OWNER/BUILDER AGREEMENT

Permit No. _____

Applicant Property Owner:_____

Property Address:_____

NOTE: PLEASE READ BEFORE SIGNING

T.C.A. Section 62-6-103(a)(2)(A & B) recognizes an exemption to Tennessee State Law requiring that licensed contractors be used on all construction projects defined as "contracting" by T.C.A. Section 62-6-102; however, said exemption only allows a person, firm or church that owns its own property to construct a single residence, farm building or other building for individual use in its **county of residence, and not for resale, lease, rent or other similar purpose, provided that no such owner may be allowed to claim the exemption if such owner constructs more than one (1) single residence within a period of two (2) years. This exemption and the provisions of T.C.A. Section 13-7-117 require that the owner perform its own work or immediately supervise the work on such person's own property. Failure by the Owner to do so, or to use the exemption as a subterfuge to use a non-licensed contractor to perform such work, is a violation of T.C.A. Sections 13-7-117; 62-6-103; and 62-6-126, which violations constitute criminal offenses as set forth in said statutory provisions. Furthermore, such violations, upon discovery by Marion County, shall be the basis of denial of building permits; issuance of a stop-work order; and/or revocation of any previously issued building permits.**

This Agreement is made by and between **MARION COUNTY, TENNESSEE ("County")**, and the **PROPERTY OWNER ("Owner"),** who wishes to construct his, her or its own structure. After having read and signed this Agreement, in conjunction with State Law, **COUNTY** will allow an **OWNER** who acquires the proper permits to act as its/their own contractor and construct its/their own single residence, farm building or other building for individual use in accordance with T.C.A. Section 62-6-1 03(a)(2)(A). **OWNER** is thereby responsible for and shall perform its own construction or directly supervise the construction of all framing, electrical, plumbing and mechanical work.

As Owner/Applicant, Thereby swear or affirm that pursuant to T.C.A. Section 62-6-103(2)(A & B), the building being constructed is not for resale, lease, rent or other similar purposes. I have not obtained a building permit to construct a residence in the last two(2) years prior to this date in Marion County, Tennessee, in accordance with T.C.A. Section 62-6-103(a)(2)(B).

I, the Property Owner, hereby certify and understand that I am assuming and shall perform the role of contractor for my residence or residential building(s) and as such it is my responsibility to fully and completely comply with all provisions of the 2003 International Building Code, as amended from time to time; any applicable subdivision regulations; all state and/or local zoning

laws, resolutions or ordinances; and any other applicable laws or regulations pertaining to construction or contracting.

I also understand and agree that the Marion County Building Inspection Office/Building Official cannot and will not be a consultant to me as owner or builder, or give any construction advice in any of the trades other than Code meanings or interpretation. The Building Official shall require that I, as owner/builder, obtain a licensed contractor in the appropriate trade as a consultant and/or assistant when needed and when required by T.C.A. Section 62-6-102.

I hereby certify and agree to indemnify and hold harmless the Building Official, his agents and employees, and Marion County, Tennessee, its agents, employees, officers, and Commissioners, against any claims, liabilities, judgment costs and expenses which may in any way accrue against them as a result of the granting of a building permit.

By acting as the Contractor, I am directly responsible for the following requirements:

1) Inspections being requested and passed;
2) Meeting all setback requirements;
3) Assuring that, in compliance with T.C.A. Section 13-7-117, I am exempt from the provisions of the Tennessee Workers Compensation Act because I am performing and/or directly supervising work on my own property within my County of residence; however, pursuant to the provisions of T.C.A. Section 13-7-117, it is my responsibility to obtain verification of compliance with the Workers Compensation provisions of Tennessee Law as follows for any of my subcontractors:

   a) Obtain a copy of their Certificate of Insurance or their Workers' Compensation policy for the life of my building permit, or
   b) Sign an Affidavit of Exemption from such coverage as provided by T.C.A. Section 13-7-117(e).

<u>NOTE</u>: Discovery by the Building Official that the Owner is not performing his/her/its own work on such person's own property or directly supervising work on such person's own property in that person's county of residence shall be grounds for issuance of a stop-work order and revocation of any applicable building permit pursuant to T.C.A. Section 13-7-117. Furthermore, violation of such requirement by the Owner is a Class C misdemeanor pursuant to T.C.A. Section 13-7-117(g) and may be referred to the Office of the District Attorney General for criminal prosecution.

The Building Official will make the requested inspections (call in by 2:00 **P .M.** to schedule an inspection for the following day) in the following order and with the following stipulations:

1) **First Inspection - Foundation** footing is dug, rebar in, soil treated, but prior to pouring.
2) **Second Inspection - Framing -** mechanical, plumbing, State electrical inspection completed, but prior to installation of insulation; and
3) **Third Inspection - Final -** Structure is completely finished and ready for occupancy.*

If re-inspections are required because the work did not pass the initial inspection, they will be made only after the requested changes are completed. The Building Official suggests a licensed tradesman/contractor be consulted if inspections are failed.

Second re-inspections will not be made until a person holding a Contractor's license in the appropriate field has been consulted, changes have been made and the work then meets or exceeds applicable Code. NOTE: All inspections will be made when requested and one (1) re-inspection will be made without any additional fees. If a second-re-inspection is required, a fee of $25.00 will be charged for each additional inspection.

* Certificates of Occupancy can only be furnished to the Owner or mortgage company **if** the Building Official has been requested to do all three (3) required inspections and all inspections have been passed.

All individuals signing this Affidavit certify pursuant to T.C.A. Section 13-7-11 7(e)(2), that they are in compliance with or exempt from the requirements of T.C.A. Section 13-7-117, and that, if required, a Certificate of Insurance or workers'compensation policy meeting the requirements of T.C.A. Sections 50-6-405 and 406 or photocopy thereof shall be delivered to the Building Official before a building permit may be issued, or an appropriate Affidavit of Exemption must be submitted pursuant to T.C.A. Section 13-7-1 17(e)(2).

DATED this the_____day of_____, 20____

Signature of Owner: _____

STATE OF TENNESSEE
COUNTY **OF** MARION

Sworn to and subscribed before me by_____,
Applicant, on this ____day of_____, 20___.

_____
Notary Public at Large

My Commission Expires: _____

Applicant/Property Owner: _____

Property Address: _____

AFFIDAVIT OF EXEMPTION

STATE OF TENNESSEE
COUNTY OF MARION

Comes the undersigned Affiant, after having been first duly sworn according to law, and hereby states as follows:

1. I am more than eighteen (18) years of age and competent to make this Affidavit.

2. I am exempt from the provisions of T.C.A. Section 13-7-117 requiring proof of workers compensation insurance for issuance of a building permit because I am performing my own construction work on my own property in my County of residence or directly supervising work on my own property in my County of residence.

3. I understand that misrepresenting the facts stated herein or claiming the above exemption in violation of T.C.A. Section 13-7-117 is a criminal offense punishable as a Class "C" misdemeanor and basis for denial or revocation of a building permit.

Further the Affiant saith not.

Dated this ___day of_____,20_____

_____
Affiant

Sworn to and subscribed before me by
This ____day of_____,20___

_____
Notary Public

My Commission expires: _____

STATE OF TENNESSEE
COUNTY OF MARION

On this the_____ day of_____,20_____ before me personally appeared_____ to me known to be or proved to me on the basis of satisfactory evidence to be the person described in and who executed the foregoing instrument and who acknowledged that he/she executed the same as his/her free act and deed.

_____
NOTARY PUBLIC
My Commission Expires: _____