

JOINT ORDINANCE NO. 5710

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CODE AND LOCAL AMENDMENTS, INCLUDING CERTAIN APPENDICES IN THE ICC BUILDING CODE AND AS LOCALLY DRAFTED TO REPLACE AN OUTDATED BUILDING CODE, AND SETTING APPLICABLE FEES FOR PERMITS AND INSPECTIONS.**

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

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

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

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by regulations in the 2009 and 2012 Editions of International Code Council (ICC) International Building Code, which are outdated and;

**WHEREAS**, Copies of the 2015 Edition of the ICC International Building Code have been placed in the Office of Council Records of the Memphis City Council for public review of those documents and as required by state statute before their adoption by reference by the Shelby County Board of Commissioners and the Council of the City of Memphis; and

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

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

**NOW, THEREFORE BE IT ORDAINED BY CITY 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 2015 Edition of the ICC International Building Code is hereby adopted by reference, a copy of said code being on file in the Office of Council Records of the Memphis City Council.


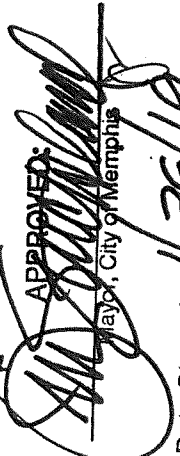
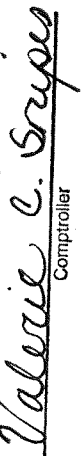
**BE IT FURTHER ORDAINED,** That the following Appendices of the 2015 Edition of the ICC International Building Code, or as locally drafted, are also adopted, but that any appendix not listed in this ordinance is specifically not adopted: Appendix A – Building Permit, Plans and Inspection Fees, Appendix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

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

**BE IT FURTHER ORDAINED,** That those provisions of Joint Memphis and Shelby County Construction Codes Permit and Inspection Fee Ordinance which establish the permit and inspection fees for the Building Codes will be repealed upon passage of this ordinance and the provisions of Appendix A shall establish the fees associated with the provisions of this code and its implementation and operation by the Office of Construction Code Enforcement.

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

**BE IT FURTHER ORDAINED,** That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County on December 31, 2018 by virtue of the concurring and separate passage thereof by the Memphis City Council and by the Board of Commissioners of Shelby County or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.

CONCURRING ORDINANCE  
5710 PASSED  
1st Reading 11-6-2018  
2nd Reading 11-20-2018  
3rd Reading 12-18-2018  
Approved:  Chairman of Council  
Date Signed: 1-8-19  
APPROVED:  
 Mayor, City of Memphis  
Date Signed: 1/29/19  
I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.  
 Valerie C. Stripes  
Comptroller

**EXHIBIT A  
LOCAL AMENDMENTS TO ICC INTERNATIONAL  
EXISTING BUILDING CODE**

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*Memphis  
and  
Shelby County*

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**2018 EXISTING BUILDING  
CODE**

**MEMPHIS AND SHELBY COUNTY LOCAL AMENDMENTS TO THE 2015  
INTERNATIONAL EXISTING BUILDING CODE**

**1. AMEND SECTION 101.1 AS FOLLOWS:**

**Section 101.1 Title.** – These regulations shall be known as the 2018 Memphis and Shelby County Existing Building Code, as part of the 2018 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. ADD SECTION 101.7.1 AS FOLLOWS:**

**101.7.1 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 2015 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; 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 Code 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 Code 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 2018 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 Code Enforcement.

**10. AMEND SECTION 105.2 AS FOLLOWS:**

**105.2 Work exempt from permits.** 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. Sidewalks and driveways not more than 30 inches (762 MM) above grade and not over any basement or story below and that are not part of an accessible route.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
3. Temporary motion picture, television, and theater stage sets and scenery.
4. Reserved
5. Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
6. Movable cases, counters, and partitions not over 69 inches (1753 mm) in height.

**11. AMEND SECTION 105.3 AS FOLLOWS:**

**105.3 Application for a permit.** To obtain a permit, the applicant shall first file an application therefor, in writing, on a form furnished by MSCCE for that purpose along with the required fee. Such application shall:

**12. ADD 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.

**13. ADD SECTION 106.1.1 AS FOLLOWS:**

**106.1.1 Additional data.** –The Building Official may require details, computations, stress diagrams and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the Building Official are to be prepared by the architect or engineer who shall affix their official seal.

**14. ADD SECTION 106.2.6 AS FOLLOWS:**

**106.2.6 Structural and fire resistance integrity.** Construction documents for all buildings shall indicate how required structural and fire resistant integrity will be maintained. Where a penetration of a required fire restraint wall, floor or partition will be made for electrical, gas, mechanical, plumbing or communication conduits, pipes, and systems the plans shall indicate in sufficient detail how the fire integrity will be maintained.

