BOARD OF COMMISSIONERS AGENDA ROUTE SHEET
REFERRED TO COMMISSION COMMITTEE NUMBER _____
FOR BOARD ACTION ON _____ (DATE)

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1. DESCRIPTION OF ITEM: A JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ADOPTING THE 2003 EDITION OF THE INTERNATIONAL CODE COUNCIL RESIDENTIAL BUILDING CODE AND PROVIDING FOR ITS IMPLEMENTATION BY AMENDMENT TO THE MEMPHIS AND SHELBY COUNTY BUILDING CODE AND TO ESTABLISH AN EFFECTIVE DATE.

2. THIS ACTION WILL (X) WILL NOT ( ) REQUIRE EXPENDITURE OF COUNTY FUNDS.

3. APPROVAL:

DEPARTMENT HEAD: Allen Mellock DATE: 10-24-08

JURISDICTIONAL ELECTED OFFICIAL: _____ DATE: _____

DIVISION DIRECTOR: [illegible] DATE: 10-27-08

FINANCE DEPT: _____ DATE: _____

COUNTY ATTORNEY: [illegible] DATE: 10-24-08

CHIEF ADMINISTRATIVE OFFICER: [illegible] DATE: 10-27-2008

4. REFERRED TO COMMISSION COMMITTEE _____ DATE: _____

CHAIRMAN: _____ DATE: _____

5. RETURNED TO ADMINISTRATION/JURISDICTIONAL ELECTED OFFICIAL BY DIRECTOR OF COUNTY COMMISSION _____ DATE: _____

6. COMMENTS: _____

7. REQUIRED ATTACHMENTS (WHEN APPLICABLE):

1.(X) SUMMARY SHEET
2.() EOC DOCUMENTS
3.() BID SHEETS
4.() BIOGRAPHICAL SHEETS (APPOINTMENTS ONLY)
5.() MAPS
6.( ) RESOLUTION
7.( ) BUDGET FORMS
8.( ) PCB FORMS
9.( ) CONTRACT/PURCHASE AGREEMENT
10.( ) OTHER-GENERAL INFORMATION SHEET

I. Description of Item

A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners adopting the 2003 Edition of the International Code Council Residential Code and local amendments to that code. This Code will replace the current standards for residential construction, the 1999 Standard Building Code that is no longer in print. The new Code is part of the family of codes previously adopted by the legislative bodies. The local amendments include language that adopts new energy conservation code requirements based on the 2003 Edition of the International Code Council Energy Conservation Code that are scheduled to become state effective on December 31, 2008. They maintain current seismic standards for residential construction as well as the technical standards for plumbing, electrical, mechanical and fuel gas installation already adopted by the Board of Commissioners.

II. Source and Amount of Funding

A. Amount Expended/Budget Line Item

NONE.

B. All Costs (Direct/Indirect)

NONE.

C. Additional or Subsequent Obligations or Expenses of Shelby County

NONE.

III. Contract Items – N/A

A. Type of Contract – N/A

B. Terms – N/A

IV. Additional Information Relevant to Approval of this Item

Administration recommends approval of this Amendment.

ITEM # _____ PREPARED BY: Carter Gray

COMMISSIONER: _____ APPROVED BY: _____
County Attorney

JOINT ORDINANCE NO._____

A JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ADOPTING THE 2003 EDITION OF THE INTERNATIONAL CODE COUNCIL RESIDENTIAL BUILDING CODE AND PROVIDING FOR ITS IMPLEMENTATION BY AMENDMENT TO THE MEMPHIS AND SHELBY COUNTY BUILDING CODE AND TO ESTABLISH AN EFFECTIVE DATE. SPONSORED BY COMMISSIONER RITZ.

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

WHEREAS, it has been determined that it is necessary and prudent to adopt a new code specifically covering the construction of residential structures which had previously been covered by regulations in the *1999 Edition of the Standard Building Code* and that code is no longer in print and is otherwise outdated and;

WHEREAS, the provisions of the *2003 Edition of the 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 BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE AND BY THE COUNCIL OF THE CITY OF MEMPHIS:

Section 1. That the *2003 Edition of the International Residential* Code is hereby adopted;

Section 2. BE IT FURTHER ORDAINED, that the *2003 Edition of the International Residential Code* is amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit 1;

Section 3. BE IT FURTHER ORDAINED, that the 2003 Edition of the *International Residential Code* and those local amendments attached to this Joint Ordinance as Exhibit 1 are hereby incorporated by reference as if set out herein in their entirety from the *2003 International Residential Code* and that no Appendices from the *2003 Edition of the International Residential Code* are adopted;

Section 4. BE IT FURTHER ORDAINED, that the adoption of the *2003 Edition of the International Residential Code* and those local amendment attached hereto, 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 the construction of such residential structures and was duly adopted by the Memphis City Council in Ordinance #5122 and the Shelby County Board of Commissioners in Ordinance #296 and which is also amended as shown in Exhibit 2;

Section 5. 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, 2008 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 second body.

Section 7. BE IT FURTHER ORDAINED, that should any part of this ordinance or code be found to be unconstitutional or unenforceable by a court of competent jurisdiction that such a determination will have no effect on the other portions of the adopted Code and the amendments thereto.

