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Ten Simple Questions on Code Adoption for Towns and Cities in Tennessee (2011)

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THE UNIVERSITY of TENNESSEE
MUNICIPAL TECHNICAL ADVISORY SERVICE

In cooperation with the Tennessee Municipal League

TECHNICAL bulletin

May 27, 2011

10 SIMPLE QUESTIONS ON CODE ADOPTION FOR TOWNS AND CITIES IN TENNESSEE

Ray Crouch Sr., Fire Management Consultant (Updated by MTAS Staff)

1. Do Tennessee towns and cities have to adopt a building or fire code?	No, however, if a city or town decides it does not want codes to be enforced in the town, it must strictly follow an "opt-out" process as described in T.C.A. § 68-120-101. If a city wants to have codes enforced for residential homes but does not want to do it itself, the State Fire Marshal's Office will enforce codes for those buildings.
2. Is there a need to adopt building or fire codes?	Public safety is the best reason to adopt codes. Citizens need protection from others and sometimes from themselves. The entire model code development process is based on tragedies in the past.
3. What does my city charter say about codes?	Most city charters say nothing except that you can adopt building and fire codes if you want. Check your charter to determine your authority to adopt and enforce codes. T.C.A. § 6-54-501 and the following sections authorize all municipalities in the state to adopt codes published by technical trade organizations by reference. This includes building, plumbing, electrical and other codes.
4. Has my town or city already adopted a fire or building code?	Review your codified municipal code to find this answer.
5. If we have adopted a building or fire code, what code and what year should it be?	The state law requires that the code you adopt be no more than seven years **older** than the date of the latest published edition of the code adopted. You can adopt newer versions that are substantially equal to or more stringent than the State Fire Marshal's Office.
6. Why should a town or city adopt codes?	If you adopt codes, you can enforce them locally. If you do not adopt codes, the state fire marshal has the final enforcement power.

7. What codes should we adopt? When should we adopt them?	**Building:** *International Building Code* edition within seven years of latest published edition. **Fire:** *International Fire Code* edition within seven years of latest published edition; or *Uniform Fire Code* edition within seven years of latest published edition. Check the minimum code requirements at the State Fire Marshal's Web site: http://tn.gov/commerce/sfm/index.shtml.
Check the minimum code requirements at the state fire marshal's Web site: www.state.tn.us/commerce/sfm/documents	There are other codes you can adopt as needed for plumbing, gas, etc.
8. Why should my town or city adopt a different code than the state's?	Your town or city should not necessarily adopt a different code than the State Fire Marshal's Office. You can adopt newer versions that are substantially equal to or more stringent than the State Fire Marshal's Office if you feel that the needs of your city would be better served by a newer code.
9. Why do some towns and cities adopt codes, then not enforce them?	Some cities sell permits just to raise revenue. This is very risky. Why should you have any codes if you do not intend to enforce them?
10. What building code does the state use?	The state of Tennessee has now adopted the *2006 International Building Code*, the *2006 International Fire Code* and *2006 NFPA 101 Life Safety Code*. Check the State Fire Marshal's Web site for additional information: http://tn.gov/commerce/sfm/index.shtml.

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The Municipal Technical Advisory Service (MTAS) is a statewide agency of The University of Tennessee Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League to provide technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, ordinance codification, and water and wastewater management.

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