**15. AMEND SECTION 106.3.1 AS FOLLOWS:**

**106.3.1 Review of construction documents.** When the Building Official issues a permit, the construction documents shall be stamped as “Reviewed”. One set of construction documents so reviewed and stamped shall be retained by the Building Official. Another set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the Building Official or a duly authorized representative.

**16. AMEND SECTION 106.5 AS FOLLOWS**

**106.5 Retention of construction documents.** - One set of reviewed construction documents shall be retained by the Building Official for a period of not less than 180 days after the final inspection of the work allowed by the permit issued.

**17. AMEND SECTION 107.1 AS FOLLOWS:**

**107.1 General.** The Building Official is authorized to issue permits for temporary structures and temporary uses such as construction sheds, seats, canopies, tents, and fences used for construction work or for temporary purposes. 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 cases.

**18. AMEND SECTION 107.3 AS FOLLOWS:**

**107.3 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 is 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 *MSC Electrical Code*.

**19. AMEND SECTION 109.3.7 AS FOLLOWS:**

**109.3.7 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 MSCCE.

**20. AMEND SECTION 110.2 AS FOLLOWS:**

**110.2 Certificate issued.** After the Building Official inspects the building and finds no violations of the provisions of this code or other laws that are enforced by MSCCE, the Building Official shall issue a certificate of occupancy that shall 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. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. Any special stipulations and conditions of the building permit.

**21. 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

**22. ADD THE FOLLOWING TO THE END OF SECTION 114.2:**

Where an emergency exists, the Building Official shall not be required to give written

notice prior to stopping work.

**23. DELETE SECTION 116.1 AND REPLACE WITH THE FOLLOWING:**

**116.1 Imminent danger.** When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building Official shall cause to be posted at each entrance to such structure a notice reading as follows, "THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making required repairs, removing the hazardous condition or of demolishing same.

**24. DELETE SECTION 117.1 AND REPLACE WITH THE FOLLOWING:**

**Section 117.1 General.** The Building Official shall order the owner of any premises upon which is located any structure that in the Building Official's judgment is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy; and such that it is unreasonable to repair the structure, to demolish and remove the structure; or if such structure is capable of being made safe by repair, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. Such demolition shall be in compliance with Section 1309 of this code and Section 3303 of the MSC Building Code.

**25. 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 willing 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

**26. 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.

**27. 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 insure 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.

## **28. ADD TO SECTION 202 AS FOLLOWS:**

**International Building Code.** Whenever the word “International Building Code (IBC)” is used in this code as adopted, it shall mean the 2015 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 *2014 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 2015 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 2015 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 2015 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 2015 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 2015 Edition of the *ICC International Plumbing Code* with local amendments and will be known as the Memphis and Shelby County Plumbing Code (MSCPC)

**29. AMEND SECTION 410.8.5 AS FOLLOWS:**

**410.8.5 Ramps.** Where slopes steeper than allowed by Section 1010.2 of the International Building Code are necessitated by space limitations, the slope of ramps in or providing access to existing facilities shall comply with Table 410.8.5.

**30. AMEND SECTION 705.1.4 AS FOLLOWS:**

**705.1.4 Ramps.** Where steeper slopes than allowed by Section 1010.2 of the International Building Code are necessitated by space limitations, the slope of ramps in or providing access to existing facilities shall comply with Table 705.1.4.

**31. AMEND SECTION 807.3 AS FOLLOWS:**

**807.3 Seismic load.** Existing buildings with a change of occupancy shall comply with the seismic provisions of Section 807.5 and 807.6 or Section 102.4.2 of this code.

**32. AMEND SECTION 1012.5.1.1 AS FOLLOWS:**

**1012.5.1.1 Fire wall alternative.** In other than Groups H, F-1 and S-1, fire barriers and horizontal assemblies constructed in accordance with Sections 707 and 712, respectively,

of the International Building Code shall be permitted to be used in lieu of fire walls to subdivide the building into separate buildings for the purpose of complying with the area limitations required for the new occupancy where all of the following conditions are met:

**33. AMEND SECTION 1401.2 AS FOLLOWS:**

**1201.2 Applicability.** Existing structures in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter, or the provisions of Chapters 4 through 10. The provisions of Section 1201.1.2 through 1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be in Group A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

**34. AMEND SECTION 1401.3.2 AS FOLLOWS:**

**1201.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code*.

**35. AMEND SECTION 1301.2 AS FOLLOWS**

**1301.2 Conformance.** The building shall be safe for human occupancy as determined by the *International Fire Code*. Any *repair, alteration, or change of occupancy* undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the *International Building Code* or the *International Residential Code* as applicable.

**36. AMEND SECTION 1401.2 AS FOLLOWS:**

**1401.2 Applicability.** Structures existing prior to 1949, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 5 through 13. The provisions of Sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or I.

