

Patrick Merkel - Re: Proposed Seismic Ordinance Fix

From: Patrick Merkel
To: Gray, Carter
Date: 6/10/2010 1:36 PM
Subject: Re: Proposed Seismic Ordinance Fix
CC: Bainbridge, Christopher; Pillow, Jim

Carter,

I have run this proposal by Assistant Commissioner Pillow. The Department would consider this an acceptable equivalency for the seismic provisions and would correct the deficiency documented in the audit of the Codes for Memphis/Shelby County.

Please keep me posted your progress with the City Council and County Commission regarding the adoption of these standards.

Patrick

Patrick W. Merkel
Chief Counsel for Fire Prevention and Law Enforcement
Department of Commerce and Insurance
(615) 741-9462

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>>> "Gray, Carter" <Carter.Gray@shelbycountytn.gov> 6/8/2010 2:34 PM >>>

Attached is a draft ordinance that the Building Code Advisory Board has finally recommended be sent to the City Council and County Commission for consideration and hopeful adoption. I believe it reflects what we have previously discussed as a fix to the deficiencies noted in the program audit. This will be a stop-gap measure until we can finish the review and amendment process to the 2009 ICC Building, Residential and Existing Building Codes which I would expect to occur later this year with final adoption of these upgrades early next year. I know we are also working on a similar update to the Electric, Plumbing and Mechanical Codes so that all can be in harmony as they are reviewed and implemented. Please review this in the near future and let me know if it corrects the problems found.

I have a question about the Residential Exemption Authorization Form as well. As we conduct the inspections under contract with three suburban cities (Arlington, Lakeland and Germantown) who adopt our Shelby County Codes by reference, should they complete the first section which states they have adopted the 2003 Residential Code by adopting our code by reference, or should they use the section which states that by contract they have hired us to conduct the inspections and that our inspectors are properly certified. I prefer the first alternative if we have a choice in the matter. Let me know as the letters to those Mayors has to go out soon.

Thanks for your help.

J. Carter S. Gray
Assistant County Attorney
6465 Mullins Station Road
Memphis, TN 38134

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From: "Gray, Carter" <Carter.Gray@shelbycountyttn.gov>
To: "Patrick Merkel" <Patrick.Merkel@tn.gov>
Date: 6/8/2010 2:35 PM
Subject: Proposed Seismic Ordinance Fix
Attachments: Draft Building Code Ordinance Package 6-3-10.doc

Attached is a draft ordinance that the Building Code Advisory Board has finally recommended be sent to the City Council and County Commission for consideration and hopeful adoption. I believe it reflects what we have previously discussed as a fix to the deficiencies noted in the program audit. This will be a stop-gap measure until we can finish the review and amendment process to the 2009 ICC Building, Residential and Existing Building Codes which I would expect to occur later this year with final adoption of these upgrades early next year. I know we are also working on a similar update to the Electric, Plumbing and Mechanical Codes so that all can be in harmony as they are reviewed and implemented. Please review this in the near future and let me know if it corrects the problems found.

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Summary Sheet

I. **Description of Item** - This item is a Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Building Code of Memphis and Shelby County,

These amendments:

1. Alter the seismic design requirements so that they will comply with State requirements established in TCA §68-120-101(b) for local jurisdictions wishing to be exempt from state Building Code requirements.

2. Adopt as the reference standard the latest edition (2010) of the design manual used to determine required seismic design elements and materials of construction known as, ASCE 7-10. The Department believes this updated reference work allows for a 20% decrease (approximate) in design load requirements related to seismic forces from the requirements of the state adopted Building Code (2006 Edition of the ICC Building Code), base on the latest evaluation of the seismic risk for this region.

II. **Source and Amount of Funding**

A. Amount Expended/Budget Line Item

NONE.

B. All Costs (Direct/Indirect)

NONE.

C. Additional or Subsequent Obligations or Expenses of Shelby County

NONE.

III. **Contract Items – N/A**

A. Type of Contract – N/A

B. Terms – N/A

IV. **Additional Information Relevant to Approval of this Item**

Administration recommends approval of this Amendment.

ITEM # _____

PREPARED BY: Carter Gray

COMMISSIONER: _____

APPROVED BY: _____
County Attorney

A JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE MEMPHIS AND SHELBY COUNTY JOINT BUILDING CODE, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 296 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5122 ON SEPTEMBER 6, 2005, TO MAKE THE JOINT BUILDING CODE CONFORM TO STATE REQUIREMENTS FOR TIMELY ADOPTION OF MODEL CODES, UPDATE SEISMIC DESIGN REQUIREMENTS AND ESTABLISH AN EFFECTIVE DATE THEREFORE.

