

405.9 Slip joint connections. Slip joints shall be made with an approved elastomeric gasket and shall only be installed on the trap outlet, trap inlet and within the trap seal. Fixtures with concealed slip joint connections shall be provided with an access panel or utility space of at least 12 inches in its smallest dimension, or other approved arrangement, so as to provide access to the slip joint connections for inspection and repair. Where such access cannot be provided, all joints are to be soldered, solvent cemented, or screw type so as to form a solid connection. Brass waste and overflows with brass friction rings may also be used. The waste and overflow shall be of straight thru type with overflow connecting to the tee branch which will allow the fixture, drain and trap to be cleaned without disturbance of concealed joints. Connections shall be inspected prior to concealment.

ADD Section 406.2 Exception:

Exception: *The branch drain for single or two family residential washing machines is not required to increase or connect to 3-inches when joining with another fixture drain or branch.*

AMEND Section 407.2 as follows:

407.2 Bathtub waste outlets and overflows. Bathtubs shall be equipped with a waste outlet that is not less than 1 1/2 inches (38 mm) in diameter. The waste outlet shall be equipped with a watertight stopper. Where an overflow is installed, the overflow shall be not less than 1 1/2 inches (38mm) in diameter. *Bathtubs not having an opening for an overflow shall be piped in such a manner so as to allow the tub waste to be cleared of stoppages without disturbing the waste piping.*

Add Section 413.2.1 as follows:

413.2.1 The floor drain shall have a flanged body with a mechanically fastened clamping collar.

ADD Section 413.5 as follows:

413.5 Other installations. Floor drains may be installed in all public toilet rooms, health care, institutional facilities, etc. at the discretion of design engineer. When floor drains are installed in the above mentioned rooms, the floor drains shall be not less than 3 inches and may be vented accordance with Chapter 9, *Section 915*. Floor drains shall be required in boiler rooms as per the 2015 IMC, Section 1004.6, pump rooms and mechanical rooms.

ADD Section 413.5 through 413.8 as follows:

413.5 Prohibited locations. No floor drain or other plumbing fixture except electric water heaters shall be installed in a room containing air-handling machinery when such room is used as a plenum. When rooms are used as a plenum, equipment drains shall be conveyed through an indirect receptor located outside such rooms or other point of disposal.

413.6 Trench drains. - Trench drains shall be made of materials approved by the Chief Plumbing Inspector. Manufactured trench drains shall be sealed according to manufacturer's instructions and shall be tested for seal integrity with water test.

413.7 Use of epoxy in concrete trench drains. Trench drains formed in concrete shall use an approved epoxy to treat the concrete. The epoxy shall be applied in accordance with the manufacturer's specifications, with a minimum application of two coats of epoxy.

413.8 Trench drains permitted. Trench drains in kitchens or mechanical rooms shall have the bottom surfaces sloped to the waste opening so that no part of the drain will collect debris or waste. The waste opening(s) will have an approved strainer plate as per Section 304.2 of this Code.

ADD Section 414.2 as follows:

414.2 Floor sink installation. Floor sinks shall be set so that the flood rim of the sink is a minimum of one-half inch to a maximum of one inch above the floor. The floor sink shall not be so located as to create a tripping hazard.

AMEND Section 421.5.2 as follows:

421.5.2 Exceptions:

1. Floor surfaces under shower heads for outside rinsing laid directly on ground are not required to comply with this section.

ADD Section 423.3.1 as follows:

423.3.1 Pedicure tubs. Pedicure tubs that are gravity drained shall be trapped and piped as a sanitary fixture. When a pump discharge is used, the discharge must be hard piped to a deep seal trap or through an air break to a standpipe. Any possible cross connection shall be protected by an accessible backflow preventer.

ADD to Section 424.1 as follows:

424.1 Approval. Urinals shall conform to ASME A112.19.2/CSA B45.1, ASME A112.19.19 or CSA B45.5/IAPMO Z124. Urinals shall conform to the water consumption requirements of Section 604.4. Urinals shall conform to the hydraulic performance requirements of ASME A112.19.2/ CSA B45.1 or CSA B45.5/IAPMO Z124. Urinals must have integral trap and visible trap seals. Waterless urinals shall be prohibited.

ADD to Section 421.2 as follows:

424.2 Substitution for water closets. In each bathroom or toilet room, urinals shall not be substituted for more than 67 percent of the required water closets in assembly and educational occupancies. Where only three fixtures are required, two of these must be water closets. Urinals shall not be substituted for more than 50 percent of the required water closet in all other occupancies.

Chapter 5

AMEND Section 502.3 as follows:

502.3 Water heaters installed in attics. Attics containing a water heater shall be provided with an opening and unobstructed passageway large enough to allow removal of the water heater. The passageway shall not be less than 36 inches (91 mm) high and 36 inches (91 mm) wide and not more than 20 feet (6096 mm) in length when measured along the centerline of the passageway from the opening to the water heater. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the water heater. The clear access opening dimensions shall be a minimum of 22 inches by 36 inches (559 mm by 914 mm) where such dimensions are large enough to allow removal of the water heater. If stairs are not available, pull down steps shall be provided.

ADD Section 502.3.1 and 502.3.2 as follows:

502.3.1 Water heaters located in or over ceilings. All water heaters located in or over ceilings must have permanent access ladder and work platform as per 502.3.2.

502.3.2 Water heater platform. Where a water heater is placed on a platform directly above a plumbing fixture, the bottom of the platform must be no lower than 6'-8" above the finished floor level. The water heater cannot extend above the surrounding ceiling area and must be accessible and open on two sides for repairs/or replacement. Water heaters shall not be allowed on any platform over 8' in height unless there are provisions for a permanent access ladder and a work platform as per 502.3 and 502.5.

ADD Section 503.1.1 as follows:

503.1.1 Isolation valves. Water heaters piped in a parallel configuration shall be valved such that the water heater(s) may be totally isolated from the other heater(s) in the case of leakage or the need for maintenance or service.

ADD Section 503.3 as follows:

503.3 Water connections to water heaters. All water connections to water heaters shall be made with rigid pipe. No flexible connectors may be used.

AMEND Section 504.7 as follows:

504.7 Required pan. Where water heaters or hot water storage tanks are installed in locations where leakage of the tanks or connections will cause damage, the tank or water heater shall be installed in a galvanized steel or other metal pan of equal corrosion resistance, having a minimum thickness of 24 gauge, or other pans approved for such use.

EXCEPTION: When a floor drain is installed in the same room with the water heater, a pan will not be required provided the water heater is not elevated and is located in an area served by the drain.

AMEND Section 504.7.1 as follows:

504.7.1 Pan size and drain. The pan shall be not less than 4 inches deep and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a minimum diameter of 1 inch or the outlet diameter of the required relief valve, whichever is larger. When the water heater is installed in the attic, a pan shall not be less than 6 inches deep. Pan-drain piping and T&P valve piping shall be corrosion resistant and have a minimum pressure rating of 100 psi at 180 degree Fahrenheit as per Section 605.5. When multiple pan drains are piped together, the drain pipe from junction to termination will be increased one pipe size for each additional water heater connected to the drain. The maximum number of water heater pan drains shall be limited to four, with the maximum drain being two inches in diameter. Pan drain piping shall be sloped from the pan to the point of termination.

AMEND Section 504.7.2 as follows:

504.7.2 Pan drain termination. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor, floor drain or extend to the exterior of the building. Pan drains shall terminate not less than 6 inches (152 mm) and no more than 24 inches (610 mm) above the adjacent ground surface. A 90-degree ell turned down must be installed at the termination of the pan drain. The termination must be visible. Where a pan drain was not previously installed, a pan drain shall not be required for a replacement water heater installation.

Chapter 6

ADD Section 601.2.1. as follows:

601.2.1 Water for air conditioning and heat exchanges, etc. Potable water may be used to furnish water for air conditioning and heat exchanges, etc. only in those cases where efficient evaporation condensers or cooling towers, or other similar devices, are employed, and where the water thus cooled is recirculated and employed to the maximum advantage. The potable water system shall be protected by an approved reduced pressure backflow preventer.

AMEND Section 603.1 as follows:

603.1 Size of water service pipe. The water service pipe shall be sized to supply water to the structure in the quantities and at the pressures required in the Code. The minimum diameter of water service pipe shall be 1 inch.

ADD Section 603.1.1 as follows

603.1.1 PVC water service. PVC underground water service pipe shall have a minimum wall thickness of SCH. 40 with permanent identification markings. This includes all plastic water service piping listed in Table 605.3.

ADD Footnote b. to Table 604.5

b. Hose Bibbs: Hose bibbs shall connect to branch piping that is a minimum of $\frac{3}{4}$ " in diameter.

AMEND Section 604.9.1 as follows:

604.9.1 Access. Access shall be provided to all water hammer arrestors.

AMEND Table 605.3 as follows:

Table 605.3 Delete all reference to Type M copper, WM copper,

AMEND Table 605.4 as follows:

Table 605.4 Delete all reference to Type M or WM copper.

Section 605.6. Reserved

AMEND Section 605.9 as follows:

605.9 Prohibited joints and connections. Change Note 4 to read:

4. Saddle-type fittings shall not be permitted in the water system piping except when approved by the Chief Plumbing Inspector.

Amend Section 605.15.3.1 as follows:

605.15.1.1 CPVC threaded transition adapters. The transition from a threaded pipe or fitting to CPVC pipe shall be done using adapters which have a brass or stainless steel thread insert for female adapters or brass or stainless steel male thread for male adapters.

EXCEPTION: CPVC male adaptors may be used at the temperature and pressure relief valve for the water heater.

Amend Section 607.2 to add the following new exception 1

Exception: R3, single family residential occupancies shall be exempt from this section

Delete Section 607.2.1 without replacement

ADD Section 608.1.1 as follows: Separation of underground water piping.

608.1.1 Separation of underground water piping. Non-potable water piping shall not be piped in the same trench as the potable water piping.

ADD Section 608.1.2 as follows: Backflow Preventer Repairs.

608.1.2 Backflow preventer repairs. Double-check and reduced pressure backflow preventer repairs shall be permitted and a test report shall be submitted along with the permit application.

AMEND Section 608.15 so when amended it shall read as follows:

608.15 Location of backflow preventers. Access shall be provided to backflow preventers as specified by the manufacturer's instructions. Double-check and reduced pressure backflow preventers may be installed at a centerline height of two to six feet above finish elevation. Where installation height is above six feet a means of access shall be provided. When installation height is above eight feet a permanent means of access, work area platform and walkway shall be provided.

ADD to Section 608.16.4.1 as follows:

608.16.4.1 Add: All pullout spout type faucets shall be in compliance with CSA CAN/CSA-B125 or have an integral vacuum breaker or vent to atmosphere.

AMEND Section 608.17.5 as follows:

608.17.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a reduced pressure principle backflow preventer. Lawn irrigation sprinkler lines shall not be piped in the same ditch with any potable water lines.

ADD Section 608.18.9 as follows:

608.18.9 Wells. All wells serving irrigation systems shall have a reduced pressure backflow preventer protecting the well from backflow or back pressure. All wells shall be protected against backflow.

Chapter 7

AMEND Section 702.3 as follows:

Delete and substitute with the following

702.3 Building sewer pipe. No building sewer shall be less than 4 inches in diameter with the exception of forced lines. When plastic pipe is used the wall thickness for any size pipe not be less than 0.237". The building sewer pipe shall conform to one of the standard listed in Table 702.3.

AMEND Section 703.2 as follows:

703.2 Drainage pipe in filled ground. Where a building sewer or building drain is installed on filled or unstable ground, the drainage pipe shall conform to one of the standards for ABS plastic pipe, cast-iron pipe, copper or copper-alloy tubing, or PVC plastic pipe or polypropylene plastic pipe indicated in Table 702.3. Filled ground must comply with 306.1 and 306.3.1 *Amended*.

AMEND Section 704.2 #3

3. Offset flanges shall only be allowed when approved by the chief plumbing inspector.

AMEND Section 708.1.1 and 708.1.2 as follows:

708.1.1 Horizontal drains within buildings. Horizontal drainage pipes in buildings shall have clean outs located at intervals of not more than 50 feet for 2-1/2 inches and smaller and for building drains 3 inches and larger, the cleanouts shall be 100 feet of developed length apart. Where manholes are used instead of cleanouts, the manholes shall be located at intervals of not more than 300 feet. The interval length shall be measured from the cleanout or manhole opening, along the developed length of the piping to the next drainage fitting providing access for cleaning, the end of the horizontal drain or the end of the building drain.

AMEND Section 708.1.2 as follows:

708.1.2 Building sewers. Building sewers smaller than 8 inches (203 mm) shall have cleanouts located at intervals of not more than 100 feet. Building sewers 8 inches and larger shall have a manhole located not more than 200 feet from the junction of the building drain and building sewer and at intervals of not more than 300 feet. The interval length shall be measured from the cleanout or manhole opening, along the *developed length* of the piping to the next drainage fitting providing access for cleaning, a manhole or the end of the building sewer. Manholes and manhole covers shall be of an approved type.

AMEND and Replace 708.1.6 as follows:

708.1.6 Double sanitary tee cleanout requirement. Where a double sanitary tee is used a cleanout will be required in the vertical piping or in the top of the tee to facilitate the cleaning of the sanitary tee.

AMEND Section 708.1.9 as follows:

708.1.9 Installation arrangement.

2. A two way cleanout shall be installed no deeper than 24 inches below grade and approved for meeting the requirements of Section 708.1.3.

AMEND Section 708.1.11 entitled “Cleanout access” by deleting the dimension of “24 inches (610 mm)” and replacing it with the dimension of “48 inches (1220 mm)” so that when amended the 48 inches replaces the 24 inches:

ADD Table 709.1 NOTE I:

Showers may be piped as rated and sized per Table 709.1 except as referenced in Section 710.3.
Delete: reference to urinal, nonwater supplied

ADD Section 710.3 as follows:

710.3 Underground Drainage Piping. Any portion of the drainage system underground or below a basement or cellar shall be no less than 2 inches in diameter.

ADD Section 712.1.2 as follows:

712.1.2 Individual fixture drains. Where individual fixtures are to be installed that cannot be discharged to the drainage system by gravity flow in new or existing buildings they shall be discharged into a tightly covered and vented sump from which the liquid shall be lifted and discharged into the building gravity drainage system by automatic pumping equipment and shall be submitted to the chief plumbing inspector for approval before installation..

AMEND Section 712.4 entitled “Sewage pumps and sewage injectors” by adding two sentences at the end of the section so that when modified it shall read as follows:

712.4 Sewage pumps and sewage injectors. A sewage pump or sewage ejector shall automatically discharge the contents of the sump to the building drainage system. All residential dwellings requiring a sewage pump or sewage injector for the building sewer shall be equipped with a duplex system with alternating pumps and manufactured approved alarms. All other sub drains may be a simplex system. All commercial and industrial installations must be engineered and pre-approved before commencing of work.

AMEND 712.4.1 as follows:

712.4.1 Macerating Toilet Systems. - Omit in its entirety.

AMEND 712.4.2 by deletion of the second exception without replacement .

ADD Section 715.1.1 as follows:

714.1.2 Sewage or waste backflow. Backwater valves may be installed on the outlet side of deep seal traps where installed below the lowest flood level rims of the building fixtures. Access shall be provided to all backwater valves for repair or servicing.

Chapter 8

AMEND Section 802.1.4 entitled “Swimming Pools” so that when modified it shall read as follows:

802.1.4 Swimming pools. Defer to Amendment Section 1803 and Section 1002.11 Amended.

AMEND Section 802.1.6 as follows

802.1.6 Commercial dishwashing machines. The discharge from a commercial dishwashing machine shall be through an *air gap*, *air break* or hard piped above the floor to a vented grease waste line.

AMEND Section 802.1.6 as follows

802.1.7 Food utensils, dishes, pots and pans sinks.

Sinks, in other than dwelling units, used for the washing, rinsing or sanitizing of utensils, dishes, pots, pans or service ware used in the preparation, serving or eating of food shall discharge indirectly through an *air gap*, an *air break*. or hard piped above the floor to a vented grease waste line.

ADD Section 802.1.8 as follows:

802.1.8 Waste pipes from drinking fountains, refrigerators, floor drains, safe waste, and soda fountains. No waste pipe from a refrigerator, ice box, bar fixture, safe waste, soda fountains, or any other receptacle where food is stored shall connect directly with any sanitary waste pipe. The waste piping from six or more waste receptors shall be piped as an indirect system and must be piped to a catch basin or deep seal trap before connecting to the sanitary waste system. The waste piping shall be sized and installed in accordance with tables 702.1, 702.2 and as per sections 802.2 and 802.3. Indirect waste piping exceeding 25 feet from the catch basin or deep seal trap, shall be vented as per sections 906.1 and 906.2, vented through the roof and shall not connect to any soil or waste vent. Cleanouts shall be installed as per section 708, and so arranged as to be properly flushed. A catch basin or deep seal trap not exceeding the distance as specified Section 909.1 from a soil or waste line, which is vented in a method approved as per Chapter 9, may be installed without a vent for same. Drinking fountains may be installed as an indirect or a sanitary fixture. In no case shall an indirect system when connected to a catch basin or deep seal be installed without at least one indirect vent through the roof sized as per Section 915.2.4..

DELETE Section 802.3 Exception

AMEND Section 802.1.6 as follows

802.4.3.1 Connection of laundry tray to standpipe.

As an alternative for a laundry tray fixture connecting directly to a drainage system, a laundry tray waste line shall connect to a standpipe for an automatic clothes washer drain. The standpipe shall extend not less than 30 inches (732 mm) above the weir of the standpipe trap and shall extend above the *flood level rim* of the laundry tray. The outlet of the laundry tray shall not be greater than 30 inches (762 mm) horizontal distance from the side of the standpipe.

Chapter 9

AMEND Section 903.1 as follows:

903.1 Vent terminal required. The vent pipe shall terminate by extending to the outdoors through the roof in accordance with 903.1.1.

AMEND Section 903.1.1 as follows:

903.1.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 10 feet above the roof.

DELETE Section 903.1.2

DELETE Section 903.1.4

AMEND Section 904.1 as follows:

904.1 Required vent extension. The vent system serving each building drain or separate or indirect system shall have not less than one vent pipe that extends to outdoors.

AMEND Section 909.1 as follows:

909.1 Distance of trap from vent. Delete Exception

AMEND Section 914.5 as follows:

914.5 Additional fixtures. Fixtures, other than the circuit-vented fixtures, are permitted to discharge to the horizontal branch drain. Such fixtures shall be located on the same floor as the circuit-vented fixtures, connect *horizontally* and shall be either individually or common vented.

Chapter 10

AMEND Section 1002.1 as follows:

1002.1 Fixture traps. Each plumbing fixture shall be separately trapped by a liquid-seal trap, except as otherwise permitted by this code. The vertical distance from the fixture outlet to the trap weir shall not exceed 24 inches. The horizontal distance shall not exceed 30 inches measured from the centerline of the fixture outlet to the centerline of the inlet of the trap. An upright tee with an accessible opening or an accessible cleanout in the top of the tee above the trap inlet will be required to receive the horizontal portion of the drain into the trap inlet. The height of a clothes washer standpipe above the trap shall conform to section 802.4. A fixture shall not be double trapped.

ADD Section 1002.11 as follows:

1002.11 Residential swimming pool traps. All swimming pools are required to have drain provisions into the sanitary sewer. It shall be made through an indirect connection by the use of a 12" deep seal trap installed on the building sewer or building sewer cleanout. It shall be located within the distance as specified **Section 909.1**. The pool connection shall be permitted and installed by a Licensed and Bonded Plumbing Contractor.

ADD Section 1003.1.1, as follows:

1003.1.1 Food service establishment (grease trap) regulation.

Grease trap required: All food service establishments discharging wastewater to the City's wastewater facilities shall install, operate, and maintain a sufficiently sized oil and grease, water and solids separator (hereinafter called grease trap) necessary to achieve and maintain compliance to the City of Memphis Sewer Use Ordinance.

Design criteria: All grease traps used in conjunction with food service establishments shall have the capacity of 15 gallons per seat, except that no single grease trap shall be smaller than 750 gallons or larger than 3,000 gallons. In certain cases, multiple grease traps may be utilized if approved through the Division of Public Works. Alternative treatment technologies will be considered on a case-by-case basis for food establishments that are to be located in an existing building where a large grease trap is not feasible. In all other establishments, the requirements shall be as follows:

Fixture 40 lb. – 20GPM

Fixture 50 lb. – 25GPM

Fixture 70 lb. – 35GPM

Fixture 100 lb. – 50GPM

Local waste management areas shall have final determination of grease trap and interceptor sizing.

Interceptors placed above floor level: When the above floor installation of an interceptor could become an obstruction, or could create a potential unsanitary condition by making it impractical to thoroughly clean around the interceptor, the interceptor should be installed below floor level. If an installation below floor level is required, the top is to be placed flush with the floor level and made accessible for cleaning purposes.

NOTE: For other sizing and design of grease interceptors, contact the local governing body that has jurisdiction for their requirements.

Also refer to Section 1708 for further grease interceptor requirements.

ADD Section 1003.3.5.2.1 as follows:

1003.3.5.2.1 Flow Controls below floor level. Any flow restrictors installed under the floor shall be provided a means of access with a removable water tight cover which will allow maintenance to be performed. The flow restrictor shall be installed in a manner which allows removal without disturbing the other piping and such that the vent from the flow restrictor will not have any portion of it piped horizontally six inches (6") below the flood level rim of the fixture served.

DELETE Section 1003.4 Exception

Chapter 11

AMEND Section 1101.9 Backwater valves

Storm drainage may be provided with backwater valves as required for sanitary drainage systems in accordance with Section 715.

DELETE Section 1103 entirely

AMEND Section 1108.2 as follows:

1108.2 Separate systems required. Secondary roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location that would normally be observed by the building occupants or maintenance personal and in no case shall the discharge be spilled on to a pedestrian area or walkway so as to create a nuisance or hazard.

DELETE Section 1109 entitled “Combined Sanitary And Storm System” entirely and replace it with the word “Reserved” :

1109 - Reserved

AMEND Section 1113.1.4 entitled “Sump pit” by adding an Exception which shall read as follows:

Exception: In one-and two-family dwellings, a full port valve and a check valve shall be required, located on the discharge piping from the pump or ejector.

ADD Chapter 16 as follows:

**CHAPTER 16
TRAVEL TRAILERS AND TRAVEL TRAILER PARKS**

1601 General. The requirements set forth in this chapter shall apply to all new travel trailer parks and to additions to existing parks as herein defined, and are to provide minimum standards for sanitation and plumbing installation within these parks, for the accommodations, use and parking of travel trailers. Plumbing installations in travel trailers shall be installed in accordance with ANSI A119.2, Part I.

1602 Definitions. Definitions contained in Chapter 2 shall also apply to this chapter except where the following special definitions shall apply.

Air Lock. A condition where air is trapped in a drain or drain hose and retards or stops the flow of liquid waste or sewage.

Center. Center of a manufactured home or travel trailer is the longitudinal center line located midway between the right and the left side.

Combination Compartment. A shower stall with or without a door which provides for or includes a water closet. It is sized for occupancy of only one person.

Department Having Jurisdiction. The Administrative Authority or other law enforcement agency having jurisdiction over this regulation.

Dependent Travel Trailer. A trailer coach not equipped with a water closet.

Drain Hose. The approved type hose, flexible and easily detachable, used for connecting the drain outlet to a sewer inlet connection.

Drain Outlet. The lowest end of the main drain to which the terminal end of the drain hose is connected.

Independent Mobile Home or Travel Trailer. One equipped with a water closet and a bath or shower.

Inlet Coupling. The terminal end of the water system to which the water service connection is made. It may be a swivel fitting or threaded pipe end.

Intermediate Waste Holding Tank. (Travel trailers only) An enclosed tank for the temporary retention of water-borne waste.

Length. The distance measured from the tip of the hitch to the part farthest to the rear of a manufactured home or travel trailer.

Manufactured Home or Travel Trailer Park. A site, lot, tract or parcel of land upon which one or more mobile homes or travel trailers is parked for the temporary or permanent use as living quarters of one or more families.

Park Drainage System. The entire system of drainage piping used to convey sewage or other wastes from the manufactured home or travel trailer drain outlet connection, at its connection to the manufactured home or travel trailer site, to a public sewer or private sewage disposal system.

Park Water Supply System. All of the water supply piping within the park, extending from the main public supply or other source of supply to, but not including, the manufactured home or travel trailer service system, and including branch service lines, fixture devices, service buildings and appurtenances thereto.

Service Building. A building housing toilet and bathing facilities for men and women, with laundry facilities.

Sewer Lateral. That portion of the park drainage system extending to a manufactured home or travel trailer site.

Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "Travel Trailer" by the manufacturer on the trailer and, when factory equipped for the road, having a body width not exceeding 8 feet and being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 29 feet.

Travel Trailer Sanitary Service Station. One used for emptying waste hold tanks.

1603 General Regulations

1603.1 Governing provisions. The general provisions of the Plumbing Code shall govern the installation of plumbing systems in travel trailer parks, except where special conditions or construction are specifically defined in this chapter.

1603.2 Travel trailer sites

1603.2.1 Travel trailers shall not hereafter be parked in any travel trailer park unless there are provided plumbing and sanitation facilities installed and maintained in conformity with these regulations. Every travel trailer shall provide a gastight and watertight connection for sewage disposal which shall be connected to the underground sewage collection system discharging into a public or private disposal system.

1603.2.2 No dependent travel trailer shall be parked at any time in a space designed and designated for an independent travel trailer unless public toilet and bath facilities are available within 200 feet of the dependent travel trailer. One dump station shall be provided for every 15 trailer sites. The dump station shall be a covered receptor, provided with a water supply which shall be protected against backflow and freezing conditions. This water outlet will be used for cleaning purposes only. This water supply shall not be used to replenish any drinking water tanks.

1604 Plans and specifications. The owner or operator of every travel trailer park, before providing areas of space for the use and accommodation of independent travel trailers, shall make application for a permit and file two sets of plans and specifications with the Building Inspection Department. The plans and specifications shall be in detail as follows:

A scaled plot plan of the park, indicating the spaces, area, or portion of the park for the parking of independent travel trailers and independent trailers.

Size, location and specification of the park drainage system.

Size, location and specification of water supply lines and their location.

Size, location and layout of service building.

Size, location, specification and layout of the fire protection system.

A scaled layout of typical trailer sites.

Applications shall bear the approval of the local enforcement agencies as to compliance with city or county plumbing, zoning, and health ordinances.

Plumbing required by this article shall comply with all city or county plumbing and health ordinances and regulations.

The issuance of a permit shall not constitute approval of any violation of this article or of any city or county ordinance or regulation.

An approved set of plans and a copy of the permit shall be kept on the park premises until the final inspection has been made.

1605 Service Buildings

1605.1 Minimum facilities

1605.1.1 Each travel trailer park shall have at least one service building to provide necessary sanitation and laundry facilities. Those parks serving independent travel trailers need provide only minimum facilities.

1605.1.2 The service building shall be of permanent construction with an interior finish of moisture resistant material which will stand frequent washing and cleaning, and the building shall be well lighted and ventilated at all times.

1605.2 Independent trailers. -The service buildings of only independent travel trailer parks shall have a minimum of one laundry tray, one water closet, one lavatory, one shower or bathtub for women and one water closet, one lavatory, and one shower or bathtub for men.

1605.3 Dependent trailers. -The service buildings in parks that also accommodate dependent travel trailers shall have a minimum of one laundry tray, two water closets, one lavatory, one shower or bathtub for women, and one water closet, one urinal, one shower or bathtub for men. The above facilities are for a maximum of ten dependent travel trailers. For every ten additional dependent travel trailers, the following additional fixtures shall be provided: One laundry and one shower or bathtub for each sex, one water closet for every 10 additional dependent travel trailers for women and one water closet for every 15 additional dependent travel trailers for men.

1605.4 Water Supply For Fixtures

1605.4.1 Hot and cold water shall be provided for all fixtures as per the requirements in other sections of this code..

1605.4.2 Each water closet, tub and shower shall be in separate compartments, with self-closing doors on all water closet compartments. The shower stall shall be a minimum of 3x3 feet in area, with a dressing compartment with a stool or bench for women.

1605.5 Floor drains. A minimum 3-inch floor drain shall be installed in each toilet room and laundry room.

1606 Materials. Unless otherwise provided for in this chapter, all piping fixtures or devices used in the installation of drainage and water supply systems for travel trailer parks, or part thereof, shall conform to the quality and weights of materials required in other sections of this code..

1607 General regulations. Unless otherwise provided for in this chapter, all plumbing fixtures, piping, drains, appurtenances and appliances designed and used in park drainage, water supply system and service connections shall be installed in conformance with the other sections of this code.

1608 Park Drainage System

1608.1 The main sewer and sewer laterals shall be installed in a separate trench not less than 5 feet from the park water service or distribution system. (See 608.3)

1608.2 The size of the sewer mains in any travel trailer park drainage system shall be 4 inches or larger.

1608.3 Each travel trailer shall be considered as six fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.

1608.4 Minimum grade for sewers shall be so designed that the flow will have a mean velocity of 2 feet per second when the pipe is flowing half full.

1608.5 The discharge of a park drainage system shall be connected to a public sewer. Where a public sewer is not available, an individual sewage disposal system shall be installed, of a type that is acceptable and approved by the administrative authority or other enforcement agency having jurisdiction over this regulation.

1608.6 Manholes and cleanouts shall be provided as required in Chapter 7. Manholes and cleanouts shall be accessible and brought to grade.

1608.7 The main sewer shall be provided with a minimum 3-inch vent, not more than 5 feet downstream from its upper trap. Long mains shall be provided with additional relief vents at intervals of not more than 200 feet thereafter, if the manhole covers are not of perforated type. These relief vents shall be a minimum of 3 inches and shall be securely supported and extended a minimum of 10 feet above the ground.

1608.8 Branch lines or sewer laterals to individual travel trailers shall not be less than 3-inch diameter.

1608.9 Sewer inlets shall be a minimum of 3-inch diameter and extend above grade 3 to 6 inches. Each inlet shall be provided with a gas-tight seal when connected to a trailer and have a gas-tight seal plug for use when not in service.

1608.10 Each trailer site shall be provided with a house trap. Sewer laterals over 30 feet from the main park drainage sewer shall be properly vented and provided with a cleanout brought to grade.

1608.11 To provide the shortest possible drain connection between the travel trailer outlet and drain inlet, all drain inlets shall terminate with reference to the site location of the travel trailer.

1608.12 Drain connection shall slope continuously downward and form no traps. All pipe joints and connections shall be installed and maintained gastight and watertight.

1607.13 No sewage, waste water, or any other effluent shall be allowed to be deposited on the surface of the ground.

1608.14 Upon completion and before covering, the park drainage system shall be tested as per *Section 312*.

1609 Water Distribution System

1609.1 General. Every travel trailer site shall be provided with an individual branch service line delivering safe, pure, and potable water. The outlet of the branch service line shall terminate on the left side of the site of the travel trailer.

1609.2 Minimum size. Water service lines to each trailer site shall be sized to provide a minimum of 8 GPM at the point of connection with the trailer distribution system.

1609.3 Backflow And Service Shutoff

1609.3.1 A point of entry reduced pressure backflow preventer shall be required before the first branch opening of the water distribution system for the trailer park after the water meter or well. A backflow preventer shall be installed on the branch service line to each independent trailer at, or near, the trailer service connection. Backflow preventive devices shall be of an approved type. Backflow preventers shall be installed as per manufacturer's installation recommendations. All backflow preventers shall be protected from freezing and damage.

1609.3.2 A separate service shutoff valve shall be installed in each branch service line on the supply to the backflow protective device.

1609.4 Service connections. - The service connection shall be not less than 3/4-inch diameter; no rigid pipe may be used. Flexible metal tubing is permitted. Fittings at either end shall be of a quick disconnect type not requiring any special tools or knowledge to install or remove.

1610 Travel Trailer Connections

1610.1 Responsibility. When it is evident that there exists, or may exist, a violation of these rules, the owner, operator, lessee, person in charge of the park, or any other person causing a violation shall cause it to be corrected immediately or disconnect the service connection and travel trailer drain connection from the respective park branch service line and sewer lateral.

1610.2 Drain connections. Travel trailer drain connections shall be of approved semi-rigid or flexible reinforced hose having smooth interior surfaces of not less than 3 inches inside diameter. Drain connections shall be equipped with a standard quick disconnect screw or clamp type fitting, not less in size than the outlet. Drain connections shall be gastight and no longer than necessary to make the connection between the travel trailer outlet and the trap inlet on the site.

1611 Maintenance. All devices or safeguards required by this chapter shall be maintained in good working order by the owner, operator, or lessee of the travel trailer park or his designated agent.

ADD Chapter 17 entitled “Special Regulations” as follows:

**CHAPTER 17
SPECIAL REGULATIONS**

1701 Auxiliary Building Sewer Connections.

1701.3 Every building facing a dedicated public thoroughfare, street, or alley shall have a separate connection with the public sewer. This connection shall service only such other appurtenance buildings as a servant’s house, private garage, or private workshop that are erected for the use of the occupants of the initial building.

1702 Sewer and Drains, Generally

1702.1 Sufficient water to be used to flush sewers. It shall be the duty of all boards, departments, officers, and persons having power of authority to require, and to the extent thereof, to cause to be used sufficient water, and other adequate means to be taken, so that whatsoever substances may enter any sewer shall pass so that no accumulation will take place that will be dangerous or prejudicial to life or health.

1702.2 Uncovering sewers: sewer connections generally. It shall be a civil offense and violation of this code for any person to uncover any public sewer for any purpose or make connections therewith, or uncover the public connections thereof, unless and except by the consent and under the supervision of the public engineer or his duly authorized agent or agents, whose duty it shall be to ensure full compliance with the regulations in relation to connections.

1702.3 Sewer connections. All connections to the public sewers shall be made by public forces or by a contractor’s forces employed by the public and under public supervision.

1702.4 Code does not require construction of sewers. The provisions of the Technical Codes shall in no way be construed as requiring the local governing body to construct sewers in streets or alleys or in private property where sewers are not already installed.

1702.5 Abandonment of construction of sewer connection. It is unlawful for any person, unless prevented by circumstances over which he has no control, to abandon the construction of any sewer or sewer connection after the work has started, until the same has been constructed according to the permit approved by the Building Official. Allowing the work on any sewer connection to be suspended for 48 hours shall be considered as abandonment.

1702.6 Sewer Obstruction Generally

1702.6.1 All obstructions in any private drain or sewer, or any pipes leading into any public sanitary or storm sewer, or connection therein, within private property lines shall be promptly removed by the owner, tenant or occupant of such premises.

1702.7 Deposit of garbage, hair, ashes, etc. in sewers. Except as expressly provided by conditions prescribed in the Technical Codes, it shall be a civil offense and violation of this code to throw or deposit, or cause or permit to be thrown or deposited in any vessel or receptacle connected with a public sewer, any garbage, hair, ashes, fruit or vegetables, peeling or refuse, rags, cotton, cinders, or any other matter or thing whatsoever, except feces, urine, the necessary closet paper and liquid house slops.

1702.8 Surface or rainwater not to enter sanitary sewers. Surface or rainwater from the ground or roofs of buildings shall not be allowed to enter any sanitary waste line or sewer, directly or indirectly.

1702.9 Discharge of sewage into rivers and streams prohibited. No private drains or sewers from any point to any river or stream shall be allowed, and no private discharge of water, sewage, or liquid or semi-liquid waste from factories or places of business shall be discharged from private pipes or sewers into any of said rivers, either directly or indirectly.

1702.10 Sewer connections in new subdivisions. The plumbing contractor shall receive approval of the authority have jurisdiction over the public sewer system before the house sewer may connect to the public sewer. If the plumbing contractor permits any person to remove the plug from the public sewer connection at the property line without his permission, he shall assume all responsibility for refuse causing obstruction of the public sewerage system. No inspection will be made until approved by the public sewer authority.

1702.11 Unauthorized sewer connections. No person shall connect sewer lines within property with the public sewer mains, submains or laterals, except in the manner provided in the Technical Codes, and any person violating the provisions of the Technical Codes and making an unauthorized connection shall be guilty of a civil offense and violation of this code.

1703 Abandoned Wells and Cisterns

1703.1 When water connections are made to a public water system, the abandoned well shall be filled, as required by the Shelby County Health Department.

1703.2 The Shelby County Health Department shall require all old and abandoned wells and cisterns to be filled as soon as possible.

.1704 Septic system installer regulations

1704.1 The term “septic system installer” as used in the Technical Codes is defined to include any person having the general charge and supervision of the business of installing septic tanks and disposal fields or disposal lagoons.

1704.2 Every licensed septic system installer doing business shall give a bond in the penalty of \$5,000 with a surety company licensed as approved by the County Attorney or his or her designee. Said bond shall be payable to the local governing body for the use of the local governing body and any citizen who may be damaged by the failure of such licensed septic system installer to comply strictly with the Technical Codes or who may be damaged by any negligence committed to imperfect work done by such licensed septic system installer and such bond shall be so conditioned as to require said drainage and excavation and conditioned as to require such licensed septic system installer to indemnify and hold harmless the local governing body and all persons from damages caused by the negligence or inadequate work done by such septic system employees and agents. The bond shall further provide that any person injured by the default of the licensed septic system installer shall have the right to bring suit directly against the surety on the bond. Said bond shall be renewed once per year. If the security should become impaired before the expiration of any bond, the Administrator of the OCCE shall require that a new bond be given immediately.

1705 Septic cleaner regulations

1705.1 The term “septic cleaner” as used in the Technical Codes is defined to include any person having the general charge and supervision of the business of cleaning and pumping out septic tanks, chemical toilets, disposal fields, catch basins, grease traps, or similar plumbing receptacles.

