



3-2012

Adopting Building Codes and Building Code Amendments by Reference

Stephanie Allen

Municipal Technical Advisory Service, Stephanie.Allen@tennessee.edu

Follow this and additional works at: http://trace.tennessee.edu/utk_mtaspubs

 Part of the [Public Administration Commons](#)

The MTAS publications provided on this website are archival documents intended for informational purposes only and should not be considered as authoritative. The content contained in these publications may be outdated, and the laws referenced therein may have changed or may not be applicable to your city or circumstances.

For current information, please visit the MTAS website at: mtas.tennessee.edu.

Recommended Citation

Allen, Stephanie, "Adopting Building Codes and Building Code Amendments by Reference" (2012). *MTAS Publications: Full Publications*.

http://trace.tennessee.edu/utk_mtaspubs/72

This Report is brought to you for free and open access by the Municipal Technical Advisory Service (MTAS) at Trace: Tennessee Research and Creative Exchange. It has been accepted for inclusion in MTAS Publications: Full Publications by an authorized administrator of Trace: Tennessee Research and Creative Exchange. For more information, please contact trace@utk.edu.

ADOPTING BUILDING CODES AND BUILDING CODE AMENDMENTS BY REFERENCE

Updated by Stephanie Allen,
Legal Consultant

March 2012

THE UNIVERSITY of TENNESSEE 
MUNICIPAL TECHNICAL ADVISORY SERVICE

In cooperation with the Tennessee Municipal League



ADOPTING BUILDING CODES AND BUILDING CODE AMENDMENTS BY REFERENCE

Stephanie Allen
Legal Consultant

March 2012

MTAS OFFICES

Knoxville (Headquarters).....(865) 974-0411
Johnson City.....(423) 854-9882
Nashville.....(615) 532-6827
Jackson(731) 423-3710
Martin(731) 881-7055

www.mtas.tennessee.edu

The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of the University of Tennessee Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works,

law, ordinance codification, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

MTAS provides one copy of our publications free of charge to each Tennessee municipality, county and department of state and federal government. There is a \$10 charge for additional copies of "Adopting Building Codes and Building Code Amendments by Reference."

Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (865) 974-0411.



TABLE OF CONTENTS

Executive Summary	1
Introduction	1
Adopting Building Codes by Reference	1
Amendments to Building Codes Adopted by Reference.....	2
Adopting New Codes When a Code Was Previously Adopted	4
Appendix A.....	5
Appendix B.....	6
Footnotes	15



ADOPTING BUILDING CODES AND BUILDING CODE AMENDMENTS BY REFERENCE

EXECUTIVE SUMMARY

Cities adopting building codes by reference must adopt the complete codes by ordinance. Cities may adopt amendments to building codes in one of two ways: by ordinance or by administrative regulations compiled by the building official. *Tennessee Code Annotated* sets forth the procedure for both methods. To adopt amendments by ordinance, a city follows the adopting procedures provided by its charter. To adopt amendments by administrative regulation, the building official compiles the regulations and gives them to the governing body of the city. The governing body may reject the building official's regulations by resolution. If the governing body does not reject the regulations within 90 calendar days or after its second official meeting following receipt of the regulations, whichever is later, the regulations become effective. Building codes and their amendments must be available for public inspection in the city recorder's office at least 15 days before they are adopted.

INTRODUCTION

This publication sets forth procedures for adopting codes and their amendments by reference as authorized by T.C.A. § 6-54-501 *et seq.* T.C.A. § 6-54-501(1) defines "code" as "any published compilation of rules and regulations which have been prepared by various technical trade associations and shall include specifically, but not be limited to, building codes; plumbing codes; electrical wiring codes ... together with any other code which embraces rules and regulations pertinent to a subject which is a proper municipal legislative matter." In this publication, the term "building code(s)" will be used to refer to any or all of these codes. "City recorder" includes "city clerk."

A step-by-step guide is included at the end of this publication as Appendix A. Sample ordinances, regulations and resolutions are included in Appendix B.

