



JOINT ORDINANCE NO. 5479

A JOINT ORDINANCE AMENDING THE JOINT EXISTING BUILDING CODE OF MEMPHIS AND SHELBY COUNTY, SO AS TO ADOPT THE 2012 EDITION OF THE *ICC INTERNATIONAL CODE COUNCIL INTERNATIONAL EXISTING BUILDING CODE* AND LOCAL AMENDMENTS THERETO.

WHEREAS, The Board of Commissioners of Shelby County, Tennessee, has previously adopted the 2003 Edition of the *International Code Council International Existing Building Code* with certain local amendments thereto, now collectively known as the *2005 Joint Existing Building Code of Memphis and Shelby County*; and

WHEREAS, A more recent edition of the *International Code Council International Existing Building Code* has been reviewed by the Memphis and Shelby Office of Construction Code Enforcement and found to better address the needs of the citizens of Memphis and Shelby County and the regulated community that must follow that code in their work, and

WHEREAS, Requirements for the operation of a local permitting and inspection program for alteration or repair of existing buildings, in lieu of state operation of such a program, is both desirable and in the best interests of this community, and

WHEREAS, State statutes require the frequent updating of the standard codes used to regulate construction so as to better protect the public by assuring the requirements for such installations are modern and represent an acceptable current level of professionalism and technical information, and

WHEREAS, A copies of the 2009 Edition *International Code Council Existing Building Code* have been placed in the Office of the Shelby County Clerk for more than ninety days 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 adoption of this updated to Memphis and Shelby County Existing Building Code will require the affirmative vote of the majority of the Shelby County Board of Commissioners and the Council of the City of Memphis as no new fine is established by this adoption and update, and

WHEREAS, An effective date for the adoption of these new requirements must be sufficiently timed so as to allow a seamless and smooth transition for the

design professional and contractors who must work with that code, but that still meets the statutory requirements found in state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR MEMPHIS, TENNESSEE, THAT

(a) The 2012 Edition of the *International Code Council International Existing Building Code* is hereby adopted.

(b) BE IT FURTHER ORDAINED, That the local amendments to the sections of the 2012 Edition of the *International Code Council International Existing Building Code* noted in the attached Exhibit 1 are also adopted and together these provisions and the 2012 Edition of the *International Code Council International Existing Building Code* shall become the *2012 Joint Existing Building Code of Memphis and Shelby County*.

(c) BE IT FURTHER ORDAINED, That **Appendix A - Guidelines for the Seismic Retrofit of Existing Buildings and Appendix B - Supplemental Accessibility Requirements for Existing Buildings and Facilities** of the 2012 Edition of the *International Code Council International Existing Building Code* and locally drafted **Appendix C - Repair, Alteration, Rehabilitation and Changing Occupancies of Existing Structures for an R-2 Use** are hereby specifically adopted, but that **Appendix C - Guidelines for the Wind Retrofit of Existing Buildings** listed in the 2012 Edition of the *International Code Council International Existing Building Code* is not adopted.

(d) BE IT FURTHER ORDAINED, The adoption of the 2012 Edition of the *International Code Council International Existing Building Code* and those local amendments attached thereto, shall be implemented through their inclusion in the appropriate section of the Memphis and Shelby County Building Code which contains a provision that addresses the appropriate standards for the additions, renovations and alterations to such existing structures including the use of this Code.

(e) 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.

(f) **BE IT FURTHER ORDAINED**, That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County on September 30, 2012 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
5479 PASSED

1st Reading 11-20-12

2nd Reading 12-4-12

3rd Reading 12-18-12

Approved Edmund J. L...
Chairman of Council

Date Signed: 1-8-2013

Approved: [Signature]
Mayor, City of Memphis

Date Signed: 1/11/13

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. Snypis
Comptroller