**37. AMEND SECTION 1401.3.2 AS FOLLOWS:**

**1401.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code*.

**38. AMEND SECTION 1401.6.3.2 AS FOLLOWS:**

**1401.6.3.2 Floor/ceiling construction.** A floor/ceiling assembly used to create compartments shall conform to Section 712 of the International Building Code and shall have a fire-resistance rating of not less than 2 hours.

**39. AMEND SECTION 1401.6.4.1 CATEGORY b, CATEGORY d, and CATEGORY e AS FOLLOWS:**

**1401.6.4.1 Categories.** The categories for tenant and dwelling unit separations are:

1. Category a—No fire partitions; incomplete fire partitions; no doors; doors not self-closing or automatic-closing.
2. Category b—Fire partitions or floor assemblies with less than 1-hour fire-resistance ratings or not constructed in accordance with Section 708 or 712 of the International Building Code, respectively.
3. Category c—Fire partitions with 1-hour or greater fire-resistance ratings constructed in accordance with Section 708 of the International Building Code and floor assemblies with 1-hour but less than 2-hour fire-resistance ratings constructed in accordance with Section 711 of the International Building Code or with only one tenant within the floor area.
4. Category d—Fire barriers with 1-hour but less than 2-hour fire-resistance ratings constructed in accordance with Section 707 of the International Building Code and floor assemblies with 2-hour or greater fire-resistance ratings constructed in accordance with Section 712 of the International Building Code.
5. Category e—Fire barriers and floor assemblies with 2-hour or greater fire-resistance ratings and constructed in accordance with Sections 707 and 712 of the International Building Code, respectively.

**40. AMEND SECTION 1401.6.5.1 CATEGORY b, CATEGORY c, and CATEGORY d AS FOLLOWS:**

**1401.6.5.1 Categories.** The categories for corridor walls are:

1. Category a—No fire partitions; incomplete fire partitions; no doors; or doors not self-closing.
2. Category b—Less than 1-hour fire-resistance rating or not constructed in accordance with Section 708.5 of the International Building Code.
3. Category c—1-hour to less than 2-hour fire-resistance rating, with doors conforming to Section 715 of the International Building Code or without corridors as permitted by Section 1018 of the International Building Code.
4. Category d—2-hour or greater fire-resistance rating, with doors conforming to Section 715 of the International Building Code.

**41. AMEND SECTION 1401.6.6 AS FOLLOWS:**

**[B] 1401.6.6 Vertical openings.** Evaluate the fire resistance ratings of exit enclosure, hoistways, escalator openings and other shaft enclosures within the building, and openings between two or more floors. Table 1401.6.6(1) contains the appropriate protection values. Multiply that value by the construction type factor found in Table 1401.6.6(2). Enter the vertical opening value and its sign (positive or negative) in Table 1401.7 under Safety Parameter 1401.6.6, Vertical Openings, for fire safety, means of egress, and general safety. If the structure is a one-story building or if all the unenclosed vertical openings within the building conform to the requirements of Section 708 of the International Building Code, enter a value of 2. The maximum positive value for this

requirement shall be 2.

**42. AMEND SECTION 1401.6.10.1 CATEGORIES BY AMENDING ITEM 6 SO WHEN AMENDED THE SECTION SHALL READ AS FOLLOWS:**

**1401.6.10.1 Categories.** The categories for smoke control are:

1. Category a—None.
2. Category b—The building is equipped throughout with an automatic sprinkler system. Openings are provided in exterior walls at the rate of 20 square feet (1.86 m<sup>2</sup>) per 50 linear feet (15,240 mm) of exterior wall in each story and distributed around the building perimeter at intervals not exceeding 50 feet (15 240 mm). Such openings shall be readily openable from the inside without a key or separate tool and shall be provided with ready access thereto. In lieu of operable openings, clearly and permanently marked tempered glass panels shall be used.
3. Category c—One enclosed exit stairway, with ready access thereto, from each occupied floor of the building. The stairway has operable exterior windows, and the building has openings in accordance with Category b.
4. Category d—One smokeproof enclosure and the building has openings in accordance with Category b.
5. Category e—The building is equipped throughout with an automatic sprinkler system. Each floor area is provided with a mechanical air-handling system designed to accomplish smoke containment. Return and exhaust air shall be moved directly to the outside without recirculation to other floor areas of the building under fire conditions. The system shall exhaust not less than six air changes per hour from the floor area. Supply air by mechanical means to the floor area is not required. Containment of smoke shall be considered as confining smoke to the floor area involved without migration to other floor areas. Any other tested and approved design that will adequately accomplish smoke containment is permitted.
6. Category f—Each stairway shall be one of the following: a smokeproof enclosure in accordance with Section 1022.9 of the International Building Code; pressurized in accordance with Section 909.20.5 of the International Building Code; or shall have operable exterior windows.