ADOPTING BUILDING CODES BY REFERENCE

Cities typically adopt one or more of the technical codes published by the National Fire Protection Association (NFPA), Council of American Building Officials (CABO), or International Code Council (ICC). The ICC was formed in 1994 by the Building Officials and Code Administrators International, Inc. (BOCA), the International Conference of Building Officials (ICBO), and the Southern Building Code Congress International, Inc. (SBCCI). Each organization had developed model codes for use in the United States since the early part of the 20th century. They created the ICC for the purpose of developing a single set of model codes. The three founding organizations are now part of the ICC.

One copy of each code to be adopted by reference must be on file in the city recorder's office 15 days before the ordinance incorporating the code is adopted.¹ In general, an ordinance is considered adopted when it is passed on final reading by a city's governing body according to the adoption procedures prescribed by the city charter.² If the ordinance provides an effective date that is later than the date of final reading on the ordinance, the ordinance is still considered passed on the date of final reading.³ Therefore, the filing requirement is met if the code to be adopted by reference is available for public inspection in the recorder's office at least 15 days before final reading of the ordinance incorporating the code by reference.



Charter procedures for adopting ordinances may vary from city to city, but they are considered mandatory.⁴ Action taken inconsistent with mandatory provisions of the charter is *ultra vires* and void or voidable.⁵ As with any other ordinance, a city charter’s ordinance adoption procedures must be followed when adopting building codes or amendments by ordinance.

Cities may not adopt by reference the penalty clauses of any building code adopted.⁶ Penalties for building code violations should be set forth in the ordinance adopting the code by reference. See Section 4 of Sample 1, “Adopting building codes by reference with intent to adopt amendments by ordinance,” or Sample 2, “Adopting building codes by reference with intent to adopt amendments administratively,” in Appendix B.

AMENDMENTS TO BUILDING CODES ADOPTED BY REFERENCE

Amendments to building codes may be adopted either by ordinance⁷ or by administrative regulations.⁸ Regardless of which method is used to adopt amendments to codes, the governing body must take affirmative action to either accept or reject each specific amendment to a particular code.⁹ The statute does not provide for automatic adoption of future amendments, nor will an ordinance adopted to incorporate “all future amendments” comply with the statute.¹⁰ For cities that enforce their own local building construction safety standards under T.C.A. Title 68, Chapter 120, building codes adopted by reference must be current within seven years of the date of the latest editions.¹¹ The local standards must be at least as stringent as those adopted by the state fire marshal, or the fire marshal’s standards apply to the city.¹² The local standards may not conflict with any provision of T.C.A. Title 68, Chapter 120.¹³

A. REJECTING SPECIFIC AMENDMENTS

If a city decides not to adopt a certain amendment,

and amendments to building codes are not adopted administratively by the building official, it must reject the amendment by at least a two-thirds vote of the total membership of the governing body.¹⁴ This must be done every time a new amendment is published to the code. Each amendment rejected must be identified by “date and source.”¹⁵ The ICC and other organizations, when publishing building codes or amendments, specify the date of the code or amendment by year, e.g. “2000 edition with 2002 revisions.” The “source” is the particular code being adopted.

The statute does not specify that rejection of amendments must be by written instrument. However, a written resolution is an effective way to keep a record of the votes on each amendment considered and what action was taken on each. See Sample 3, “Resolution rejecting specific amendments to building codes,” in Appendix B. If the rejection is not by written instrument, the meeting minutes should contain an accurate reference to the specific amendment considered and either a roll call vote or a notation that the vote to reject was effected by at least a two-thirds majority of the total membership of the board.

B. ADOPTING AMENDMENTS BY ORDINANCE

If a city decides to adopt a specific amendment, T.C.A. provides two alternate methods. The first method is straightforward. The governing body of the city passes an ordinance adopting the amendments by reference.¹⁶ As with complete building codes adopted by reference, amendments to building codes must be on file in the recorder’s office at least 15 days before the ordinance incorporating them by reference is adopted.¹⁷ If the ordinance adopting the building code is in the city’s municipal code, the ordinance adopting the amendment should be written to amend the municipal code section and not the original ordinance. See Sample 4, “Ordinance incorporating amendments to building codes — amending



a municipal code,” in Appendix B. If the ordinance adopting the building code is not in a municipal code, the ordinance should be written to amend the ordinance that adopted the building code. See Sample 5, “Ordinance incorporating amendments to building codes — amending an existing ordinance,” in Appendix B.

