

ITEM # _____ PREPARED BY: Bobby Decker
Moved: _____ REVIEWED BY: Robert B. Rolwing
Seconded by: _____ Assistant County Attorney

JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY EXISTING BUILDING CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL EXISTING BUILDING CODE AND LOCAL AMENDMENTS. SPONSORED BY CHAIRMAN WILLIE F. BROOKS, JR.

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

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by regulations in the 2015 edition of *International Code Council (ICC) International Existing Building Code* which is outdated; and

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

WHEREAS, The provisions of the 2021 Edition of the *ICC International Existing Building Code*, when adopted by the Board and Council, will provide a modern and

internally consistent Code for such construction and is within the family of codes already adopted in Memphis and Shelby County.

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BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That all previous existing-building codes are hereby repealed except as may be set out in the attachments hereto, and that the 2021 Edition of the *ICC International Existing Building Code* is hereby adopted by reference,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

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

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

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

BE IT FURTHER ORDAINED, The adoption of the 2021 Edition of the *ICC International Existing Building Code*, Appendices, and local amendments attached thereto, shall be known as the 2022 Memphis and Shelby County Existing Building Code, and shall be implemented through their inclusion in the appropriate section of the

Memphis and Shelby County Building Code which contains a provision that addresses the appropriate standards for construction on existing structures.

BE IT FURTHER ORDAINED, that Shelby County Code section 6, article II, specifically § 6-47, is hereby amended to reflect these amendments and adoption of the 2022 Memphis and Shelby County Existing Building Code, as set out in Exhibit B hereto.

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

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

LEE HARRIS
County Mayor

Date _____

ATTEST:

Clerk of County Commission

First Reading: _____

Second Reading: _____

Adopted

Third Reading: _____

EXHIBIT A
LOCAL AMENDMENTS TO ICC INTERNATIONAL
EXISTING BUILDING CODE

Memphis
and
Shelby County

2021 EXISTING BUILDING
CODE

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

1. DELETE SECTION 101.1 AND REPLACE WITH THE FOLLOWING:

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

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

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

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

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

4. ADD A NEW SECTION 101.8 AS FOLLOWS:

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

5. AMEND SECTION 103 AS FOLLOWS:

Section 103. Memphis And Shelby County Office Of Construction Enforcement

6. AMEND SECTION 103.1 AS FOLLOWS:

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

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

7. AMEND SECTION 103.2 AS FOLLOWS:

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

8. AMEND SECTION 103.3 AS FOLLOWS:

103.3 Deputies. See Section 103.2.4 on the MSC Building Code

9. AMEND SECTION 104.10 AS FOLLOWS:

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

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

11. ADD SUB-SECTION 105.4.1 AS FOLLOWS:

105.4.1 Permitting and inspection. The inspection and permitting of any building, system or plans by any jurisdiction, under the requirements of the Technical Codes shall not be construed in any court as a warranty of the physical condition of such building, system or plans or their adequacy. No jurisdiction or any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plans, or for any failure of any component of such, which may occur subsequent to such inspection or permitting.

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

13. AMEND SECTION 112 AS FOLLOWS:

Section 112

MSC Board Of Appeals.

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

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

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

15. Add NEW SECTIONS IN SECTION 117 AS FOLLOWS:

Section 117.5 - Contractors License for Demolition

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

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

117.5.2 Classification of Demolition Contractor Licenses

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

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

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

Minimum requirements for a Class B license shall be:

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

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

117.5.4 Fees:

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

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

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

117.6 Suspension And Revocation

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

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

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

117.7 Liability insurance. - See Section 119.2

117.8 Annual bond. - See Section 119.1

16. ADD A NEW SECTION 118 AS FOLLOWS:

Section 118 - Contractor License For Moving Of Buildings Or Structures

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

17. ADD A NEW SECTION 119 AS FOLLOWS:

119 Contractor Responsibilities.

119.1 Bonding

119.1.1 Financial assurance. In order to enhance enforcement of technical code provisions, every person doing business in Memphis and Shelby County as a registered and/or licensed building/structure mover, or demolition contractor shall file with the Building Official at its initial licensing, registration or first renewal of same after the effective date of this section, a permit bond, on a form acceptable to the Building Official in the penal sum of \$25,000, and issued by an incorporated insurance company authorized to do business in the State of Tennessee. Upon arrival of said bond the person desiring to do such work shall secure from the Office of Construction Code Enforcement a registration to do business, which shall run concurrent with the fiscal policy of such authority. When a single legal entity maintains two or more such licenses or registrations with Office of Construction Code Enforcement or undertakes to work on two or more structures under different permits, the total penal sum of the bond for all such licenses and permits shall not exceed \$50,000. A single bond may be used to meet this requirement.

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

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

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

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

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

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

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

119.2 Liability insurance

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

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

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

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

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

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

18. ADD TO SECTION 202 AS FOLLOWS:

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

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

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

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

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

International Fire Code. Whenever the word “International Fire Code (IFC)” is used in this code as adopted, it shall mean all the 2021 Edition of the *ICC International Fire Code* with local amendments as adopted by the Memphis City Council for the City of Memphis and the Shelby County Commission for unincorporated Shelby County and will be known as the Memphis and Shelby County Fire Code (MSCFC)

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

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

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

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

19. AMEND SECTION 1301.3.2 AS FOLLOWS:

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

20. AMEND SECTION 1401.2 AS FOLLOWS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1404.3 Permit Refusal

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

1404.4 Bond Required

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

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

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

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

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

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

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

1405 Public Safety Requirements

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

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

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

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

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

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

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

1406 Treatment of Lot After Moving Of Building Or Structure

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

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

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

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

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

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

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

1510 Demolition of Buildings

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

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

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

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

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

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

1511 Standards

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

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

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

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

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

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

1513 Permits

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

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

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

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

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

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

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

1514 Safeguards During Demolition

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

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

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

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

1515 Method of Razing

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

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

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

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

1516 Treatment of Party Walls

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

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

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

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

1518 Treatment of Lot After Building Demolished or Removed

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

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

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