1705.2 Any application for licensing as a septic cleaner must be accompanied by a report of approval by the Shelby County Health Department of the applicant’s ability, equipment, and proposed method of operation of a septic cleaning business. Such application and report shall be made under oath and shall require the applicant to agree to observe all valid state and local laws and regulations that have a bearing upon the septic cleaning business. Applicant shall arrange with the Health Department for such inspections of equipment and business operations as may be required.

1705.3 If any applicant for licensing as a septic cleaner is to be qualified for such license by the Shelby County Health Department, he shall be issued a 94 D septic cleaner license after payment of an annual dumping fee of \$200 per truck. Failure to renew septic cleaner license and to pay the annual truck dumping fee within the 30-day period following expiration shall require the person to reapply to the Joint Plumbing Licensing Board and Shelby County Health Department.

1705.4 Septic cleaner trucks shall be constructed and maintained in a sanitary condition at all times, and all septic cleaning equipment shall be operated in a sanitary manner, in accordance with the requirements of the Shelby County Health Department.

1705.5 Each truck shall be properly identified with the septic cleaner’s name, address, and license number and the fee number of the truck.

1705.6 Sanitary conditions shall be maintained at all times while working on any premises, transporting, disposing, or storing equipment used in the septic cleaning business, and all places affected by such work shall be left in a sanitary condition.

1705.7 Waste disposal from septic tanks, chemical toilets, and disposal fields shall be delivered to designate sewer manholes for disposal (said manholes to be designated by the local governing body). Waste from catch basins, grease traps or similar plumbing receptacles shall be delivered to designated landfills, or as otherwise required and in the manner prescribed by the Shelby County Health Department and local governing body. No industrial waste may be picked up for disposal unless the industry producing the waste has a letter of approval from the Environmental Control Department and the Health Department having jurisdiction.

1705.8 The Chief Plumbing Inspector shall be notified within 48 hours of the cleaning out of each septic tank and/or disposal field. Violation of disposal requirements will be subject to a fine as provided elsewhere in the Technical Codes.

1706 Septic tank discontinued. -Where septic tanks are discontinued and plumbing connected to the public sewer, the septic tank shall be pumped out and the waste discharged into the sanitary sewer. The tank shall be filled with clay, dirt, or sand. This shall be done before a final inspection certification is issued.

1707 Rules Governing Special Conditions

1707.1 Veterinary clinics. Veterinary clinics shall provide a concrete or an impervious floor where dogs are kept. Adequate 3” floor drains, not to exceed 15 feet on centers, shall be provided for areas where dogs are kept. Where the walls are extended to the floor level, a floor drain shall be provided for each stall.

1707.2 Dog stands, animal, fowl, and pets. Where four or more dogs are kept or boarded on a private or public premises or where other animals, fowl or pets are kept or boarded on a private or public premise, the owners shall be required to install a concrete area of at least two hundred (200) square feet with one or more floor drains as indicated in Section 1707.1. All drains shall be connected to the public sewer or to a private disposal system serving that property. A vertical curb shall be made a part of the floor and the curb shall extend six inches above the floor.

1707.3 Zoological gardens. All waste from the animal pens, fowl stands or racks, fish ponds or containers, and all other waste from zoological gardens shall be connected to the public sewer as directed by the Chief Plumbing Inspector.

1708 Catch Basin and Interceptor Requirements and Construction

1708.1 Catch basins shall be constructed of concrete with a minimum surface area of at least 4 square feet, and shall be provide with a #6 rim and cover, and properly trapped to prevent the escape of sewer gases. When basin is placed in line of heavy vehicular traffic, a # 7 rim and cover will be required. Catch basins of materials other than concrete shall be preapproved by the Chief Plumbing Inspector before installation.

1708.2 Interceptors constructed of concrete shall have a minimum of 2 feet width inside diameter. The depth of interceptors shall not be less than 24 inches from the top of the outlet to the bottom of the interceptor.

1708.3 Interceptors constructed of concrete must have 6-inch walls and 6-inch bottom; walls and bottom must be poured at the same time to make interceptors watertight, shall be located in properly lighted and ventilated space, shall not be located in any unventilated space, and shall not be located in any unventilated storeroom or closet.

1708.4 Interceptors located inside a building must have a ring with an airtight cover. When interceptors are located outside a building at a sufficient distance from a window, etc., the cover need not be airtight. Grease interceptors shall be of thoroughly watertight construction. All interceptors shall be vented so as not to become *air bound*.

1708.5 All concrete interceptors must have not less than a 3-inch minimum outlet to the main waste line. The outlet from the interceptors to the main waste line must have two 1/4 bends to form a trap with a combination Y – 1/8-inch bend for a cleanout. A backwater valve shall be located inside the interceptor on the outlet waste line. All lines discharging into the grease interceptor shall be piped with sanitary tee(s) and a pipe drop so as to discharge a minimum of 6 inches below the surface of the liquid in the interceptor. Any main lines or laterals discharging into grease interceptors will be classed as indirect lines.

1708.6 Indirect lines connecting to the grease interceptor must be vented as per Chapter 9 with at least one vent extending independently to the outdoors. The indirect waste lines shall be sized and installed as per Chapter 7. All fixtures must be separately trapped. All waste lines shall have cleanouts as per Chapter 7 and at the fixture openings. No indirect vent will be permitted to connect into a sanitary vent.

1708.7 When interceptor is connected to and within the distance as specified Section 909.1 of a vented waste line, no vent is required for the interceptor.

1708.8 Area drains for garbage dumpsters may be connected to a catch basin, or the sanitary sewer provided that the area has curbing to prevent rain water outside of curbed area from entering the area drain and is properly vented as per other sections of this code.

1708.9 Dishwashing machines in commercial buildings must discharge into a grease interceptor. Other methods of installation may be approved by the Chief Plumbing Inspector.

1708.10 A catch basin of concrete may be used in place of a deep seal trap where provided for in Section 1708.4. Such basin shall not have less than 24 inches of sediment depth below the top of the outlet, (see the drawing for a typical catch basin) there shall be a backwater valve at the outlet, two quarter bends shall be so piped to create a trap, and shall have a removable solid iron cover.

1708.11 All catch basins unless specified elsewhere shall be provided with a backwater valve. Catch basins or interceptors of materials other than concrete shall be provided with a backwater valve within five foot (5') of the basin/interceptor on the discharge line. All backwater valves will be accessible.

1708.12 Catch Basin Location. - No such catch basins or washstands shall be constructed until the place thereof shall be submitted to, and approved by the Chief Plumbing Inspector, who shall approve no plan which does not adequately provide for the prevention of the entry of mud, surface water, sawdust or other foreign materials into the public sewer.,

1708.13 Vent for Catch Basin. - No vent shall be required when the catch basin is within the distance as specified Section 909.1 of a soil line which is vented in a method approved as per Chapter 9.

NOTE: See Figures GI-1 through GI-11 for approved interceptors and catch basins.

1709 Vehicle Wash Stands

1709.1 Vehicle or automobile wash stands shall be equipped with a double basin, one of which shall be covered with a removable solid iron cover, and the other with a #10 rim and grating.

One of said basins shall be connected with the other, and only one shall be designated as basin "A" and must serve as the oil water separator which shall be directly connected with the public sewer. The basins so connected with public sewers shall be provided with a proper cleanout and be properly trapped and vented so as to prevent the escape of sewer gases. No vent shall be required for the master basin connected directly with the sewer if it is within the distance as specified Section 909.1 of said sewer which is vented in a method approved as per Chapter 9. A vent shall be required between basins if over fifty feet of developed length between basins. Where multiple 'B' basins are used, one indirect vent shall be required to extend to the outdoors.

1709.2 Catch Basin Local Vent. -All catch basins and vehicle wash stands in the public garages, cleaning establishments, or other places where gasoline or other volatile inflammable liquids are used shall be provided with a local vent, which shall be carried above the roof so as to prevent the collection of gases. Such local vents shall not be connected with any other vent.

NOTE: See figure CW-1

1710 Self-service, Coin-operated, Dry-cleaning and Laundry Establishments

1710.1 Plumbing installations for laundrettes or washaterias shall be made in accordance with plans and specifications as shown on drawing "typical catch basin or grease trap-minimum." Catch basins, waste and vent lines, and waste connections to the washing machines shall be constructed and connected according to the requirements of the Technical Codes.

1710.2 Washing machines with gravity discharge may drain into a trench drain, provided that drains are installed higher than the finished floor and the trench drain is connected to a catch basin. See Amended Sections 413.5 through 413.8 for trench drain construction. This system shall discharge into a concrete catch basin located inside or outside of building, minimum size of the catch basin to be 24 inches square and the bottom of the catch basin to be 24 inches below top of backwater valve. If the catch basin is located outside of building, the top of basin shall be 3 inches above the finish grade, catch basin to have #6 rim and cover.

1710.3 One washing machine with a gravity discharge will be permitted to drain into a floor sink of sufficient size to prevent overflow. The floor sink may be job built and must be approved by the Chief Plumbing Inspector. The floor sink may connect to sanitary and shall be vented as per other sections of the Technical Codes.

1710.4 Washing machines shall discharge into a collector system of drainage pipe and fitting and have proper vents. Alternate types of collection systems shall be submitted for approval prior to installation. This collector system shall discharge into a concrete catch basin located inside or outside of building.

1710.5 Six or less gravity type washing machine waste openings shall be permitted on a 3-inch waste line, more than 6 washing machines waste openings will require a 4-inch waste line. Where ten or more washing machines are to be installed the waste system shall be sized and designed by a State of Tennessee registered engineer.

1710.6 Pump type washing machines shall separately trapped, vented or discharge to a trapped collection header and sized as per other applicable sections of this technical code.

1710.7 Self-service, coin-operated, dry-cleaning establishments, laundrettes and/or washaterias shall be provided with the minimum number of facilities as outlined in the technical code. The toilet facilities and drinking fountain(s) shall be accessible directly to the customer area.

1710.8 Floor drains shall be provided on the basis of one 3-inch drain with an inlet cover of not less than 6 inches in diameter for each 400 square feet of floor area. The inlet cover shall be flush with the floor surface, and floors shall be sloped to drain.

1710.9 Other Washing Machines

1710.9.1 All other washing machines shall connect to a deep seal trap or have separate trap and vent as provided for other fixtures.

1710.9.2 Every private dwelling shall have a washing machine connection.

1710.9.3 Where more than four residential type washing machines are piped together in a commercial application they shall drain into catch basin of adequate size..

ADD Chapter 18 as follows:

CHAPTER 18

PLUMBING INSTALLATION STANDARDS FOR SWIMMING AND WADING POOLS

1801 Purpose, application and scope. The requirements set forth in this chapter shall apply specifically to all public, semi-public, and permanent private swimming pools and wading pools and are to provide minimum standards for sanitation and plumbing installation for swimming and wading pools.

1802 Construction and Maintenance, Generally

1802.1 Every pool shall be so designed and constructed as to facilitate cleaning and shall be maintained and operated in such manner as to be clean and sanitary at all times.

1802.2 Inlets and outlets shall be located and spaced so as to secure satisfactory dispersion of the inflowing water throughout.

1802.3 All pools shall have the bottom and inner sides constructed of smooth nonabsorbent materials and to be so constructed as to be properly drained.

1803 Waste Water Disposal, Generally

1803.1 All waste water from public, semi-public, or permanent private swimming pools and wading pools shall have an indirect connection to the sanitary plumbing when connected to the public sewer and/or such connections and type of disposal shall be as determined by the Health Department when the plumbing system is connected to a private disposal system.

1803.2 No waste water from a permanent or temporary type swimming pool or wading pool shall drain any water on any premise so as to permit to run on adjoining premises.

1804 Toilet Facilities. Sanitary toilet facilities, adequate and accessible, shall be provided for both sexes at all public and semi-public pools, as required by the Health Department and to meet the approval of the Chief Plumbing Inspector and Building Official.

1805 Pool Equipment

1805.1 No public or private swimming or wading pool shall be constructed or placed on any public or private premise without adequate filtration, chlorination, and/or disaffectation as may be required by the Health Department and to meet the approval of the Chief Plumbing Inspector.

1805.2 Discharge from pools or appurtenances into the sanitary sewer shall be limited to 100 gallons per minute or the amount that may be discharged by gravity through a 4-inch pipe on a 2% grade.

1806 Catch Basins, Deep Seal Traps

1806.1 Catch basins serving the discharge from swimming pools, filter backwash, and deck drains shall be constructed and installed as outlined in the Technical Code. The catch basin shall have sufficient cubic feet capacity to take care of water used for backwash from filters.

1806.2 On private pools, deep seal traps as outlined in the Technical Code, may be installed in lieu of catch basins.

1807 Waste and Deck Drain Piping. Waste and deck drain piping for pools shall comply with the provisions set forth in the Technical Code, as applicable to building sewers and underground piping within building.

1807.1 For public, semi-public and wading pools, all deck drainage shall waste to the sanitary system through a catch basin, unless an alternative design is approved in advance by the Chief Plumbing Inspector.

1808 Circulation and Vacuum Lines. Circulation lines and vacuum lines for public and semi-public pools shall comply with the provision set forth in the Technical Code, as applicable to materials underground.

1809 Pool Water Supply. There shall be no direct connection between any domestic water supply line and any circulating pump, filter, water softener, or other apparatus or device that comes in contact with water in or around the pool. The domestic water supply to the surge tank or pool shall be above the extreme overflow level in such manner as to prevent water from the tank or pool from entering the domestic water supply or protected by a reduced pressure principal backflow preventer.

1810 See 1002.11 for residential pool requirements

Appendix A

Plumbing Permit and Inspection Fees

P-1 Schedule of Permit Fees

P-1.1 The fee for each permit shall start with a base fee of \$20.00 before any other fees are added. The fees shall be computed from the *Plumbing Permit Fee Schedule* as listed. Fixture fees as listed in the fee schedule will be \$7.50 for each fixture and calculated by the number and type fixtures for the total number of fixtures.

P-1.2 The fee for a new residential sewer shall be \$30.00.

Repairs, alterations or replacements greater than 20 feet, or more than 50% of a residential building sewer will be \$30.00.

P-1.2.1 The fee for a new septic system installation shall be \$30.00 and septic repairs shall be \$30.00

P-1.3 Commercial sewer fee calculations shall be based on the valuation of the sewer work being done. The fee will be \$8.00 per \$1,000.00 of valuation when greater than \$12,000 with a minimum fee of \$100.00.

Repairs, alterations or replacements greater than 20 feet, or more than 50% of a commercial building sewer will be \$8.00 per \$1,000.00 of valuation when greater than \$12,000 with a minimum fee of \$100.00.

P-1.4 The fee for the water service pipe shall be:

1 inch - \$20.00

1-1/4 inch through 2 inch - \$30.00

2-1/2 inch and above - \$8.00 per \$1,000.00 of valuation when greater than \$25,000 with a minimum fee of \$200.00.

Repairs, alterations or replacements greater than 20 feet, or more than 50% of a water service will be \$8.00 per \$1,000.00 of valuation when greater than \$25,000 with a minimum fee of \$200.00.

P-1.5 The fee for fire protection systems shall be \$8.00 per \$1,000.00 of valuation when greater than \$12,000 with a minimum fee of \$100.00

P-1.6 The fee for medical gas systems shall be \$8.00 per \$1,000.00 of valuation when greater than \$12,000 with a minimum fee of \$100.00

P-2 Base Permit Fee

The base fee shall be \$20.00 with other permitting and processing fees added to the base fee. Permit fees shall be calculated by adding the number of fixtures, the sewer fees, the private sewage disposal system fees, the water service fees. A minimum permit fee of two fixtures (\$15.00) shall be charged in addition to the base, surcharge, and processing fees.

P-3 Permit Amendment

P-3.1 A permit amendment will be required when either additional fixtures, building sewer, septic system or water service are to be added to an issued permit. The amendment fee will be calculated by the number of items to be added and priced from the dollar amounts shown in the permit fee schedule. This fee will be a separate fee and will not apply to any previously paid fees for the permit or any other amendments or address changes. Each amendment(s) shall only apply to one permit with each permit being able to have multiple amendments.

P-3.2 A minimum fee of \$20.00 is required before any other fees are applied to the amendment.

P-3.3 For each address change the fee will be \$20.00 charge.

P-4 Work Commencing Before Permit Issuance

When plumbing work requiring a permit is started prior to obtaining said permit, the permit fee shall be triple the normal permit fee excluding any surcharges or processing fees. 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. (*Section 106.6.1*)

P-5 Filing Application for Joint Board of Appeals

Notice of Appeal to the Joint Board of Appeals under *Section 109.15* shall be accompanied by a fee of \$125.00.

P-6 Refunds

Permit fees may be refunded if no work, inspections or rulings have taken place. The request for refunds is to be submitted to the Building Official in writing, by the permit holder within 6 months of the date of issuance. The permit will be surrendered when a request for refund is submitted. The amount of the refund will be 2/3 of the permit fee, but in no case, will the amount retained by the Office of Construction Code Enforcement be less than \$15.00. Note that the refund does not include the \$20 base fee, the \$4 Data Processing fee, or the \$1 Residential / \$5 Commercial Housing Initiative

P-7 Re-inspection Fee for Excessive or Unessential Inspection Call

A \$50.00 re-inspection fee shall be charged as per *Sections 107.1* and *107.3.3* and for every follow up re-inspection thereafter until the infraction is corrected a \$50.00 fee will be charged until the defects are corrected and the work passes inspection.

Note: Re-inspection fees shall be paid before the next inspection.

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

P-8 Turnarounds

Fees shall be as set forth as in the permit fee schedule.

PLUMBING PERMIT AND INSPECTION FEES SCHEDULE

2021 Section	Section Title	2021 Fee
Permit Issuance		\$20.00
	Issuing each permit (Data Processing)	\$4.00
	Residential/Commercial (Surcharge)	\$1.00/\$5.00
Permit Amendment (P-3)		\$20.00

Unit Fee Schedule (In addition to processing and surcharge fees)

P-1.1	Each plumbing fixture or trap or set of fixtures on one trap (Including water & drainage piping)	\$7.50
P-1.2	Residential sewer connection	\$30.00
P-1.2.1	Residential sewer repair or sewer replacement	\$30.00
P-1.3	Commercial sewer fee - \$8.00 per \$1,000 of valuation	Minimum \$100.00
P-1.3	Repair or replacement of commercial sewer	Minimum \$100.00
P-1.1	Roof Drains per opening	\$7.50
P-1.2.1	For each private sewage disposal system	\$30.00
P-1.2.1	For each private sewage disposal system repair	\$30.00
P-1.2.1	For each electric water heater	\$7.50
P-1.1	Electric water heater replacement	\$7.50
P-1.1	For each individual waste pretreatment interceptor including its trap and vent, excepting kitchen type grease interceptors functioning as fixture trap	\$7.50
P-1.4	Water service: 1"	\$20.00
P-1.4	Water service 1-1/4" through 2"	\$30.00
	Commercial water service fee 2 ½ inch and larger \$8.00 per \$1,000.00 of valuation	Minimum \$200.00
P-1.3	Repair or replacement of commercial water service	Minimum \$200.00
P-1.1	Backflow Preventer	\$7.50
P-1.5	Fire Protection \$8.00 per \$1,000.00	Minimum \$100.00
P-1.6	Medical Gas \$8.00 per \$1,000.00	Minimum \$100.00
	Re-Inspection fees	
	Second re-inspection trip	\$50.00
	Each trip thereafter	\$50.00

Illustrations

ROOF TOP UNITS
EXAMPLE ONLY:

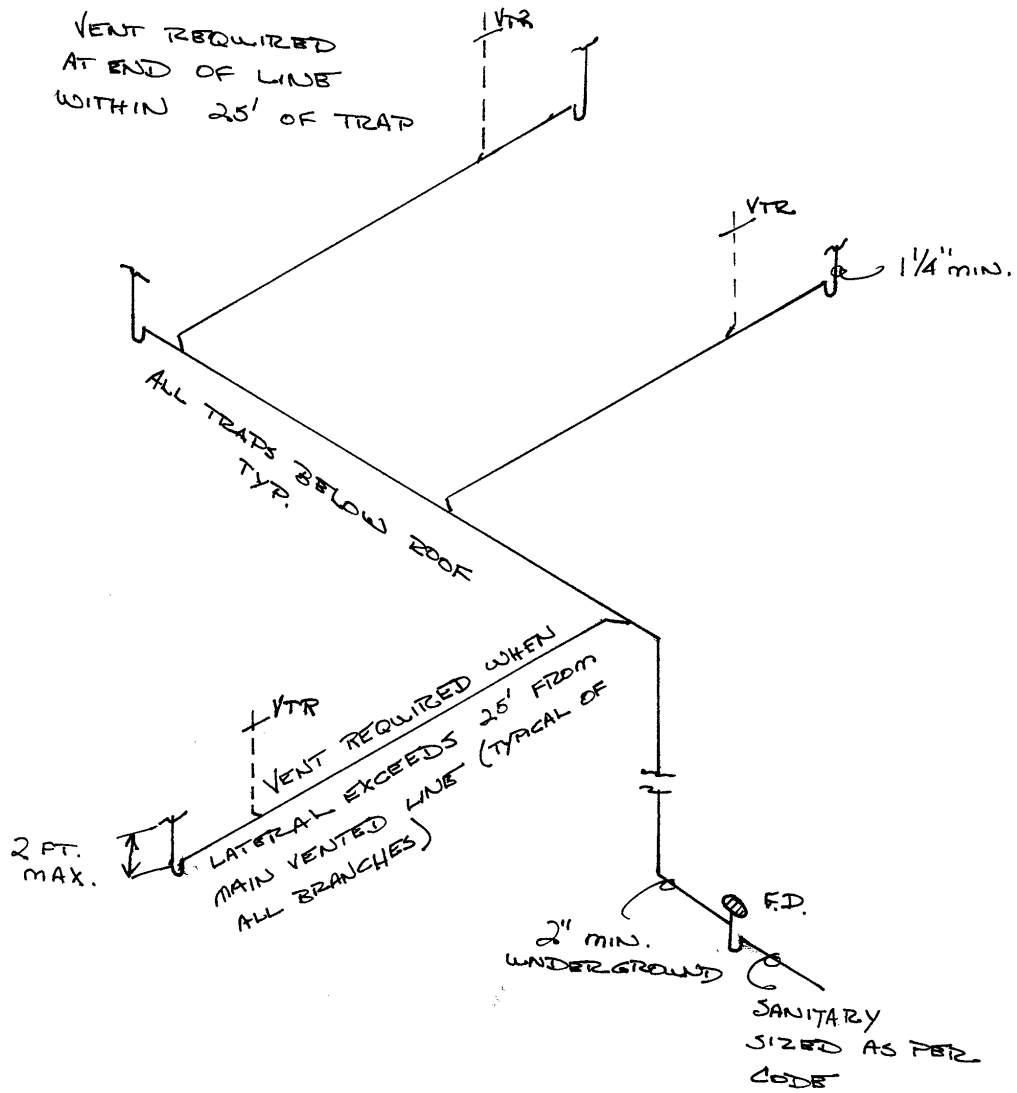


Fig 314.2.1.4 (a)

USED ONLY IN CASES
WHERE ACTIVE TRAP
CANNOT BE REACHED.

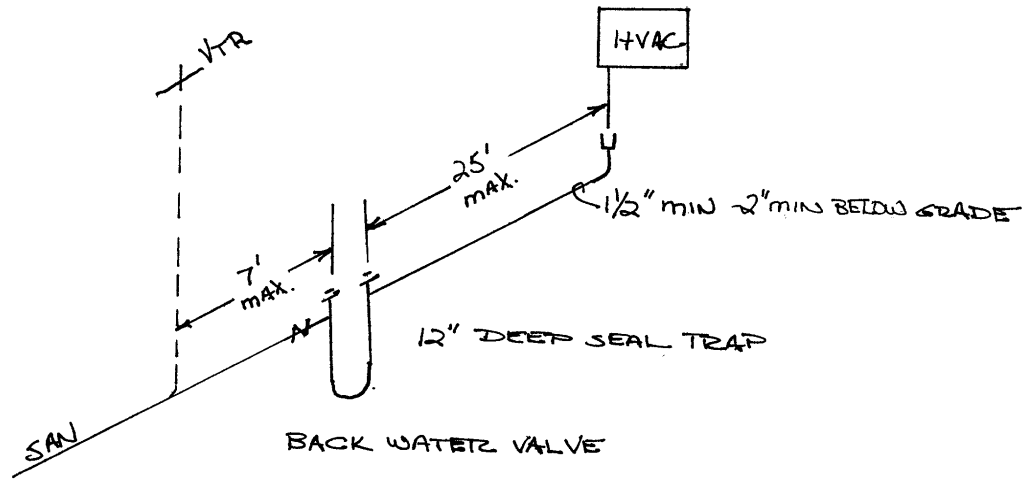


Fig 314.2.1.4 (b)

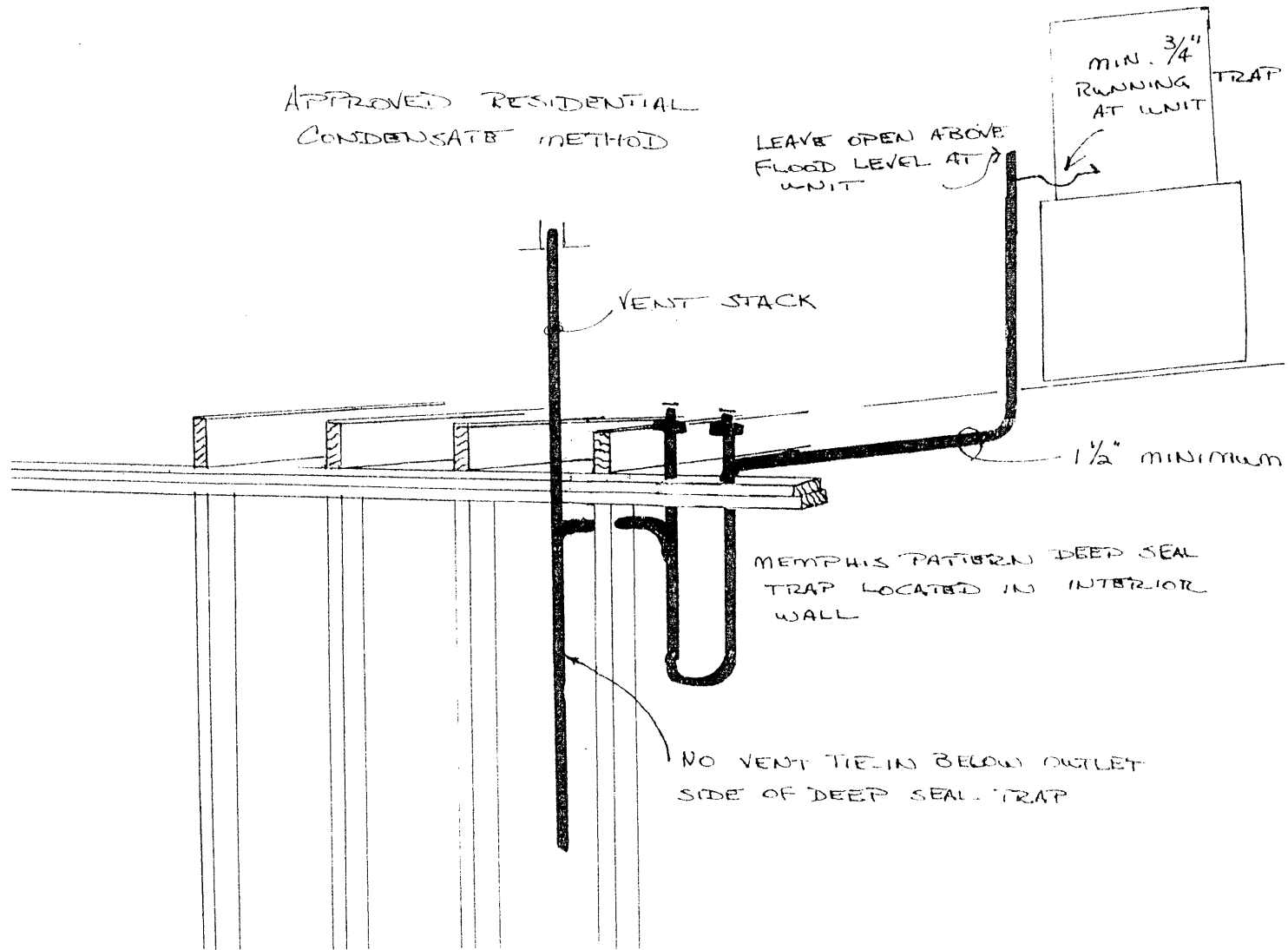
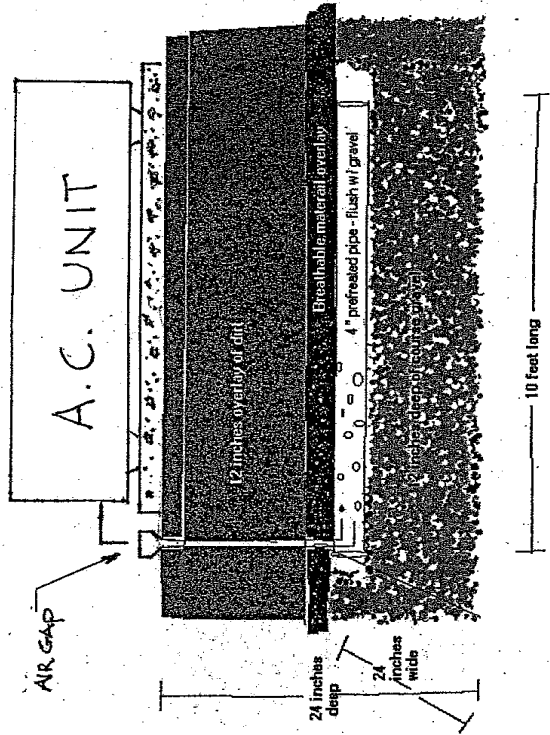


Fig 314.2.1.4 (b)

Alternate Condensate Disposal

Under-ground drainage for
Air Conditioning 3.5 tons to
5 tons



NOTE: ALL WORK TO BE INSPECTED BEFORE BACKFILLING

CONDENSATE PROVISION WHEN
NO SANITARY SEWER IS AVAILABLE

— PERMIT REQD. BY WHOMEVER DOES WORK —

1-3 TONS — 2' X 2' X 2' PIT
W/ GRAVEL & FILTER CLOTH

3 1/2 - 5 TONS — 2' X 2' X 10'

OVER 5 TONS — ENGINEERED

Fig.314.2.1.8

Note: Not to be installed under asphalt, concrete rock, gravel or any material that would impair proper operation .

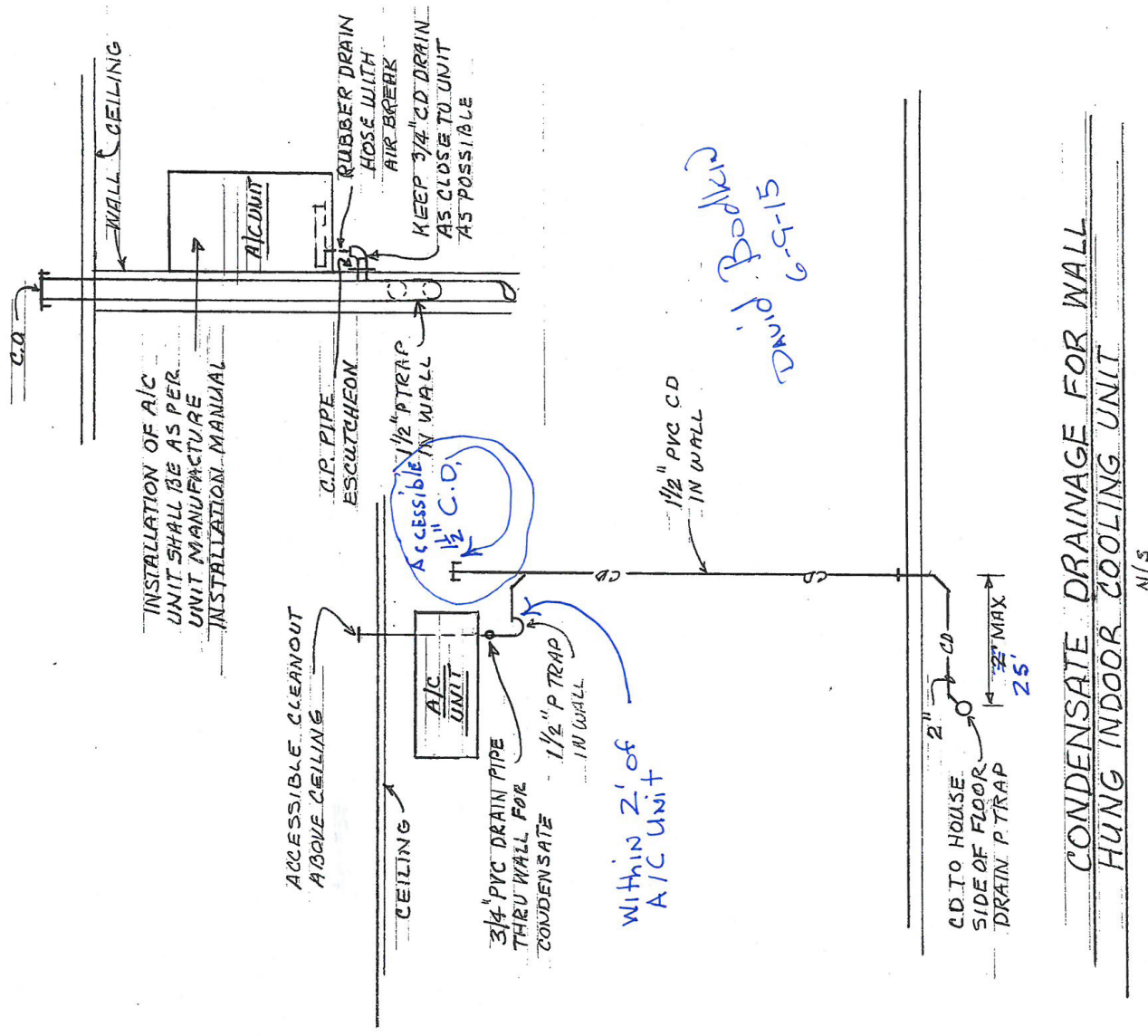
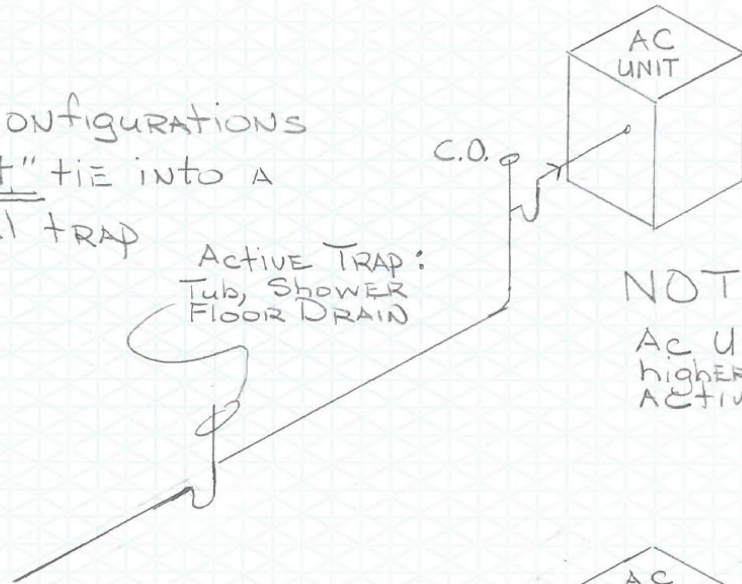


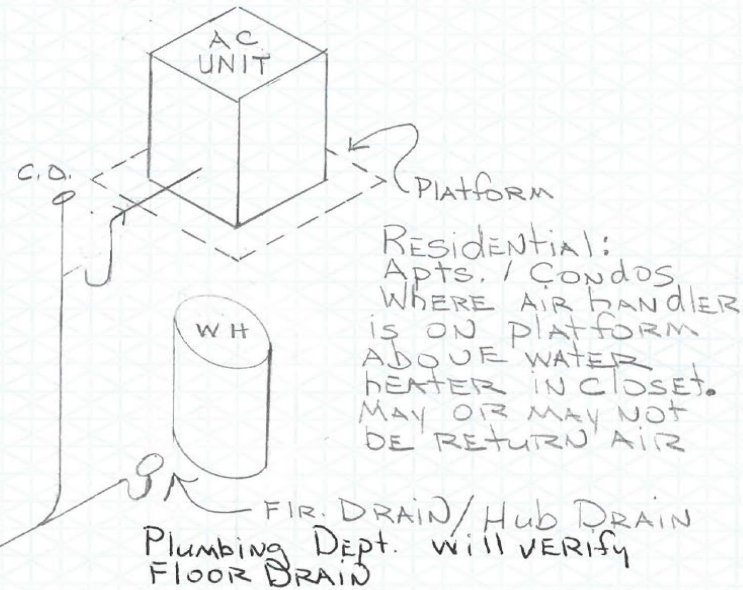
Fig. 314.2.1.11

NOTE: These configurations
"Will NOT" tie into a
 DEEP SEAL TRAP



RESIDENTIAL:
 INSTALLED IN A
 CLOSET MAY OR
 MAY NOT BE A
 RETURN AIR
 PLENUM.