C. ADOPTING AMENDMENTS BY ADMINISTRATIVE REGULATIONS

The second method of adopting amendments to building codes by reference is a bit more complicated. It is not clearly set forth in the statutes but is outlined in T.C.A. § 6-54-502(c)–(e). See the step-by-step guide in Appendix A for a simplified version of this method. So that anyone reading the original ordinance adopting the building code by reference will know how to locate amendments to the building code, the intent to have the municipal code official adopt amendments administratively should be set forth in that ordinance. See Sample 2, “Adopting building codes by reference with intent to adopt amendments administratively,” in Appendix B.

For cities with municipal code sections adopting building codes by reference, a footnote should be added referring to administrative regulations that adopt amendments. The footnote should be updated each time the building official adopts new amendments and should identify by date and source the amendments adopted. See Sample 6, “Municipal Code chapter adopting the *International Building Code* with intent to adopt amendments administratively, and footnote to administrative regulations,” in Appendix B.

1. General information

With this method, the “appropriate municipal code official” must “adopt administrative regulations” that incorporate by reference the amendments “properly identified as to date and source.”¹⁸ “Appropriate municipal code official” is not defined. However, the building inspector or other

official designated by the city’s governing body to administer and enforce the building codes adopted by reference is the recommended choice. In the following discussions, this individual will be referred to as the “building official.” For cities enforcing their own building construction safety standards, the building official must be certified by the state fire marshal.¹⁹

The statute does not provide the procedure the municipal code official must follow to “adopt administrative regulations,” but the official should not write the regulations to amend the original ordinance adopting the building code by reference. A city’s governing body may delegate administrative functions to subordinate officials.²⁰ However, an ordinance must be amended by an act of “equal dignity,” i.e., another ordinance.²¹ It is a legislative act,²² and legislative acts may not be delegated.²³ So that the regulations are easily accessible to interested persons, the official should put them in a binder with identifying labels. See Sample 7, “Administrative regulations to adopt amendments to building codes,” in Appendix B.

2. “Publication” and “filing” requirements

The building official must make the regulations available to the governing body (the “publication” requirement),²⁴ and to the general public (the “filing” requirement),²⁵ before they can take effect under the administrative procedures. The next few paragraphs examine each of these requirements.

First, the “publication” requirement — T.C.A. § 6-54-502(d) — provides that the regulations “shall become effective upon the expiration of 90 calendar days or after the second official meeting of the municipal governing body following the publication of the regulations, whichever is later, unless within that period of time a resolution disapproving such administrative regulation has been adopted by the municipal governing body” (the “90-day period”).



The 90-day period begins upon the “publication” of the administrative regulations.²⁶ What constitutes “publication” of the regulations is not defined in the statute. However, T.C.A. § 6-54-501(4) defines “published” as “printed, lithographed, multigraphed, or otherwise reproduced.” In general, “publication” consists not only of printing or reproducing something, but also of distributing it to either the public or a certain group.²⁷ The date the building official presents the administrative regulations to the city’s governing body would appear to be consistent with this definition. The 90-day period ends after the second official meeting of the governing body or 90 days after publication, whichever is later.²⁸ Its purpose is to give the governing body time to consider the amendments, decide whether or not to approve them, and, if not approving them, time to pass a resolution to disapprove them.

The final administrative procedure to discuss is the “filing” requirement. T.C.A. § 6-54-502(e) provides that the “filing requirement of subsection (a) shall be complied with in adopting amendments to building codes by administrative regulation.” The “subsection (a)” referred to provides that any code adopted by reference must be “filed with the clerk of such municipality for a period of fifteen (15) days prior to adoption of the ordinance which incorporates such code.”²⁹ The “ordinance” referred to in the statute is not required when amendments are adopted administratively by the building official. However, the purpose in requiring the building code or amendment to be on file in the recorder’s office is clearly stated: to make it “available for public use, inspection, and examination.”³⁰ This requirement is met as long as the administrative regulations are on file for 15 days in the city recorder’s office for public inspection before they are adopted.³¹

While the statute does not specify when the administrative regulations are considered “adopted,” it does provide that the regulations become effective upon the expiration of

the 90-day period.³² The expiration of the 90-day period is the final step in adopting the administrative regulations.³³ It is the date of the second meeting of the governing body after publication of the regulations or after 90 days, whichever is later, and should be considered the date the regulations are adopted. So that a clear record is kept of the administrative procedures, the adoption date should appear on the regulations. See Sample 7, “Administrative regulations to adopt amendments to building codes,” in Appendix B. Since the 15-day filing period requirement is in place to give the public a chance to look at the regulations prior to their adoption,³⁴ they must be completed before the 90-day period ends. If the administrative regulations are on file in the recorder’s office at least 15 days before the 90-day period expires, the requirement will be met.

