

Item #: 38

Moved by: BRADFORD

Prepared by: Bobby Decker
Shelby Co. Building Official

Seconded by: FORD

Reviewed by: Robert B. Rolwing
Assistant County Attorney

JOINT ORDINANCE NO. 529

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CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL MECHANICAL CODE AND LOCAL AMENDMENTS TO REPLACE AN OUTDATED MECHANICAL CODE AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS. SPONSORED BY CHAIRMAN WILLIE BROOKS, COMMISSIONER DAVID BRADFORD AND COMMISSIONER BRANDON MORRISON.

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 Code Enforcement and found to better address the needs of the citizens of Memphis and Shelby County and the regulated community that must follow that code in their work and licensing; and

WHEREAS, Requirements for the operation of a local permitting and inspection program for construction and installation of mechanical systems, 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 professionals and contractors who must work with that code, but that still meets the statutory requirements found in state law.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That all previous mechanical codes are hereby repealed except as may be set out in the attachments hereto, and that the 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 Chapter 6, Article VI, of the Shelby County Code of Ordinances, currently encoded at §§ 6-185, *et seq.*, is amended to make such changes as necessary to reflect the adoption of this code, in accordance with the changes shown in Exhibit B, attached hereto and incorporated herein by reference.

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

BE IT FURTHER ORDAINED, That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County on December 31, 2021, by virtue of the concurring and separate passage thereof by the Memphis City Council and by the Board of Commissioners of Shelby County or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.



Lee Harris
Shelby County Mayor

Date: 11/9/2021

ATTEST:

Clerk of County Commission

FIRST READING: September 27, 2021

SECOND READING: October 18, 2021

ADOPTED
THIRD READING: November 1, 2021

CERTIFIED COPY

CLERK OF COUNTY COMMISSION

DATE 12/8/2021

Summary Sheet

I. Description of Item

A Joint Ordinance amending the Memphis and Shelby County **Mechanical Code** to adopt the 2021 Edition of the *ICC International Mechanical Code*, and replacing the 2015 Edition of the *ICC International Mechanical Code* currently enforced. A limited number of local amendments to that standard code are included to make the adopted Code more appropriate for this jurisdiction. The Mechanical Code regulates primarily heating and air conditioning systems.

State law requires that local governments update their technical construction codes every few years. The Mechanical Code was last updated in 2018.

The effective date of the ordinance is December 31, 2021.

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

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.

EXHIBIT B

Amendments to the Shelby County Code of Ordinances

-MECHANICAL CODE

Amend §§ 6-185, et seq., as follows.

ARTICLE VI. - MEMPHIS AND SHELBY COUNTY MECHANICAL CODE

Sec. 6-185. - Adopted.

Sec. 6-186. - Local amendments.

Sec. 6-187. -

Incorporated by

reference. Sec. 6-

188. - Effective

date.

Secs. 6-189—6-218. - Reserved.

Sec. 6-185. - Adopted.

The Memphis and Shelby County Mechanical Code is hereby amended by adopting the 2021 edition of the International Mechanical Code.

Sec. 6-186. - Local amendments.

The Memphis and Shelby County Mechanical Code is further amended by adoption of the local amendment, including locally drafted Appendix A - Summary Of Permit And Inspection Fees, attached to Joint Ordinance No. _____. The local amendments are available on the website of the Office of Construction Enforcement.

Sec. 6-187. - Incorporated by reference.

The 2021 edition of the ICC International Mechanical Code and the local amendment attached to Joint Ordinance No. _____ are hereby incorporated by reference as if set out herein in their entirety including the appendix section noted above as adopted from the 2021 International Mechanical Code.

Sec. 6-188. - Effective date.

This article shall take effect in the City of Memphis and the unincorporated areas of Shelby County on December 31, 2021, by virtue of the concurring and separate passage thereof by the council of the City of Memphis and by the board of commissioners of the county or if not adopted by each legislative body by that date, at the date of such adoption by the second body.