NOTE:
 AC Unit
 higher than
 ACTIVE TRAP



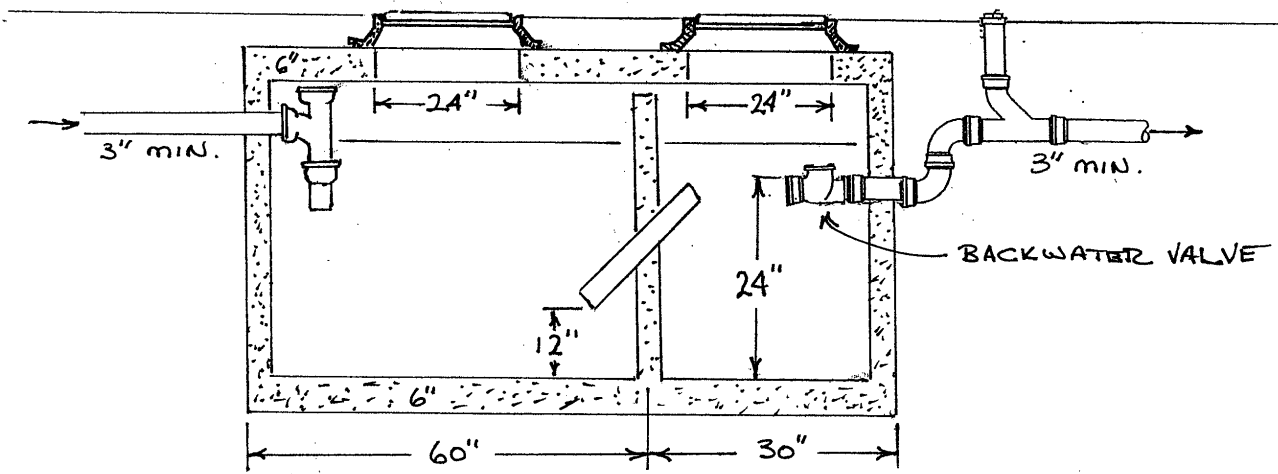
RESIDENTIAL:
 APTS. / CONDOS
 WHERE AIR HANDLER
 IS ON PLATFORM
 ABOVE WATER
 HEATER IN CLOSET.
 MAY OR MAY NOT
 BE RETURN AIR

Bodkin 7-23-15

Dachan

RECEIVED
 JUL 23 2015
 Construction Code
 Enforcement

Fig. 314.2.1.12



SPECIFICATIONS

CONCRETE - 4500 PSI @ 28 DAYS

REINFORCEMENT -

TANK: TOP & BOTTOM

6x6x10 WIRE MESH

#4 STEEL, REINFORCING BAR ON 20" CENTERS

TANK SIDES: #04 REINFORCING BAR ON 20" CENTERS

#12 TWISTED CABLE

CAST IRON FRAME & LID - VULCAN V-1348 HEAVY DUTY

260 LBS.

Fig. GI-1

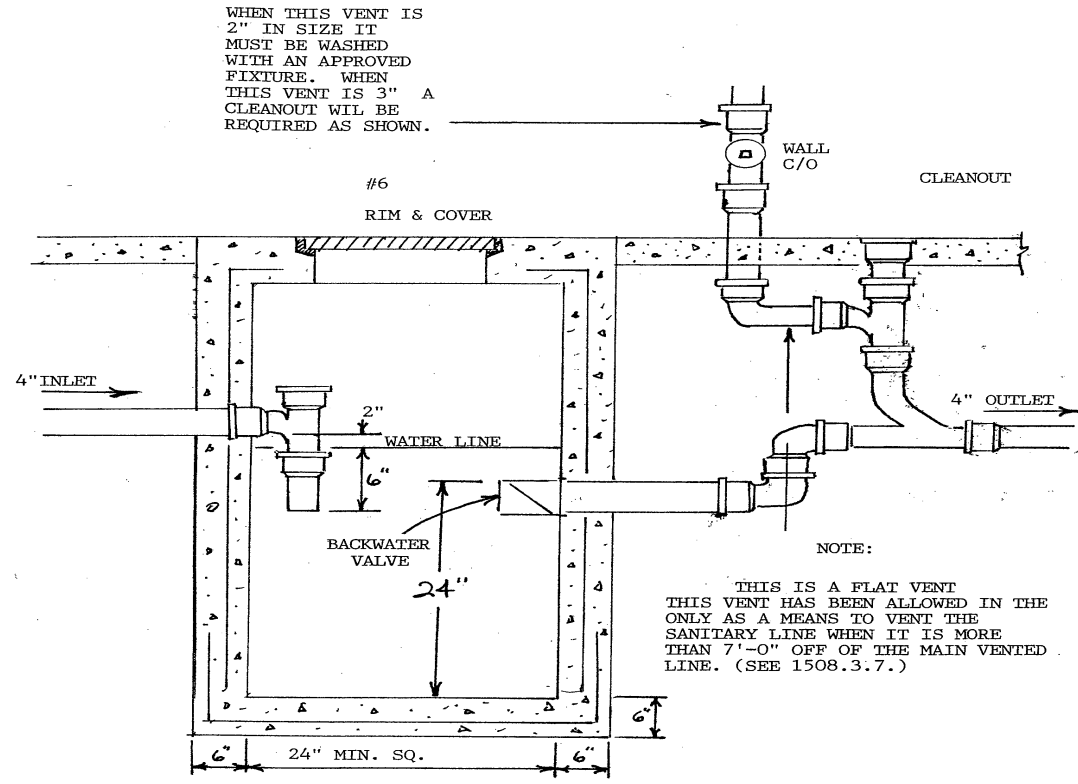


Fig. GI-2

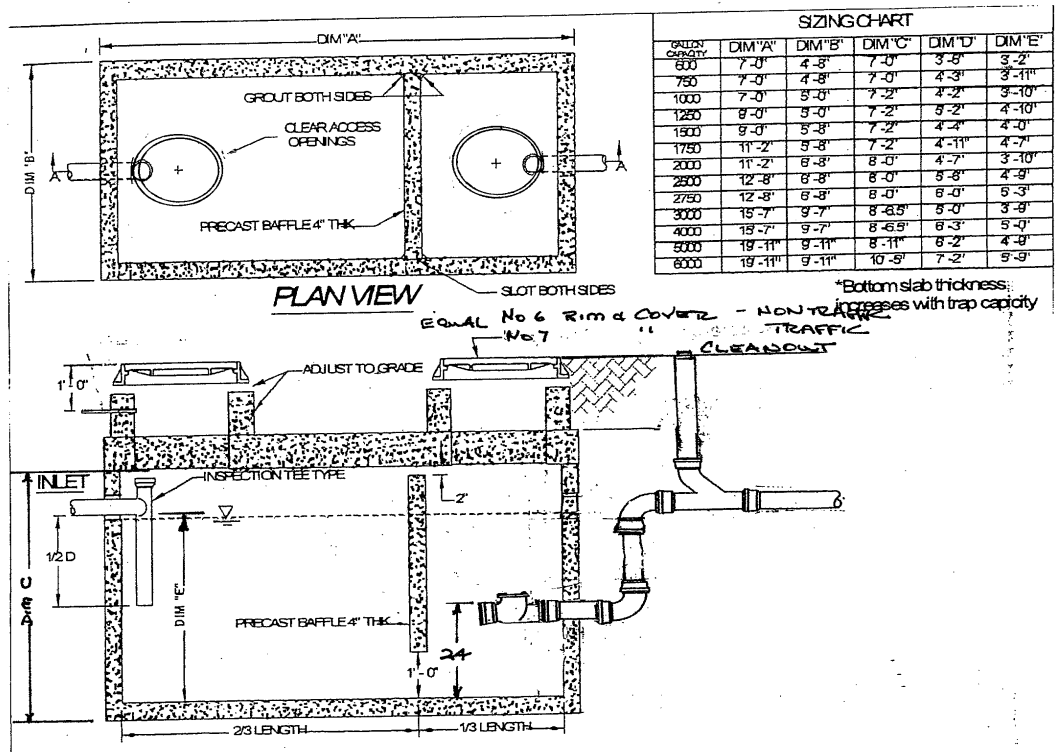


Fig. GI-3

CAR WASH BASINS

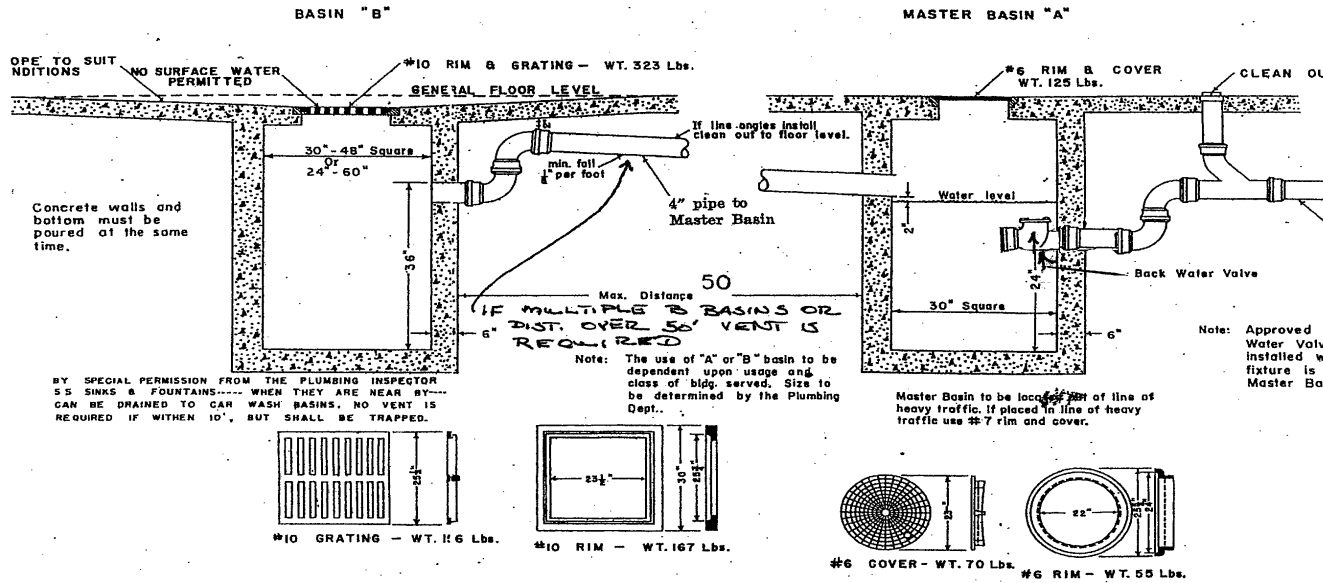


Fig. CW-1

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 10/19/2021
DATE**

**PUBLIC SESSION: 10/19/2021
DATE**

**FIRST READING: 09/21/21
DATE**

ITEM (CHECK ONE)

ORDINANCE _____ CONDEMNATIONS _____ GRANT ACCEPTANCE / AMENDMENT
 _____ RESOLUTION _____ GRANT APPLICATION _____ REQUEST FOR PUBLIC HEARING
 _____ OTHER: _____

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Mechanical Code.

CASE NUMBER: n/a

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: John Zeanah, Division Director

REQUEST: Adopt amendments to the Memphis and Shelby County Mechanical Code.

AREA: This amendment affects all property within the City of Memphis and unincorporated Shelby County.

RECOMMENDATION: Division of Planning and Development: Approval

PRIOR ACTION ON ITEM:

n/a APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY MECHANICAL CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL MECHANICAL CODE AND LOCAL AMENDMENTS TO REPLACE AN OUTDATED MECHANICAL CODE AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Ordinance will amend 2015 Mechanical Code adopted on December 4, 2018.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution does not require an expenditure of funds or budget amendment.



JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY MECHANICAL CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL MECHANICAL CODE AND LOCAL AMENDMENTS TO REPLACE AN OUTDATED MECHANICAL CODE AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.

WHEREAS, the Board of Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis previously adopted the 2015 Edition of the *International Code Council International Mechanical Code* with certain local amendments thereto, now collectively known as the 2018 Joint Mechanical Code of Memphis and Shelby County; and

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

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

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

WHEREAS, Copies of the 2021 Edition of the ICC International Mechanical Code have been placed in the Office of the Minutes Clerks of the Shelby County Commission and 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, An effective date for the adoption of these new requirements must be sufficiently timed so as to allow a seamless and smooth transition for the design professional and contractors who must work with that code, but that still meets the statutory requirements found in state law.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That all previous mechanical codes are hereby repealed except as may be set out in the attachments hereto, and that the 2021 Edition of the International Code Council (ICC) *International Mechanical Code* is hereby adopted by reference.

BE IT FURTHER ORDAINED, That local amendments to the 2021 Edition of the ICC Mechanical Code as noted in the attached Exhibit A are also adopted and together these provisions and the 2021 ICC Mechanical Code shall be known as the 2021 Memphis and Shelby County Mechanical Code.

BE IT FURTHER ORDAINED, That Appendix A – Summary Of Permit And Inspection Fees, a locally revised appendix, is hereby adopted into this code, but that no other appendix listed in the 2021 *ICC International Mechanical Code* is adopted.

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 Memphis City Council and by the Board of Commissioners of Shelby County or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.

EXHIBIT A

Memphis
and
Shelby County

2021 Mechanical Code

Local Amendments

CHAPTER 1

Amend section 101.1 Entitled “Title” so when amended, it shall read as follows:

101.1 Title. These regulations shall be known as the 2021 Memphis and Shelby County Joint Mechanical Code, hereinafter referred to as "this code."

Section 101.2 “Scope” shall be amended to delete the exception without replacement.

Section 101.2.1 “Appendices” shall be amended and shall read as follows:

101.2.1 Appendices. Provisions in the following appendices shall apply.

Appendix A - Permit Fee Ordinance and Mechanical Section Fee Schedule

Section 103 Entitled “Code Compliance Agency” shall be deleted in its entirety and replaced with the following new sections:

103.1 Creation Of Enforcement Agency. - Joint Resolution/Ordinance #3333 was adopted and approved by the City of Memphis and the Shelby County legislative bodies, to create the Memphis and Shelby County Office of Construction Code Enforcement (MSCCE) this joint agency charged with enforcement of the Memphis and Shelby County Building, Memphis and Shelby County Existing Building, Memphis and Shelby County Electrical, Memphis and Shelby County Fuel Gas, Memphis and Shelby County Plumbing, Memphis and Shelby County Residential Code and Memphis and Shelby County Energy Conservation Code and this code, which are to be known collectively as Memphis and Shelby County 2021 Technical Codes

103.2 Employee Qualifications

103.2.1 Building Official qualifications. As established by Ordinance #3333

103.2.2 Chief Inspector qualification. The Building Official, with the approval of the Administrator, may designate chief inspectors to administer the provisions of the 2021 Technical Codes for Memphis and Shelby County. The qualifications of the Chief Inspectors shall be as established by Ordinance #3333.

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

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

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

which is inconsistent with the duties or conflicts, or may appear to conflict, with the interest of the department.

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

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

Section 109 Entitled “Fees” is amended to add the following new section:

109.7 Re-Inspection Fee For Repeat or Unnecessary Inspections. Conditions for re-inspection fee for repeat or unnecessary inspections are as follows:

- A. Building, mechanical, electrical, or plumbing inspections failing a second time for the same defect.
- B. No plainly visible street address posted at the jobsite.
- C. When an inspection has been scheduled and the work has not been performed.
- D. Any failure of a contractor to be on site within 15 minutes for a meeting they have requested shall be charged a re-inspection fee.
- E. Each additional failure for the same defect or missed meeting shall be charged an additional re-inspection fee.

The fees above are found on the Permit and Inspection schedule as M-7

Section 114 “Means of Appeals” shall be deleted in its entirety and replaced with the following:

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

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

1. Tennessee Licensed Architect
2. Tennessee Licensed Structural Engineer
3. Tennessee Licensed Building Contractor

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

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

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

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

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

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

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

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

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

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

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

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

114.11 Power. The Joint Board of Appeals shall have power, as further defined in section 108.4 of the technical codes to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.

114.12 Appeals

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

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

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

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the code to other buildings, structures, or service systems.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

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

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

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

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

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

Chapter 1 is amended to add Section 116 Entitled “Technical Code Boards” to read as follows:

116 Technical Code Boards

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

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

2. The installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, and related accessories as covered by the Technical Codes.
3. The installation of mechanical systems, including alterations, repairs, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems.
4. Plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and connections to a water or sewage system.

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

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

1. Recommend the use of new materials or assemblies of materials for acceptance and approval or rejection
2. Recommend changes in the Technical Codes suggested by changes in the International Codes and National Electric Code.
3. Recommend any other proposed changes in the Technical Codes.
4. Act as advisors to the Administrator, Building Official or the Chief Inspectors and when necessary suspending or revoking the license of or otherwise disciplining a license holder.
5. Recommend license, registration and examination fee changes to the Administrator when appropriate

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

116.3.1 Composition of the Mechanical/Gas Code Board. Membership of the Mechanical/Gas Code Board shall include the following:

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

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

116.4 Absence of members. During the absence of members by reason of disability or

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

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

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

116.7 Decisions And Findings Of The Board

116.7.1 Administrative issues. The Board shall report its decisions, findings and recommendations in writing to the Administrator, who, if he approves, shall cause recommendations concerning the administration of the OCCE to be proposed for enactment.

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

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

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

Chapter 1 is further amended to add Section 117 Entitled “Licenses” to read as follows:

Section 117 Licenses

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

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

Official or Administrator.

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

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

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

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

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

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

117.4 Minimum Requirements For Examination

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

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

117.4.2 Applicant for a First-Class or Third-Class Stream/Refrigeration Operating Engineer's License. Applicants must meet the following requirements:

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

117.4.3 Examination. The examination provided for in this section shall be in writing and shall be confined to questions, the answer to which will determine the fitness of the applicant for the intended service.

117.5 Examination Fees

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

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

117.5.2 Reserve

117.6 Effect Of License

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

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

117.6.3 Mechanical Contractors License. A mechanical contractor license, issued under the Technical Codes, shall entitle its rightful owner to be in charge of installing, repairing, servicing, and altering any and all equipment and systems having contract value price of less

than twenty five thousand (\$25,000) dollars.

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

117.6.4.1 Third-Class Steam Operating License. - A third-class steam operating license, issued under the Technical Codes, shall entitle its rightful owner to assist first-class operating engineers where such service is required or have charge of or operate a steam plant limited to 50 horsepower of boilers, internal combustion engines, or 50 horsepower compressors.

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

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

117.7 Advertising And Contracting With The Public

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

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

117.8 Altering, Lending, Transferring Or Renting Of License.

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

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

117.9 Expiration Of Licenses; Annual And Renewal Fees

117.9.1 Expiration. All licenses issued under the Technical Codes shall expire December 31st of each year. Annual renewal of each license shall be made during the month of December. A late fee of \$10 shall accompany any request for renewal of license received after the date of expiration, but not later than 2 years after the date of expiration. Any person whose license is not renewed within 2 years after the expiration thereof shall be required to make a new application, pass the required examination, and pay the appropriate fee before his/her new

license is issued. Payment of the late fee in no way relieves the licensee of any other penalties which may arise from performing work with an expired license.

117.9.1.1 Renewal or registration of Contractor’s license – For the renewal or registration of contractor’s license, the contractor must submit a completed and notarized copy of the OCCE “Contractor’s Affidavit for Registration or Renewal” packet.

117.9.2 Annual renewal fee. The annual renewal fee shall be as follows:

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

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

117.10 Suspension Or Revocation Of License

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

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

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

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

117.11 Special Grounds For Revoking Or Suspending Licenses.

117.11.1 Use of unlicensed employee. It shall be grounds for the Mechanical Advisory Board to suspend or revoke the license of any contractor licensed under this chapter upon proof that said contractor used as an employee, for the purpose of performing any work for which a license is required and for which it is required to obtain a permit under the Technical Codes, any unlicensed person or firm.

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

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

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

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

CHAPTER 2

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

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

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

INTERNATIONAL FUEL GAS CODE. - Whenever the phrase "International Fuel Gas Code" is used in the Technical Codes herein adopted, it shall mean the 2021 Edition of *International Code Council International Fuel Gas Code* with Local Amendments and will be known as the 2021 Memphis and Shelby County Fuel Gas Code (MSCFGC).

INTERNATIONAL MECHANICAL CODE. - Whenever the phrase "International Mechanical Code" is used in the Technical Codes herein adopted, it shall mean the 2021 Edition of *International Code Council International Mechanical Code* with Local Amendments and will be known as the 2021 Memphis and Shelby County Mechanical Code (MSCMC).

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

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

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

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

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

CHAPTER 3

Section 301.18 Entitled “Seismic Resistance” shall be deleted and replaced with the following new sections and sub-sections:

301.18.1 Seismic Protection Requirements

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

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

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

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

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

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

ADD NEW SUB-SECTION 306.3.2 AS FOLLOWS:

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

ADD NEW SUB-SECTION 307.3.1 AS FOLLOWS:

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

CHAPTER 4

Section 402.1 Entitled “Ventilation required” shall be amended to add a new sub-section 401.2.1 entitled “Ventilation Summary” which shall read as follows:

401.2.1 Ventilation Summary. Provide a Ventilation Design and Building Pressurization Summary. Summary shall document design compliance with Natural Ventilation per Section 402 or Mechanical Ventilation per Section 403 and show that design achieves neutral or positive building pressurization under all typical operating modes. See sample summary tables below for minimum required information to be included for projects using Mechanical Ventilation or Natural Ventilation. **An example of a ventilation summary is provided below:**

Ventilation Design and Building Pressurization Summary – Mechanical Ventilation

Mark	Area Served	Supply Air (CFM)	IMC Ventilation Rate Classification (Table 403.3.1.1)	Minimum OSA (CFM) *	Design OSA (CFM)	Associated Exhaust System(s)	Exhaust Air (CFM)
AHU-1	Open Offices	2,800	Office Spaces, Main Entry Lobby	238	280	EF-1	300
RTU-1	Conference 103	1,200	Conference Rooms	117	150	-	-
RTU-2	Gift Shop 107	1,000	Sales	217	225	EF-2	75
TOTAL	-	5,000		572	655	-	375
Total Area Served: 5,200 SF							
Net Building Pressure: +280 CFM							

* Calculated airflow requirement per IMC Section 403, including adjustments for Ventilation Effectiveness and System Ventilation Efficiency

Ventilation Design and Building Pressurization Summary – Natural Ventilation

Space	Ext./Int.	Area (SF)	Connected Int. Space Area (SF)	Required Operable Opening Area (SF) *	Available Operable Opening Area (SF)
Lobby 100	Ext.	327	98	20.92	42
Classroom 101	Ext.	750	-	30	30
Office 103	Int.	98	-	25	42

* Includes 4% of floor area for exterior spaces, 8% of floor area for interior spaces, and minimum 25 SF for openings into interior spaces

CHAPTER 5

- **Section 504.9.2 shall be amended to add the following new sub-section:**

504.9.2.1 All domestic clothes dryer ducts shall be installed above grade.

- **Section 507.2.2 Entitled “Type I extra-heavy duty” shall be amended to add the following new sub-section:**

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

CHAPTER 6

- **ADD AN EXCEPTION TO SECTION 602.1, ENTITLED “GENERAL” AS FOLLOWS:**

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

CHAPTERS 7, 8, 9, 10, 11, 12, 13, 14 and 15 (No Amendments)

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

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

M-1 Fees for Amending Permit

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

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

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

M-2 Work Commencing Before Permit Issuance

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

M-3 Schedule of Permit Fees

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

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

Add M-3.1.2

Single Family Residents Only – mechanical permit fees shall be based on total valuation

(contract price) based on a minimum \$1,000 per ton. All other mechanical permits shall be based on total valuation (contract price).

M-4 Minimum Permit Fee

The minimum permit fee shall be \$15.00.

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

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

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

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

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

MECHANICAL PERMIT AND INSPECTION FEES SCHEDULE

2021 Section	Section Title	2021 Fee
M-0	Fee Issuance Cost per Permit	\$20.00
M-1	Fees for Amending Permit	
M-1.3	Amendment – Min. Fee	\$20.00
M-2	Work Commencing Before Permit Issuance- shall be double	Double Fee
M-3.1	Fee for first \$1,000 valuation	\$15.00
	For each additional \$1,000 < \$1,000,000	\$8.00
	For each additional \$1,000 > \$1,000,000	\$3.00
M-3.2.1	Single Family Residents Only – mechanical permit fees shall be based on total valuation (contract price) based on a minimum \$1,000.00 per ton. All other mechanical permits shall be based on total valuation (contract price).	
M-4	Minimum Permit Fee	\$15.00
M-5	Fee for Joint Board of Appeals	\$125.00
M-6	Refund 2/3 of fee – min. fee	\$15.00
M-7	Re-inspection fee	
M-7.1	First re-inspection fee	\$50.00
	Additional fee beyond the first	\$50.00

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

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 10/19/2021
DATE**

**PUBLIC SESSION: 10/19/2021
DATE**

**FIRST READING: 09/21/21
DATE**

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Fuel Gas Code.

CASE NUMBER: n/a

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: John Zeanah, Division Director

REQUEST: Adopt amendments to the Memphis and Shelby County Fuel Gas Code.

AREA: This amendment affects all property within the City of Memphis and unincorporated Shelby County.

RECOMMENDATION: Division of Planning and Development: Approval

PRIOR ACTION ON ITEM:

n/a APPROVAL - (1) APPROVED (2) DENIED
 _____ DATE
 _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY FUEL GAS CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL FUEL GAS CODE AND LOCAL AMENDMENTS TO REPLACE AN OUTDATED FUEL GAS CODE AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Ordinance will amend 2015 Fuel Gas Code adopted on December 4, 2018.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution does not require an expenditure of funds or budget amendment.



JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY FUEL GAS CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL FUEL GAS CODE AND LOCAL AMENDMENTS TO REPLACE AN OUTDATED FUEL GAS CODE AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.

WHEREAS, the Board of Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis have previously adopted the 2015 Edition of the *International Code Council International Fuel Gas Code* with certain local amendments thereto, now collectively known as the 2018 Memphis and Shelby County Fuel Gas Code; and

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

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

WHEREAS, Tennessee law requires the frequent updating of the standard codes used to regulate construction so as to better protect the public by assuring the requirements for such installations are modern and represent an acceptable current level of professionalism and technical information; and **WHEREAS**, Copies of the 2021 Edition of the *ICC International Fuel Gas Code* have been placed in the Offices of the Minutes Clerks of the Shelby County Commission and Memphis City Council for public review before their adoption, as required by state law; and

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

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That all previous fuel gas codes are hereby repealed except as may be set out in the attachments hereto, and that the 2021 Edition of the International Code Council (ICC) *International Fuel Gas Code* is hereby adopted by reference.

BE IT FURTHER ORDAINED, That the local amendments to the sections of the 2021 Edition of the *ICC Fuel Gas Code* on the attached Exhibit A are also adopted and together these provisions and the 2021 *ICC Fuel Gas Code* shall become the 2021 Memphis and Shelby County Fuel Gas Code.

BE IT FURTHER ORDAINED, That Appendix A – Gas Permit And Inspection Fees, as locally re-drafted, is hereby adopted into this code, but that no other appendix listed in the 2021 *ICC International Fuel Gas Code* is adopted.

BE IT FURTHER ORDAINED, That should any part of this ordinance or code be found 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 Memphis City Council and by the Board of Commissioners of Shelby County or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.

EXHIBIT A

Memphis

and

Shelby County

2021 Joint Fuel Gas Code

CHAPTER 1

Section 101.1 entitled “Title” shall be deleted and replaced with the following:

101.1 Title. The regulations shall be known as the 2021 Joint Fuel Gas Code of Memphis and Shelby County, hereinafter referred to as “this code.”

Section 101.2 entitled “Scope” is amended to delete the exception without replacement

Section 103 entitled “Code Compliance Agency” shall be deleted and replaced with the following new sections and sub-sections:

103.1 Creation of Enforcement Agency. Joint Resolution/Ordinance #3333 was adopted and approved by the City of Memphis and the Shelby County legislative bodies, to create the Memphis and Shelby County Office of Construction Code Enforcement (MSCCE) this joint agency charged with enforcement of the MSC Building, MSC Existing Building, MSC Electrical, MSC Fuel Gas, MSC Plumbing and this code, which are to be known collectively as MSCCE 2021 Technical Codes

103.2 Employee Qualifications

103.2.1 Building Official qualifications. As established by Ordinance #3333

103.2.2 Chief Inspector qualification. The Building Official, with the approval of the Administrator, may designate chief inspectors to administer the provisions of the 2021 Technical Codes for Memphis and Shelby County. The qualifications of the

Chief Inspectors shall be as established by Ordinance #3333.

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

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

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

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

retention of public records and shall be open to public inspection.

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

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

Section 109 entitled “Fees” shall be amended to add the following new section:

109.7 Re-inspection fee for repeat or unnecessary inspections.

Conditions for re-inspection fee for repeat or unnecessary inspections

- a. Building, mechanical, electrical, or plumbing inspections failing a second time for the same defect.
- b. No plainly visible street address posted on the jobsite.
- c. When an inspection has been scheduled and the work has not been performed.

d. Any failure of a contractor to be on site within 15 minutes for a meeting they have requested shall be charged a re-inspection fee.

e. Each additional failure for the same defect or missed meeting shall be charged an additional re-inspection fee.

Fees are found on the permit and Inspection Fee Schedule as G-7

Chapter 1 is amended to add a new section entitled “License Requirements” to read as follows:

112.1 General.

112.1.1 License required. A person shall not engage in or work on the installation, extension, or alteration of consumer gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered a good and sufficient bond in the sum prescribed and as set forth in Section 112.1.4, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in compliance with the provisions of the Technical Codes.

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

112.1.3 Other license requirements. Contractors shall comply with the State of Tennessee Contractor’s License Law & Rules and Regulations: TCA, Title 62 Chapter 6. This includes specifically TCA 62-6-103 entitled “ License requirement” in

subsection (B) which states “Except in counties with a population of not less than seven hundred seventy seven thousand one hundred thirteen (777,113) according to the 1980 federal census or any subsequent federal census, a person or firm specified in subdivision (a)(2)(A) shall not make more than one (1) application for a permit to construct a single residence or shall not construct more than one (1) single residence within a period of two (2) years. There shall be a refutable presumption within that such person or firm intends to construct for purpose of resale, lease, rent or any other similar purpose if more than one (1) single residence is constructed within a period of two (2) years. No provision of this subdivision shall be construed to alter the definition of “contractor” as defined in Section 62-6-102.

112.1.4 Contractor Responsibilities

112.1.4.1 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 gas (Master A & B) contractor shall file with the Building Official at its initial licensing, registration or first renewal of same after the effective date of this section, a permit bond on a form acceptable to the Building Official in the penal sum of \$25,000, and issued by an incorporated insurance company authorized to do business in the State of Tennessee. Upon arrival of said permit bond, the person desiring to do such work shall secure from the Office of Construction Code Enforcement, a registration to do business, which shall run concurrent with the fiscal policy of such authority. When a single legal entity maintains two or more such licenses or registrations with Office of Construction Code Enforcement or two or more permits, the total penal sum of the bond for all such

licenses and permits shall not exceed \$50,000. A single bond may be used to meet this requirement.

112.1.4.1.1 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 done for inspection by the Building Official in conformity with the Technical Codes.

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

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

112.1.4.2 Compliance with licensing and registration requirements. It shall be the duty of every contractor who shall make contracts for the installation or repair of buildings, structure, electrical, gas, mechanical or plumbing systems, for which a permit is required, to comply with state and local rules and regulations concerning the registration and /or licensing which are

applicable governing authority may have adopted.

112.2 License required. Any person desiring to engage in or work at the business of installing, replacing, repairing, extending or altering any system of pipe on the downstream side of the gas meter for the conveyance, distribution or use of illumination of fuel gas, or connection, repairing, installing, or maintaining any gas burning device connected to any gas system of gas piping in any building or structure shall first be licensed with the Office of Construction Code Enforcement conforming to the licensing requirement established by the Mechanical/Fuel Gas Code Advisory Board. No person shall employ any person to do such work on properties under the Technical Codes for which a license is required, unless he is licensed to perform such work. Gas contractors shall furnish full names of their employees when requested in writing, by the Chief Mechanical Inspector.

112.2.1 Minimum requirements for examination. Before making application for the Master “A” or “B” Gas Contractor License, the Applicant must meet the following requirements:

1. Be 21 years of age or older, and
2. Have experience (full time employment and actively engaged in either installation and/or design in the appropriate field) a minimum of
 - a. 4 years for a Master Gas “A” license, or
 - b. 2 years for a Master Gas “B” license.

112.2.2 Examination in writing. The examination provided for this Section shall be in writing and shall be confined to questions, the answer to which will determine the fitness of the applicant for the intended service.

112.4 Altering, or transferring licenses; use of another’s license; evading of licensure. - It shall be a violation of this code for any person licensed under the Technical Codes to alter, transfer, lend or rent his license certificate, or to use a license not his own. It shall also be a violation of this code for a person to falsely represent himself to be licensed under the Technical Codes, or to wrongfully use a license issued by the Mechanical/Fuel Gas Code Advisory Board.

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

112.5 Applications And Examination.

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

112.5.1.1 Fees for examination. Fees for examination of gas contractors shall be as follows:

- 1 Class A master gas contractor (unlimited)
\$150
2. Class B gas contractors (residential)
\$150

112.5.1.1 Renewal or registration of Contractor's license – For the renewal or registration of contractor's license, the contractor must submit a completed and notarized copy of the OCCE "Contractor's Affidavit for Registration or Renewal" packet.

112.5.2 Category of licenses. – A gas license shall be issued in the following categories upon receiving a passing score on an examination approved by the Mechanical/Fuel Gas Code Advisory Board.

1. Class A Master Gas Contractor to those persons who have four or more years experience as a gas installer, who may work without supervision and who are qualified to do unlimited gas fitter work.

2. Class B Master Gas Contractor to those persons who are qualified to do up to, and including the work necessary for residential piping and appliance work, except central heating plants.

112.6 Expiration of license: annual and renewal fees. Annual renewal fees shall be as follows:

1. Class A master gas contractors \$110
2. Class B master gas contractors \$110

112.6.1 Renewal requirements. All gas licenses shall expire on December 31 of each year. Annual renewal of each license shall be made during the month of December. A late fee of \$10 shall accompany any request for renewal of license received after the date of

expiration but not later than two years after the date of expiration. Any person whose license is not renewed within 2 years after the expiration thereof shall be required to make a new application, pass the required examination, and pay the appropriate fees before his new license is issued. Payment of the late fee shall not relieve the license holder of any other penalties which may arise from performing work with an expired license.

112.6.2 Retired license status. As used in the Technical Code, inactive Class "A" and "B" master gas contractor is defined to include any individual who is duly licensed and holds a current license under the Technical Code but is not presently active in his license capacity. Any person holding a retired gas license shall be required to pay an retired license renewal fee of \$15 per year, or the license shall expire. Before resuming duties as an active license holder, the required annual/renewal fee shall be paid and financial assurance document.

Suspension Or Revocation Of License

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

112.7.1.1 Conspiracy to evade. Any person licensed under this chapter who conspires with another person or firm to evade any of the provisions of this chapter or other ordinance or laws governing gas work shall have that license suspended or revoked,

either temporarily or permanently, by the Mechanical/Fuel Gas Code Advisory Board upon submission of proof that such a conspiracy exists or did exist.

112.7.1.2 Repeated failure of work.

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

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

112.7.2 Special Grounds For Revoking Or Suspending Licenses

112.7.2.1 Use of unlicensed employee. It shall be grounds for the Mechanical/Fuel Gas Code Advisory Board to suspend or revoke the license of any contractor licensed under this chapter upon proof that said contractor used as an employee, for the purpose of performing any work for which a license is required and for which it is required to obtain a permit under the Technical Codes, any unlicensed person or firm.

112.7.2.2 Failure to complete work or cure defects. All licensed contractors shall be responsible for completing all work performed under permits issued in their names in accordance with the provisions of the Technical Codes and to the satisfaction of the Chief Mechanical Inspector. Failure to

satisfactorily complete said work or to cure any defect in said work shall be grounds for the suspension or revocation of the contractor's license.

112.7.2.3 Failure to properly supervise.

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

112.7.2.4 Failure to respond to official correspondence. The failure of any licensed contractor to answer official correspondence from the Chief Mechanical Inspector or the Mechanical/Fuel Gas Advisory Board without good cause within 15 days after it receipt by certified mail shall be grounds for the suspension of that contractor's license until such time as an appropriate response is received.

CHAPTER 2

Amend Section 202 by inserting the following definitions in the appropriate alphabetic location within the Section:

ADMINISTRATIVE AUTHORITY. Whenever the term “Administrative Authority” is used in the Joint Gas Code herein adopted, it shall mean the Building Official.

ADMINISTRATOR. Whenever the term “Administrator” is used in the Joint Gas Code herein adopted, it shall mean the Administrator of the Memphis and Shelby County OCCE.

BOARD OF ADJUSTMENTS AND APPEALS. Whenever the term “Board of Adjustments and Appeals” is used in the Joint Gas Code herein adopted, it shall mean the Joint Board of Appeals of Memphis and Shelby County.

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

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 the County of Shelby, Tennessee.

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

CONFINED SPACE. A space in which the volume is not greater than 50 cubic feet per 1,000 BTU per hour of the aggregate input rating of all appliances installed in that space. Rooms communicating directly with the space in which the appliances are installed, through openings not furnished with a door, are considered a part of this space for volume determination.

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

GAS CONTRACTOR. Whenever the term “Gas Contractor” is used in the Joint Gas Code herein adopted, it shall mean a gas contractor who holds a license issued by the Office of Construction Code Enforcement.

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

GAS SECTION. Whenever the term “Gas Section” is used in the Joint Gas Code herein adopted, it shall mean the Mechanical Section of the Memphis and Shelby County Office of Construction Code Enforcement.

INTERNATIONAL GAS CODE. Whenever the term “International Gas Code” is used in the Technical Codes herein adopted, it shall mean the International Gas Code with Local Amendments and will be known as the Memphis and Shelby County Gas Code (MSCGC).

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

PERMANENT ACCESS. Ladder, inside stairway, pulldown stairs (no scuttle holes).

SUPERVISION. Whenever the term “supervision” is used in the Joint Gas Code, herein adopted, in reference to a gas contractor, the term shall be construed to mean first hand knowledge of the work being performed by an employee whose work relies on the license held by the gas contractor and shall include the requirements of active training of the employee working under the gas contractor’s license, and shall further require the gas contractor to sign all gas permit applications prior to a permit being issued as signifying his or her approval thereof before or at the time of inspection of the completed work by the Building Official, the gas contractor will certify by written affidavit to said Official that such work has been satisfactorily completed, and will further furnish the names of those employees under his supervision upon request.