ADOPTING NEW CODES WHEN A CODE WAS PREVIOUSLY ADOPTED

From time to time, the publishers of building codes will issue a completely new edition of a code. The new code should not be treated as an amendment to an existing code and adopted administratively by the building official.³⁵ In such cases, an ordinance must be passed by the governing body to adopt the new code.³⁶ The administrative procedures apply only to “changes and amendments” to codes adopted by reference,³⁷ and not to complete codes, which must be adopted by ordinance.³⁸ The ordinance should amend the ordinance that originally adopted the code, as amended, unless the original ordinance was codified. If the original ordinance was codified in a municipal code, the ordinance should be written to amend the municipal code. See Sample 8, “Ordinance adopting new editions to building codes — amending an existing ordinance,” and Sample 9, “Ordinance adopting new editions to building codes — amending a municipal code,” in Appendix B, for sample ordinances adopting new codes where a code was adopted by reference previously.



APPENDIX A

Step-by-step Guide to Adopt Building Codes and Amendments by Reference in Accordance with T.C.A. § 6-54-501 *et seq.*

In this guide, “you” refers to your city and/or governing body.

- I. Adopting complete codes by reference
 - A. Decide which codes to adopt. If you enforce your own building construction safety standards, you must adopt the codes required under T.C.A. § 68-120-101 *et seq.*
 - B. Decide which editions of the building codes to adopt.
 1. The building codes you adopt by reference must be current to within seven years if you enforce your own building construction safety standards, unless the fire marshal approves adoption of an earlier edition.³⁹
 2. If you do not adopt the most recent edition of building codes adopted by reference, you must specify each edition that is rejected by date and source and vote not to adopt those editions by at least a two-thirds majority.⁴⁰ See Sample 3 in Appendix B.
 - C. Place a copy of each building code to be adopted on file in the recorder’s office at least 15 days before final reading of the ordinances adopting the codes by reference.
 - D. Decide whether to adopt amendments by ordinance or by administrative regulations compiled by the building official.
 1. If you plan to adopt amendments by ordinance, see Sample 1 in Appendix B.
 2. If you plan to adopt amendments by administrative regulations, see Sample 2 in Appendix B.
 3. If you plan to adopt amendments by administrative regulations and the ordinance adopting the building code is codified, see Sample 6 in Appendix B.
- II. Adopting amendments to building codes
 - A. If you are adopting amendments by ordinance, follow Sample 4 or 5 in Appendix B, depending on whether you are amending an uncodified ordinance or a section of an adopted municipal code.
 - B. If you are rejecting specific amendments, follow Sample 3 in Appendix B.
 - C. If you are having the building official adopt amendments with administrative regulations
 1. Have the building official choose the amendments, assemble the complete text of the amendments in a properly labeled binder, and present them to you to accept or reject. See Sample 7 in Appendix B.
 2. Do the following:
 - a. Pass a resolution to disapprove the administrative regulations; or,
 - b. If you do not disapprove the regulations by resolution, the administrative regulations will take effect either after 90 days have elapsed or you have had two official meetings, whichever is later;⁴¹ **and** the regulations have been on file in the recorder’s office at least 15 days before the 90-day period, or second official meeting, whichever is later, has elapsed.⁴²



APPENDIX B

Sample Ordinances, Regulations and Resolutions

Sample 1: Adopting building codes by reference with intent to adopt amendments by ordinance. NOTE: This sample adopts the International Building Code and follows the ordinance adoption procedures of the general law mayor-aldermanic charter.43 It must be modified for cities adopting a different code or operating under a different charter.

ORDINANCE NO. _____

An ordinance to adopt the International Building Code by reference.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF _____, TENNESSEE, THAT:

Section 1. International building code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Building Code, _____ edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the international building code.