**43. AMEND SECTION 1401.6.11 SO WHEN AMENDED IT SHALL READ AS FOLLOWS:**

**1401.6.11 Means of egress capacity and number.** Evaluate the means of egress capacity and the number of exits available to the building occupants. In applying this section, the means of egress are required to conform to the following sections of the International Building Code: 1003.7, 1004, 1005.1, 1014.2, 1014.3, 1015.2, 1021, 1025.1, 1027.2, 1027.6, 1028.2, 1028.3, 1028.4 and 1029 [except that the minimum width required by this section shall be determined solely by the width for the required capacity in accordance with Table 1401.6.11(1)]. The number of exits credited is the number that is available to each occupant of the area being evaluated. Existing fire escapes shall be accepted as a component in the means of egress when conforming to

Section 405. Under the categories and occupancies in Table 1401.6.11(2), determine the appropriate value and enter that value into Table 1401.7 under Safety Parameter 1401.6.11, Means-of-Egress Capacity, for means of egress and general safety.

**44. ADD TABLE 1401.6.11(1) AS FOLLOWS:**

**TABLE 1401.6.11(1)  
EGRESS WIDTH PER OCCUPANT SERVED**

OCCUPANCY	WITHOUT SPRINKLER SYSTEM		WITH SPRINKLER SYSTEM <sub>a</sub>	
	WITHOUT SPRINKLER SYSTEM		WITH SPRINKLER SYSTEM <sub>a</sub>	
OCCUPANCY	Stairways (inches per occupant)	Other egress components (inches per occupant)	Other egress components (inches per occupant)	Other egress components (inches per occupant)
Occupancies other than those listed below	0.3	0.2	0.2	0.15
Hazardous: H-1, H-2, H-3, H-4	Not permitted	Not permitted	0.3	0.2
Institutional: I-2	Not permitted	Not permitted	0.3	0.2

For SI: 1 inch = 25.4 mm.

a. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.1.1 or 903.3.1.2.

**45. RELABEL TABLE 1401.6.11 AS 1401.6.11(2)**

**46. AMEND SECTION 1401.6.19 AS FOLLOWS:**

**1401.6.19 Incidental uses.** Evaluate the protection of incidental uses in accordance with Section 509.4.1 of the International Building Code. Do not include those where this code requires automatic sprinkler systems throughout the building including covered and open mall buildings, high-rise buildings, public garages and unlimited area buildings. Assign the lowest score from Table 1401.6.19 for the building or floor area being evaluated and enter that value into Table 1401.7 under Safety Parameter 1401.6.19, Incidental Uses, for fire safety, means of egress and general safety. If there are no specific occupancy areas in the building or floor area being evaluated, the value shall be zero.

**47. AMEND SECTION 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, or **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.

**1511.6 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.

**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 MSCCCE. 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 clean up 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 so 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.

**48. ADD SECTION 3306.8.1 AS FOLLOWS:**

**3306.8 Repair, Maintenance And Removal**

**3306.8.1 Cleaning of sidewalks and streets.** During construction, it shall be the duty of the owner and/or his contractor to keep all debris, including dirt and mud, off of the public property (sidewalks and street, etc.) except for normal debris. This Section may be partially or totally waived by the Building Official when the approved plans require encroachment on public property during construction. The owner or his agent, upon the completion of the building, shall immediately remove all walkways, debris, and all other obstruction and leave such public property in as good a condition as it was before such work was commenced.

**49. DELETE THE TEXT OF SECTION 3401.3 ENTIRELY AND REVERSE IT.**

**3401.3 Reserved Only remove property maintenance and private sewage**

**50. DELETE SECTION 3410 ENTIRELY AND SUBSTITUTE THE FOLLOWING:**

**3410 Moving of building or structures**

**3410.1 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.

**3410.2 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.

**3410.3 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.

**3410.4 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.

**3410.5 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.

**3410.6 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.

**3410.7 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.

**3410.8 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.

**3410.8.1 Additional permits.** Additional permit for the placement and repair and/or renovation of structure shall be required as in Section 105.

**3410.9 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.

#### **3410.10 Permit Refusal**

**3410.10.1 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.

#### **3410.11 Bond Required**

**3410.11.1 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.

**3410.11.2 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.

**3410.12 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.

### **3410.13 Public Safety Requirements**

**3410.13.1 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.

**3410.13.2 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.

**3410.13.3 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.

**3410.13.4 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.

**3410.13.5 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.

**3410.13.6 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.

**3410.14 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.

### **3410.15 Treatment Of Lot After Moving Of Building Or Structure**

**3410.15.1 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.

**3410.15.2 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.

**3410.15.3 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.

**3410.15.4 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.

**3410.16 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.

**3410.16.1 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.