CHAPTER 3

Add Section 301.12.1 and the indicated subsections 1, 2, 3, 4 as follows:

301.12.1 Seismic Protection Requirements

301.12.1.1 Contractor responsibility. Each contractor responsible for the construction of a main wind- or seismic force-resistance system, designated seismic system, or wind or seismic resisting component listed in the statement of special inspection shall submit in written statement of responsibility to the Building Official and to the owner prior to commencement of work on the system or component. The contractor statement of responsibility shall contain acknowledgement of awareness of the special requirements contained in the statement of special inspection.

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

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

301.12.1.3 Mechanical and fuel gas components. Special inspections for mechanical and fuel gas components shall be as follows:

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

301.12.1.4 Designated seismic system verification. The special inspector shall examine designated seismic systems requiring seismic qualification in compliance with Section 1708.4 of the Memphis and Shelby County Building Code and verify the labels, anchorages and mountings conform to the certificate of compliance.

CHAPTER 4

Amend Section 401.3 to add the following new sub-section:

401.3.1 Gas safety inspection for out of service locations. No fuel gas system which has been out of service for 365 consecutive days or more on residential property or 90 consecutive days or more on commercial property shall be used without a successful safety inspection conducted by the Office of Construction Code Enforcement. An inspection will be made once a licensed and registered gas contractor has obtained a permit for the required test and/or repairs and requested the safety inspection.

Add to Section 402.1.1 Sizing

When the gas pressure is 0.5 psi or less, all consumer gas pipe from the point of delivery of the first branch in the house piping shall not be less than one inch in diameter.

CHAPTERS 5, 6, 7 AND 8 (No amendments)

APPENDIX A - Gas Permit and Inspection Fees

Fuel Gas Permit and Inspection Fee Ordinance and Schedule for Fuel Gas Permit and Inspection Fees

Fuel Gas Permit and Inspection Fees

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

G-1 Fees for Amending Permit

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

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

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

G-2 Work Commencing Before Permit Issuance

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

G-3 Schedule of Permit Fees

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

G-3.1 On all installation requiring a permit, as set forth in this Section, a fee for each permit shall be paid as required, at the time of filing the application, in accordance with the following schedule.

G-3.1.1 For \$1.00 to \$1,000 valuation of installation, the fee shall be \$15.00 with minimum permit fee of \$15.00.

G-3.1.2 When the estimated cost exceeds \$1,000, the additional fee is \$8.00 per each \$1,000 of valuation.

G-3.1.3 The fee for installing a water heater shall be \$15.00 for the first \$1,000 and \$8.00 per additional \$1,000 of valuation.

Change

G-3.1.4 Single Family Residents Only - additional fee for each gas outlet \$2.50

Add G-3.1.5

Single Family Residents Only – gas piping permit fees shall be based on total valuation (contract price) plus \$2.50 per gas outlet. All other gas permits shall be based on total valuation (contract price).

G-4 Minimum Permit Fee

The minimum permit fee shall be \$15.00.

G-5 Filing Application for Joint Board of Appeals

Notice of Joint Board of Appeals shall be accompanied by a fee of \$125.00.

G-6 Refunds

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

G-7 Re-inspection Fee for Excessive or Unessential Inspection Call

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

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

GAS PERMIT AND INSPECTION FEES SCHEDULE

2021 Section	Section Title	2021 Fee
G-0	Fee Issuance Cost per Permit	\$20.00
G-1	Fees for Amending Permit	
G-1.3	Amendment – Min. Fee	\$20.00
G-2	Work Commencing Before Permit Issuance- shall be double	Double Fee
G-3	Schedule of Permit Fees	
G-3.1	Fee \$1 to \$1,000 valuation of installation	\$15.00
G-3.1.2	Per each additional \$1,000	\$8.00
G-3.1.3	Water heater first \$1000	\$15.00
	Per each additional \$1000	\$8.00
G-3.1.4	Single Family Residents Only – Additional fee for each gas outlet	\$2.50
G-4	Minimum Permit Fee	\$15.00
G-5	Fee for Joint Board of Appeals	\$125.00
G-6	Refund 2/3 of fee – min. fee	\$15.00
G-7	Re-inspection fee	
G-7.1	First re-inspection fee	\$50.00
	Additional fee beyond the first	\$50.00

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

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 10/19/2021
DATE

PUBLIC SESSION: 10/19/2021
DATE

FIRST READING: 09/21/21
DATE

ITEM (CHECK ONE)

ORDINANCE _____ CONDEMNATIONS _____ GRANT ACCEPTANCE / AMENDMENT
 _____ RESOLUTION _____ GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 _____ OTHER: _____

ITEM DESCRIPTION: Annual amendments to the Memphis and Shelby County Unified Development. The following item was heard by the Land Use Control Board and a recommendation made. (LUCB DATE: **Sept. 9, 2021**)

CASE NUMBER: ZTA 21-2

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Josh Whitehead, Zoning Administrator

REPRESENTATIVE: Josh Whitehead, Zoning Administrator

REQUEST: Adopt amendments to the Memphis and Shelby County Unified Development Code.

AREA: This text amendment affects all property within the City of Memphis and unincorporated Shelby County.

RECOMMENDATION: Division of Planning and Development: Approval
 Land Use Control Board: Approval

RECOMMENDED COUNCIL ACTION: Publication in a Newspaper of General Circulation *Required*

PRIOR ACTION ON ITEM:

(2) _____ APPROVAL - (1) APPROVED (2) DENIED
 9/9/2021 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

_____ **CHIEF ADMINISTRATIVE OFFICER**

_____ **COMMITTEE CHAIRMAN**

**NOTICE OF TELEPHONIC PUBLIC HEARING ON PROPOSED AMENDMENTS
TO THE ZONING CODE OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the Council of the City of Memphis on Tuesday, October 19, 2021, at 3:30 p.m., in the matter of amending the Zoning Code of the City of Memphis, being Title 15 of the Code of Ordinances of the City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: ZTA 21-2

APPLICANT: Josh Whitehead, Zoning Administrator

REPRESENTATIVE: Josh Whitehead, Zoning Administrator

REQUEST: Adopt annual amendments to the Memphis and Shelby County Unified Development Code (the zoning code of the City of Memphis and County of Shelby)

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, October 19, 2021, at 3:30 p.m., the Council of the City of Memphis, Tennessee, will be in session to hear opposition against the making of such changes.

Please note video of this meeting will be streamed live on the City of Memphis' YouTube channel. The direct link is:
<https://www.youtube.com/MemphisCityCouncil>

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

THIS THE _____, _____

FRANK COLVETT, JR.
CHAIR OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

TO BE PUBLISHED:



Memphis City Council Summary Sheet

Ordinance approving a Zoning Text Amendment to amend the Unified Development Code.

1. Ordinance to approve a Zoning Text Amendment initiated by the Zoning Administrator of the Memphis and Shelby County Division of Planning and Development.
2. Zoning Text Amendments amend the Memphis and Shelby County Unified Development Code.
3. This particular amendment will add regulations regarding smoke shops; the location, approval process and design of gas stations; parking pads; home-based wedding and event centers and other provisions of the Code.
4. The Memphis and Shelby County Land Use Control Board held a public hearing on **Sept. 9, 2021**, and approved the Text Amendment by a vote of 9 to 0.
5. No contracts are affected by this item.
6. No expenditure of funds/budget amendments are required by this item.

Joint Ordinance No.: _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, by the provisions of section 2 of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative bodies of the City of Memphis and the County of Shelby the authority to regulate the subdivision and resubdivision of land within three miles of the corporate limits of the City of Memphis into two or more parts; and

WHEREAS, by provisions of T.C.A. title 54, ch. 10 [§ 54-10-101 et seq.], the General Assembly of the State of Tennessee conferred on the legislative body of Shelby County the authority to open, close or change public roads within the areas subject to its jurisdiction; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, the Zoning Administrator is one of the entities and individuals identified by the Unified Development Code as one that may initiate amendments to the Code; and

WHEREAS, the Zoning Administrator submitted his request to amend the Unified Development Code in such a way that would reflect amendments regarding smoke shops, gas stations, parking pads, home-based wedding and event centers and other provisions of the Code; and

WHEREAS, The Unified Development Code should reflect the adoption of the amendments presented by the Zoning Administrator; and

WHEREAS, The Memphis and Shelby County Land Use Control Board approved these amendments at its Sept. 9, 2021, session;

NOW, THEREFORE, BE IT ORDAINED, By the City Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee that Ordinance Nos. 5367 and 397, are hereby amended as follows:

SECTION 1, CASE NO. ZTA 21-2. That various sections of the Unified Development Code be hereby amended as reflected on Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 3. That only those portions of this Joint Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.

SECTION 4. That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective _____, 2021.

Chairman
Frank Colvett, Jr.

APPENDIX A

(additions to the Code, as presently written, are indicated in **bold, underline**)

Table of Contents: Consistency with Memphis 3.0 and Other Plans to be Considered

2.5.2: (under the use category, "Retail Sales & Service"): **Smoke Vapor Shop** (and change the symbol in the CMU-1, CMU-2 and CMU-3 district from ("□") to ("■")).

2.6.3S: **Smoke Vapor Shops. Smoke shops not covered by an exception below shall be located no closer than 1320 feet from any school or park, as measured from the parcel that contains the smoke shop and the parcel that contains the school or park. The following smoke shops are exempted from this provision:**

1. Vapor shops that ~~existed~~ in non-industrial zoning districts at the time this zoning text amendment **ZTA 16-1 became** ~~becomes~~ effective (November 15, 2016) shall not be considered nonconforming uses and may be expanded, modified or relocated within the same site.

12.3.1: **SMOKE SHOP: Any retail establishment whose predominant purpose is the selling of tobacco, cannabis or products derived from tobacco or cannabis or devices designed to assist in the usage of tobacco, cannabis or products derived from tobacco or cannabis. Smoke shops include vapor shops and, should they become legal in the State of Tennessee, marijuana dispensaries, but not cigar or hookah bars.**

12.3.1: VAPOR SHOP: **A smoke shop** Any retail establishment where ~~more than 50%~~ of its monthly sales are comprised of **whose predominant purpose is** the selling of electronic cigarettes, a device containing nicotine-based liquid that is vaporized and inhaled.

2.5.2: "Convenience Store with Gas Pumps, Gas Station" (change the symbol in the CMU-2 and CBD districts from ("■") to ("□")).

8.4.7: "Convenience Store with Gas Pumps, Gas Station" (change the symbol in the CMU-2 district from ("■") to ("□")).

2.6.3J(1)(a): The primary building shall conform to all building envelope standards. **It shall be sheathed with some form of masonry material on all facades of the building.**

2.6.3J(1)(f): **CMU-3 district.** Any convenience store with gas pumps or gas stations constructed **in the CMU-3 district** after January 28, 2013, or reactivated after one year of discontinuance, not located at the intersection of two arterials, an arterial and a collector or two collectors, according to the **Functional Classification Map of the** Long Range Transportation Plan, shall require the issuance of a Special Use Permit.

Convenience stores with gas pumps and gas stations constructed in the CMU-3 district prior to January 28, 2013, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in [Section 9.6.9](#), the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to **both 1) other convenience stores with gas pumps and gas stations and 2) a single-family residential zoning districts** when reviewing an application for a Special Use Permit pursuant to this Item.

2.6.3J(1)(g): **CMU-1 district.** Any convenience store with gas pumps or gas stations constructed in the CMU-1 district after January 1, 2021, or reactivated after one year of discontinuance, **or whose convenience store is reconstructed or relocated** shall require the issuance of a Special Use Permit, **except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived.** Convenience stores with gas pumps and gas stations **constructed** ~~construction~~ in the CMU-1 district prior to January 1, 2021, may be **otherwise** expanded and modified under the provisions of this Code, **but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i).** In addition to the approval criteria articulated in [Section 9.6.9](#), the Land Use Control Board and governing body shall also consider the proximity of the proposed convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

2.6.3J(1)(h) (new section). CMU-2 and CBD districts. Any convenience store with gas pumps or gas stations constructed in the CMU-2 and CBD districts after the effective date of this ordinance (ZTA 21-2), reactivated after one year of discontinuance or whose convenience store is reconstructed or relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-2 and CBD districts prior to the effective date of this ordinance (ZTA 21-2), may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

2.6.3J(2) Fuel Canopies

- a. Fuel canopies may be located within the required front yard of a lot. **With the exception of those canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii),** the canopy shall be located no closer than 10 feet to any side or rear property line or right-of-way. This Item shall not be construed to supersede the landscaping and streetscape provisions of Article 4.
- b. The canopy shall not exceed a height of 20 feet.
~~The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be complimentary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Examples of architecturally integrated and compatible fuel canopies are provided in Item (e) below. (this Item is being moved down to a new Sub-Item 2.6.3J(2)(d)(i) below)~~
- c. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.
~~Examples of architecturally integrated and compatible fuel canopies. (this Item is being moved down to a new Sub-Item 2.6.3J(2)(d)(iv) below)~~
- d. **Architectural compatibility of fuel canopies**
 - i. **Establishments permitted by right**
 The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be complimentary to the principal building: roof pitch, architectural detailing, materials, and color scheme. **Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage.** Examples of architecturally integrated and compatible fuel canopies are provided in **Sub-Item (iv)** ~~Item (e)~~ below. (this Sub-Item is currently Item 2.6.3J(2)(c) above)
 - ii. **Establishments that require a Special Use Permit**
In addition to the requirements set forth above in Sub-Item (i), a fuel canopy associated with an establishment that requires a Special Use Permit or is eligible for a waiver from a Special Use Permit under Items 2.6.3J(1)(f), (g) or (h) shall also either:
 - a. **Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code. See Sub-Item (v) below for a photographic representation of a rear-loaded fuel canopy; or**
 - b. **Be structurally integrated with and located in front of the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way. See Sub-**

Item (vi) below for photographic representations of structurally integrated fuel canopies.

iii. **Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.**

iv. Examples of architecturally integrated and compatible fuel canopies. **(this Sub-Item is currently Item 2.6.3J(2)(e) above).**



(this is a new image)



(this is a new image)



(this is a new image)



(this is a new image)





v. Example of rear-loaded fuel canopy



vi. **Examples of structurally integrated fuel canopies**



(this is a new image)



(this is a new image)

f. **vii.** Example of architecturally incompatible fuel canopy.



4.9.6K: Awning, Canopy and Marquee Signs

These signs shall be regulated as attached signs if they project eighteen (18) inches or less from the awning, canopy or marquee; and they shall be regulated as detached signs if they project more than eighteen (18) inches from the awning, canopy or marquee. **For any canopy associated with a gas station or convenience store with**

gas pumps built under the provisions of Sub-Item 2.6.3J(2)(d)(i), signage is prohibited.

2.5.2: “Vehicle wash establishment” (change the symbol in the CMU-1, CMU-2 and CBD districts from (“■”) to (“□”)).

2.6.3T: ~~Truck Stop, Tractor-Trailer (fueling of) and Vehicle Wash Establishment~~

~~Any truck stop, tractor-trailer (fueling of) or vehicle wash establishment constructed in the CMU-1, CMU-2 and CBD zoning districts on or after **the effective date of this ordinance (ZTA 21-2)** January 1, 2019, shall **require the issuance of a Special Use Permit**, adhere to the locational requirements for convenience stores with gas pumps as articulated in Item 2.6.3J(1)(f). Any **vehicle wash establishment** such use constructed before **the effective date of this ordinance (ZTA 21-2)** January 1, 2019, that does not meet this provision shall not be considered nonconforming and may be expanded or modified in accordance with this Code. Fuel canopies at truck stops and fueling centers for tractor trailers shall adhere to the setback regulations for fuel canopies at convenience stores with gas pumps. See Item 2.6.3J(2)(a). (this last sentence is being moved to a new Sub-Section 2.6.3U; see below).~~

2.6.3U Truck Stop, Tractor-Trailer (fueling of)

Fuel canopies at truck stops and fueling centers for tractor-trailers shall adhere to the setback regulations for fuel canopies at convenience stores with gas pumps. See Item 2.6.3J(2)(a).

2.5.2: (insert a new MU district with uses permitted as listed in Section 7.3.11, except for “boarding houses” and “Restaurant, Drive in,” which are not permitted)

2.5.2: (the new MU district shall contain an asterisk (*) with the following note at the bottom:) ***This use table only applies to properties zoned MU outside of the Uptown Special Purpose District. For properties zoned MU within Uptown, see Section 7.3.11.**

8.4.7: (insert a new MU district with uses permitted as listed in Section 7.3.11, except for “boarding houses” and “Restaurant, Drive in,” which are not permitted)

2.5.2: Self-service storage **Self-service St’rge.**

2.5.2: Warehouse & Distribution **War’hse. & Dist.**

3.10.2B: **MU⁵**

⁵ See Section 7.3.7 for regulations pertaining to the MU district.

3.10.2C: Residential Housing Types

For permitted housing types by district see the use table (Chapter 2.5). **For the MU district, see Section 7.3.7.**

4.3.3: **MU****

**** This table only applies to properties zoned MU outside of the Uptown Special Purpose District. For properties zoned MU within Uptown, see Section 7.3.7.**

4.9.7A(2): **MU***

***This Section only applies to properties zoned MU outside of the Uptown Special Purpose District. For properties zoned MU within Uptown, see Paragraph 4.9.2B(6).**

4.9.7D: Standards for Signs in the ~~Commercial~~ **Commercial** Mixed Use Districts (excluding OG and RW) and Industrial Districts (**the MU, CMU-1, CMU-2, CMU-3, CBD, CMP-1, CMP-2, EMP, WD and IH districts**)

4.9.9C: Standards for Mixed Use Districts
(the OG, **MU**, CMU-1, CMU-2, CMU-3, CBD, CMP-1 and CMP-2 districts)

7.1D: Map Amendments. ~~Parcels and tracts that are located outside of a Special Purpose District but are abutting or across the street from a parcel or tract that is included in that Special Purpose District may be rezoned to a zoning district included in that Special Purpose District through the Zoning Change process (see Chapter 9.5).~~

7.3.2: Zoning districts that are not among the specific categories created by this zoning regulation and design principle document are not applicable to properties within this area for the purpose of a rezoning. In the event a development that is compatible with the Uptown area, but is inconsistent with existing zoning, the creation of new Uptown zoning districts should be considered as an option to accommodate the proposal. **Uptown Special Purpose District zoning districts may be applied elsewhere in the City or County where appropriate to achieve similar design principles. In such instances, the Uptown Special Purpose District prohibition on Planned Developments shall not apply.**

7.3.4D Neighborhood Center Overlay (NC)

In order to encourage pedestrian activity at certain key locations, a Neighborhood Center overlay **may be** ~~is being~~ applied within the Mixed Use District **through a zoning change (see Chapter 9.5). In this overlay,** ~~in which~~ the first floor of new development shall be used for retail, office and service uses. ~~These areas are concentrated at the corner of N. Parkway and Danny Thomas Boulevard, as well as on Chelsea Avenue between the intersections of Thomas Street and Third Street.~~ Buildings within the Neighborhood Center Overlay may be one story in height.

7.3.7A....In order to encourage pedestrian activity at certain key locations, a Neighborhood Center overlay **may be** ~~is being~~ applied within the Mixed-Use District **through a zoning change (see Sub-Section 7.3.4D).** ~~in which~~ the first floor of new development shall be used for retail, ~~restaurants,~~ office or service uses.

7.3.7D(1): Building heights shall not exceed ~~75~~ 45 feet...

3.2.9A(2): All **building** front, rear and side (street) setbacks, and parking setbacks are measured from the edge of the right-of-way. Side yard setbacks are measured from the side property line. **For those lots and tracts that abut easements, front setbacks shall be measured from the outer edge of said easement.**

3.10.3C: Setbacks

All setbacks in this section shall be measured **in accordance with Paragraph 3.2.9A(2)**, from the public right-of-way. For sites that abut private streets or public streets with an alternative right-of-way set at the back of curb, the setbacks shall be measured from a point 10 feet from the face of curb.

3.2.9D(7) (new section): Side setbacks for townhouses and stacked townhouses
Side (interior, total and street) setbacks of townhouses and stacked townhouses shall be measured from the edge of the outer property line containing a group of attached townhouses and not from the property line of an individual townhouse. Individual townhouses are permitted a 0-foot side setback between one another.

3.4: SINGLE-FAMILY DETACHED – COTTAGE

...A cottage takes vehicle access from the rear of the tract or lot, **except on corner lots where the vehicle access may be from the side street.**

3.5.3B(1): With the exception of minor utilities, no new construction, substantial improvements to existing structures or encroachments, including fill, is allowed in the FW District if such construction, improvement or encroachment would increase, in the opinion of the City or County **Engineer** Division of Public Works, the flood level within the City or County during the occurrence of the base flood discharge.

4.10.4B: All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County **Engineer** Division of Public Works.

3.6.1A: Side (total) building setbacks in the R-3 district: ~~7~~ **5** feet

3.6.1B(6): **Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.**

9.7.8E(6): Any plat with a lot or lots not connected to a sanitary sewer system shall include the following note: "The Shelby County Health Department plat approval only verifies that each lot meets the Shelby County 2-acre (or 4-acre for lots with a well) minimum and the lot is not located in the 100-year floodplain. This is not an approval of a septic system on any one lot. The lot owner must

apply for a septic installation permit with the Shelby County Health Department. In order to ensure the lot is suitable for a septic system, a TN registered soil scientist must assess and map the soils on the lot. Additionally, the owner should determine if any topographic aspects of the lot will or may negatively impact the installation of a septic system.”

3.6.1B(5). Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.
~~3.6.1C. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.~~

3.7.2C: Lots not served by public sewer or water:

1. Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of 150 feet unless served by a privately owned and maintained sewer system. The Shelby County Health Department shall have the authority to mandate that a particular development contain more than two acres, if required for a proper septic system to operate.
2. Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of 150 feet.
3. Where the provisions of this Sub-Section cannot be met, the Board of Adjustment may grant a variance to these requirements after receiving a written opinion from the Health Department that the proposed variance would not create a health hazard and the proposed lots are acceptable for septic tank and/or wells.
4. See [Section 5.3.3](#) for additional requirements associated with sanitary sewers and septic systems.
5. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.
6. Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.

3.10.2E (new section): **Lots not served by public sewer or water:**

1. Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of 150 feet unless served by a privately owned and maintained sewer system. The Shelby County Health Department shall have the authority to mandate that a particular development contain more than two acres, if required for a proper septic system to operate.
2. Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of 150 feet.
3. Where the provisions of this Sub-Section cannot be met, the Board of Adjustment may grant a variance to these requirements after receiving a written opinion from the Health Department that the proposed variance

would not create a health hazard and the proposed lots are acceptable for septic tank and/or wells.

4. See Section 5.3.3 for additional requirements associated with sanitary sewers and septic systems.
5. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.
6. Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.

3.7.2B: Front building setbacks for cottages in the RU-3 district: ~~20~~ --

3.8.5...Opens space subdivisions are permitted in CA, R-E, R-15...

3.8.5A(1):...If, however, the property on the opposite side of the street has previously developed with smaller lot sizes, or has a currently approved plan of development with smaller lots sizes...

4.4.4B: ~~At the street right of way, residential driveways must be spaced at least 20 feet from any other driveway on the same lot. The minimum distance corner clearance from a driveway access point the curb line or edge of pavement of intersecting streets to an intersection shall~~ must be at least 20 feet from the intersection of right-of-way lines. No lot may have more than one driveway per street frontage, with the exception of circular driveways which are permitted if the two driveway access points of the circular driveway are at least 20 feet from each other unless the frontage allows for a circular driveway.

4.5.2C(1)(b): Required parking spaces shall be located on the same lot, not including on-street parking and shall not be located within the required front setback (see also Section 3.9.1 for garage parking requirements).

4.5.2C(1)(d) (new section): Parking pads are prohibited in a front yard, except parking pads may be permitted in any front yard where the parking pad is set back at least 50 feet from the public right-of-way or private street and adequate landscaping is provided between the parking pad and the street.

12.3.1: **PARKING PAD: Any impervious surface designed to accommodate one or more parked vehicles. This definition does not include circular driveways or those linear driveways that lead to a garage or carport.**

4.6.3B: The landscape and/or irrigation contractor architect must inspect and certify that all open space area, the landscaping and the irrigation system are in substantial compliance with the landscape and irrigation plans approved as part of the development order.

4.9.7B(9)(b)(i):

Street Type	Maximum Gross Surface Area of Sign
Minor Local street (<60 feet ROW) (see Sec. 12.3.4)	30 square feet
Connector street (60-68 feet ROW) (see Sec. 12.3.4)	30 square feet
Arterial street (69-160 feet ROW) (see Sec. 12.3.4)	50 square feet
Controlled Limited access road (>161 feet) (see Sec. 12.3.4)	100 square feet

4.9.7B(9)(d):

Street Type	Maximum Height of Sign
Minor Local street (<60 feet ROW) (see Sec. 12.3.4)	10 feet
Connector street (60-68 feet ROW) (see Sec. 12.3.4)	10 feet
Arterial street (69-160 feet ROW) (see Sec. 12.3.4)	16 feet
Controlled Limited access road (>161 feet) (see Sec. 12.3.4)	24 feet

4.9.7D(2)(b), Table 1:

Minor Street (see Sec. 12.3.4)
Connector Street (see Sec. 12.3.4)
Arterial Road (see Sec. 12.3.4)
Controlled Access Road (see Sec. 12.3.4)

4.9.7D(8)(d), Table 2:

Minor Street (see Sec. 12.3.4)
Connector Street (see Sec. 12.3.4)
Arterial Road (see Sec. 12.3.4)
Controlled Access Road (see Sec. 12.3.4)

12.3.4: **ARTERIAL: A road designated as either a Principal Arterial or as a Minor Arterial in the Functional Classification Map of the Long Range Transportation Plan.**

12.3.4: **CONNECTOR: As it pertains to specified uses permitted along connector streets, a connector shall be defined as any street identified as either a collector or connector in the Functional Classification Map of the Long Range Transportation Plan.**

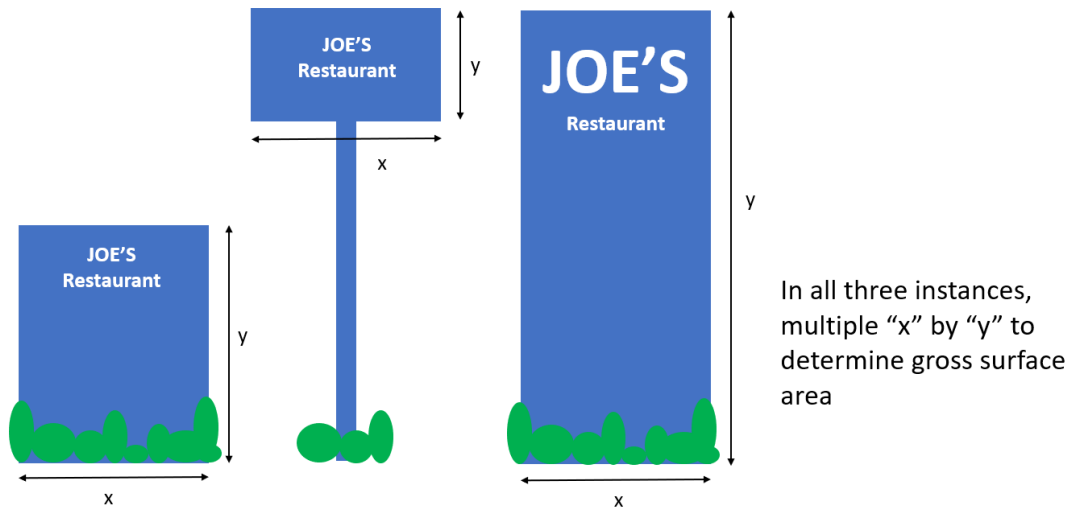
12.3.4: **CONTROLLED ACCESS ROAD: Any roadway whose access is controlled by a series of ramps or interchanges. This includes all interstate highways, expressways and other similar roadways that prohibit direct access from adjacent parcels.**

12.3.4: **MINOR STREET: Any roadway not classified as a controlled access roadway or an arterial, collector or connector in the Functional Classification Map of the Long Range Transportation Plan.**

4.9.7D(4)(a)(2):...An additional three signs may be located on fuel pump canopies for establishments within the shopping center that ~~the~~ sell gasoline.

4.9.6A (insert graphics):

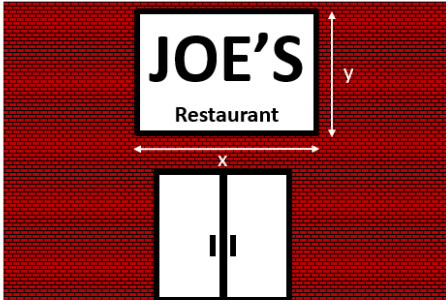
(under "Signs Other than Wall Signs"):



(under "Wall Signs"):



For signs with letters and symbols mounted directly on the wall, multiply “x” by “y” for each letter and add the totals together to determine gross surface area



For signs with letters and symbols not mounted directly on the wall, multiply “x” by “y,” which are measured along the perimeter of the surface on which the letters and symbols are mounted, to determine gross surface area

4.9.7A(2) (bottom right cell of table): 1 per street frontage except for permitted nonresidential uses on collectors and arterials; 1 per 300’ of frontage **(see Item 4.9.7B(4)(b) for further details)**

4.9.7A(2) (bottom left cell of table): 1 per street frontage or 1 per 300’ of street frontage for larger lots **(see Item 4.9.7D(4)(b) for further details)**

4.9.7B(4)(b): Nonresidential uses

No more than one attached and one detached sign are permitted per frontage per lot, except for sites that abut collectors and arterials where one attached sign and one detached sign are permitted for every 300 feet of frontage along said abutting collector or arterial, **in accordance with the table in Item 4.9.7D(4)(b)**. Attached signs shall be limited to the name of the establishment only.

4.9.7D(4)(b): Detached: one sign per road frontage in accordance with the table below. If installed, an integrated center sign shall be considered as one of the detached signs.

Road frontage	Maximum number of signs per road frontage
up to 399 599 feet	1
400-599 feet	2
600-899 feet	2 3
900-1199 feet	3 4
Over 1200 feet	4 5*

*An additional sign is permitted for every 300 feet of frontage over 1200 feet.

4.10.3C: The location and arrangement of the structures, parking **and loading** areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for ~~structures, parking and loading areas or access way~~ **such facilities** shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

5.2.7A: Applicability

1. Conformance to the standards of this **Section** ~~Chapter~~ shall be in accordance with Chapter 4.1, Applicability.
- 2...
3. The street sections contained in this Code are for illustrative purposes only. All dimensions found in this **Section** ~~Chapter~~ shall be measured from the ~~back of curb and not the~~ face of curb...

7.29A(2): All demolition or relocation ~~of~~ **of** any building or site listed on the National Register of Historical Places."

9.1.8A: The Technical Review Committee shall consist of a representative from the following. The Zoning Administrator shall serve as chairman of the Technical Review Committee and shall be responsible for all final recommendations.

1. **Division** ~~Department~~ of Planning and Development – Land Use **and Development Services** ~~Centers~~.
2. **Division** ~~Department~~ of Planning and Development – Comprehensive Planning.
3. **Division of Planning and Development –** ~~Department of~~ Construction Code Enforcement.

9.6.14A: Planned developments shall expire five years after the approval of the outline plan unless a final plan **is** filed with the Division of Planning and Development within that five-year period.

9.7.7F(2)(d): The purpose of the **waiver** ~~wavier~~ is not based primarily upon financial consideration.

9.8.2A(2):...If any abutting property owners refuse to sign the application, the governing body may delete that portion of the right-**of**-way if they so choose.

10.2.7B: When such damage or destruction is 75% or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is **commenced** ~~commenced~~ and completed within 12 months of the date of such damage or destruction.

12.3.1: **LARGE HOME: A building with three to six attached dwelling units consolidated into a single structure. A large home is located on a single tract or lot, and contains common walls. The building looks like a conventional single-family house with a functional street facing primary entrance. Dwelling units within the building may be situated either wholly or partially over or under other dwelling units.**

12.3.1: ARTERIAL: A road designated as either a Principal Arterial or as a Minor Arterial in the **Functional Classification Map of the** MPO Long Range Transportation Plan.

12.3.1: CONNECTOR: As it pertains to specified uses permitted along connector streets, a connector shall be defined as any street identified as either a collector or connector in the **Functional Classification Map of the** Long Range Transportation Plan.

12.3.1: HOME-BASED WEDDING AND EVENT CENTER: An establishment that caters to weddings or other occasional special events for large groups of individuals, including but not limited to the following: weddings, birthdays, reunions, church events, company events and anniversaries, **either on a commercial or non-commercial basis**. This use shall be limited to those special events that occur at a frequency of **more than one time** ~~four or more times~~ per calendar year. **All other events are permitted as a matter of right.**

Furthermore, this use shall be limited to those special events that occur largely outdoors or in structures that are open-air. For the purpose of this definition, “large groups of individuals” shall mean, **for those special events operated on a non-commercial basis**, at least 50 individuals present on the site at any one time and, **for those special events operated on a commercial basis, at least 5 individuals present on the site at any one time**. Home-based wedding and event centers may or may not occur on the same site that is occupied by a single-family residence; ~~however, for those that occur on sites that are not occupied by a single-family residence, the use shall be limited to those special events that occur at a frequency of more than once per calendar year.~~ **Evidence of whether a special event is operated on a commercial basis may include the following: paid admission for attendees, advertising on social or other media that indicates paid admission and placement of temporary restrooms on the site.**

12.3.1: **HOTEL, FULL-SERVICE: A hotel that features all of the following: meeting rooms, restaurant and bar, pool and/or spa, workout space, room service and concierge service.**

9.3.4A: **Non-**Use Variance² and Cond. Use Perm.

9.3.4A: (Insert a new row, “**Use Variance**,” with symbols matching “Non-Use Variance² and Cond. Use Perm.” except with an “SP⁸” under “Sign Posted”)

9.3.4A: (Insert a new footnote:)

“Sign posting is not required for use variances for single-family residences.”

9.2.2: Change the “A*” on the column entitled “Land Use Control Board” for minor subdivisions to an **A.**

9.7.6H: Appeals of a decision by the Zoning Administrator shall be processed as an application to the Land Use Control Board and shall be filed with the Division of Planning and Development within 14 days of the date of the Zoning Administrator’s decision. ~~Only the property owner or his or her representative may appeal.~~

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: ZTA 21-2

At its regular meeting on **September 9, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting amendments to the Memphis and Shelby County Unified Development Code described as follows:

APPLICANT: Josh Whitehead, Zoning Administrator

REPRESENTATIVE: Josh Whitehead, Zoning Administrator

The following spoke in support of the application:

Josh Whitehead

The following spoke in opposition to the application:

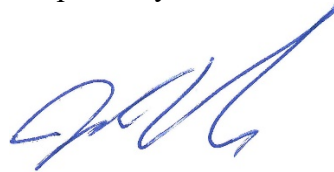
No one

The Land Use Control Board reviewed the application of the Memphis and Shelby County Zoning Administrator requesting amendments to the Memphis and Shelby County Unified Development Code and the report of the staff. A motion was made and seconded to recommend approval of the application.

The motion passed (9-0).

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,



Josh Whitehead
Zoning Administrator

CASE NUMBER: ZTA 21-2

L.U.C.B. MEETING: Sept. 9, 2021

AGENDA NO: 18

APPLICANT:

Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE:

Josh Whitehead, Zoning Administrator

REQUEST:

Adopt Annual List of Amendments to the Memphis and Shelby County Unified Development Code (the "UDC")

1. Listed below are the more significant amendments associated with this zoning text amendment, or "ZTA." All other items are explained in greater detail in the staff report. Proposed new language is indicated in **bold, underline** while proposed deletions are indicated in ~~strike through~~. All changes are reflected in **yellow highlights** to show context in a copy of the complete UDC linked [here](#).
2. Item 2 is the product of a building permit moratorium approved by the Memphis City Council with regard to smoke shops (see Exhibit "A," attached hereto). Under the proposed amendments to the Code, these businesses would be required to be a certain distance from schools and parks.
3. Item 3, which addresses gas stations, is also a product of a building permit moratorium approved by Council (see Exhibit "B"). Under the amendment, a Special Use Permit ("SUP") will be required for any new gas station in the CMU-2 and CBD districts. More importantly, new design standards are being added to the Code for gas stations. For those that are permitted by right, canopies for these establishments will be required to be more architecturally integrated with the design of the convenience store and contain no signage. For those gas stations that require an SUP, the canopies will be required to be to the side or rear of or be integrated with the convenience store.
4. Item 13 deals with parking pads. Although the Code currently prohibits front yard parking pads in front of homes, the language is confusing. Under this proposal, parking pads would be more clearly barred in front of homes except in situations where the parking spots sit at least 50 feet from the street and are screened.
5. Item 22 clarifies home-based wedding and event centers in an effort to better regulate "party homes."
6. Public comments received are included in Exhibit "C," attached at the end of this staff report.
7. Since this application was filed and originally published, the following changes have been made:
 - a. Item 2: The distance between smoke shops and schools and parks proposed for Sub-Section 2.6.3S has been increased from 500 feet to 1320 feet; as such, these uses are returned to "by right" commercial uses in Section 2.5.2 subject to this distance standard in the CMU-1 and CMU-2 districts.
 - b. Item 3: A change has been made to the use chart for the Midtown Overlay in Section 8.4.7 to match the requirement throughout the rest of the city that a Special Use Permit be required for gas stations in the CMU-2 district. Also, a clarification has been made to Para. 2.6.3J(2)(a) that gas station canopies may be set back 0 feet if built in accordance with new Sub-Sub-Item 2.6.3J(2)(d)(ii)(b) dealing with architecturally integrated canopies. Finally, as a way to incentivize architecturally integrated canopies, and in recognition that their site placement would make a ground sign impractical, a new Sub-Item 2.6.3J(2)(d)(iii) allows signage on these canopies (which is not allowed on other canopies).
 - c. Item 4: Boarding houses and drive-in restaurants have been removed as by right uses in the MU district in the use chart in Section 2.5.2; also, the MU district has been added to the Midtown Overlay use chart in Section 8.4.7 with all of the same permitted and conditional uses as listed in Sec. 2.5.2. Also, based on community questions related to the MU district, Sub-Sections 7.3.7A and 7.3.4D are being amended to clarify the process by which the Neighborhood Center Overlay can be applied to the MU district. Finally, the maximum height in the MU district has been increased from 45 feet to 75 feet in Para. 7.3.7D(1) to better align with the intent of the rezoning proposed with Z 21-11, which will change many anchors throughout the city to the MU district.
 - d. A new Item 23 amends Sub-Section 9.3.4 to require sign posting notice for use variances.
 - e. A new Item 24 will allow those parties who oppose the approval of a minor subdivision to appeal its approval to the Land Use Control Board; this involves amendments to Section 9.2.2 and Sub-Section 9.7.6H.

