Publish August 30, 2013

ORDINANCE NO: 5533

A JOINT ORDINANCE AMENDING CHAPTER 34 OF THE *2012 JOINT BUILDING CODE FOR MEMPHIS AND SHELBY COUNTY* PREVIOUSLY ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AND THE MEMPHIS CITY COUNCIL, BY MODIFYING APPLICABLITY REQUIREMENTS FOR THE RETROFITTING OF EXISTING COMMERCIAL BUILDINGS UNDERGOING ALTERATIONS OR CHANGES IN OCCUPANCY WHICH WOULD MANDATE COMPLIANCE WITH CHAPTER 34 REQUIREMENTS RELATED TO SEISMIC PROTECTION AND SETTING A NEW EFFECTIVE DATE FOR ALL OF THE STRUCTURAL PROVISION OF THAT CODE.

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

WHEREAS, The Shelby County Board of Commissioners and the Council of the City of Memphis adopted various chapters from the 2012 edition of *the ICC International Building Code* to address structural requirements for new or renovated commercial buildings, but has delayed the effective date for the implementation of these structural provisions in order to allow for a more complete evaluation of their impact on the building design and construction industry; and

WHEREAS, Memphis and Shelby County Building Code Advisory Board has recently met and considered certain amendments to the provisions of Chapter 34 of the *2012 Joint Building Code For Memphis And Shelby County* related to the renovation of existing buildings and has made recommendations that those provisions be amended to better meet the needs of this jurisdiction and those regulated by this Code, including owners, contractors and other design

professionals; and

WHEREAS, The Building Official for Memphis and Shelby County has reviewed those proposed amendments recommended by the Memphis and Shelby County Building Code Advisory Board and found that they reflect the goals and aims of the building code to provide for the effective and efficient reuse of existing structures while recognizing the difficult compliance issues which can arise from such reuse and repurposing of these existing structures and he supports the proposed amendments; and

WHEREAS, The adoption of this amendment to the *2012 Joint Building Code For Memphis And Shelby County* will require the affirmative vote of the majority of the Shelby County Board of Commissioners and the Council of the City of Memphis.

NOW, THEREFORE BE IT ORDAINED BY THE BY THE CITY COUNCIL FOR THE CITY OF MEMPHIS, TENNESSEE That Section 3408.4 of the *2012 Joint Building Code For Memphis And Shelby County* is amended by adding the phrase "as defined by Table 1604.5," after the word "category" in the first sentence and by adding a new exception number 3 to that Section so that when amended the entire Section shall read as follows (Amendments shown in underline):

3408.4 Seismic

When a change in occupancy results in a structure being reclassified to a higher risk category, <u>as defined by Table 1604.5</u>, the structure shall conform to the seismic requirement for a new structure of the higher risk category.

Exceptions:

1. Specific seismic detailing requirements of Section 1613 for a new structure shall not be required to be met where the seismic performance is shown to be equivalent to that of a new structure. A demonstration of equivalence shall consider the regularity, overstrength, redundancy, and ductility of the structure.

2. When a change of use results in a structure being reclassified from Risk Category I or II to Risk Category III and the structure is located where the seismic coefficient, S_{DS} is less than 0.33, compliance with the seismic requirement of

Section 1613 are not required.

3. Where there are no structural modifications being made to the exiting structure in excess of those allowed by Section 3404.3 and 3404.4. This exception shall not apply when changing to Risk Category IV.

BE IT FURTHER ORDAINED, That all other provisions of the *2012 Joint Building Code for Memphis and Shelby County* as adopted by the Shelby County Commission on October 8, 2012 in Ordinance 423 and the Memphis City Council on December 18, 2012 in Ordinance 5487 shall remain unchanged.

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 the provisions of this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County on October 1, 2013 by virtue of the concurring and separate passage thereof by the Memphis City Council and by the Board of Commissioners of Shelby County or, if not adopted by each legislative body by that date, at the date of such adoption by the second body.

The foregoing Ordinance

#_____ PASSED

1st Reading _____

2nd Reading _____

3rd Reading _____

Approved_____

Chairman of Council

Date Signed: _____

Approved: _____

Mayor, City of Memphis

Date Signed: _____

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.

_____

Comptroller