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

WHEREAS, it has been determined that in order to meet State Law requirements as to the current edition of the model codes that are adopted and enforced by a local jurisdiction seeking to operate a building permitting and inspection program in lieu of state operation of such a program; and

WHEREAS, these Codes need to be updated to show compliance with State Model Code requirements and to make other amendments considered necessary and prudent;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS AND SHELBY COUNTY, TENNESSEE AND BY THE CITY COUNCIL OF THE CITY OF MEMPHIS:

Section 1. BE IT ORDAINED, that the 2005 Joint Building Code of Memphis and Shelby County is further amended by deletion of the previously adopted **Appendix L** entitled "Alternate Seismic Protection Calculations And Procedures" for which there is no replacement; and

Section 2. BE IT FURTHER ORDAINED, that the those local amendments attached to this Joint Ordinance as Exhibit 1 are hereby incorporated by reference into the 2005 Joint Building Code of Memphis and Shelby County as if set out herein in their

entirety; and

Section 3. BE IT FURTHER ORDAINED, that this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County by virtue of the concurring and separate passage thereof by the City Council of the City of Memphis and by the Board of Commissioners of Shelby County.

Chairman of County Commission

Date _____

Joe Ford
Interim County Mayor

Date _____

ATTEST:

Clerk of County Commission

EXHIBIT 1

The 2005 Joint Building Code of Memphis and Shelby County is amended as follows:

1. Delete in its entirety Appendix L entitled "Alternate Seismic Protection Calculations And Procedures." No replacement language for this deleted Appendix is added.

2. Amend Chapter 1 Section 101.2 entitled "Scope" by deleting item 3 of the "Exceptions" in its entirety. No replacement language is provided for this deleted "Exception".

3. Amend Chapter 1 Section 101.2.1 entitled "Appendices" by deletion of the item entitled "Appendix L – Alternate seismic protection calculations and procedures" No replacement language is provided for this deleted item.

4. Add the following as Section 1614.6 entitled "Reference Standard Applicable." and the subsections which are indicated, which shall read as follows:

1614.6 Reference standard applicable – When calculating seismic load and other seismic related requirements found in Section 1614 to Section 1623, compliance with those terms and the use of applicable section of ASCE 7-02 that are referenced in these sections shall be allowed to show compliance with the Code. Design Professionals may, alternatively, use the corresponding provisions for these seismic evaluations found in ASCE 7-10, the most current edition of this reference, as a compliance method for these requirements.

1614.6.1 Required information on plans. When using ASCE 7-10 for compliance, the Design Professional shall indicate on the submitted plans the version of the ASCE reference being utilized.

1614.6.2 Related references. The Design Professional shall also use the editions of the related reference works found in ASCE 7-10 for such items as concrete and steel specifications when utilizing ASCE 7-10 as allowed herein. Where Chapter 14 of ASCE 7-10 conflicts with the provisions of Chapters 18-24 of this Code, the provisions of Chapter 14 of ASCE 7-10 shall govern.

1614.6.3 Resolution of conflicts. The Building Official is authorized to determine the appropriate design criteria to resolve conflicts of interpretation when this alternative Reference (ASCE 7-10) is utilized in determining compliance with seismic standards.

5. Amend Chapter 35 entitled "Referenced Standards" under the heading "ASCE/SEI" by adding a separate reference for certain seismic standards found in the latest edition of that Standard (07-10) and allowing the use of ASCE 07-10 to the

appropriate sections of the Code so that the ASCE/SEI section dealing with ASCE 7, when amended, shall read as follows:

7—02 Minimum Design Loads for Buildings. 1605.2.2, 1605.3.1.2, 1605.3.2, 1608.1, 1608.3, 1608.3.4, 1608.3.5, 1608.4, 1608.5, 1608.6, 1608.7, 1608.8, 1609, 1609.1.1, 1609.1.4.1, 1609.3, table 1609.3.1, 1609.7.3, 1612.2, 1614.1, 1616.1, 1616.3, 1616.4.5, 1616.5, Table 1616.5.1.1, Table 1616.5.1.2, 1616.6, 1617.1, 1617.2, 1617.2.1, 1617.2.2.2, 1617.3, 1617.4, 1617.6, 1617.6.1, 1617.6.1.1, 1618.1, 1619, 1620.1, 1620.1.1, 1620.1.2, 1620.1.3, 1620.2.1, 1620.2.7, 1620.3.1, 1321.1, 1321.1.1, 1621.1.2, 1321.1.3, 1622.1, 1622.1.1, 1622.1.2, 1622.1.3, 1623.1, 1623.1.1

7-10 Minimum Design Loads for Building and Other Structures (Seismic Provisions only)..... 1605.1, 1605.2.2, 1605.3.1.2, 1614.1, 1616.1, 1616.3, 1616.4.5, 1616.5, Table 1616.5.1.2, 1616.6, 1617.1, 1617.2, 1617.2.1, 1617.2.2.2, 1617.3, 1617.4, 1617.6, 1617.6.1, 1617.6.1.1, 1618.1, 1619, 1620.1, 1620.1.1, 1620.1.2, 1620.1.3, 1620.2.1, 1620.2.7, 1620.3.1, 1321.1, 1321.1.1, 1621.1.2, 1321.1.3, 1622.1, 1622.1.1, 1622.1.2, 1622.1.3, 1623.1, 1623.1.1