RECOMMENDATION: *Approval*

Staff Writer: *Josh Whitehead*

E-mail: josh.whitehead@memphistn.gov

Proposed language is indicated in **bold, underline**; deleted language is indicated in ~~strikethrough~~.

1. Table of Contents: Misspelling

Consistency with Memphis 3.0 and Other Plans to be Considered

2. 2.5.2, 2.6.3S and 12.3.1: Tobacco retailers

Currently, the only tobacco retailer regulated by the Code are vapor shops, defined by Section 12.3.1 as those stores where electronic cigarettes comprise 50% of their monthly sales. Other tobacco retailers, such as smoke shops, head shops and, if and when they ever become legal in Tennessee, marijuana dispensaries, are not specifically regulated. On February 16, 2021, the Memphis City Council approved a resolution issuing a moratorium on the issuance of any permits for smoke shops (see Appendix A, attached to this staff report). That resolution provided time for the creation of a zoning text amendment to address the issue.

This proposal would add these to create a list of tobacco retailers that would not only be limited to the zoning districts that currently allow vapor shops, but add a requirement that they be restricted from being in close proximity to schools and parks regardless of the zoning district.

The health effects of smoking tobacco and marijuana in any form has been well documented. In addition, studies also reflect that youth smokers are particularly susceptible to becoming addicted to nicotine (see [this one](#) as an example). According to [this 2009 American Journal of Public Health study](#), the rate of “experimental smoking” by students may be reduced by reducing access to commercial sources of tobacco. Currently, 41% of US teens aged 13-16 live within 1000 feet of a tobacco outlet (see [this study](#)).

Specifically speaking, this proposal would change “vapor shops” in the use chart contained in Section 2.5.2 and 2.6.3S to “smoke shops,” and define smoke shops in 12.3.1 as including vapor shops, head shops and marijuana dispensaries (if and when such establishments are permissible by law). Just as importantly, the current requirement that 50% of the sales of a vapor shops come from the sale of electronic cigarettes, found in the definition of “vapor shop” in Section 12.3.1, will be removed. In fact, no percentage will be made part of the new definition of “smoke shop” as this is impossible to determine at the time permits are issued. Instead, tobacco and other substances, as well as the smoking paraphernalia, shall be the “predominate purpose of the retailer.” Section 2.6.2S will be amended to cover all smoke shops, rather than just vapor shops, and include a provision that all smoke shops be at least 1320 feet from any school or park. 1320 feet, which is one-quarter mile, is the distance most consumers are willing to walk (see [this EPA study](#) and letter submitted by the

Evergreen Historic District Association, attached). Finally, given the 1320-foot separation and expanded definition of “smoke shops,” this proposal will allow them by right, provided the 500-foot separation is maintained. This involves changing the symbol for a Special Use Permit (“□”) to the symbol for a by right use (“■”) in the CMU-1, CMU-2 and CMU-3 districts.

2.5.2: (under the use category, “Retail Sales & Service”): **Smoke** Vapor Shop (and change the symbol in the CMU-1, CMU-2 and CMU-3 district from (“□”) to (“■”)).

2.6.3S: **Smoke** Vapor Shops. **Smoke shops not covered by an exception below shall be located no closer than 1320 feet from any school or park, as measured from the parcel that contains the smoke shop and the parcel that contains the school or park. The following smoke shops are exempted from this provision:**

1. Vapor shops that existed in non-industrial zoning districts at the time this zoning text amendment **ZTA 16-1 became** becomes effective (November 15, 2016) shall not be considered nonconforming uses and may be expanded, modified or relocated within the same site.

12.3.1: **SMOKE SHOP: Any retail establishment whose predominant purpose is the selling of tobacco, cannabis or products derived from tobacco or cannabis or devices designed to assist in the usage of tobacco, cannabis or products derived from tobacco or cannabis. Smoke shops include vapor shops and, should they become legal in the State of Tennessee, marijuana dispensaries, but not cigar or hookah bars.**

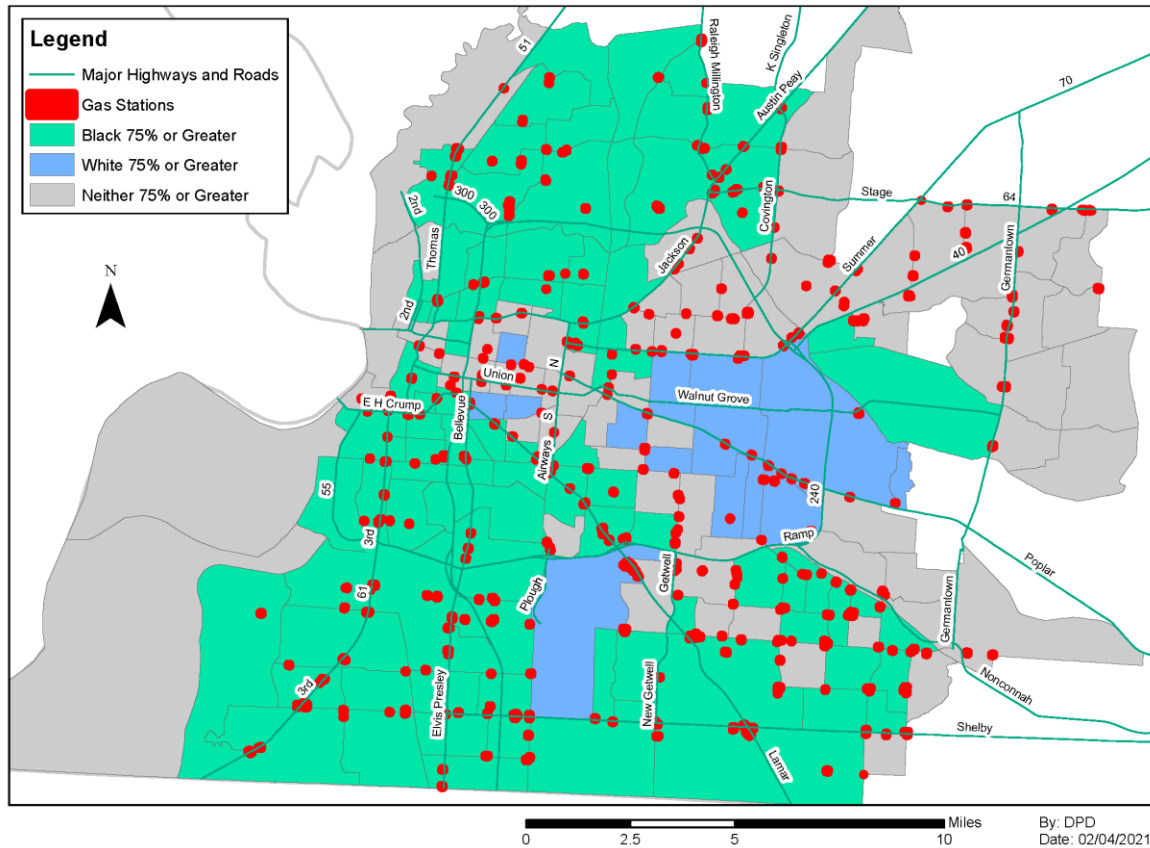
12.3.1: VAPOR SHOP: **A smoke shop** Any retail establishment where more than 50% of its monthly sales are comprised of **whose predominant purpose is** the selling of electronic cigarettes, a device containing nicotine-based liquid that is vaporized and inhaled.

3. 2.5.2, 2.6.3J, 2.6.3T, 2.6.3U, 4.9.6K and 8.4.7: Gas stations

Currently, gas stations are permitted, by right, in the CMU-2, CMU-3, CBD, EMP and IH zoning districts. According to this [2011 American Journal of Public Health study](#) and this [2019 International Society of Environmental Epidemiology](#), a correlation exists between proximity of homes and certain potentially environmentally hazardous land uses such as gas stations and the health outcomes of those residing in these homes. On March 16, 2021, the Memphis City Council approved a resolution issuing a building permit moratorium for new gas stations and used tire establishments. A copy of that resolution is attached as Appendix B at the end of this staff report. That resolution contains information regarding gas stations by census tract. That information was generated from the map below that shows the location of gas station

(in red) within and adjacent to census tracts that are 75% or greater black (in green) and 75% or greater white (in blue).

Memphis Gas Station Locations and Census Tracts by Race



The resolution contained in Appendix B also contains information with regard to gas stations per person in Memphis and other cities. The table that served as the basis of that recitation is included below.

Municipality	Population (2018)	Gas stations	Gas stations per 10,000 people	Vehicles per household average
Memphis	650,618	369	6	1.50
Nashville	660,062	257	4	1.69
Knoxville	185,429	120	6	1.56
Bartlett	59,315	18	3	2.16
Collierville	50,616	13	3	2.16
Germantown	39,099	7	2	2.12
Lakeland	12,617	4	3	2.23
Arlington	11,689	5	4	2.40
Millington	10,685	9	8	1.79
United States	327,200,000	122,000	4	1.79

The resolution also mentions the 19 requests for gas stations that have been filed with the Land Use Control Board since January 18, 2021. The table below contains information with regard to those 19 cases.

Case Number	Location	DPD Recomm.	LUCB	City Council or County Comm.*
PD 18-26	1440 Getwell	Rejection	Rejection	Withdrawn prior
PD 18-32	SE corner, Hernando & Norris	Rejection	Rejection	Withdrawn prior
PD 98-347	NE corner, Trinity & Ericson	Approval	Rejection	Not appealed
PD 18-46	SW corner, Shelby and Ross	Approval	Rejection	Rejection
SUP 19-06	SE corner, Elvis Presley & Commercial	Rejection	Rejection	Withdrawn prior
SUP 19-09	Old Hwy. 78 at the MS state line	Approval	Approval	Approval
SUP 19-15	6050 Quince	Rejection	Rejection	Withdrawn prior
SUP 19-16	NW corner, Jackson & Breedlove	Rejection	Rejection	Withdrawn prior
PD 19-07	1440 Getwell, redo	Rejection	Rejection	Approval
PD 19-12	NW corner, Thomas & Frayser	Approval	Rejection	Approval
PD 19-16 CO	SE corner, Holmes & Hacks Cross	Rejection	Rejection	Rejection*
PD RCI 94	W side of Whitten at Century Club	Approval	Approval	Not appealed
PD 95-310 CO	NE corner, Shelby & Hacks Cross	Approval	Withdrawn prior	
SUP 20-08	NE corner, Southern and Belt Line	Approval	Approval	Approval
PD 06-348	SW corner, Houston Levee & Pisgah	Rejection	Withdrawn prior	
PD 20-08	SE corner, Hernano & Norris, redo	Rejection	Rejection	Withdrawn prior
SUP 20-09	5050 Summer	Rejection	Approval	Rejection
SUP 20-10	NE corner, Austin Peay & Yale	Rejection	Approval	Rejection
SUP 20-12	S. Third, south of I-55	Approval	Rejection	Approval

* County Commission cases are indicated by a "CO" suffix.

2.5.2 and 8.4.7: This proposal would require new gas stations in the CMU-2 zoning district, which is generally close to residences, be reviewed by the City Council or County Commission through the Special Use Permit process. The same process would be created for those proposed gas stations in the CBD district downtown. These changes will be reflected in the use table, Section 2.5.2 (by changing the symbol for this use in the CMU-2 and CBD districts from the “by-right” symbol, “■” to the Special Use Permit symbol, “□”). In both zoning districts, the Council and Commission will be tasked to consider the proximity of the gas station to the adjacent residential areas when reviewing the Special Use Permit, largely through the assistance of the staff report generated by the Division of Planning and Development. This is currently the process for proposed gas stations in the least intense commercial district, CMU-1 (see existing Item 2.6.3J(1)(g) below). This will also involving changing the “by-right” symbol, “■” in the Midtown Overlay use table in Section 8.4.7 for the use “Convenience Store with Gas Pumps, Gas Station” in the CMU-2 district to the Special Use Permit symbol, “□.” For the more intense CMU-3 district, the requirement that new gas stations be at major intersections will stand.

This proposal will involve the following additional individual amendments to the Code:

2.6.3J(1)(a): The primary building shall conform to all building envelope standards. **It shall be sheathed with some form of masonry material on all facades of the building.**

2.6.3J(1)(f): **CMU-3 district.** Any convenience store with gas pumps or gas stations constructed **in the CMU-3 district** after January 28, 2013, or reactivated after one year of discontinuance, not located at the intersection of two arterials, an arterial and a collector or two collectors, according to the **Functional Classification Map of the** Long Range Transportation Plan, shall require the issuance of a Special Use Permit. **Convenience stores with gas pumps and gas stations constructed in the CMU-3 district prior to January 28, 2013, may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i).** In addition to the approval criteria articulated in [Section 9.6.9](#), the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to **both 1) other convenience stores with gas pumps and gas stations and 2) a single-family residential zoning districts** when reviewing an application for a Special Use Permit pursuant to this Item.

2.6.3J(1)(g): **CMU-1 district.** Any convenience store with gas pumps or gas stations constructed in the CMU-1 district after January 1, 2021, or reactivated after one year of discontinuance, **or whose convenience store is reconstructed or relocated** shall require the issuance of a Special Use Permit, **except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in**

which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations **constructed** ~~construction~~ in the CMU-1 district prior to January 1, 2021, may be **otherwise** expanded and modified under the provisions of this Code, **but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i).** In addition to the approval criteria articulated in [Section 9.6.9](#), the Land Use Control Board and governing body shall also consider the proximity of the proposed convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

2.6.3J(1)(h) (new section). CMU-2 and CBD districts. Any convenience store with gas pumps or gas stations constructed in the CMU-2 and CBD districts after the effective date of this ordinance (ZTA 21-2), reactivated after one year of discontinuance or whose convenience store is reconstructed or relocated shall require the issuance of a Special Use Permit, except in situations where the requirements of Sub-Item 2.6.3J(2)(d)(ii) are met, in which case a Special Use Permit may be waived. Convenience stores with gas pumps and gas stations constructed in the CMU-2 and CBD districts prior to the effective date of this ordinance (ZTA 21-2), may be otherwise expanded and modified under the provisions of this Code, but any reconstruction or relocation of a canopy shall be in compliance with Sub-Item 2.6.3J(2)(d)(i). In addition to the approval criteria articulated in Section 9.6.9, the Land Use Control Board and governing body shall also consider the proximity of the convenience store with gas pumps or gas station to both 1) other convenience stores with gas pumps and gas stations and 2) single-family residential zoning districts when reviewing an application for a Special Use Permit pursuant to this Item.

In addition, the architectural requirements for new gas stations should be clarified for not only “by right” gas stations but those that are processed as Special Use Permits. The proposal below would add a new requirement for all gas stations: that they be sheathed by some sort of masonry on all four sides with fuel canopy columns featuring the same masonry. Also, photographic examples of architecturally compatible fuel canopies are being removed to better represent the intended result of this language. For those gas stations that go through the Special Use Permit process, there is one additional regulation: that they be located close to the street with the fuel canopies either behind or next to the convenience store. This will encourage pedestrian-focused buildings in the less intense zoning districts and locations that require Special Use Permits for gas stations. In an effort to further encourage this kind of gas station, any existing gas station that is being rebuilt can forgo the Special Use Permit process if these provisions are met. This language is found in Paragraph 2.6.3J(2):

2.6.3J(2) Fuel Canopies

- a. Fuel canopies may be located within the required front yard of a lot. **With the exception of those canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii),** the canopy shall be located no closer than 10 feet to any side or rear property line or right-of-way. This Item shall not be construed to supersede the landscaping and streetscape provisions of Article 4.

- b. The canopy shall not exceed a height of 20 feet.

~~The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be complimentary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Examples of architecturally integrated and compatible fuel canopies are provided in Item (e) below. (this Item is being moved down to a new Sub-Item 2.6.3J(2)(d)(i) below)~~

- c. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

~~Examples of architecturally integrated and compatible fuel canopies. (this Item is being moved down to a new Sub-Item 2.6.3J(2)(d)(iv) below)~~

d. **Architectural compatibility of fuel canopies**

i. **Establishments permitted by right**

The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be complimentary to the principal building: roof pitch, architectural detailing, materials, and color scheme. **Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage.** Examples of architecturally integrated and compatible fuel canopies are provided in **Sub-Item (iv)** ~~Item (e)~~ below. (this Sub-Item is currently Item 2.6.3J(2)(c) above)

ii. **Establishments that require a Special Use Permit**

In addition to the requirements set forth above in Sub-Item (i), a fuel canopy associated with an establishment that requires a Special Use Permit or is eligible for a waiver from a Special Use Permit under Items 2.6.3J(1)(f), (g) or (h) shall also either:

- a. **Be rear-loaded and located behind or beside a principal building located no further than 20 feet from the right-of-way that adheres to the provisions of Paragraph 3.10.2B(1) of this Code. See Sub-Item (v) below for a photographic representation of a rear-loaded fuel canopy; or**
- b. **Be structurally integrated with and located in front of**

the principal building. The fuel canopy shall be located no further than 20 feet from the right-of-way. See Sub-Item (vi) below for photographic representations of structurally integrated fuel canopies.

- iii. **Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.**
- iv. **Examples of architecturally integrated and compatible fuel canopies. (this Sub-Item is currently Item 2.6.3J(2)(e) above).**



(this is a new image)



(this is a new image)



(this is a new image)



(this is a new image)





v. Example of rear-loaded fuel canopy



vi. Examples of structurally integrated fuel canopies



(this is a new image)



(this is a new image)

f. vii. Example of architecturally incompatible fuel canopy.



Since signage will not be permitted on new canopies as cited in the new Sub-Item 2.6.3J(2)(d)(i), a reference to that effect should also be made in the sign code portion of the UDC:

4.9.6K: Awning, Canopy and Marquee Signs

These signs shall be regulated as attached signs if they project eighteen (18) inches or less from the awning, canopy or marquee; and they shall be regulated as detached signs if they project more than eighteen (18) inches from the awning, canopy or marquee. **For any canopy associated with a gas station or convenience store with gas pumps built under the provisions of Sub-Item 2.6.3J(2)(d)(i), signage is prohibited.**

As reflected above, signage would be permitted on canopies built to the side or rear of or are structurally integrated with the convenience store (this is articulated in a new Sub-Item 2.6.3J(2)(d)(iii)). This should further incentive canopies built in this fashion.

This proposal will also amend the Use Table in Section 2.5.2 to require Special Use Permits for car wash establishments in the **CMU-1, CMU-2** and **CBD** districts. This replaces existing language in this Section and Sub-Section 2.6.3T (see below) that allows them in these districts but requires them at major intersections.

~~2.6.3T: **Truck Stop, Tractor-Trailer (fueling of) and Vehicle Wash Establishment**~~

~~Any truck stop, tractor-trailer (fueling of) or vehicle wash establishment constructed in the CMU-1, CMU-2 and CBD zoning districts on or after **the effective date of this ordinance (ZTA 21-2)** January 1, 2019, shall **require the issuance of a Special Use Permit**, adhere to the locational requirements for convenience stores with gas pumps as articulated in Item 2.6.3J(1)(f). Any **vehicle wash establishment** such use constructed before **the effective date of this ordinance (ZTA 21-2)** January 1, 2019, that does not meet this provision shall not be considered nonconforming and may be expanded or modified in accordance with this Code. Fuel canopies at truck stops and fueling centers for tractor-trailers shall adhere to the setback regulations for fuel canopies at convenience stores with gas pumps. See Item 2.6.3J(2)(a). (this last sentence is being moved to a new Sub-Section 2.6.3U; see below).~~

By removing language related to truck stops, the proposal above effectively ends the requirement that truck stops be at major intersections. However, truck stops are only permitted by right in the industrial zoning districts, which are generally distanced from single-family residential districts. Since the current section Sub-Section 2.6.3T covers both car washes and truck stops, the last sentence devoted exclusively to truck stops will need a new subsection, 2.6.3U (see below). This will require amending Section 2.5.2, the use table so that the use standard reference for “truck stop, tractor-trailer (fueling of)” is 2.6.3**U** and not 2.6.3T. This will require moving the last sentence of existing Sub-Section 2.6.3T to a new Sub-Section 2.6.3U:

2.6.3U Truck Stop, Tractor-Trailer (fueling of)

Fuel canopies at truck stops and fueling centers for tractor-trailers shall adhere to the setback regulations for fuel canopies at convenience stores with gas pumps.

See Item 2.6.3J(2)(a).

4. 2.5.2, etc: the MU district

With the adoption of the ordinance approving case Z 20-10, which downzoned a portion of Summer Avenue to the MU, or Mixed Use, district, on February 2, 2021, this zoning district was introduced outside of the Uptown Special Purpose District. This may be the first rezoning utilizing this important zoning district that limits certain automobile uses and requires building to be built in close proximity to the sidewalk. As such, the MU district will become more prominent and should be referenced in parts of the UDC outside of the Uptown Special Purpose District regulations. This proposal would amend the use tables in Sections 2.5.2 and 8.4.7 (the Midtown Overlay use table) by adding the MU district, as well as the uses currently permitted by right and by Special Use Permit in the MU district under Section 7.3.11. Since the use table governing the MU district in Uptown is still in place for MU-zoned properties within Uptown, the following note will be added at the bottom:

***This use table only applies to properties zoned MU outside of the Uptown Special Purpose District. For properties zoned MU within Uptown, see Section 7.3.11.**

To make room for this footnote, the following abbreviations were required in the use table:

~~Self-service storage~~ **Self-service St'rge.**

~~Warehouse & Distribution~~ **War'hse. & Dist.**

This proposal will also involve inserting the MU district in the table containing the setbacks, lot size and other building regulations for the non-residential zoning districts:

- 3.10.2B: **MU⁵**
⁵ See Section 7.3.7 for regulations pertaining to the MU district.
- 3.10.2C: Residential Housing Types
For permitted housing types by district see the use table (Chapter 2.5). **For the MU district, see Section 7.3.7.**

In addition, the Streetscape table needs to be amended by adding the **MU** district alongside the CBD district to require the same kind of streetscape treatment as it, with the following footnote at the bottom of the table:

- 4.3.3: **MU****
**** This table only applies to properties zoned MU outside of the Uptown Special Purpose District. For properties zoned MU within Uptown, see Section 7.3.7.**

The following sections of the sign code portion of the UDC need to reflect signs in the MU district that are in areas zoned MU but outside of the Uptown Special Purpose District and therefore would not fall under the CBD sign regulations administered by the Downtown Memphis Commission. This involves the following amendments, which would group the MU district with other commercial and industrial zoning districts:

- 4.9.7A(2): **MU***
***This Section only applies to properties zoned MU outside of the Uptown Special Purpose District. For properties zoned MU within Uptown, see Paragraph 4.9.2B(6).**
- 4.9.7D: Standards for Signs in the ~~Commercial~~ **Commercial** Mixed Use Districts (excluding OG and RW) and Industrial Districts (the **MU**, CMU-1, CMU-2, CMU-3, CBD, CMP-1, CMP-2, EMP, WD and IH districts)
- 4.9.9C: Standards for Mixed Use Districts (the OG, **MU**, CMU-1, CMU-2, CMU-3, CBD, CMP-1 and CMP-2 districts)

Also, Sub-Section 7.1D needs to be amended so it is clear that areas outside of the Special Purpose Districts may utilize their zoning districts:

7.1D: Map Amendments. ~~Parcels and tracts that are located outside of a Special Purpose District but are abutting or across the street from a parcel or tract that is included in that Special Purpose District~~ may be rezoned to a zoning district included in that Special Purpose District through the Zoning Change process (see Chapter 9.5).

Section 7.3.2, which speaks to Uptown zoning districts located outside of Uptown, should be amended to clearly state that the prohibition of Planned Developments within Uptown does not apply outside of Uptown:

7.3.2: Zoning districts that are not among the specific categories created by this zoning regulation and design principle document are not applicable to properties within this area for the purpose of a rezoning. In the event a development that is compatible with the Uptown area, but is inconsistent with existing zoning, the creation of new Uptown zoning districts should be considered as an option to

accommodate the proposal. **Uptown Special Purpose District zoning districts may be applied elsewhere in the City or County where appropriate to achieve similar design principles. In such instances, the Uptown Special Purpose District prohibition on Planned Developments shall not apply.**

Based on questions staff received after notice was mailed to properties identified to be rezoned to the MU district with Case Z 21-11, the following two sections are being amended to clarify that the Neighborhood Center Overlay is not automatically applied to all MU-zoned properties. Instead, the Neighborhood Center Overlay is applied through a zoning map amendment.

7.3.4D Neighborhood Center Overlay (NC)

In order to encourage pedestrian activity at certain key locations, a Neighborhood Center overlay **may be** is being applied within the Mixed Use District **through a zoning change (see Chapter 9.5). In this overlay,** ~~in which the first floor of new development shall be used for retail, office and service uses. These areas are concentrated at the corner of N. Parkway and Danny Thomas Boulevard, as well as on Chelsea Avenue between the intersections of Thomas Street and Third Street.~~ Buildings within the Neighborhood Center Overlay may be one story in height.

7.3.7A....In order to encourage pedestrian activity at certain key locations, a Neighborhood Center overlay **may be** is being applied within the Mixed-Use District **through a zoning change (see Sub-Section 7.3.4D).** ~~in which the first floor of new development shall be used for retail, restaurants, office or service uses.~~

Finally, the maximum building height in the MU district will be increased from 45 feet to 75 feet, not only in response to Case Z 21-11, which proposes to rezone many properties located in anchors throughout the city to the MU district, but also to reflect the intent of the Pinch Plan, which highlighted many building taller than 45 feet to be located in the Pinch District. The bulk plane requirements of Sub-Section 3.2.6B, which require buildings over 40 feet in height to be “stair-stepped” away from adjacent homes, will apply to any MU-zoned property that abuts single-family zoning districts.

7.3.7D(1): Building heights shall not exceed **75** 45 feet...

5. 3.2.9A(2), 3.10.3C and 3.2.9D(7): Setbacks

This Paragraph provides a very basic explanation of how setbacks are measured. It incorrectly states that side and rear setbacks are measured from right-of-way (only front setbacks are measured that way). It also does not account for those lots facing private drives (which are not right-of-way) or those lots that run to the centerline of the roadway because the roadway itself is not right-of-way but a prescriptive easement

(which is often the case in rural Shelby County) or dedicated access easement. This proposal will address these issues:

3.2.9A(2): All **building** front, rear and side (street) setbacks, and parking setbacks are measured from the edge of the right-of-way. ~~Side yard setbacks are measured from the side property line.~~ **For those lots and tracts that abut easements, front setbacks shall be measured from the outer edge of said easement.**

Similarly, Sub-Section 3.10.3C discusses measurement of setbacks. The proposal below will eliminate existing language and cross-reference Paragraph 3.2.9A(2) and its recommended changes above:

3.10.3C: Setbacks

All setbacks in this section shall be measured **in accordance with Paragraph 3.2.9A(2)**. ~~from the public right-of-way. For sites that abut private streets or public streets with an alternative right-of-way set at the back of curb, the setbacks shall be measured from a point 10 feet from the face of curb.~~

Finally, side setbacks for townhouses should be addressed. Townhouses are, by their definition, attached to one another. The proposal below will make it clear that side setbacks for townhouses refer to the group of townhouses and not individual townhouses since individual townhouses have 0-foot side setbacks:

3.2.9D(7) (new section): **Side setbacks for townhouses and stacked townhouses**

Side (interior, total and street) setbacks of townhouses and stacked townhouses shall be measured from the edge of the outer property line containing a group of attached townhouses and not from the property line of an individual townhouse. Individual townhouses are permitted a 0-foot side setback between one another.

6. 3.4: Housing type descriptions

Chapter 3.4 of the Code contains descriptions of the various housing types found throughout the UDC. The description of “Single-Family Detached – Cottage” should be amended. It currently states that cottages take vehicle access from the rear of its lot. However, Sub-Section 3.9.1D allows cottages on corner lots to take vehicle access from the side street. This proposal would include the corner lot in Chapter 3.4:

3.4: SINGLE-FAMILY DETACHED – COTTAGE

...A cottage takes vehicle access from the rear of the tract or lot, **except on corner lots where the vehicle access may be from the side street.**

7. 3.5.3B(1) and 4.10.4B: References to Public Works

These two sections refer to the City and County Divisions of Public Works. These references should be made to the City or County Engineering; the justification for the change to the first section, which deals with permitted buildings in the floodway, is that Sub-Section 8.8.4A identifies the City and County Engineers as the administrators of the floodway and floodplain section of the ordinance. The justification for the change to the second section, which deals with streets and driveways in new planned developments, is that the City and County Engineers issue permits for street cuts and review requests for new streets.

3.5.3B(1): With the exception of minor utilities, no new construction, substantial improvements to existing structures or encroachments, including fill, is allowed in the FW District if such construction, improvement or encroachment would increase, in the opinion of the City or County **Engineer** ~~Division of Public Works~~, the flood level within the City or County during the occurrence of the base flood discharge.

4.10.4B: All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County **Engineer** ~~Division of Public Works~~.

8. 3.6.1A: Side yard totals in the R-3 district

The R-3 zoning district, which has yet to be applied to the zoning map, allows side setbacks of 2.5 feet. However, the table in this Sub-Section inaccurately adds two of these side setbacks (for two abutting homes) to 7 feet. It should be **5** feet.

9. 3.6.1B, 3.6.1C, 3.7.2C (new section), 3.10.2E (new section) and 9.7.8E(6): Sewers and septic systems

Several proposed amendments deal with sanitary sewer and septic systems. The first addresses the situation where a subdivision without access to the sanitary sewer system is reviewed and approved by the Health Department. When the Health Department reviews a subdivision proposal, it is merely reviewing whether the lot sizes meet the minimum required for septic systems and whether the lots are located within the floodplain. The Health Department is *not* determining whether all lots can be served by septic since that is not known until a septic plan is presented for review. Septic plans are very specific to each lot and are presented by the lot owner once he or she knows the location of the home on the lot. This is not determined until years or decades after the plat is recorded by the developer. Therefore, a disclaimer on the plat is required to put potential lot owners on notice that the lots may or may not be

eligible for septic. This will involve a new Paragraph 3.6.1B(6) which will reference a new Paragraph 9.7.8E(6):

3.6.1B(6): Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.

9.7.8E(6) (new section):

Any plat with a lot or lots not connected to a sanitary sewer system shall include the following note:

“The Shelby County Health Department plat approval only verifies that each lot meets the Shelby County 2-acre (or 4-acre for lots with a well) minimum and the lot is not located in the 100-year floodplain. This is not an approval of a septic system on any one lot. The lot owner must apply for a septic installation permit with the Shelby County Health Department. In order to ensure the lot is suitable for a septic system, a TN registered soil scientist must assess and map the soils on the lot. Additionally, the owner should determine if any topographic aspects of the lot will or may negatively impact the installation of a septic system.”

This proposal will also clean up Sub-Section 3.6.1B by moving 3.6.1C to a new 3.6.1B(5):

3.6.1B(5). Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.

~~3.6.1C. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.~~

On a broader scale, Sub-Section 3.6.1B mentioned above contains regulations for single-family lots without public sewer and/or water. A similar provision does not currently exist for non-single-family lots. This proposal would cut and paste those provisions into a new Sub-Section 3.7.2C (for the multi-family zoning districts) and a new Sub-Section 3.10.2D (for all other zoning districts). The second sentence of Paragraph 1 in both new Sub-Sections reflects the fact that some non-single-family developments may require a larger septic field than their single-family counterparts; that sentence is not currently found in Paragraph 3.6.1B(1).

3.7.2C (new section): **Lots not served by public sewer or water:**

- 1. Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of 150 feet unless served by a privately owned and maintained sewer system. The Shelby County Health Department shall have the authority to mandate that a particular**

- development contain more than two acres, if required for a proper septic system to operate.
2. Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of 150 feet.
 3. Where the provisions of this Sub-Section cannot be met, the Board of Adjustment may grant a variance to these requirements after receiving a written opinion from the Health Department that the proposed variance would not create a health hazard and the proposed lots are acceptable for septic tank and/or wells.
 4. See [Section 5.3.3](#) for additional requirements associated with sanitary sewers and septic systems.
 5. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.
 6. Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.

3.10.2E (new section): Lots not served by public sewer or water:

1. Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of 150 feet unless served by a privately owned and maintained sewer system. The Shelby County Health Department shall have the authority to mandate that a particular development contain more than two acres, if required for a proper septic system to operate.
2. Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of 150 feet.
3. Where the provisions of this Sub-Section cannot be met, the Board of Adjustment may grant a variance to these requirements after receiving a written opinion from the Health Department that the proposed variance would not create a health hazard and the proposed lots are acceptable for septic tank and/or wells.
4. See [Section 5.3.3](#) for additional requirements associated with sanitary sewers and septic systems.
5. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.
6. Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.

10.3.7.2B: Cottage setbacks in the RU-3 district

According to Section 3.4, cottages must be on lots with alley access. This results in a blank cell (denoted by the symbol “- -”) throughout Sub-Section 3.7.2, which contains setback and other lot regulations for individual zoning districts, for cottages without

alley access. The sole exception is the RU-3 zoning district, which lists a front setback for cottages without alley access. Since this should not be an option, this proposal will change the “20” feet in that cell to a blank cell (“- -”).

11.3.8.5 and 3.8.5A(1): Misspellings

3.8.5...Opens space subdivisions are permitted in CA, R-E, R-15...

3.8.5A(1):...If, however, the property on the opposite side of the street has previously developed with smaller lot sizes, or has a currently approved plan of development with smaller lots sizes...

12.4.4.4B: Driveways for residential lots

This sub-section needs to be rephrased so it is more easily understood:

4.4.4B: ~~At the street right-of-way, residential driveways must be spaced at least 20 feet from any other driveway on the same lot. The minimum **distance** corner clearance from **a driveway access point** the curb line or edge of pavement of intersecting streets **to an intersection shall** must be at least 20 feet from the intersection of right-of-way lines. No lot may have more than one driveway per street frontage, **with the exception of circular driveways which are permitted if the two driveway access points of the circular driveway are at least 20 feet from each other** unless the frontage allows for a circular driveway.~~

13.4.5.2C and 12.3.1: Front yard parking

Currently, the Code prohibits *required* parking spaces in *required* front yards of residential dwellings. Under one interpretation of this provision, this allows the paving of an entire front yard provided the minimum *required* parking spaces are provided elsewhere. Under another interpretation, this allows the paving of the entire stretch of yard behind the required setback (for many residences, this is only 20 feet). This proposal would remove the terms “required” to simply prohibit parking between the street and a residence, with exceptions for very large front yards. Below are some examples of front yard parking.



The parking space pictured above is both within the required front yard and is required parking since the dwelling is a duplex with two, two-bedroom units, thus requiring four off-street spaces under the parking ratio requirements of Sub-Section 4.5.3B. Therefore, it represents a violation of the current ordinance under any interpretation. This particular violation was cited, a retroactive variance request was filed with the Board of Adjustment and the Board rejected that request.



The parking space pictured above is within the required front yard, but is not required under Sub-Section 4.5.3B. The current language might permit this parking; the proposed language would *not*.



The parking space pictured above is within the required front yard, but is not required under Sub-Section 4.5.3B. The rear of this property contains enough parking spaces to contain the *required* spaces. The current language might permit this parking; the proposed language would *not*.



The parking space pictured above is within the required front yard, but is not required under Sub-Section 4.5.3B. This particular violation was cited, a retroactive variance request was filed with the Board of Adjustment and the Board rejected that request.



The parking space pictured above is neither in the required front yard nor is required under the parking ratio requirements of Sub-Section 4.5.3B. In addition, it is screened from the street; it serves as a template for the proposed language below.

4.5.2C(1)(b): Required parking spaces shall be located on the same lot, not including on-street parking and shall not be located within the required front setback (see also Section 3.9.1 for garage parking requirements).

4.5.2C(1)(d) (new section): Parking pads are prohibited in a front yard, except parking pads may be permitted in any front yard where the parking pad is set back at least 50 feet from the public right-of-way or private street and adequate landscaping is provided between the parking pad and the street.

12.3.1: PARKING PAD: Any impervious surface designed to accommodate one or more parked vehicles. This definition does not include circular driveways or those linear driveways that lead to a garage or carport.

14.4.6.3B: Certifications by landscape architects

Landscape architects are professionals licensed and regulated by the State of Tennessee. Sub-Section 4.6.3B requires that the landscape architect inspect and certify that landscape and irrigation installation meet the specifications of his or her landscape plan. However, landscape architects rarely, if ever, perform the actual installation of landscaping and/or irrigation and TCA 62-2-306(b), which governs landscape architects, prohibits a member of the profession to certify any work that was not done under his or her charge. Therefore, this section of the Code is proposed to be amended thusly:

4.6.3B: The landscape ~~and/or irrigation contractor~~ **architect** must inspect and certify that all open space area, ~~the~~ landscaping and the irrigation system are in substantial compliance with the landscape and irrigation plans approved as part of

the development order.