_____
Chairman of County Commission

_____
A C Wharton, Jr.
County Mayor

Date _____

ATTEST:_____
Clerk of County Commission

EXHIBIT 1

Local Amendments to 2003 ICC International Residential Code

1. Amend "Section R101.1 Title" by adding the term "of Memphis and Shelby County" in the parenthetic 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 the "Exception" to "Section R101.2 Scope" by adding the phrase "as locally amended at the end of the sentence so when amended it shall read as follows:

> **Exception:** 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. Delete Section R105.1"Required" in its entirety and replace it with the following:

> **R105.1 Required**. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building, structure or retaining wall, or to erect install enlarge later 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.

6. 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 shall be designed by a professional engineer, licensed to

practice in the state of Tennessee, for all loads as specified in the building code and within this Chapter and in keeping with nationally recognized standards. Design shall be based upon sound engineering and geo-technical principles.

7. Delete the provisions under "Section R105.2Work 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. Permits shall not be required for the following. Exemption from permitting 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.

Building

1. One story detached accessory structures, provided the floor area does not exceed 200 square feet (18.58m^2).

2. Fences not over 6 feet (1829mm) high.

3. Retaining walls that are not over 4 feet (1219mm) in height measures from the bottom of the footing to the top of the wall, unless supporting a surcharge.

4. 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.

5. Side walks and driveways not more than 30 inches (762mm) above adjacent grade and not over any basement or store below.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than 24 inches (610mm) deep.

8. Swings and other playground equipment accessory to a one or two family dwelling.

9. 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.

8. Delete Section "R105.2.1 Emergency repairs" in its entirety and replace it with the following:

R-105.2.1 Emergency repairs. Where equipment replacements or repairs performed in an emergency situation the permit application shall be submitted within the five business days, unless a shorter period is called for in the specific code adopted to cover the equipment or repair to be replaced or performed.

9. Add a new "Section R105.4.1. Action on permits" which shall read as follows:

R105.4.1 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 as allowed by TCA Section 62-6-103 entitled License Requirements 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.

10. Delete "Section R106.3.1 Approval of construction documents" in its entirety and replace it with the following;

R106.3.1 Review of construction documents. When the Building Official issues a permit, the construction documents shall be marked, by stamp or writing, as "REVIEWED." One set of construction documents so reviewed shall be retained by the Building Official. The other set or sets shall be returned to the applicant. At least one set shall be kept at the site of work and shall be open to inspection by the Building Official or his or her authorized representatives.

11. Amend "Section R106.4 Amended construction documents" by substituting the word "reviewed" in each of the two locations in the section that now contains the word "approved" and the word "review" for the work "approval" so that when amended it shall read as follows:

R106.4 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents,

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

12. Delete "Section R110.3 Certificate issued" in its entirety and replace it with the following:

R110.3 Certificate issued. After the Building Official or his designee conducts all final inspections on a one or two family dwelling or an addition or modification to such a dwelling that required a permit be issued and finds no violations of the provisions of this code or other laws that are enforced by the Memphis and Shelby County Office of Construction Code Enforcement, such final inspection shall act as the certification by the Building Official that the construction shown on the building permit issued for the structure or improvement is compliant with the code. Should the owner of the one or two family dwelling request or the Building Official determine it is prudent to assure compliance with special conditions in the permit and for any other structures covered by this code, the Building Official shall issue a certificate of occupancy for that structure or part thereof that will contain the following:

1. The building permit number

2. The address of the structure

3. The name and address of the owner

4. A description of that portion of the structure for which the certificate is issued.

5. The name of the Building Official

6. If an automatic sprinkler system is provided

7. Any special stipulation and conditions of the building permit.

13. 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.

14. Delete the entire Section entitled "R113 Violations" and replace it with the following:

Section R113 Violations

R113.1 General. The violation provisions of the Memphis and Shelby County Building Code as locally amended shall be applicable to the enforcement of this Code.

15. Delete the entire Section entitled "R114 Stop work order"and replace it with the following:

Section R114 Stop work order

R114.1 General – The stop work order provisions of the Memphis and Shelby County Building Code as locally amended shall be applicable to the enforcement of this Code.

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

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

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 Code Enforcement (MSCCE).

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.

International Electrical Code – Whenever the word "International Electrical Code" is used in this code herein adopted, it shall mean the 2003 International Electrical Code with the 2002 National Electrical Code (NEC) with Local Amendments and will be known as the Joint Electrical Code (JEC) of Memphis and Shelby County, Tennessee Technical Codes.

International Building Code – Whenever the word "International Building Code" is used in this code herein adopted, it shall mean the 2003 International Building Code with Local Amendments, and will be known as the Joint Building Code (JBC) of Memphis and Shelby County, Tennessee Technical Codes.

International Fuel Gas Code – Whenever the word "International Fuel Gas Code" is used in this code herein adopted, it shall mean the 2003 International Fuel Gas Code with Local Amendments and will be known as the Joint Fuel Gas Code (JFGC) of Memphis and Shelby County, Tennessee Technical Codes.

International Mechanical Code – Whenever the word "International Mechanical Code" is used in this code herein adopted, it shall mean the 2003 International Mechanical Code with Local Amendments and will be known as the Joint Mechanical Code (JMC) of Memphis and Shelby County, Tennessee.

International Plumbing Code – Whenever the word "International Plumbing Code" is used in this code herein adopted, it shall mean the 2003 International Plumbing Code with Local Amendments and will be known as the Joint Plumbing Code (JPC) of Memphis and Shelby County, Tennessee Technical Codes.

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 structures.

Chapter 3 Building Planning

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

Table R301.2(1)