15. 4.9.6A, 4.9.7A(2), 4.9.7B(4)(b), 4.9.7B(9)(b)(i), 4.9.7B(9)(d), 4.9.7D(4)(b), and 12.3.4: Sign code matters

Under the provisions of sign code section of the Unified Development Code (Chapter 4.9), some signs along larger streets may be larger and taller than signs along smaller streets. The sign code contains four classifications of streets: minor, connector, arterial and controlled access. Three issues with these classifications have caused a degree of confusion, both within the sign industry and along the staff responsible for administering the sign code: 1) minor and controlled access roads are not defined and 2) while connectors and arterials are, the definition contained in the sign code does not match the definition found in the balance of the Code; and 3) “local” and “limited access” are used in two tables instead of “minor” and “controlled access,” respectively. The sign code uses roadway width to differentiate between arterials and connectors, but this presents a challenge since roadway width can change over time due to street widening projects. This proposal would resolve this issue by inserting the appropriate definitions and eliminating the conflict by deferring to the Unified Development Code’s definition of connector and arterial over the sign code’s since the former is tied to the Long Range Transportation Plan.

4.9.7B(9)(b)(i):

Street Type	Maximum Gross Surface Area of Sign
Minor Local street (<60 feet ROW) (see Sec. 12.3.4)	30 square feet
Connector street (60-68 feet ROW) (see Sec. 12.3.4)	30 square feet
Arterial street (69-160 feet ROW) (see Sec. 12.3.4)	50 square feet
Controlled Limited access road (>161 feet) (see Sec. 12.3.4)	100 square feet

4.9.7B(9)(d):

Street Type	Maximum Height of Sign
Minor Local street (<60 feet ROW) (see Sec. 12.3.4)	10 feet
Connector street (60-68 feet ROW) (see Sec. 12.3.4)	10 feet

Arterial street (69-160 feet ROW) (see Sec. 12.3.4)	16 feet
Controlled Limited access road (>161 feet) (see Sec. 12.3.4)	24 feet

4.9.7D(2)(b), Table 1:

Minor Street (see Sec. 12.3.4)
Connector Street (see Sec. 12.3.4)
Arterial Road (see Sec. 12.3.4)
Controlled Access Road (see Sec. 12.3.4)

4.9.7D(8)(d), Table 2:

Minor Street (see Sec. 12.3.4)
Connector Street (see Sec. 12.3.4)
Arterial Road (see Sec. 12.3.4)
Controlled Access Road (see Sec. 12.3.4)

12.3.4: **ARTERIAL: A road designated as either a Principal Arterial or as a Minor Arterial in the Functional Classification Map of the Long Range Transportation Plan.**

12.3.4: **CONNECTOR: As it pertains to specified uses permitted along connector streets, a connector shall be defined as any street identified as either a collector or connector in the Functional Classification Map of the Long Range Transportation Plan.**

12.3.4: **CONTROLLED ACCESS ROAD: Any roadway whose access is controlled by a series of ramps or interchanges. This includes all interstate highways, expressways and other similar roadways that prohibit direct access from adjacent parcels.**

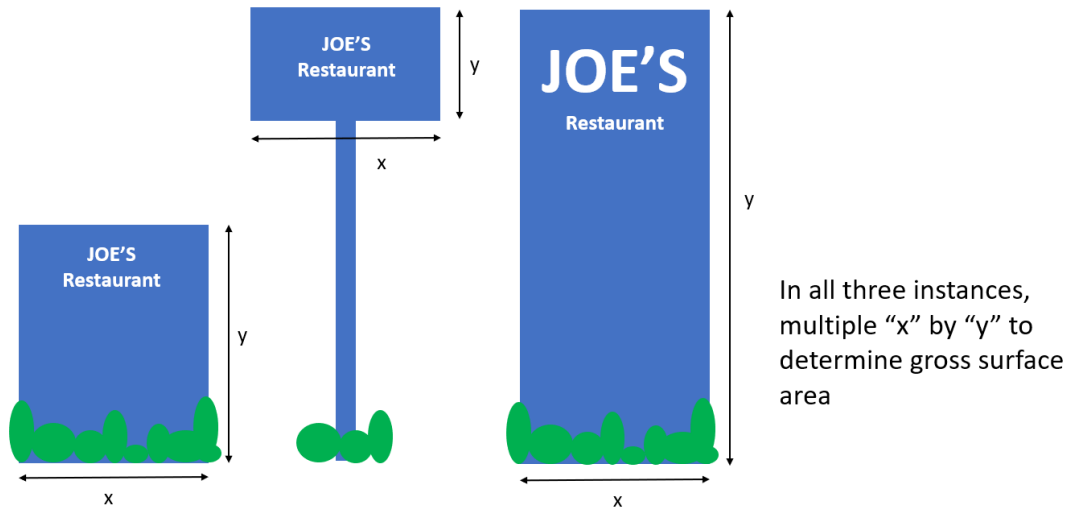
12.3.4: MINOR STREET: **Any roadway not classified as a controlled access roadway or an arterial, collector or connector in the Functional Classification Map of the Long Range Transportation Plan.**

On a separate matter, the following section contains a misspelling:

4.9.7D(4)(a)(2):...An additional three signs may be located on fuel pump canopies for establishments within the shopping center **that** the sell gasoline.

Sub-Section 4.9.6A discusses the manner in which gross area is measured for wall and monument signs. The following graphics would assist in the administration of this section:

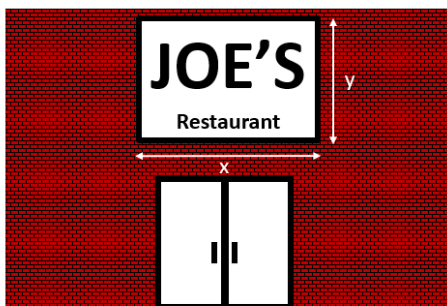
For monument and pole signs:



For wall signs:



For signs with letters and symbols mounted directly on the wall, multiply "x" by "y" for each letter and add the totals together to determine gross surface area



For signs with letters and symbols not mounted directly on the wall, multiply "x" by "y," which are measured along the perimeter of the surface on which the letters and symbols are mounted, to determine gross surface area

Also, Sections 4.9.7A(2), 4.9.7B(4)(b) and 4.9.7D(4)(b) of the Code cover the number of signs permitted for larger lots. Paragraph 4.9.7A(2) states that there may be one

sign per 300 feet for both residential and commercial sites; it needs a cross-reference to Items 4.9.7B(4)(b), which deals with nonresidential uses in the residential zoning districts and 4.9.7D(4)(b), which deals with commercial zoning districts:

4.9.7A(2) (bottom right cell of table): 1 per street frontage except for permitted nonresidential uses on collectors and arterials; 1 per 300' of frontage (**see Item 4.9.7B(4)(b) for further details**)

4.9.7A(2) (bottom left cell of table): 1 per street frontage or 1 per 300' of street frontage for larger lots (**see Item 4.9.7D(4)(b) for further details**)

Also, these sections that are being cross-referenced need to be clarified so it is clear when the second sign is permitted on a wide lot. The language below would require a lot of 600 feet before a second sign is permitted:

4.9.7B(4)(b): Nonresidential uses

No more than one attached and one detached sign are permitted per frontage per lot, except for sites that abut collectors and arterials where one attached sign and one detached sign are permitted for every 300 feet of frontage along said abutting collector or arterial, **in accordance with the table in Item 4.9.7D(4)(b)**. Attached signs shall be limited to the name of the establishment only.

4.9.7D(4)(b): Detached: one sign per road frontage in accordance with the table below. If installed, an integrated center sign shall be considered as one of the detached signs.

Road frontage	Maximum number of signs per road frontage
up to 399 599 feet	1
400-599 feet	2
600-899 feet	2 3
900-1199 feet	3 4
Over 1200 feet	4 5*

*An additional sign is permitted for every 300 feet of frontage over 1200 feet.

16.4.10.3C: Redundancy

4.10.3C: The location and arrangement of the structures, parking **and loading** areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for ~~structures, parking and loading areas or access way~~ **such facilities** shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

17.5.2.7: Street width measurements

This section of the Code addresses street widths. Paragraphs 5.2.7A(1) and 5.2.7A(3) refer to “this Chapter,” but need to refer to “this Section.” In addition, the latter reads that all measurements found in the Section are measured from the back of curb, yet Paragraphs 5.2.7C(1), 5.2.7C(2), 5.2.7D(1) and 5.2.7D(2) and Item 5.2.7G(1)(b) state that the measurements are made from face of curb, which is the customary way of measuring street width. This proposal will rephrase Paragraph 5.2.7A(3) so it matches the rest of the Section:

5.2.7A: Applicability

1. Conformance to the standards of this **Section** ~~Chapter~~ shall be in accordance with Chapter 4.1, Applicability.
- 2...
3. The street sections contained in this Code are for illustrative purposes only. All dimensions found in this **Section** ~~Chapter~~ shall be measured from the ~~back of curb~~ **and not the face of curb**...

18.7.2.9A(2). Grammatical error

7.29A(2): All demolition or relocation ~~of~~ **of** any building or site listed on the National Register of Historical Places."

19.9.1.8A: references to Division of Planning and Development departments

This section refers to old department naming within the Division of Planning and Development; this proposal provides the following updates:

9.1.8A: The Technical Review Committee shall consist of a representative from the following. The Zoning Administrator shall serve as chairman of the Technical Review Committee and shall be responsible for all final recommendations.

1. **Division** ~~Department~~ of Planning and Development – Land Use **and Development Services** ~~Controls~~.
2. **Division** ~~Department~~ of Planning and Development – Comprehensive Planning.
3. **Division of Planning and Development** – ~~Department of Construction Code Enforcement~~.

20.9.6.14A: Grammatical error

9.6.14A: Planned developments shall expire five years after the approval of the outline plan unless a final plan **is** filed with the Division of Planning and Development within that five-year period.

21.9.7.7F(2)(d), 9.8.2A(2) and 10.2.7B: Misspellings

9.7.7F(2)(d): The purpose of the waiver ~~wavier~~ is not based primarily upon financial consideration.

9.8.2A(2):...If any abutting property owners refuse to sign the application, the governing body may delete that portion of the right-of-way if they so choose.

10.2.7B: When such damage or destruction is 75% or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced ~~commended~~ and completed within 12 months of the date of such damage or destruction.

22. 12.3.1: Definitions

A frequent question posed to the staff responsible for administering the Code deals with the document's use of the term "large home." The definition to this type of apartment building is found in Chapter 3.4, but not the definition section of the Code. This proposal will add the definition for this term as it is found in Chapter 3.4:

12.3.1: LARGE HOME: A building with three to six attached dwelling units consolidated into a single structure. A large home is located on a single tract or lot, and contains common walls. The building looks like a conventional single-family house with a functional street facing primary entrance. Dwelling units within the building may be situated either wholly or partially over or under other dwelling units.

The Code contains several provisions mentioning arterial and connector roads; the following clarification should be made as to the exact map within the Long Range Transportation Plan that contains these designations:

12.3.1: ARTERIAL: A road designated as either a Principal Arterial or as a Minor Arterial in the **Functional Classification Map of the** MPO Long Range Transportation Plan.

12.3.1: CONNECTOR: As it pertains to specified uses permitted along connector streets, a connector shall be defined as any street identified as either a collector or connector in the **Functional Classification Map of the** Long Range Transportation Plan.

Also, the definition of "Home-Based Wedding and Event Center" needs to be amended since the current definition allows up to four events per year, regardless of whether the event is commercial or non-commercial. The revised definition below makes it

clear that up to four large events may be held at a home, but only if those events are non-commercial in nature. Commercial-based events, on the other hand, would be set to a much smaller group of no more than four individuals at a time, based on the Code's regulations regarding group instruction at homes (see Paragraph 2.7.4C(2) of the UDC, which requires a Conditional Use Permit from the Board of Adjustment for group instructions involving more than four students). Any special event that exceeds those permitted allowances would require a Special Use Permit:

12.3.1: HOME-BASED WEDDING AND EVENT CENTER: An establishment that caters to weddings or other occasional special events for large groups of individuals, including but not limited to the following: weddings, birthdays, reunions, church events, company events and anniversaries, either on a commercial or non-commercial basis. This use shall be limited to those special events that occur at a frequency of more than one time ~~four or more times~~ per calendar year. All other events are permitted as a matter of right.

Furthermore, this use shall be limited to those special events that occur largely outdoors or in structures that are open-air. For the purpose of this definition, "large groups of individuals" shall mean, for those special events operated on a non-commercial basis, at least 50 individuals present on the site at any one time and, for those special events operated on a commercial basis, at least 5 individuals present on the site at any one time. Home-based wedding and event centers may or may not occur on the same site that is occupied by a single-family residence; however, for those that occur on sites that are not occupied by a single-family residence, the use shall be limited to those special events that occur at a frequency of more than once per calendar year. Evidence of whether a special event is operated on a commercial basis may include the following: paid admission for attendees, advertising on social or other media that indicates paid admission and placement of temporary restrooms on the site.

Finally, a need exists to better define full-service hotels since all hotels must go through the Special Use Permit process and the number of amenities provided at these hotels is often a topic of discussion during the Special Use Permit public hearings.

12.3.1: HOTEL, FULL-SERVICE: A hotel that features all of the following: meeting rooms, restaurant and bar, pool and/or spa, workout space, room service and concierge service.

23. 9.3.4A: Sign posting for use variances

Use variances have the potential to impact a site as much as a rezoning or planned development, both of which require a sign to be posted on the property in advance of the public hearing. This proposal would also require a sign to be posted in advance of

a hearing related to a use variance, which requires the insertion of a new application type in the table in Sub-Section 9.3.4A entitled “use variances” with one change between it and other variances: the post of a sign (the insertion of an “SP” in the sign posting column). This was a suggestion by the Evergreen Historic District Association (see attached letter). The exception to this rule will be for use variances related to single-family housing, as is sometimes the case for homes located within zoning districts that no longer allow this use (see, as an example, BOA 2021-109); a new footnote “8” will be added to read “**Sign posting is not required for use variances for single-family residences.**”

24. 9.2.2 and 9.7.6H: Appeals of minor subdivisions

Currently, the Code allows developers whose minor subdivisions are rejected by the Zoning Administrator to appeal that rejection to the Land Use Control Board but requires opponents who would like to appeal an approval to file in court. The following change would allow both parties to appeal a minor subdivision’s approval or rejection to the Land Use Control Board (which, in turn, could be appealed to the Memphis City Council or Shelby County Board of Commissioners). This involves amendments to the following two sections of the Code:

9.2.2 (Summary of Review Table): Change the “A*” on the column entitled “Land Use Control Board” for minor subdivisions to an “**A**.” Here are the definitions of both, as listed at the bottom of those

A = Appeal

A* = Only the subject property owner or his or her representative may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

9.7.6H: Appeals of a decision by the Zoning Administrator shall be processed as an application to the Land Use Control Board and shall be filed with the Division of Planning and Development within 14 days of the date of the Zoning Administrator’s decision. ~~Only the property owner or his or her representative may appeal.~~

Exhibit A: Smoke Shop Moratorium Resolution

RESOLUTION REQUESTING A 273-DAY MORATORIUM ON THE ISSUANCE OF PERMITS FOR TOBACCO SHOPS, HEAD SHOPS, SMOKE SHOPS, AND VAPE SHOPS AND REQUESTING THE DIVISION OF PLANNING AND DEVELOPMENT TO STUDY THE HEALTH, SAFETY, WELFARE, AND SECONDARY EFFECTS ON SCHOOLS, SCHOOL AGED CHILDREN, AND ADJACENT RESIDENTIAL NEIGHBORHOODS WHILE ALSO PROPOSING ZONING AMENDMENTS THAT REFLECT SAID EFFECTS

WHEREAS, the youth are our future; issues affecting their health, safety, and well-being are paramount, and therefore, must be addressed; and

WHEREAS, the Center for Disease Control and Prevention (“CDC”) reported as recently as 2019 that tobacco product use by youth populations was on the rise despite historical efforts to mitigate the activity; and

WHEREAS, according to the CDC, use of any tobacco product grew by 38.3 percent among high school students between 2017-2018; as a result, more than 1 in 4 high school students admitted to using a tobacco product in the past 30 days; furthermore, CDC data revealed that use of a tobacco product by middle school aged children increased as well during the same period in question; and

WHEREAS, nearly all tobacco products contain nicotine; youth nicotine intake is especially injurious because the chemical compound inflicts damage upon the developing brain, impacting learning, memory, and attention; and

WHEREAS, despite widespread knowledge of the adverse effects caused by any tobacco use by youth populations, our current local zoning guidelines permit the operation of tobacco shops within proximity to elementary, middle, and high schools, presenting a health and safety risk to present, as well as future, young Memphians whose well-being must be better safeguarded; and

WHEREAS, additionally, *Prevention Science*, the official Journal of the Society for Prevention Research, examined the relationship between youth smoking and nearness of tobacco outlets to youth homes; the Journal’s findings determined that greater density of tobacco outlets within a 0.75 and 1-mile buffer of youth homes *were associated with higher smoking frequency among youth populations*; nonetheless, our current local zoning guidelines permit the operation of tobacco shops adjacent to residential neighborhoods; and

WHEREAS, as we resolve to envision an improved City of Memphis, let us do so in a manner conducive to healthier outcomes for all.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that a 273-day moratorium on the issuance of permits for tobacco shops, head shops, smoke shops, and vape shops be established, requesting the Division of Planning and Development to study the health, safety, welfare, and secondary effects on schools, school aged children, and adjacent residential neighborhoods, while also proposing zoning amendments that reflect said effects.

BE IT FURTHER RESOLVED that exceptions to this resolution will be handled on a case-by-case basis through the adoption of exception resolutions by the Memphis City Council.

I hereby certify that the foregoing is a true copy and document was adopted, approved by the Council of the City of Memphis in regular session on

FEB 16 2021

Date _____



Deputy Comptroller-Council Records

Sponsor:
Councilman Jeff Warren, M.D.

Exhibit B: Gas Station and Used Tire Shop Moratorium

A RESOLUTION REQUESTING A 245-DAY MORATOIRUM ON THE CONSTRUCTION AND OPENING OF ALL NEW GAS STATIONS AND USED TIRE SHOPS AND REQUESTING THE DIVISION OF PLANNING AND DEVELOPMENT TO STUDY THE EFFECTS ON THE CITY OF MEMPHIS AND PROPOSE ZONING AMENDMENTS THAT REFLECT SAID EFFECTS

WHEREAS, land use in the City of Memphis and incorporated Shelby County is regulated by the Memphis and Shelby County Unified Development Code (“UDC”); and

WHEREAS, Section 2.5.2 of the UDC allows gas stations in Commercial Mixed Use -1 (“CMU-1”), Commercial Mixed Use -2 (“CMU-2”), Commercial Mixed Use -3 (“CMU-3”), Central Business (“CBD”), Campus Master Plan -1 (“CMP-1”), Campus Master Plan -2 (“CMP-2”), Employment (“EMP”), and Heavy Industrial (“IH”) zoning districts as either a matter of right or upon special use approval; and

WHEREAS, Section 2.5.2 of the UDC also allows vehicle repair establishments, which, as defined in Section 2.9.4J, include used tire businesses, in CMU-1, CMU-2, CMU-3, CBD, CMP-1, CMP-2, EMP, Warehouse and Distribution and IH zoning districts as a matter of right or upon special use approval; and

WHEREAS, within the last three (3) years, the Division of Planning and Development (“DPD”) has received 19 new gas station applications for special use permits; and

WHEREAS, although the national average for gas stations per 10,000 people is four (4), Memphis has six (6) per 10,000 people; and

WHEREAS, the proliferation of gas stations and used tire shops in our communities of color is especially concerning; and

WHEREAS, sixty percent (60%) of gas stations within the city of Memphis are currently located within census tracts that are seventy-five percent (75%) black; and

WHEREAS, the majority of used tire shops are located in or near communities of color; and

WHEREAS, the proximity of gas stations and used tire shops to neighborhoods is diminishing citizens enjoyment of their community due to the various activities that may occur on these properties; and

WHEREAS, as we plan for a brighter Memphis in accordance with the Memphis 3.0 plan, we must consider whether more gas stations and used tire shops is in the best interest of our citizens.

OPD
Council Office
#38

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council issues this moratorium on the construction and opening of all new gas stations and used tire shops within the city of Memphis for a period of 245-days, effective upon the adoption of this resolution.

BE IT FURTHER RESOLVED by the Memphis City Council that the DPD shall study the effects of new gas stations and used tire shops on the city of Memphis and propose zoning amendments in accordance with the results.

Sponsor: Councilwoman Rhonda Logan
Councilwoman Michalyn Easter-Thomas
Councilman Jeff Warren

Chairman: Chairman Frank Colvett, Jr.

I hereby certify that the foregoing is a true copy
and document was adopted, approved by the
Council of the City of Memphis in regular
session on

Date MAR 16 2021

Valerie C. Snipes
Deputy Comptroller-Council Records

Exhibit C: Comments Received



August 24, 2021

Josh Whitehead, Zoning Administrator
Office of Land Use and Development Services

RE: ZTA 21-2

Mr. Whitehead:

Please review our comments on this most recent update to the Unified Development Code.

Item 2, Smoke Shops

2.6.3S Included in this Use Standard is a distance requirement of 500 feet from the smoke shop to any school or park. Increase this distance.

Considering the Public Health study that is cited in this amendment, would it not be prudent to increase that distance between the smoke shop and any school or park?

During the preparation of my capstone project for my master's degree in City Planning, the project was a location and market analysis for establishing a public parking garage in the Pinch District to serve the Pyramid Area and other uses in the area, I reviewed the work of Wilbur Smith and Associates. According to W. Smith and Associates a ¼ mile radius is the maximum outward distance that a consumer would consider parking and thus walking to a destination. I would suggest this distance would be a good beginning point for establishing a minimum distance between these incompatible uses. In other words, let's attempt to locate a smoke shop outside of the maximum comfortable walking distance for the population that is most negatively impacted by them, school aged children.

Item 13: Parking Pads

4.5.2C(1)(d)

THANK YOU. This has been a problem in the mid-town area for a long time especially along heavily traveled thoroughfares.

We would like to work with your office to discuss circular driveways. In many instances this becomes a default front yard parking pad.

NEW ITEM:

Notification for Use Variances and Conditional Use Variances- This application process should include the posting of a Public Notice Sign.



I have mentioned this before during the review of prior ZTA's but failed to get any traction.

A Use Variance is similar in most respects to a rezoning of property. If activated within the threshold of its required time line, it has the weight of zoning in that once enacted, its approval runs with the land.

Yet, unlike a request to change zoning that requires mailed notice the posting of a sign, and notice via a newspaper of general circulation, see chart below, a Use Variance only requires only mailed public notice.

9.3.4 Public Hearings and Notification

A. Required Hearings and Notification

A public hearing shall be required and notification given as set forth below.

	x-ref	Public Hearing					Public Hearing Notice			Public Notice Mailed To			
		Board of Adjustment	Technical Rev. Committee	Landmarks Commission	Land Use Control Board	Governing Bodies	Sign Posted	Mailed	Newspaper Publication	Subject Property Owners	Adjacent Owners ¹	Owners within 500 FT. Radius ¹	Neighborhood Associations ²
Text Amendment	9.4				PH	PH			LUCB/GB				
Zoning Change & Residential Corridors	9.5 & 8.5				PH	PH	SP	M	GB	■	■	■	■
Comprehensive Rezoning	9.5.12				PH	PH	SP	M	LUCB/GB	■			
Special Uses & Planned Developments:													
Special Uses & Special Use Amendments	9.6 & 9.6.12A				PH	PH-AO	SP	M		■	■	■	■
Special Use Major Modifications	9.6.12B				PH	PH-AO	SP	M		■	■	■	■
Special Use Minor Modifications	9.6.12C				PH-AO			M-AO		■	□		□
P. D. Outline Plan & Amendments	9.8 & 9.8.11E(1)				PH	PH-AO	SP	M		■	■	■	■
P. D. Major Modifications	9.8.11E(2)				PH	PH-AO	SP	M		■	■	■	■
P. D. Minor Modifications	9.8.11E(3)				PH-AO			M-AO		■	□		□
P. D. Final Plan	9.8												
P. D. Public Contract	9.8												

Major Certificate of Appropriateness	8.6.3			PH				M		■	■	■?	
Historic District (Demolition by Neglect)	8.6.4			PH-AO						□	□		
Variance ² and Cond. Use Perm.	9.22 & 9.24 2.4.5, 9.22.9	PH						M		■	■	■	
Board of Adjustment Correspondence	9.22.1E(2) & 9.24.10	PH						M		■	■		
Administrative Decision		PH-AO								□			
Change in Nonconforming Use Permit	10.2.5	PH						M		■	■	■	



A Conditional Use Variance is similar to a Special Use Permit. Only uses in the Chart identified with a "C" A can be considered for a Conditional Use Permit and then if and only if, they are deemed to meet the requirements. This is also true for a Special Use Permit, there has to be an open rectangle in the

Uses Permitted Table (2.5) for a use to be considered. Any then, if and only if, the use at the specific location is deemed to have met the criteria. But once again, this Public Hearings and Notification Chart, above, treats the two applications differently. A Special Use Permit requires the 500 foot mailed notice plus the posting of a Public Notice Sign. The Conditional Use Permit only requires the mailed public notice.

Both forms of a variance have the potential to impact a larger area than just the properties in close proximity. Neighbors and Neighborhood Associations should have the opportunity to provide comment and attend the public hearings.

Respectfully Submitted:

John D. Jones

John D. Jones
EHDA Planning, Zoning, Code Enforcement Committee



Joint Ordinance No.: _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, by the provisions of section 2 of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative bodies of the City of Memphis and the County of Shelby the authority to regulate the subdivision and resubdivision of land within three miles of the corporate limits of the City of Memphis into two or more parts; and

WHEREAS, by provisions of T.C.A. title 54, ch. 10 [§ 54-10-101 et seq.], the General Assembly of the State of Tennessee conferred on the legislative body of Shelby County the authority to open, close or change public roads within the areas subject to its jurisdiction; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, the Executive Office of Shelby County is one of the entities identified by the Unified Development Code as one that may initiate amendments to the Code; and

WHEREAS, the Office of the Shelby County Mayor submitted its request to amend the Unified Development Code in such a way that would enable the regulation of oil pipelines; and

WHEREAS, The Unified Development Code should reflect the adoption of the amendments presented by the Office of the Shelby County Mayor; and

WHEREAS, The Memphis and Shelby County Land Use Control Board approved these amendments at its April 8, 2021, session;

NOW, THEREFORE, BE IT ORDAINED, By the City Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee that Joint Ordinance Nos. 5367 and 397, is hereby amended as follows:

SECTION 1, CASE NO. ZTA 21-1. That various sections of the Unified Development Code be hereby amended as reflected on Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 3. That only those portions of this Joint Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.

SECTION 4. That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective _____, 2021.

Chairman
Frank Colvett, Jr.

APPENDIX A

(additions to the Code, as presently written, are indicated in **bold, underline**; **red language** indicates amendments made by the Shelby County Board of Commissioners during its August 9, 2021, session)

Amend Section 2.5.2:

Insert a new use category, “**Oil pipeline**,” and permit this use by right in all zoning districts. Also, add a reference to a new use standard for this use in the far-right column, a new Sub-Section **2.6.2L**.

Insert a new Sub-Section 2.6.2L:

2.6.2L Oil Pipelines

Newly constructed oil pipelines shall be constructed no closer than 1500 feet of any existing school, place of worship, park, family recreation center, or any residential use, as measured from the center line of the oil pipeline to the building footprint of the school, place of worship, park, family recreation center, or residence. Oil pipelines established prior to the effective date of this Development Code that do not comply with the 1500 foot setback requirement herein may maintain, repair or replace those existing oil pipelines in accordance with Article 10, Nonconformities.

This subsection does not apply to existing and new oil pipelines located within the property boundaries of an oil refinery, oil terminal, associated docks or processing facilities, or a retail service station and providing service to that oil refinery, oil terminal, associated dock or processing facility, or a retail service station, nor does this subsection apply to any other pipeline that is not an oil pipeline as defined in Subsection 12.3.1.

New pipelines within existing rights of way that do not meet the setback requirements of this subsection may be pursued through the Special Exception process (see Chapter 9.14). Any expansion that would enable the increase in the volume of existing pipelines that do not meet the setback requirements of this subsection may also be pursued through the Special Exception process (see Chapter 9.14).

Amend Section 12.3.1:

OIL PIPELINE: any tube, usually cylindrical, through which crude oil ~~petroleum~~ flows from one point to another and which is used for transportation of crude oil from one entity to another. A pipeline that is located within the property boundaries of an oil refinery, oil terminal, associated docks or processing facilities, or a retail service station and providing service to that oil refinery, oil terminal, associated docks or processing facilities, or retail service station is not an oil pipeline for the purposes of Subsection 2.6.2L.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 09/21/2021
DATE**

**PUBLIC SESSION: 09/21/2021
DATE**

**FIRST READING: 08/17/21
DATE**

ITEM (CHECK ONE)

ORDINANCE _____ CONDEMNATIONS _____ GRANT ACCEPTANCE / AMENDMENT
 _____ RESOLUTION _____ GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 _____ OTHER: _____

ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Unified Development Code regarding the creation of a Well Head Overlay Protection District. The following item was heard by the Land Use Control Board and a recommendation made. (LUCB DATE: **Sept. 9, 2021**)

CASE NUMBER: ZTA 21-3 (*this is already classified by Council Records as Ordinance No. 5795*)

LOCATION: City of Memphis

APPLICANT: Memphis City Council

REPRESENTATIVE: Josh Whitehead, Zoning Administrator

REQUEST: Adopt amendments to the Memphis and Shelby County Unified Development Code

AREA: This text amendment affects all property within the City of Memphis

RECOMMENDATION: Division of Planning and Development: Approval
 Land Use Control Board: Approval

RECOMMENDED COUNCIL ACTION: Publication in a Newspaper of General Circulation *Required*

PRIOR ACTION ON ITEM:

(2) _____ APPROVAL - (1) APPROVED (2) DENIED
 9/9/2021 _____ DATE
 (1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
 _____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER _____

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
_____	_____	DIRECTOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

_____ **CHIEF ADMINISTRATIVE OFFICER**
 _____ **COMMITTEE CHAIRMAN**

Ordinance No.: _____

AN ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, by the provisions of section 2 of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative bodies of the City of Memphis and the County of Shelby the authority to regulate the subdivision and resubdivision of land within three miles of the corporate limits of the City of Memphis into two or more parts; and

WHEREAS, by provisions of T.C.A. title 54, ch. 10 [§ 54-10-101 et seq.], the General Assembly of the State of Tennessee conferred on the legislative body of Shelby County the authority to open, close or change public roads within the areas subject to its jurisdiction; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, the governing body of the City of Memphis is one of the entities identified by the Unified Development Code as one that may initiate amendments to the Code; and

WHEREAS, the Council of the City of Memphis submitted its request to amend the Unified Development Code in such a way that would enable the creation of a Well Head Overlay Protection District; and

WHEREAS, The Unified Development Code should reflect the adoption of the amendments presented by the Council of the City of Memphis; and

WHEREAS, The Memphis and Shelby County Land Use Control Board approved these amendments at its September 9, 2021, session;

NOW, THEREFORE, BE IT ORDAINED, By the City Council of the City of Memphis that Ordinance No. 5367, is hereby amended as follows:

SECTION 1, CASE NO. ZTA 21-3. That various sections of the Unified Development Code be hereby amended as reflected on Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 3. That only those portions of this Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.

BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective _____, 2021.

Chairman
Frank Colvett, Jr.

APPENDIX A

(all language below will be new to the Code; red language represents amendments made by the Land Use Control Board to ordinance as it relates to the version initiated by City Council)

ORDINANCE NO. 5795

ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A WELL HEAD OVERLAY PROTECTION DISTRICT FOR THE CITY OF MEMPHIS

Chapter 8.12, Well Head Overlay Protection District

8.12.1 STATUTORY AUTHORITY, FINDING OF FACT, PURPOSES AND OBJECTIVES.

(A) Statutory authority.

(1) The Federal Safe Drinking Water Act, P.L. 93-523 (the “Act”) delegates responsibility to protect public water systems within the United States to the United States Environmental Protection Agency (the “EPA”) and requires each state to adopt and submit to the Administrator of the EPA a state program to protect **well head wellhead** areas within their jurisdiction from contaminants which may have any adverse effect on the health of its inhabitants.

Pursuant to the Act, the state of Tennessee adopted the Tennessee Safe Drinking Water Act of 1983, Tenn. Code Ann. §§ 68-221-701, *et seq.*(the “Tennessee Water Act”).

The Tennessee Water Act vests control and responsibility in the Commissioner of the Tennessee Department of Environment and Conservation (“TDEC”), as an agent of EPA to protect all waters of the State and to provide general supervision of all public water systems throughout the state.

The Tennessee Water Act defines waters of the State as all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee, or any portion thereof, and therefore includes waters within or that flow through any **aquifers aquifers** below the boundaries of the City and County;

TDEC adopted rules and regulations for Drinking Water Source Protection, Tenn. Comp. R. & Regs. 0400-45-01-.34 (“TDEC Regulations”), in which TDEC adopted a state program to protect **well heads wellheads** in the State.

The EPA approved the State of Tennessee as the entity with primary responsibility for public water systems in Tennessee in accordance with the Tennessee Water Act and the TDEC Regulations.

Memphis Light Gas & Water Division has been authorized under Section 679 of the City’s Charter the power and authority to construct, purchase, improve, operate and maintain a public water plant or system within the City, including, without limitation, wells, pumping plants, reservoirs, pipes, and all accessory apparatus, buildings and lands, rights-of-way and easements, and all other appurtenances usual to such plants or systems, for the purpose of producing, distributing, supplying or selling water to the City of Memphis, or to any person, firm, public or private corporation, or to

any other user or consumer, in the City of Memphis or elsewhere in Shelby County.

The MLGW's Water System is a "public water system" ("PWS") under the Act, the Tennessee Water Act and the TDEC Regulations; the watersystem and MLGW as a supplier of water are subject to the provisions of the Act, the Tennessee Water Act and TDEC Regulations;

MLGW as manager of the City's PWS has developed and submitted to TDEC, from time to time, Well Head Protection Plans as required by the TDEC Regulations; the current well head protection plan has been approved by TDEC and is in full force and effect within MLGW's areas of operation within the City and County.

TDEC Regulations authorize municipalities in consultation with managers of a public water system to adopt ordinances, subject to TDEC approval, which limit the future location of any potential contamination source or activities within the area designated as Zone 1 of a protection plan.

The Council desires to adopt reasonable regulations to protect the most vulnerable areas surrounding the City's well heads while accommodating the constitutional property rights of owners of real property in the City to engage in responsible and proper development activities thereon.

(B) Finding of facts.

(1) Protection of ground water supplies can be achieved by designating areas around well heads within which certain land use activities are restricted or prohibited.

(2) An area immediately surrounding a well head is necessary and requires a higher degree of regulation. This area shall be designated Zone 1.

(3) An area incorporating and adjacent to Zone 1, which represents a capture zone, approved by TDEC that is determined on the basis of groundwater flow and direction, is designated as Zone 2 and does not require the highest degree of regulation.

(4) A potential contaminant source inventory has been completed for well head areas and within the corporate limits of the City of Memphis and included in the well head protection plan prepared by MLGW and approved by TDEC.

(C) Statement of purpose.

(1) The purpose of this Ordinance is to protect the public water supply for the City of Memphis from land uses at or near City wells within the ~~Well Head Wellhead~~ Protection Areas, Zone 1 and 2, which may, as a result of normal or abnormal operation thereof, cause release to the ground waters of the City any pollutant, material or contaminant substance defined in Tennessee Code Annotated 69-3-101 *et seq.* The City of Memphis creates the Well Head Protection Overlay District to implement the stated purposes.

(2) The ~~Well Head Wellhead Overlay~~ Protection ~~Overlay~~ District shall be deemed an overlay on the existing zoning districts as described and mapped by the Unified Development Code.

(3) This Ordinance is also enacted to create a system for regulation or restriction of land use activities at or near City wells that store, handle or produce hazardous and regulated substances identified in the City's Well Head Protection Plan with an emphasis on providing the highest level

of protection for areas designated Zone 1 in said plan.

(4) This Ordinance also requires the use of best management practices for the protection of ground water sources. The City of Memphis designates an officer of Memphis Light Gas and Water Division, who shall be appointed by the Mayor and approved by the City Council, as the responsible agent to act for the City (“Well Head Administrator”) in the administration of this overlay ordinance.

(4) The ~~Well Head Wellhead Overlay~~ Protection ~~Overlay~~ District is enacted to comply with and carry out the objectives of the Act, the Tennessee Water Act and the TDEC regulations.

8.12.2 DEFINITIONS.

For the purpose of this Ordinance, the definitions in the Tennessee Water Act, Tenn. Code Ann § 68-221-703, which are hereby adopted by reference, shall apply in the administration of this ordinance unless the context clearly indicates or requires a different meaning. The following additional definitions shall also apply in the same manner:

AQUIFER. A geologic formation, group of formations or part of a formation capable of storing and yielding groundwater to wells or springs.

BEST MANAGEMENT PRACTICES. Operational procedures for handling, storage and disposal of regulated substances and procedures which are designed to minimize the impact of certain activities or land uses on groundwater quality and quantity.

CERTIFICATE OF CONFORMANCE. A document issued by the ~~Well Head Wellhead~~ Administrator for the City of Memphis which certifies that a proposed development meets or exceeds the requirements of this Ordinance and the TDEC regulations.

CONSTRUCTION. Includes building, erecting, moving or any physical operations on the premises which are required for construction. Excavation, fill, paving and the like shall be considered part of construction.

HAZARDOUS CONTAMINANT MATERIALS. Any pollutant, material or contaminant substance defined in Tennessee Code Annotated §§ 69-3-101, et seq.

POTENTIAL CONTAMINANT SOURCES. Any land uses or activities described in the guidance document published by TDEC and referred to in the TDEC Regulations.

RESPONSIBLE AGENT OF THE CITY. The Well Head Administrator, as the responsible agent for the City, reviews all development applications and plans within the ~~Well Head Wellhead~~ Protection Area, makes any necessary interpretation of ~~Well Head Wellhead~~ Protection Area, Zone 1 and Zone 2, reviews any other related matters that may arise in the administration of this Ordinance and makes recommendations to the land use control board and/or the applicable governing body regarding proposed land uses within a WPA.

SITE PLAN SUBMISSION AND ADMINISTRATION REQUIREMENTS. The plans to be included in any application for a development and special use permit hereunder, which are

specified in this ordinance.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC). The state agency, authorized by the United States Environmental Protection Agency to adopt and enforce provisions of the Federal Safe Drinking Water Act which mandates the protection of public water supplies that utilize a ground water source.

WELL HEAD ~~WELLHEAD~~ OVERLAY PROTECTION ~~OVERLAY~~ MAP. A map generated and maintained by MLGW illustrating the location of **Well Head ~~Wellhead~~** Protection Areas, Zone 1 and Zone 2. The map is available for inspection at the office of the Wellhead Administrator.

WELL HEAD ~~WELLHEAD~~. The specific location of the source area for water which is withdrawn from a well or spring.

WELL HEAD ~~WELLHEAD~~ PROTECTION AREA (WPA). The surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such well or wellfield. The areas of the City of Memphis, designated as **Well Head ~~Wellhead~~** Protection Area, Zone 1 and Zone 2.

WELL HEAD ~~WELLHEAD~~ PROTECTION OVERLAY PROTECTION DISTRICT. An overlay district on the existing zoning districts which represents the area covered by **Well Head ~~Wellhead~~** Protection Areas, Zone 1 and Zone 2.

8.12.3 AUTHORITY AND APPLICABILITY.

(A) Application

Except for activities and land uses exempted by this Ordinance or state law, the regulations set forth in this Ordinance shall apply to all **of those** land uses and activities **listed below as contained in Section 0400-45-01-.34(1)(d)(8) of the February, 2019 (Revised) Rules of Tennessee Department of Environment and Conservation, Division of Water Resources, and as defined in the Memphis and Shelby County Unified Development Code that are** located or proposed within the area(s) delineated as the **Well Head ~~Wellhead~~** Protection Area(s) in the City of Memphis on a map available for inspection at the offices of the Well Head Administrator located at MLGW's main offices:

- (1) Automobile repair;
- (2) Convenience stores with gas pumps, gas stations, service stations and truck stops and tractor trailer (fueling of);
- (3) Junkyards and salvage yards;
- (4) Machine shops and metal fabrication shops;
- (5) Chemical manufacturers;
- (6) Electronic and electrical equipment manufacturers;
- (7) Boat manufacturers;
- (8) Oil distributors, petroleum bulk stations and terminals;
- (9) Crude oil pipelines located within rights-of-way that did not exist as of the passage of this Ordinance;

- (10) Bus and truck terminals;
- (11) Storage or mixing areas for commercial fertilizers, pesticides and herbicides;
- (12) Landfills and dumps;
- (13) Facilities that generate, treat or dispose of hazardous waste;
- (14) Concentrated animal feedlots;
- (15) Golf courses and
- (16) Resource extraction facilities.

(B) Basis for establishing the ~~Well Head Wellhead~~ Protection Area.

(1) The Tennessee ~~Well Head Wellhead~~ Protection Regulations (Rule 0400-45- 01-.34) require that every Public Water System (PWS) in the state set up a two-zone protection system for its groundwater sources.

(2) MLGW, utilizing the groundwater flow model with the approval of TDEC, has established a two-zone protection system for the City of Memphis’s groundwater resources.

(C) Requirement for development and use permit.

(1) A special development and use permit shall be required in conformity with this Ordinance prior to the commencement of any development activity within a WPA. No special development and use permit shall be issued without first obtaining a certificate of compliance from the Well Head Administrator.

(2) Prior to site plan approval by the Land Use Control Board, the applicant of a non-exempt project shall obtain a certificate of conformance with this ordinance from the Well Head Administrator in a timely manner for all proposed development and land-use activities in ~~Well Head Wellhead~~ Protection Areas (Zone 1 and Zone 2) within the City of Memphis.

(3) If, upon review of the site plan, the Well Head Administrator determines that additional information is necessary to completely evaluate the proposed development, the Well Head Administrator may refer the development plan to MLGW’s water division staff for review and investigation prior to making a decision on the plan for a certificate of conformance.

(D) *Compliance.* No structure or use shall hereafter be located, extended, converted or structurally altered in a Well Head Protection Area without full compliance with the terms of this Ordinance and other applicable regulations.

(E) Interpretation of ~~Well Head Wellhead~~ Protection Area.

(1) Where interpretation is needed as to the exact location of any boundary of ~~Well Head Wellhead~~ Protection Area, Zone 1 and Zone 2, the Well Head Administrator shall make the necessary interpretation. The Well Head Administrator shall also be responsible for review of all development plans within ~~Well Head Wellhead~~ Protection Areas and other related matters that may arise in the administration of this Ordinance.

(2) The person contesting the location of the ~~Well Head Wellhead~~ Protection Area, Zone 1 and Zone 2, shall be afforded reasonable opportunity before the Land Use Control Board to present any technical evidence he or she may wish to support his or her position. Any proposed adjustments shall be based on the same modeling techniques used by MLGW in the latest approved delineation of Zone 1 and Zone 2 by TDEC.

(F) Conflict with other provisions.

(1) The requirements of Well Head Protection Areas (Zone 1 and Zone 2) are additional to those contained in the basic underlying zoning districts.

(2) Where any conflicts exist between the provisions of this Ordinance and any other provisions of the Unified Development Code and any other ordinance of the City of Memphis, these provisions shall govern.

(G) *Exempt Land Uses and Activities.* Notwithstanding any provision of this Ordinance or any other Ordinance applicable to the City to the contrary, the requirements of this ordinance shall not apply to existing crude oil pipelines, including any activities related to the maintenance, repair, or replacement thereof, or ~~construction of new oil pipelines in existing rights-of-way or easements for existing oil pipelines even if such pipelines, easements or rights-of-way are within any existing or future zoning setbacks. This ordinance does not apply to~~ any new or existing crude oil pipeline that is located within the property boundaries of an oil refinery, oil terminal, associated docks or processing facilities, or a retail service station and providing service to that oil refinery, oil terminal, associated docks or processing facilities, or retail service station. ~~Any expansion that would enable the increase in the volume of existing crude oil pipelines in the Well Head Overlay Protection District may be pursued through the Special Exception process (see Chapter 9.14). New crude oil pipelines within existing rights-of-way located in the Well Head Overlay Protection District may be pursued through the Special Use Permit process (see Chapter 9.14).~~

(H) *Applicant's responsibility.* It shall be the responsibility of any person owning real property and/or owning or operating a business within the City of Memphis to make a determination of the applicability of ~~Well Head Wellhead Overlay Protection Area Overlay~~ Districts as it pertains to the property and/or business under his or her ownership or operation before changing the use and development of the property and his or her failure to do so shall not excuse any violations of this ordinance.

(I) *Penalties for violation.* Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be subject to enforcement action by TDEC and/or the City.

(J) *Abrogation and greater restrictions.* This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(K) *Nonconforming and Vested uses.* Nonconforming and/or vested uses may continue in the overlay district in the form in which they exist at the time of the adoption of this ordinance in accordance with state law. In the event such nonconforming and/or vested uses shall pose a direct hazard to the public water supply, the City of Memphis may take any action permitted by law to abate the hazard.

8.12.4 REVIEW OF APPLICATIONS FOR DEVELOPMENT AND USE PERMITS

Application Requirements

- A. An application for a development and special use permit shall be submitted with a site plan in accordance with **Chapter 9.6 Section 9.3.3**, Application Requirements of the UDC and Part VI of this Ordinance.
- B. The Zoning Administrator in consultation with the Well Head Administrator shall establish and publish specific submittal requirements for development and special use permits applications.
- C. Upon completion of the technical review, the Well Head Administrator may meet with the applicant to discuss any changes in development design and/or requirements.
- D. The Zoning Administrator shall prepare a report that reviews the application in light of comments provided by the Well Head Administrator, and in light of any plans to be considered and the general requirements of this Ordinance. The report, site plan or outline plan, special use request and any related application materials shall be forwarded to the Land Use Control Board.

8.12.5 Land Use Control Board Action

- A. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, of the UDC Public Hearings and Notification.
- B. The Land Use Control Board shall, after deliberation and prior to the close of the public hearing, recommend approval, rejection, approval with conditions or take the matter under advisement or defer decision in accordance with Sub-Section C below.
- C. The Land Use Control Board may defer a decision for a period not to exceed three months after the initial public hearing at the request of the applicant. The Board may defer a decision for a period not to exceed one month without the consent of the applicant.

8.12.6 Governing Body Action

- A. The LUCB's recommendation and conditions of approval shall be forwarded to the appropriate governing body within 14 days from the close of the public hearing, or the receipt of a revised site plan reflecting the LUCB's action, whichever is later; however, in no instance shall the matter be forwarded to the appropriate governing body any more than 60 days after the LUCB's action. If a revised site plan has not been submitted to the Division of Planning and Development within 60 days of LUCB action, the site plan reviewed by the LUCB shall be forwarded to the appropriate governing body. If there is no objection/appeal, no public hearing is required before the governing bodies.
- B. The governing bodies shall approve or disapprove the development and special use permit and shall set forth any conditions imposed.
- C. Upon Appeal
 - 1. Appeals of Land Use Control Board approval for items that otherwise would not go to the governing bodies may be made by an individual who was either present at the Land Use Control Board meeting and made a vocal objection or submitted written comments to the Division of Planning and Development prior to the Land Use Control

Board meeting. A written notice of appeal shall be filed with the Zoning Administrator within 14 days after the date of the close of the public hearing.

2. If an appeal is filed by the applicant, or opponents to the proposed development and special use, the governing body shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification, on the application after receipt of the decision of the Land Use Control Board and the recommendations of the Well Head Administrator. The governing body shall approve or disapprove the development and special use permit and shall set forth any conditions imposed.

8.12.7 Approval Criteria

No development and special use permit shall be approved unless the following findings are made concerning the application:

- A. The project will not be a significant potential contaminant source, which may have an adverse effect on the health of persons in proximity of the proposed use and development.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will use appropriate measures for spill response, notification and prevention and for implementation of best management practices appropriate for the proposed development.
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The governing body may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

8.12.8 Permissible Conditions of Approval by Governing Body

- A. In granting approval of a development and special use permit hereunder, the governing body may impose reasonable conditions on the project if it would be listed on MLGW's potential contaminant source inventory if approved, which serve to assure that the required findings are upheld. Such conditions may require an applicant for such a project to submit and obtain approval from TDEC of a pollution prevention plan, which shall include provisions for spill response, notification and prevention and implementation of best management practices appropriate for the proposed development and use before commencement of any development activities. Any such pollution prevention plan shall be consistent with and subject to TDEC Regulations for Drinking Water Source Protection pertaining to "Prohibitions in Source Water Protection Areas."
- B. Any additional condition approved by the governing body shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent

assigns to adhere to its terms.

1. The Zoning Administrator, following consultation with the Well Head Administrator, if appropriate, shall act on the revised plan within 21 days.

8.12.9 Revisions to Approved Special Use Permits

Revisions to approved Special Use Permits shall be classified as minor modifications, which may be approved by the Well Head Administrator and the Zoning Administrator; major modifications, which may be approved by the Land Use Control Board; and amendments, which require the approval of the governing bodies.

A. Amendments

Any revision to an approved Development and Special Use Permit that does not meet the provisions for Major or Minor Modifications set out below shall be processed as an amendment.

B. Major Modifications

Time extensions (see Sub-Section 9.6.14B) to and requests to exceed the 24-month limitation on discontinuance (see Sub-Section 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16. In addition, revisions to site plans, elevations or conditions approved in accordance with approved development and special use permits that do not meet the standards below set out for minor modifications (see Sub-Section 9.6.12C) shall be processed as major modifications.

C. Minor Modifications

1. Modifications may be approved by the Zoning Administrator in consultation with the Well Head Administrator if they are within the scope and intent of the original approval. Minor modifications shall include, but are not limited to, the following:
 - a. A less than five percent increase, or any decrease, in the development area.
 - b. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:
 1. Less than 25 feet for site plans of two or less acres;
 2. Less than 50 feet for site plans of more than two but less than eight acres;
 3. Less than 100 feet for site plans of eight acres but less than 20 acres; and
 4. Less than 150 feet for site plans of 20 acres or more.
 5. The correction of drafting errors on the approved plan.
 - c. Modifications to the parking or landscaped areas that meet the provisions of this Code.
2. The following items shall be considered by the Well Head Administrator and the Zoning Administrator in approving minor modifications:
 - a. Compliance with all applicable requirements of this development code;

- b. That the modification will not have a substantial or undue adverse effect upon adjacent properties, the neighborhood, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare; and
 - c. That the proposed modification will not result in the destruction, loss, or damage of any significant natural, scenic, or historic district, site, or feature.
3. The Zoning Administrator in consultation with the Well Head Administrator may include conditions to insure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.
 4. The Zoning Administrator shall notify the applicant whether the proposed revision qualifies for administrative approval and the basis for the determination.
 5. The Zoning Administrator shall distribute copies of the revised plan to the appropriate agencies.
 6. The Zoning Administrator, following consultation with the WellHead Administrator, if appropriate, shall act on the revised plan within 21 days.

8.12.10 Effect of Special Use Decisions

- A. If the governing body votes to deny an application, there may be no subsequent similar application submitted by any party for any part of the subject property until 5 years have elapsed from the date of denial, or from the date any appeal thereof becomes final, whichever is later. This 5-year period shall also apply to: 1) those cases on which the Land Use Control Board conducts a vote but are withdrawn before the governing body may act and 2) those cases involving modifications (see Sub-Section 9.6.11E and Section 9.6.12) and appeals (see Sub-Section 9.23.1C) on which the Land Use Control Board conducts a vote and no further action by the governing body is taken. The governing bodies may waive the time-lapse requirements of this section where it is in the public interest to do so. For the purpose of this Sub-Section, “similar application” shall be interpreted to include, but is not limited to, those applications requesting a use not permitted in the underlying zoning district or permitted by issuance of a special use permit, a same or similar use, pursuant to the use categories provided in this Code.
- B. Unless otherwise conditioned, the development and special use permit and any conditions imposed, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.
- C. A development and special use permit shall be noted on the ~~Well Head Wellhead Protection~~ Overlay ~~Protection~~ Map.
- D. The issuance of a development and special use permit for a particular use shall not allow the development of the site for the special use, but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, building permits and certificates of occupancy.
- E. The Zoning Administrator shall not issue a certificate of construction for a special use permit if any of the conditions imposed by the governing body in the approval have not been met.

8.12.11 Period of Validity

- A. Development and special use permits shall be implemented within 24 months of final approval or such permits shall be void, unless conditioned otherwise. Where applicable, an application for a time extension may be filed as a Major Modification subject to Sub-Section 9.6.12B. An application for a time extension shall be filed before the date of expiration or within 12 months after the date of expiration and shall further be subject to the provisions of Chapter 9.16. Only one 24-month time extension is permitted.
- B. If a development and special use permit has not been in use for any consecutive 24-month period, the permit shall be void. The applicant, at the time of a request for a certificate of occupancy, shall be responsible for providing proof to the Building Official of such continued use.

8.12.12 Revocation of a Special Use Permit or Planned Development

- A. If any conditions of a development and special use permit or other requirements of this ordinance are violated, the governing body may revoke all or a portion of a development and special use permit.
- B. Revocation may occur after an evidentiary hearing is conducted by the governing body. The governing body may refer the matter to the Land Use Control Board for a recommendation on the revocation prior to its evidentiary hearing. All hearings associated with a revocation shall be open to the public with certified notice mailed to the owner of the property that is the subject of the special use permit or planned development. Mailed notice shall be in accordance with Paragraph 9.3.4D(1).
- C. A development and special use permit may be revoked upon a constitutional majority vote of the governing body approving the development.
- D. Violation of a condition of approval shall be considered a violation of this development code and thereby subject to the provisions of Article 11, Enforcement, as well as this section.

8.12.13 Coordination with Variances

An application to the Board of Adjustment for a variance may be submitted concurrently with a request to the Land Use Control Board for a special use permit. However, decisions shall be rendered separately for any variance and the special use permit.

8.12.14 Coordination with Zoning Change Applications

An application for a special use permit may be reviewed concurrently with a zoning change application. However, decisions shall be rendered with separate votes.

8.12.15 VARIANCE REGULATIONS.

(A) The provisions of this section shall apply exclusively to areas of ~~Well Head~~ ~~Wellhead~~ ~~Overlay~~ Protection ~~Overlay~~ Districts. In applying for a variance, the following provisions apply.

(B) Board of Adjustment:

(1) The Board of Adjustment (the "Board") shall hear and decide requests for variances from the requirements of this chapter. The Board shall not consider any application for a variance

from the provisions of this Ordinance until the Well Head Administrator has had an opportunity to review the application and make a written recommendation to the Board. The Well Head Administrator shall have 45 working days from the filing of any application for a variance from this Ordinance to review and issue its recommendation. The applications shall be advertised for public hearing for the next regularly scheduled Board meeting following the expiration of the 45-day period.

(2) Variances may be issued for the use of property upon a determination from the Board that the proposed use will not cause, materially contribute to or create a material risk of any adverse effect upon the municipal water source, under reasonably possible hydrologic or geologic conditions. All technological evidence shall be based on the most recent modeling techniques defined in ~~Well Head Wellhead~~ Protection Area, Zone 1 and Zone 2 reports, approved by TDEC.

(3) In reviewing a variance application, the Board of ~~Adjustment Zoning Appeals~~ shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

(a) The practical difficulty and hardship on the property owner related to the use and enjoyment of the property caused by the regulation or restriction as enacted within the ~~Well Head Wellhead~~ Protection Areas, Zone 1 and Zone 2;

(b) When it is alleged there is an error in any requirement, decision or determination made by the Well Head Administrator in the enforcement or administration of this Ordinance;

(c) That no variance may be requested nor granted as a means to circumvent the intentions of this Ordinance or as a remedy for a violation of this Ordinance;

(d) May attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance;

(4) In reviewing a variance application, the Board of Adjustment shall consider the recommendation of the ~~Well Head Wellhead~~ Administrator.

8.12.16 SITE PLAN SUBMISSION AND ADMINISTRATION REQUIREMENTS.

(A) Preliminary plan.

(1) The applicant shall submit a preliminary site plan describing the concept for the development of the entire tract to the Land Use Control Board;

(2) The preliminary site plan shall conform with the site plan requirements set forth in this part and include the following additional requirements:

(a) Be drawn to a scale of one inch equals 100 feet;

(b) Including the following:

1. Location of all existing public water supply wells within 1,000 feet;

2. Location of ~~Well Head Wellhead~~ Protection Zone 1 and Zone 2 areas within 500 feet of property; and

3. Location of septic tanks (including size and capacity) and/or sewage lift stations, force mains and grease traps.

(c) Provide the regulations used to control the uses permitted in the project and the uses

specifically prohibited;

(d) Provide a complete list of the types and volumes of all hazardous materials (including fuels) used, stored, processed, handled or disposed of, other than those volumes and types associated with normal household use;

(e) Provide a description of the types of wastes generated and method of disposal including: solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges;

(f) Provide plans and documents containing information to show compliance with the performance standards;

(g) Provide other additional information as may be required by reviewing agencies regarding: the proposed use, its potential impact to water quality, hydrogeologic information, monitoring and mitigation measures.

(B) Final plan.

(1) After approval of the preliminary plan, but prior to the issuance of any construction permit and/or commencement of construction, the applicant shall have approval of the Memphis City Council and a final plan covering the entire tract or that portion proposed for development.

(2) The final plan shall:

(a) Provide a complete list of the types and volumes of all hazardous materials (including fuel) used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use;

(b) Provide a description of the types of wastes generated and method of disposal including: solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges;

(c) Provide plans and documents containing information to show compliance with the performance standards;

(d) Provide other additional information as may be required by reviewing agencies regarding: the proposed use, its potential impact to water quality, hydrogeologic information, monitoring and mitigation measures.

(3) The applicant may, if desired, submit only one final plan for the purpose of securing approval of the development plan if the plan submitted complies with all the requirements of the final plan. The Memphis City Council may amend or condition the plan and grant final approval of such a plan, as amended or conditioned after only one review.

8.12.17 MISCELLANEOUS

(A) COMPLIANCE WITH TDEC REGULATIONS. MLGW shall comply with TDEC's regulations requiring submission of an updated Well Head Protection Plan whenever there are changes in land management issues after adoption of ordinances by the local governing body. Any revision of the existing plan shall modify its provisions to address and incorporate the changes required by this ordinance. A copy of this ordinance shall be attached to any revised Plan.

(B) SEVERABILITY. If any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, such holding or declaration shall not affect the remaining parts of this Ordinance; it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held

or declared to be invalid, if any.

(C) ENACTMENT OF CITY ORDINANCE. This Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law; provided however if approval by TDEC is required the effective date of this ordinance shall be deferred until the first day of the month next following TDEC's approval.



Memphis City Council Summary Sheet

Ordinance approving a Zoning Text Amendment to amend the Unified Development Code.

1. Ordinance to approve a Zoning Text Amendment initiated by the Memphis City Council.
2. Zoning Text Amendments amend the Memphis and Shelby County Unified Development Code.
3. This particular amendment will create a Well Head Overlay Protection District.
4. The Memphis and Shelby County Land Use Control Board held a public hearing on **September 9, 2021**, and approved the Text Amendment by a vote of 9 to 0.
5. No contracts are affected by this item.
6. No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: ZTA 21-3

At its regular meeting on **September 9, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting amendments to the Memphis and Shelby County Unified Development Code described as follows:

APPLICANT: Memphis City Council

REPRESENTATIVE: Josh Whitehead, Zoning Administrator

The following spoke in support of the application:

Josh Whitehead
Sarah Houston

The following spoke in opposition to the application:

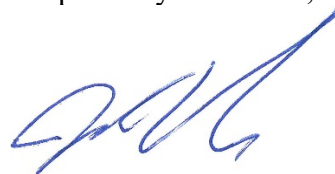
No one.

The Land Use Control Board reviewed the application of the Memphis City Council requesting amendments to the Memphis and Shelby County Unified Development Code and the report of the staff. A motion was made and seconded to recommend approval of the application.

The motion passed (9-0).

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,



Josh Whitehead
Zoning Administrator

CASE NUMBER: ZTA 21-3

L.U.C.B. MEETING: Sept. 9, 2021

AGENDA NO: 19

APPLICANT:

Memphis City Council

REPRESENTATIVE:

Josh Whitehead, Zoning Administrator

REQUEST:

Amendments to the Unified Development Code (the “UDC”) that would create a Well Head Overlay Protection District

EXECUTIVE SUMMARY

1. Sub-Section 9.3.3A of the Unified Development Code contains a list of individuals and bodies that may initiate text amendments to the Code. This includes the governing bodies, the Memphis City Council and Shelby County Board of Commissioners. This particular text amendment was initiated by the Memphis City Council by resolution on August 3, 2021 (attached hereto as Exhibit “A”).
2. The proposed ordinance is attached to this staff report (as Exhibit “B”). The proposal would create a new overlay district known as the Well Head Overlay Protection District. Under the proposed ordinance certain development within the Well Heads to the Memphis aquifer will be processed as Special Use Permits in an effort to either reject the development or condition it in such a way that minimal impact will be made to the aquifer by the proposed development.
3. Changes to the ordinance recommended by the Division of Planning and Development are indicated in **red**. These changes may be summarized as follows:
 - a. The numbering of the ordinance has been amended to align within Article 8, “Overlay Districts,” of the Code. Specifically, this ordinance will be a new Chapter 8.12.
 - b. Sub-Section 8.12.3A is being amended to limit the breadth of this ordinance to the kind of development that TDEC finds to contain potential contaminants to underground drinking sources. Only these land uses proposed within the Well Head Overlay would be processed as Special Use Permits. Without this limitation on land uses, hundreds, if not thousands, of Special Use Permits would be required on an annual basis under this ordinance.
 - c. Sub-Section 8.12.3G is being amended to match the language currently under consideration with the pipeline setback ordinance (DPD Case No. ZTA 21-1). This language exempts current pipelines within oil refineries and other uses from this ordinance and allows new pipelines within existing rights-of-way to be processed as Special Exceptions rather than Special Use Permits.
 - d. To match the caption of the ordinance, the terms “Wellhead” and “Wellhead Protection Overlay District” are being changed to “Well Head” and “Well Head Overlay Protection District” throughout the ordinance.
4. Public comments received on this matter are included as Exhibit C.

RECOMMENDATION: *Approval*

Staff Writer: *Josh Whitehead*

E-mail: josh.whitehead@memphistn.gov

EXHIBIT A
Initiation Resolution

RESOLUTION

WHEREAS, the Memphis City Council desires to adopt an Ordinance To Amend The Unified Development Code To Create A Well Head Overlay Protection District For The City Of Memphis;

WHEREAS, in accordance with the City's Charter, the UDC and applicable law the Council desires to submit the proposed ordinance to the Land Use Control Board for review and recommendation;

NOW THEREFORE BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the Zoning Administrator submit the attached ordinance to the Land Use Control Board for review and recommendation in accordance with its requirements for notice and meeting schedules and that the Zoning Administrator in consultation with MLGW prepare and submit a report to the Land Use Control Board providing an explanation of the ordinance and such recommendation, if any, that the Zoning Administrator and MLGW desires to make for consideration by the Land Use Control Board.

Sponsor: Planning and Zoning Committee

Sponsors:
Edmund Ford, Sr.
JB Smiley, Jr.
Frank Colvett

FRANK COLVETT, JR.
CHAIRMAN

EXHIBIT B
Proposed Ordinance

ORDINANCE NO. 5795

ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A WELL
HEAD OVERLAY PROTECTION DISTRICT FOR THE CITY OF MEMPHIS

Chapter 8.12, Well Head Overlay Protection District

8.12.1 STATUTORY AUTHORITY, FINDING OF FACT, PURPOSES AND OBJECTIVES.

(A) Statutory authority.

(1) The Federal Safe Drinking Water Act, P.L. 93-523 (the “Act”) delegates responsibility to protect public water systems within the United States to the United States Environmental Protection Agency (the “EPA”) and requires each state to adopt and submit to the Administrator of the EPA a state program to protect well head wellhead areas within their jurisdiction from contaminants which may have any adverse effect on the health of its inhabitants.

Pursuant to the Act, the state of Tennessee adopted the Tennessee Safe Drinking Water Act of 1983, Tenn. Code Ann. §§ 68-221-701, *et seq.*(the “Tennessee Water Act”).

The Tennessee Water Act vests control and responsibility in the Commissioner of the Tennessee Department of Environment and Conservation (“TDEC”), as an agent of EPA to protect all waters of the State and to provide general supervision of all public water systems throughout the state.

The Tennessee Water Act defines waters of the State as all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee, or any portion thereof, and therefore includes waters within or that flow through any aquifers ~~aequifers~~ below the boundaries of the City and County;

TDEC adopted rules and regulations for Drinking Water Source Protection, Tenn. Comp. R. & Regs. 0400-45-01-.34 (“TDEC Regulations”), in which TDEC adopted a state program to protect well heads ~~wellheads~~ in the State.

The EPA approved the State of Tennessee as the entity with primary responsibility for public water systems in Tennessee in accordance with the Tennessee Water Act and the TDEC Regulations.

Memphis Light Gas & Water Division has been authorized under Section 679 of the City’s Charter the power and authority to construct, purchase, improve, operate and maintain a public water plant or system within the City, including, without limitation, wells, pumping plants, reservoirs, pipes, and all accessory apparatus, buildings and lands, rights-of-way and easements, and all other appurtenances usual to such plants or systems, for the purpose of producing, distributing, supplying or selling water to the City of Memphis, or to any person, firm, public or private corporation, or to any other user or consumer, in the City of Memphis or elsewhere in Shelby County.

The MLGW's Water System is a "public water system" ("PWS") under the Act, the Tennessee Water Act and the TDEC Regulations; the watersystem and MLGW as a supplier of water are subject to the provisions of the Act, the Tennessee Water Act and TDEC Regulations;

MLGW as manager of the City's PWS has developed and submitted to TDEC, from time to time, Well Head Protection Plans as required by the TDEC Regulations; the current well head protection plan has been approved by TDEC and is in full force and effect within MLGW's areas of operation within the City and County.

TDEC Regulations authorize municipalities in consultation with managers of a public water system to adopt ordinances, subject to TDEC approval, which limit the future location of any potential contamination source or activities within the area designated as Zone 1 of a protection plan.

The Council desires to adopt reasonable regulations to protect the most vulnerable areas surrounding the City's well heads while accommodating the constitutional property rights of owners of real property in the City to engage in responsible and proper development activities thereon.

(B) Finding of facts.

(1) Protection of ground water supplies can be achieved by designating areas around well heads within which certain land use activities are restricted or prohibited.

(2) An area immediately surrounding a well head is necessary and requires a higher degree of regulation. This area shall be designated Zone 1.

(3) An area incorporating and adjacent to Zone 1, which represents a capture zone, approved by TDEC that is determined on the basis of groundwater flow and direction, is designated as Zone 2 and does not require the highest degree of regulation.

(4) A potential contaminant source inventory has been completed for well head areas and within the corporate limits of the City of Memphis and included in the well head protection plan prepared by MLGW and approved by TDEC.

(C) Statement of purpose.

(1) The purpose of this Ordinance is to protect the public water supply for the City of Memphis from land uses at or near City wells within the ~~Well Head Wellhead~~ Protection Areas, Zone 1 and 2, which may, as a result of normal or abnormal operation thereof, cause release to the ground waters of the City any pollutant, material or contaminant substance defined in Tennessee Code Annotated 69-3-101 *et seq.* The City of Memphis creates the Well Head Protection Overlay District to implement the stated purposes.

(2) The ~~Well Head Wellhead Overlay~~ Protection ~~Overlay~~ District shall be deemed an overlay on the existing zoning districts as described and mapped by the Unified Development Code.

(3) This Ordinance is also enacted to create a system for regulation or restriction of land use activities at or near City wells that store, handle or produce hazardous and regulated substances identified in the City's Well Head Protection Plan with an emphasis on providing the highest level of protection for areas designated Zone 1 in said plan.

(4) This Ordinance also requires the use of best management practices for the protection of ground water sources. The City of Memphis designates an officer of Memphis Light Gas and Water Division, who shall be appointed by the Mayor and approved by the City Council, as the responsible agent to act for the City (“Well Head Administrator”) in the administration of this overlay ordinance.

(4) The ~~Well Head Wellhead~~ **Overlay** Protection ~~Overlay~~ District is enacted to comply with and carry out the objectives of the Act, the Tennessee Water Act and the TDEC regulations.

8.12.2 DEFINITIONS.

For the purpose of this Ordinance, the definitions in the Tennessee Water Act, Tenn. Code Ann § 68-221-703, which are hereby adopted by reference, shall apply in the administration of this ordinance unless the context clearly indicates or requires a different meaning. The following additional definitions shall also apply in the same manner:

AQUIFER. A geologic formation, group of formations or part of a formation capable of storing and yielding groundwater to wells or springs.

BEST MANAGEMENT PRACTICES. Operational procedures for handling, storage and disposal of regulated substances and procedures which are designed to minimize the impact of certain activities or land uses on groundwater quality and quantity.

CERTIFICATE OF CONFORMANCE. A document issued by the ~~Well Head Wellhead~~ Administrator for the City of Memphis which certifies that a proposed development meets or exceeds the requirements of this Ordinance and the TDEC regulations.

CONSTRUCTION. Includes building, erecting, moving or any physical operations on the premises which are required for construction. Excavation, fill, paving and the like shall be considered part of construction.

HAZARDOUS CONTAMINANT MATERIALS. Any pollutant, material or contaminant substance defined in Tennessee Code Annotated §§ 69-3-101, et seq.

POTENTIAL CONTAMINANT SOURCES. Any land uses or activities described in the guidance document published by TDEC and referred to in the TDEC Regulations.

RESPONSIBLE AGENT OF THE CITY. The Well Head Administrator, as the responsible agent for the City, reviews all development applications and plans within the ~~Well Head Wellhead~~ Protection Area, makes any necessary interpretation of ~~Well Head Wellhead~~ Protection Area, Zone 1 and Zone 2, reviews any other related matters that may arise in the administration of this Ordinance and makes recommendations to the land use control board and/or the applicable governing body regarding proposed land uses within a WPA.

SITE PLAN SUBMISSION AND ADMINISTRATION REQUIREMENTS. The plans to be included in any application for a development and special use permit hereunder, which are specified in this ordinance.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC). The state agency, authorized by the United States Environmental Protection Agency to adopt and enforce provisions of the Federal Safe Drinking Water Act which mandates the protection of public water supplies that utilize a ground water source.

WELL HEAD ~~WELLHEAD~~ OVERLAY PROTECTION ~~OVERLAY~~ MAP. A map generated and maintained by MLGW illustrating the location of *Well Head ~~Wellhead~~* Protection Areas, Zone 1 and Zone 2. The map is available for inspection at the office of the Wellhead Administrator.

WELL HEAD ~~WELLHEAD~~. The specific location of the source area for water which is withdrawn from a well or spring.

WELL HEAD ~~WELLHEAD~~ PROTECTION AREA (WPA). The surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such well or wellfield. The areas of the City of Memphis, designated as *Well Head ~~Wellhead~~* Protection Area, Zone 1 and Zone 2.

WELL HEAD ~~WELLHEAD~~ PROTECTION OVERLAY PROTECTION DISTRICT. An overlay district on the existing zoning districts which represents the area covered by *Well Head ~~Wellhead~~* Protection Areas, Zone 1 and Zone 2.

8.12.3 AUTHORITY AND APPLICABILITY.

(A) Application

Except for activities and land uses exempted by this Ordinance or state law, the regulations set forth in this Ordinance shall apply to all of those land uses and activities listed below as contained in Section 0400-45-01-.34(1)(d)(8) of the February, 2019 (Revised) Rules of Tennessee Department of Environment and Conservation, Division of Water Resources, and as defined in the Memphis and Shelby County Unified Development Code that are located or proposed within the area(s) delineated as the *Well Head ~~Wellhead~~* Protection Area(s) in the City of Memphis on a map available for inspection at the offices of the Well Head Administrator located at MLGW's main offices:

- (1) Automobile repair;
- (2) Convenience stores with gas pumps, gas stations, service stations and truck stops and tractor trailer (fueling of);
- (3) Junkyards and salvage yards;
- (4) Machine shops and metal fabrication shops;
- (5) Chemical manufacturers;
- (6) Electronic and electrical equipment manufacturers;
- (7) Boat manufacturers;
- (8) Oil distributors, petroleum bulk stations and terminals;
- (9) Crude oil pipelines located within rights-of-way that did not exist as of the passage of this Ordinance;
- (10) Bus and truck terminals;

- (11) Storage or mixing areas for commercial fertilizers, pesticides and herbicides;
- (12) Landfills and dumps;
- (13) Facilities that generate, treat or dispose of hazardous waste;
- (14) Concentrated animal feedlots;
- (15) Golf courses and
- (16) Resource extraction facilities.

(B) Basis for establishing the ~~Well Head Wellhead~~ Protection Area.

(1) The Tennessee ~~Well Head Wellhead~~ Protection Regulations (Rule 0400-45- 01-.34) require that every Public Water System (PWS) in the state set up a two-zone protection system for its groundwater sources.

(2) MLGW, utilizing the groundwater flow model with the approval of TDEC, has established a two-zone protection system for the City of Memphis's groundwater resources.

(C) Requirement for development and use permit.

(1) A special development and use permit shall be required in conformity with this Ordinance prior to the commencement of any development activity within a WPA. No special development and use permit shall be issued without first obtaining a certificate of compliance from the Well Head Administrator.

(2) Prior to site plan approval by the Land Use Control Board, the applicant of a non-exempt project shall obtain a certificate of conformance with this ordinance from the Well Head Administrator in a timely manner for all proposed development and land-use activities in ~~Well Head Wellhead~~ Protection Areas (Zone 1 and Zone 2) within the City of Memphis.

(3) If, upon review of the site plan, the Well Head Administrator determines that additional information is necessary to completely evaluate the proposed development, the Well Head Administrator may refer the development plan to MLGW's water division staff for review and investigation prior to making a decision on the plan for a certificate of conformance.

(D) *Compliance.* No structure or use shall hereafter be located, extended, converted or structurally altered in a Well Head Protection Area without full compliance with the terms of this Ordinance and other applicable regulations.

(E) Interpretation of ~~Well Head Wellhead~~ Protection Area.

(1) Where interpretation is needed as to the exact location of any boundary of ~~Well Head Wellhead~~ Protection Area, Zone 1 and Zone 2, the Well Head Administrator shall make the necessary interpretation. The Well Head Administrator shall also be responsible for review of all development plans within ~~Well Head Wellhead~~ Protection Areas and other related matters that may arise in the administration of this Ordinance.

(2) The person contesting the location of the ~~Well Head Wellhead~~ Protection Area, Zone 1 and Zone 2, shall be afforded reasonable opportunity before the Land Use Control Board to present any technical evidence he or she may wish to support his or her position. Any proposed adjustments shall be based on the same modeling techniques used by MLGW in the latest approved delineation of Zone 1 and Zone 2 by TDEC.

(F) Conflict with other provisions.

(1) The requirements of Well Head Protection Areas (Zone 1 and Zone 2) are additional to those contained in the basic underlying zoning districts.

(2) Where any conflicts exist between the provisions of this Ordinance and any other provisions of the Unified Development Code and any other ordinance of the City of Memphis, these provisions shall govern.

(G) *Exempt Land Uses and Activities.* Notwithstanding any provision of this Ordinance or any other Ordinance applicable to the City to the contrary, the requirements of this ordinance shall not apply to existing crude oil pipelines, including any activities related to the maintenance, repair, or replacement thereof, or ~~construction of new oil pipelines in existing rights-of-way or easements for existing oil pipelines even if such pipelines, easements or rights-of-way are within any existing or future zoning setbacks. This ordinance does not apply to~~ any new or existing crude oil pipeline that is located within the property boundaries of an oil refinery, oil terminal, associated docks or processing facilities, or a retail service station and providing service to that oil refinery, oil terminal, associated docks or processing facilities, or retail service station. ~~Any expansion that would enable the increase in the volume of existing crude oil pipelines in the Well Head Overlay Protection District may be pursued through the Special Exception process (see Chapter 9.14). New crude oil pipelines within existing rights-of-way located in the Well Head Overlay Protection District may be pursued through the Special Use Permit process (see Chapter 9.14).~~

(H) *Applicant's responsibility.* It shall be the responsibility of any person owning real property and/or owning or operating a business within the City of Memphis to make a determination of the applicability of ~~Well Head Wellhead Overlay Protection Area Overlay~~ Districts as it pertains to the property and/or business under his or her ownership or operation before changing the use and development of the property and his or her failure to do so shall not excuse any violations of this ordinance.

(I) *Penalties for violation.* Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be subject to enforcement action by TDEC and/or the City.

(J) *Abrogation and greater restrictions.* This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(K) *Nonconforming and Vested uses.* Nonconforming and/or vested uses may continue in the overlay district in the form in which they exist at the time of the adoption of this ordinance in accordance with state law. In the event such nonconforming and/or vested uses shall pose a direct hazard to the public water supply, the City of Memphis may take any action permitted by law to abate the hazard.

8.12.4 REVIEW OF APPLICATIONS FOR DEVELOPMENT AND USE PERMITS

Application Requirements

- A. An application for a development and special use permit shall be submitted with a site plan in accordance with **Chapter 9.6 Section 9.3.3**, Application Requirements of the UDC and Part VI of this Ordinance.
- B. The Zoning Administrator in consultation with the Well Head Administrator shall establish and publish specific submittal requirements for development and special use permits applications.
- C. Upon completion of the technical review, the Well Head Administrator may meet with the applicant to discuss any changes in development design and/or requirements.
- D. The Zoning Administrator shall prepare a report that reviews the application in light of comments provided by the Well Head Administrator, and in light of any plans to be considered and the general requirements of this Ordinance. The report, site plan or outline plan, special use request and any related application materials shall be forwarded to the Land Use Control Board.

8.12.5 Land Use Control Board Action

- A. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, of the UDC Public Hearings and Notification.
- B. The Land Use Control Board shall, after deliberation and prior to the close of the public hearing, recommend approval, rejection, approval with conditions or take the matter under advisement or defer decision in accordance with Sub-Section C below.
- C. The Land Use Control Board may defer a decision for a period not to exceed three months after the initial public hearing at the request of the applicant. The Board may defer a decision for a period not to exceed one month without the consent of the applicant.

8.12.6 Governing Body Action

- A. The LUCB's recommendation and conditions of approval shall be forwarded to the appropriate governing body within 14 days from the close of the public hearing, or the receipt of a revised site plan reflecting the LUCB's action, whichever is later; however, in no instance shall the matter be forwarded to the appropriate governing body any more than 60 days after the LUCB's action. If a revised site plan has not been submitted to the Division of Planning and Development within 60 days of LUCB action, the site plan reviewed by the LUCB shall be forwarded to the appropriate governing body. If there is no objection/appeal, no public hearing is required before the governing bodies.
- B. The governing bodies shall approve or disapprove the development and special use permit and shall set forth any conditions imposed.
- C. Upon Appeal
 - 1. Appeals of Land Use Control Board approval for items that otherwise would not go

to the governing bodies may be made by an individual who was either present at the Land Use Control Board meeting and made a vocal objection or submitted written comments to the Division of Planning and Development prior to the Land Use Control Board meeting. A written notice of appeal shall be filed with the Zoning Administrator within 14 days after the date of the close of the public hearing.

2. If an appeal is filed by the applicant, or opponents to the proposed development and special use, the governing body shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification, on the application after receipt of the decision of the Land Use Control Board and the recommendations of the Well Head Administrator. The governing body shall approve or disapprove the development and special use permit and shall set forth any conditions imposed.

8.12.7 Approval Criteria

No development and special use permit shall be approved unless the following findings are made concerning the application:

- A. The project will not be a significant potential contaminant source, which may have an adverse effect on the health of persons in proximity of the proposed use and development.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will use appropriate measures for spill response, notification and prevention and for implementation of best management practices appropriate for the proposed development.
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The governing body may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

8.12.8 Permissible Conditions of Approval by Governing Body

- A. In granting approval of a development and special use permit hereunder, the governing body may impose reasonable conditions on the project if it would be listed on MLGW's potential contaminant source inventory if approved, which serve to assure that the required findings are upheld. Such conditions may require an applicant for such a project to submit and obtain approval from TDEC of a pollution prevention plan, which shall include provisions for spill response, notification and prevention and implementation of best management practices appropriate for the proposed development and use before commencement of any development activities. Any such pollution prevention plan shall be consistent with and subject to TDEC Regulations for Drinking Water Source

Protection pertaining to “Prohibitions in Source Water Protection Areas.”

- B. Any additional condition approved by the governing body shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.
 - 1. The Zoning Administrator, following consultation with the Well Head Administrator, if appropriate, shall act on the revised plan within 21 days.

8.12.9 Revisions to Approved Special Use Permits

Revisions to approved Special Use Permits shall be classified as minor modifications, which may be approved by the Well Head Administrator and the Zoning Administrator; major modifications, which may be approved by the Land Use Control Board; and amendments, which require the approval of the governing bodies.

A. Amendments

Any revision to an approved Development and Special Use Permit that does not meet the provisions for Major or Minor Modifications set out below shall be processed as an amendment.

B. Major Modifications

Time extensions (see Sub-Section 9.6.14B) to and requests to exceed the 24-month limitation on discontinuance (see Sub-Section 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16. In addition, revisions to site plans, elevations or conditions approved in accordance with approved development and special use permits that do not meet the standards below set out for minor modifications (see Sub-Section 9.6.12C) shall be processed as major modifications.

C. Minor Modifications

- 1. Modifications may be approved by the Zoning Administrator in consultation with the Well Head Administrator if they are within the scope and intent of the original approval. Minor modifications shall include, but are not limited to, the following:
 - a. A less than five percent increase, or any decrease, in the development area.
 - b. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:
 - 1. Less than 25 feet for site plans of two or less acres;
 - 2. Less than 50 feet for site plans of more than two but less than eight acres;
 - 3. Less than 100 feet for site plans of eight acres but less than 20 acres; and
 - 4. Less than 150 feet for site plans of 20 acres or more.
 - 5. The correction of drafting errors on the approved plan.
- c. Modifications to the parking or landscaped areas that meet the provisions of this

Code.

2. The following items shall be considered by the Well Head Administrator and the Zoning Administrator in approving minor modifications:
 - a. Compliance with all applicable requirements of this development code;
 - b. That the modification will not have a substantial or undue adverse effect upon adjacent properties, the neighborhood, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare; and
 - c. That the proposed modification will not result in the destruction, loss, or damage of any significant natural, scenic, or historic district, site, or feature.
3. The Zoning Administrator in consultation with the Well Head Administrator may include conditions to insure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.
4. The Zoning Administrator shall notify the applicant whether the proposed revision qualifies for administrative approval and the basis for the determination.
5. The Zoning Administrator shall distribute copies of the revised plan to the appropriate agencies.
6. The Zoning Administrator, following consultation with the WellHead Administrator, if appropriate, shall act on the revised plan within 21 days.

8.12.10 Effect of Special Use Decisions

- A. If the governing body votes to deny an application, there may be no subsequent similar application submitted by any party for any part of the subject property until 5 years have elapsed from the date of denial, or from the date any appeal thereof becomes final, whichever is later. This 5-year period shall also apply to: 1) those cases on which the Land Use Control Board conducts a vote but are withdrawn before the governing body may act and 2) those cases involving modifications (see Sub-Section 9.6.11E and Section 9.6.12) and appeals (see Sub-Section 9.23.1C) on which the Land Use Control Board conducts a vote and no further action by the governing body is taken. The governing bodies may waive the time-lapse requirements of this section where it is in the public interest to do so. For the purpose of this Sub-Section, “similar application” shall be interpreted to include, but is not limited to, those applications requesting a use not permitted in the underlying zoning district or permitted by issuance of a special use permit, a same or similar use, pursuant to the use categories provided in this Code.
- B. Unless otherwise conditioned, the development and special use permit and any conditions imposed, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.
- C. A development and special use permit shall be noted on the ~~Well Head~~ ~~Wellhead~~ ~~Protection~~ Overlay ~~Protection~~ Map.
- D. The issuance of a development and special use permit for a particular use shall not allow the development of the site for the special use, but shall merely authorize the filing of

applications for required permits and approvals, including, but not limited to, building permits and certificates of occupancy.

- E. The Zoning Administrator shall not issue a certificate of construction for a special use permit if any of the conditions imposed by the governing body in the approval have not been met.

8.12.11 Period of Validity

- A. Development and special use permits shall be implemented within 24 months of final approval or such permits shall be void, unless conditioned otherwise. Where applicable, an application for a time extension may be filed as a Major Modification subject to Sub-Section 9.6.12B. An application for a time extension shall be filed before the date of expiration or within 12 months after the date of expiration and shall further be subject to the provisions of Chapter 9.16. Only one 24-month time extension is permitted.
- B. If a development and special use permit has not been in use for any consecutive 24-month period, the permit shall be void. The applicant, at the time of a request for a certificate of occupancy, shall be responsible for providing proof to the Building Official of such continued use.

8.12.12 Revocation of a Special Use Permit or Planned Development

- A. If any conditions of a development and special use permit or other requirements of this ordinance are violated, the governing body may revoke all or a portion of a development and special use permit.
- B. Revocation may occur after an evidentiary hearing is conducted by the governing body. The governing body may refer the matter to the Land Use Control Board for a recommendation on the revocation prior to its evidentiary hearing. All hearings associated with a revocation shall be open to the public with certified notice mailed to the owner of the property that is the subject of the special use permit or planned development. Mailed notice shall be in accordance with Paragraph 9.3.4D(1).
- C. A development and special use permit may be revoked upon a constitutional majority vote of the governing body approving the development.
- D. Violation of a condition of approval shall be considered a violation of this development code and thereby subject to the provisions of Article 11, Enforcement, as well as this section.

8.12.13 Coordination with Variances

An application to the Board of Adjustment for a variance may be submitted concurrently with a request to the Land Use Control Board for a special use permit. However, decisions shall be rendered separately for any variance and the special use permit.

8.12.14 Coordination with Zoning Change Applications

An application for a special use permit may be reviewed concurrently with a zoning change application. However, decisions shall be rendered with separate votes.

8.12.15 VARIANCE REGULATIONS.

(A) The provisions of this section shall apply exclusively to areas of ~~Well Head Wellhead~~ ~~Overlay~~ Protection ~~Overlay~~ Districts. In applying for a variance, the following provisions apply.

(B) Board of Adjustment:

(1) The Board of Adjustment (the "Board") shall hear and decide requests for variances from the requirements of this chapter. The Board shall not consider any application for a variance from the provisions of this Ordinance until the Well Head Administrator has had an opportunity to review the application and make a written recommendation to the Board. The Well Head Administrator shall have 45 working days from the filing of any application for a variance from this Ordinance to review and issue its recommendation. The applications shall be advertised for public hearing for the next regularly scheduled Board meeting following the expiration of the 45-day period.

(2) Variances may be issued for the use of property upon a determination from the Board that the proposed use will not cause, materially contribute to or create a material risk of any adverse effect upon the municipal water source, under reasonably possible hydrologic or geologic conditions. All technological evidence shall be based on the most recent modeling techniques defined in ~~Well Head Wellhead~~ Protection Area, Zone 1 and Zone 2 reports, approved by TDEC.

(3) In reviewing a variance application, the Board of ~~Adjustment Zoning Appeals~~ shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

(a) The practical difficulty and hardship on the property owner related to the use and enjoyment of the property caused by the regulation or restriction as enacted within the ~~Well Head Wellhead~~ Protection Areas, Zone 1 and Zone 2;

(b) When it is alleged there is an error in any requirement, decision or determination made by the Well Head Administrator in the enforcement or administration of this Ordinance;

(c) That no variance may be requested nor granted as a means to circumvent the intentions of this Ordinance or as a remedy for a violation of this Ordinance;

(d) May attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance;

(4) In reviewing a variance application, the Board of Adjustment shall consider the recommendation of the ~~Well Head Wellhead~~ Administrator.

8.12.16 SITE PLAN SUBMISSION AND ADMINISTRATION REQUIREMENTS.

(A) Preliminary plan.

(1) The applicant shall submit a preliminary site plan describing the concept for the development of the entire tract to the Land Use Control Board;

(2) The preliminary site plan shall conform with the site plan requirements set forth in this part and include the following additional requirements:

(a) Be drawn to a scale of one inch equals 100 feet;

- (b) Including the following:
 - 1. Location of all existing public water supply wells within 1,000 feet;
 - 2. Location of ~~Well Head~~ Wellhead Protection Zone 1 and Zone 2 areas within 500 feet of property; and
 - 3. Location of septic tanks (including size and capacity) and/or sewage lift stations, force mains and grease traps.
 - (c) Provide the regulations used to control the uses permitted in the project and the uses specifically prohibited;
 - (d) Provide a complete list of the types and volumes of all hazardous materials (including fuels) used, stored, processed, handled or disposed of, other than those volumes and types associated with normal household use;
 - (e) Provide a description of the types of wastes generated and method of disposal including: solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges;
 - (f) Provide plans and documents containing information to show compliance with the performance standards;
 - (g) Provide other additional information as may be required by reviewing agencies regarding: the proposed use, its potential impact to water quality, hydrogeologic information, monitoring and mitigation measures.
- (B) Final plan.
- (1) After approval of the preliminary plan, but prior to the issuance of any construction permit and/or commencement of construction, the applicant shall have approval of the Memphis City Council and a final plan covering the entire tract or that portion proposed for development.
 - (2) The final plan shall:
 - (a) Provide a complete list of the types and volumes of all hazardous materials (including fuel) used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use;
 - (b) Provide a description of the types of wastes generated and method of disposal including: solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges;
 - (c) Provide plans and documents containing information to show compliance with the performance standards;
 - (d) Provide other additional information as may be required by reviewing agencies regarding: the proposed use, its potential impact to water quality, hydrogeologic information, monitoring and mitigation measures.
 - (3) The applicant may, if desired, submit only one final plan for the purpose of securing approval of the development plan if the plan submitted complies with all the requirements of the final plan. The Memphis City Council may amend or condition the plan and grant final approval of such a plan, as amended or conditioned after only one review.

8.12.17 MISCELLANEOUS

- (A) COMPLIANCE WITH TDEC REGULATIONS. MLGW shall comply with

TDEC's regulations requiring submission of an updated Well Head Protection Plan whenever there are changes in land management issues after adoption of ordinances by the local governing body. Any revision of the existing plan shall modify its provisions to address and incorporate the changes required by this ordinance. A copy of this ordinance shall be attached to any revised Plan.

(B) SEVERABILITY. If any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, such holding or declaration shall not affect the remaining parts of this Ordinance; it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held or declared to be invalid, if any.

(C) ENACTMENT OF CITY ORDINANCE. This Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law; provided however if approval by TDEC is required the effective date of this ordinance shall be deferred until the first day of the month next following TDEC's approval.

Exhibit C
Comments Received

**Proposed Resolution to Adopt an Ordinance to Amend the Unified Development Code to
Create A Wellhead Protection District for the City of Memphis
August 2021**

*Comments submitted by the University of Memphis Center for Applied Earth Science and
Engineering Research.*

Proposed Ordinance Purpose:

- To “protect the public water supply for the City of Memphis from land uses at or near City wells within the Wellhead Protections Areas, Zone 1 and 2, ...”
- “...create a system for regulation or restriction of land use activities at or near City wells that store, handle or produce hazardous and regulated substances...”
- “...use of best management practices for the protection of groundwater resources...”

Comments:

- The intent of the ordinance is to protect the source of Memphis’ drinking water, the Memphis aquifer, through prevention of adverse land use practices by using the wellhead program as a mechanism for that protection. This applies restrictions moving forward, how does the City intend to address current contaminated sites within the districts?
- Suggest further review of Wellhead Protection Overlay District ordinances for the Town of Collierville (§151.285), City of Germantown (Chapter 23 Zoning, Article III, Division 21), and City of Millington (14-147 Chapter 19), Shelby County, Tennessee.
- Definitions:
 1. Is certificate of conformance the same as certificate of compliance? See page 4 (definition) and 6 [III(C)(1)]
 2. Define aquitard breach/window
 3. Define recharge zone
 4. Potential contaminant source definition vague. Current definition of TDEC contaminant source ambiguous and could be applied to anything. How would you handle facilities that store prepackaged material, like home improvement stores or paint shops? Risk of release is minimal, and if a release occurs it is likely on concrete and cleaned immediately. Suggest focusing on facilities with bulk storage or transfer of hazardous material onsite.
 5. Suggest defining Hazardous materials
 6. Is there any thought of including the Shelby County Groundwater Quality Control Board?
 7. Suggest defining well, will this be limited to production wells for public water supply?
 8. Refer to current municipal Wellhead Protection Overlay District already established in Shelby County.
- The wellhead program is not the best means of offering this protection for three reasons:

1. Delineation of the protection zones (Zones 1 and 2) are variable, apt to change year-to-year; therefore, on the periphery of Zone 2 a development could switch from being in or out of the protection area.
 2. Delineation of a Zone 2 is an underestimate of the traveled distance of a contaminant whereby for the same period of travel (e.g., 10 years or 40 years), contaminants enter the Memphis aquifer a distance *much further* than the Zone 2 boundary yet still reach the well in 10 or 40 years. Therefore, monitoring of adverse land use practices beyond a Zone 2 is warranted.
 3. Effectiveness of the wellhead program can be circumvented by moving a denied development just outside a Zone 2 that would simply add ~0.04 years (under 2 weeks) of travel time of a contaminant to reach a production well under the current program.
- The ordinance should focus on three spaces:
 1. Shelby County as a whole – if a Zone 2 is taken as the current maximum of 40-year time of travel (TOT), is it acceptable to allow an adverse land use practice at 50-year TOT to contaminate the aquifer system that would then require remediation of that larger, traveled space? We should protect our aquifer from all contamination and not restrict our interest to an area that will not afford the same quality of water to our future citizens.
 - NOTE: We are not suggesting withholding development, but instead awareness of proposed activity and added levels of protection if deemed appropriate.
 2. Zone 1 – all adverse land use practices should be avoided in this zone as contaminants could transport along the outer well casing, especially for older wells where questions have been raised on their construction as compared to today's standards (*unsubstantiated*).
 - NOTE: Zone 1 will likely become a specified distance of 750ft, but do we use the circle perimeter as our demarcation or inclusion of the entire parcel if intersected by the circumference?
 3. Aquitard breaches – these are pathways for water from the shallow aquifer moving vertically downward to the Memphis aquifer to bypass the protection of the intervening confining clay due to it having been replaced by a more permeable, sandy-silty material.
 - Aquitard breaches/Recharge Zone – Special care should be taken with regard to known or suspected aquitard breaches within west and central Shelby County and the recharge zone in east Shelby County. Current threats exist and contaminants have caused production wells to be taken offline in areas around breaches and in the recharge zone area. Additional restrictions should be placed on land use practices that would be labeled as a significant potential contaminant source such as, but not limited to: added measures of leak/spill protection, administrative and engineered controls to limit/reduce release to the

ground surface, and providing notification of any spills or leaks outside secondary containment systems to the City, TDEC, and fire department.

1. If poor best management practices or housekeeping is noted at a facility, the City or TDEC can inspect and order the facility to test soil or groundwater for potential contaminants of concern.
 2. A ¼-mile (derived on average groundwater movement in 2-year period – possibly increase to ½-mile to match some EPA standards) buffer from the breach boundary could define the zone of influence where these added measures are enacted.
 - Current and historical facilities within the breach boundary should be identified similar to the Contaminant Source Inventory required by TDECs Wellhead Protection Plan and added to plans established for each wellfield.
 - NOTE: breach boundaries are not well known and their delineation may change as more data on them is collected
 3. If necessary, monitoring well(s) will be installed in or around the breaches and sampled to identify trends in water quality from the exchange of waters between the shallow and Memphis aquifers.
- Exemptions
 1. No one should be exempt from actions that could potentially contaminate the groundwater.
 - NOTE: We are not suggesting withholding development, but instead be aware of potential threats and require added measures of protection where deemed appropriate. Complete circumvention should not be allowed.
 - Enact an effective education awareness campaign that emphasizes the vulnerabilities to our groundwater, the importance of its protection and the proper disposal of harmful waste within designated Wellhead Protection Overlay Districts.
 - Aspects of the ordinance assume requisite knowledge on the aquifers, presence and movements of contaminants, potential impact of contaminants to the aquifers and wells, understanding of the groundwater system and water movement, and defining breach areas and/or recharge zones. The ordinance does not utilize expert opinion on these topics.

SOUTHERN ENVIRONMENTAL LAW CENTER

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August 27, 2021

VIA email to: Josh.Whitehead@memphistn.gov

Josh Whitehead
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 N. Main St., Ste. 477
Memphis, TN 38103

Dear Administrator Whitehead:

The Southern Environmental Law Center, on behalf of Protect Our Aquifer and Memphis Community Against Pollution, Inc., writes to offer comments on proposed Ordinance No. 5795 ("Ordinance to Amend the Unified Development Code to Create a Well Head Overlay Protection District for the City of Memphis") (hereafter "the Wellhead Overlay District Ordinance" or "the Ordinance").

Guarding against the capacity for certain industries and land uses to contaminate groundwater is important to the safety of Memphis and Shelby County citizens. A Wellhead Overlay District Ordinance, in conjunction with other local legislation, can be an important first step in the process of developing a protective regime for the city and county's drinking water sources. We support efforts by the Memphis City Council, Shelby County, and the Land Use Control Board to recognize and regulate risks to the aquifers that supply drinking water to Shelby County residents.

However, we also strongly encourage the Land Use Control Board to ensure that any ordinance developed to safeguard drinking water sources is sufficiently robust, and will not include loopholes or other gaps in protection. The Wellhead Overlay District Ordinance, as currently drafted, contains several provisions that raise serious concerns about how the ordinance would operate in practice and whether the ordinance would adequately protect the city and county's drinking water aquifers. We therefore offer these comments in the hope of strengthening the proposed Wellhead Overlay District Ordinance so that it can fully achieve the purposes of protecting and preserving the drinking water aquifers of Memphis and Shelby County for the benefit of present and future generations.

I. Specific Concerns Regarding Applicability and Enforcement of the Ordinance

A. The Wellhead Overlay District Ordinance should apply to unincorporated areas of Shelby County, not just the City of Memphis.

In Section III(A), the applicability of the regulations set out in the Ordinance is limited to "all land uses and activities located or proposed within the area(s) delineated as the Wellhead

Comments on Wellhead Protection Overlay District Ordinance
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Protection Area(s) in the City of Memphis." (emphasis added). That limitation is not clearly explained, and the justification for limiting the ordinance's applicability to the City of Memphis is difficult to understand. The Unified Development Code of Memphis and Shelby County ("UDC"), which the Ordinance amends, generally applies to both the City of Memphis and unincorporated areas of Shelby County.¹ Similarly, Wellhead Protection Areas designated by Memphis Light, Gas and Water Division ("MLGW") also extend into unincorporated Shelby County. Accordingly, this section of the Ordinance should be edited to include areas of unincorporated Shelby County, thereby ensuring consistency across the UDC and full coverage of MLGW-designated Wellhead Protection Areas.

B. The Wellhead Overlay District Ordinance must also apply to existing oil pipelines and construction of new oil pipelines in existing rights-of-way.

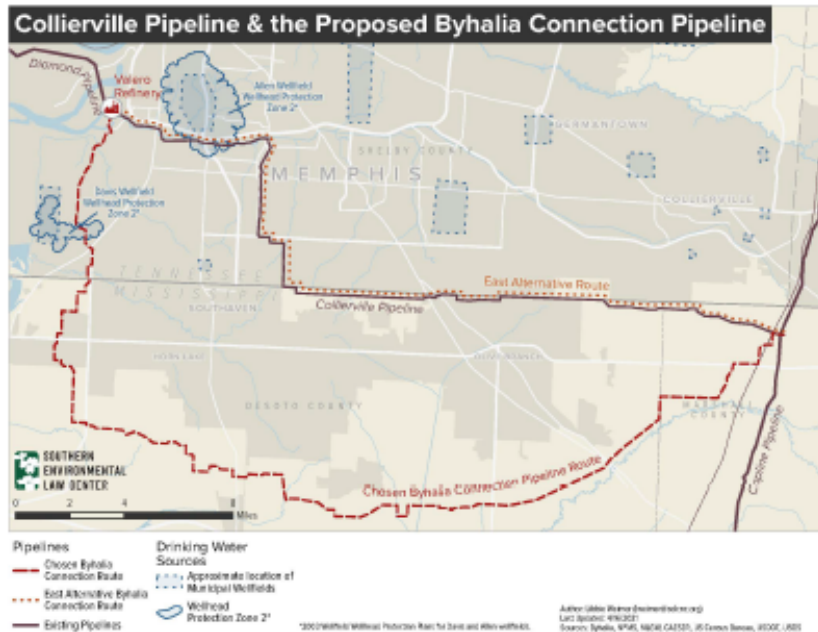
Section III(G) of the Ordinance contains an explicit exemption for "existing oil pipelines, including any activities related to the maintenance, repair, or replacement thereof, or construction of new oil pipelines in existing rights-of-way or easements for existing oil pipelines," as well as an exemption for "any new or existing pipeline that is located within the property boundaries of an oil refinery, oil terminal, associated docks or processing facilities, or a retail service station and providing service to that oil refinery, oil terminal, associated docks or processing facilities, or retail service station."

This provision, as written, is far too broad and creates a huge loophole that could completely undermine the Memphis community's recent defeat of the proposed Byhalia Pipeline. Although an exemption from the requirements of the Ordinance for the maintenance and repair of existing pipelines (or their replacement absent expansion) may be justified, a blanket exemption for all replacement, even if the pipeline's capacity is greatly expanded, creates a loophole that would allow expanded crude oil infrastructure to threaten drinking water sources without regulatory oversight. Similarly, a blanket exemption for new pipelines constructed in existing rights-of-way would allow crude oil pipeline companies to put new high-pressure crude oil pipelines through wellhead protection areas without community input or regulatory oversight.

As shown in the picture below, an existing oil pipeline—the Collierville Pipeline—already seems to go through a Wellhead Protection Area. The exemption in the Ordinance would allow this existing pipeline to be expanded, or a new pipeline built in the easement, even though such actions would increase risks to drinking water. If existing pipelines or existing rights-of-way lie within Wellhead Protection Areas, there is no reason why an entity seeking development of new or expanded pipeline capacity should not seek a special use permit like any other developer. The sweeping exclusions in the ordinance create a stronger potential for contamination in the wellfields that this law aims to protect.

¹ See UDC 1.2.A ("The provisions of this development code shall apply to the development of all land within the jurisdiction of the City of Memphis and Shelby County, exclusive of incorporated municipalities.").

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Pipelines, particularly pipelines carrying hazardous liquids like crude oil, present a serious contamination risk to drinking water sources.² They are no less dangerous when located within existing easements. Therefore, we recommend replacing Section III(G) of the proposed ordinance with the following provision:

(G) Exempt Land Uses and Activities. Notwithstanding any other provision of this Ordinance, the requirements of this Ordinance shall not apply to any activities related to the maintenance, repair, or replacement of existing oil pipelines, so long as those activities do not enable an increase in the volume, pressure, or capacity of those pipelines. Any activity that would enable an increase in volume, pressure, or capacity must be pursued through the special use permit process detailed in Section IV.

C. The Ordinance should clarify that a special use permit is required for all development within Wellhead Protection Areas, even if no site plan submission is required.

Section IV(A) states that “[a]n application for a development and special use permit shall be submitted with a site plan...” However, it is not clear whether all forms of development currently require a site plan submission under the UDC (in particular, crude oil pipelines or

² U.S. Geological Survey, *Large Oil Spills*, https://www.usgs.gov/mission-areas/water-resources/science/large-oil-spills?qt-science_center_objects=0#qt-science_center_objects.

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various other hazardous liquids pipelines). Even if such pipelines do not require other forms of review under the UDC, and are not required to submit site plans, they should still be required to acquire a special use permit under the Ordinance before going forward with development. Thus, we recommend adding the following language to Section III(A):

This Ordinance applies to those development or construction activities which may not otherwise require any other building, zoning, or land use permit or review, so long as those activities are located or proposed within the Wellhead Protection Area(s).

- D. Enforcement of violations of the Ordinance should not be limited to the Tennessee Department of Environment and Conservation ("TDEC") or the City of Memphis.*

Section III(I) notes that violations of the Ordinance would be subject to enforcement by TDEC or the City of Memphis. This unnecessarily limits enforcement power for a zoning violation in a way that is incongruous with state law. The state statute allowing for municipal zoning, Tenn. Code Ann. § 13-7-208(a)(2), states that "the building commissioner, municipal counsel or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent" zoning code violations. The penalties section of the Ordinance should therefore be revised to be in accord with state law. It should not imply a limitation of enforcement ability by other appropriate entities.

II. General Concerns Regarding Structure of the Ordinance

- A. The qualifications for the "Well Head Administrator" position should be more clearly defined, and other relevant entities should be involved in the Well Head Administrator's responsibilities.*

The Ordinance creates a new position, the "Well Head Administrator," that will be the "responsible agent to act for the City... in the administration of this overlay ordinance." Section I(C)(4). This Well Head Administrator is to be an officer of MLGW, appointed by the Mayor and approved by the City Council. *Id.* The Well Head Administrator's duties are extensive, and include reviewing "all development applications and plans within the Wellhead Protection Area," interpreting the delineation of the Wellhead Protection Areas, reviewing "any other related matters that may arise in the administration of this Ordinance," and making "recommendations to the land use control board and/or the applicable governing body regarding proposed land uses within a [Wellhead Protection Area]." Ordinance Section II.

Despite those many responsibilities, there appear to be no necessary qualifications for the Well Head Administrator. Given that MLGW's Wellhead Protection Plan is currently developed by the University of Memphis's Center for Applied Earth Science and Engineering Research

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("CAESER"),³ it is not clear why an MLGW officer, alone, would be best positioned to evaluate and review development plans in order to determine whether a threat to the drinking water aquifers exists. An alternative approach would require the involvement of CAESER at some point, such as by also having a CAESER representative review permit applications and justify the technical merits of Zone 1 and Zone 2 boundaries.

Along similar lines, the Shelby County Groundwater Quality Control Board ("Groundwater Board") should also be more involved in the review process for special use permit applications. As the City of Memphis Code of Ordinances, Sec. 2-46-1, states, the Groundwater Board was created

for the purpose of securing, protecting, and preserving the quality and quantity of the groundwater within the boundaries of Shelby County; to abate existing pollution of the groundwater; and to plan for the future use of the groundwater so that the resources of Shelby County shall be used and enjoyed to the best interests of all its citizens.

The Groundwater Board's roles and responsibilities thus clearly overlap with the objectives of the Ordinance. Other localities within Shelby County with similar ordinances creating wellhead protection overlay districts acknowledge the special roles of the Groundwater Board. For example, the town of Collierville allows the Town Engineer to defer review of development plans to the Groundwater Board, and the City of Germantown has a similar provision. *See* Town of Collierville Code of Ordinances § 151.287(C)(2); City of Germantown Code of Ordinances Sec. 23-628⁴

To the extent that the Groundwater Board does not currently have adequate capacity, we recommend that the Board be empowered, strengthened and adequately funded in order to allow the Board to share in the duties of the Well Head Administrator and perform its mandate to protect the groundwater resources of Shelby County.

B. Several provisions limit authority to the City of Memphis, when the authority should properly also be extended to Shelby County.

Provisions such as Section III(K), stating that "the City of Memphis may take any action permitted by law to abate [direct hazards to the public water supply]" appear to unnecessarily limit authority. Both the City of Memphis and Shelby County have authority under the UDC, and it is not clear why the Ordinance does not also allow the County to abate hazards as otherwise

³ University of Memphis Center for Applied Earth Science and Engineering Research, *Wellhead Protection Plans and Annual Contamination Source Inventory*, <https://caeser.memphis.edu/wellhead-protection-plans-and-annual-contamination-source-inventory/>.

⁴ <https://codelibrary.amlegal.com/codes/collierville/latest/collierville/0-0-0-45838>; https://librarystage.municode.com/tn/germantown/codes/code_of_ordinances?nodeId=PTIICOOR_CH23_ZO_ARTIIDI_DIV21WEPROVDI_S23-628REDEPE. The wellhead protection ordinances of Germantown and Collierville, as well as the ordinances from the three other localities cited below, are also included with this letter as PDFs, available via ShareFile link.

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permitted by law. This would also support our recommendation to include wellfields in the unincorporated areas of Shelby County. Similarly, in other provisions, such as the appointment and approval of the Well Head Administrator, the County's authority and responsibility does not seem to be properly recognized. *See* Ordinance Section I(C)(4).

- C. The conditions for approval for special use permits should be more specific, and more guidance on some of the conditions may also be helpful.*

The approval criteria for special use permits are protective, but in some places additional specificity seems necessary. For example, Section IV, 1.1.3(B) and Section IV, 1.1.3(F) are both related to making sure that neighboring land uses are not adversely affected by the development being considered for the special use permit. A clear acknowledgement of the ways in which potentially polluting land uses have historically adversely affected low-income and minority communities, and the necessity of avoiding further disproportionate impacts in those communities, would strengthen these provisions.

Additionally, we are also concerned that some of the provisions may not offer adequate guidance. Section IV, 1.1.3(A), states that the project must "not be a significant potential contaminant source, which may have an adverse effect on the health of persons in proximity of the proposed use and development." This condition is important, but limiting the consideration of adverse effects to persons "in proximity" may not reflect the realities of groundwater contamination, which may affect the drinking water of persons far away from the site in question. For example, the most vulnerable areas to our drinking water supply are the locations where the upper Claiborne confining unit is absent between the shallow aquifer and Memphis Sand Aquifer allowing pollution to travel freely into the deeper aquifer. These areas known as "breaches" or "windows" should be considered for additional protections as the latest scientific findings are made available.

One method of evaluating permit applications that other localities use is to include a list of presumptively forbidden land uses within wellhead protection areas. For example, Chimney Rock Village, North Carolina's wellhead protection district ordinance prohibits certain land uses in wellhead protection areas unless specific conditions are met. Chimney Rock Village Code of Ordinances § 50.45.⁵ The presumptively prohibited uses include animal feedlots, automobile junkyards, retail gas stations and truck stops, and many forms of waste treatment and disposal. *Id.* Also, the Town of Collierville's ordinance flatly prohibits the manufacturing and production

⁵ https://codelibrary.amlegal.com/codes/chimneyrockvillage/latest/chimneyrock_nc/0-0-0-522. *See also*, e.g., Sarasota County Florida Code of Ordinances Sec. 54-431, https://library.municode.com/FL/Sarasota_County/codes/code_of_ordinances?nodeId=PTIICOOR_CH54_ENNARE_ARTXIVWEWAREPR_S54-431INWEWAREPRARPRRE (prohibiting new development of industrial land uses, sanitary landfills, wastewater treatment plants, and concentrated animal feeding operations, among others); City of Athens, Ohio Code of Ordinances 29.01.05(E), https://library.municode.com/oh/athens/codes/code_of_ordinances?nodeId=TTT39WEPRPL_CH39.01WEPRPL_39.01.05PRREWEPRARBUZO (generally prohibiting many land uses in wellhead protection zones, including use of commercial or salvage junk yards, fly ash or other ash material as fill material, trucking or bus terminals, primary metal products industries, dry cleaning facilities, and injection wells).

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of certain hazardous materials in wellhead protection zones, in addition to requiring a permit for any development activity within designated wellhead protection zones. *See* Town of Collierville Code of Ordinances, § 151.289(B)(2).⁶

III. Conclusion

Passing an ordinance specifically designed to protect the precious drinking water resources of Memphis and Shelby County—particularly the Memphis Sand Aquifer—is a vital first step towards ensuring the long-term preservation of those resources. The existing wellhead protection ordinances in Collierville, Germantown, and Millington only cover a small portion of Shelby County. Making sure an ordinance for the City of Memphis and unincorporated Shelby County is strong, robust, and effective is therefore of utmost importance. A wellhead protection ordinance would be an important compliment to, and should not be considered a substitute for, the setback ordinance proposed by County Mayor Harris, Ordinance No. 5784 and the aquifer protection ordinance proposed by City Councilman Warren, Ordinance No. 5794. Each of those ordinances would serve a different and important function.

We thank you for your consideration of these comments.

Sincerely,



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cc: John Zeanah, Director - Memphis and Shelby County Planning and Development
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Ordinances cited also available at <https://southernenvironment.sharefile.com/d-s3fe47dde742f4b3895e08fd18fff4834>.

⁶ <https://codelibrary.amlegal.com/codes/collierville/latest/collierville/0-0-0-45882>. *See also* City of Germantown Code of Ordinances Sec. 23-628, https://librarystage.municode.com/tn/germantown/codes/code_of_ordinances?nodeId=PTIICOOR_CH23_ZO_ARTIIDI_DIV21WEPROVDI_S23-640USRE.