Section 2. Modifications. (1) Definitions. Whenever in the international building code reference is made to the duties of a certain official named therein, that designated official of the City of _____ who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international building code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows: _____ [Insert building fees here]

Section 3. Available in recorder's office. Pursuant to the requirements of T.C.A. § 6-54-502 one (1) copy of the International Building Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

Section 4. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the International Building Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50). Each day a violation is allowed to continue shall constitute a separate offense.

Section 5. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed 1st reading _____, 20 _____.

Passed 2nd reading _____, 20 _____.

Mayor

Recorder



Sample 2: Adopting building codes by reference with intent to adopt amendments administratively. **NOTE:** This sample adopts the *International Building Code* and follows the ordinance adoption procedures of the general law mayor-aldermanic charter.⁴⁴ It must be modified for cities adopting a different code or operating under a different charter.

ORDINANCE NO. _____

An ordinance to adopt the *International Building Code* by reference and provide for the adoption of future amendments administratively.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF _____, TENNESSEE, THAT:

Section 1. *International Building Code* adopted.(1) Pursuant to authority granted by *Tennessee Code Annotated* §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the *International Building Code*, _____ edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the international building code.

(2) Pursuant to authority granted by T.C.A. § 6-54-502(c), the building official shall adopt administrative regulations to incorporate subsequent amendments to the international building code as published by the International Code Council. These amendments shall be identified by the building official as to date and source and shall take effect as provided in T.C.A. § 6-54-502 unless disapproved by resolution of the board of mayor and aldermen.

Section 2. Modifications. (1) Definitions. Whenever in the *International Building Code* reference is made to the duties of a certain official named therein, that designated official of the City of _____ who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international building code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows: _____ [Insert building fees here]

Section 3. Available in recorder’s office. Pursuant to the requirements of T.C.A. § 6-54-502 one (1) copy of the *International Building Code* has been placed on file in the recorder’s office and shall be kept there for the use and inspection of the public. Administrative regulations adopting amendments to the international building code will be placed on file when they are published by the building inspector, and at least fifteen (15) days before their effective date.

Section 4. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the international building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50). Each day a violation is allowed to continue shall constitute a separate offense.

Section 5. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed 1st reading _____, 20 _____.

Passed 2nd reading _____, 20 _____.

Mayor

Recorder



Sample 3: Resolution rejecting specific amendments to building codes.

RESOLUTION

WHEREAS, *Tennessee Code Annotated* § 6-54-502(a) permits municipalities to adopt building codes by reference; and

WHEREAS, *Tennessee Code Annotated* § 6-54-502(b) requires municipalities to adopt the amendments to building codes adopted by reference, properly identified as to date and source, unless by a two-thirds vote of its total membership the municipality’s governing body elects not to adopt such amendments;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN
OF _____ THAT:

Section 1. Pursuant to the authority of *Tennessee Code Annotated* § 6-54-502(b), the town elects not to adopt the following:

- (a) The _____ revisions to the *International Building Code*, 2000 edition.
- (b) The _____ revisions to the *International Energy Conservation Code*, 2000 edition.

Section 2. This resolution shall take effect on the date of its passage by at least a two-thirds majority of the entire membership of the board of mayor and aldermen, the public welfare requiring it.

Mayor

Recorder

NUMBER VOTING **FOR** PASSAGE OF THIS RESOLUTION _____

NUMBER VOTING **AGAINST** PASSAGE OF THIS RESOLUTION _____



Sample 4: Ordinance incorporating amendments to building codes — amending a municipal code. **NOTE:** This sample follows the ordinance adoption procedures of the general law mayor-aldermanic charter⁴⁵ and must be modified for cities operating under a different charter.

ORDINANCE NO. _____

An ordinance to amend the _____ Municipal Code
to adopt the most recent amendments to the *International Building Code*.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF _____, TENNESSEE, THAT:

Section 1. _____, "*International Building Code* adopted," of the Municipal Code is amended to replace the words and figures "_____ edition" with "_____ edition with _____ revisions."

Section 2. This ordinance shall take effect from and after its final passage, the welfare of the town requiring it.

Passed 1st reading _____, 20 _____.

Passed 2nd reading _____, 20 _____.

Mayor

Recorder



Sample 5: Ordinance incorporating amendments to building codes — amending an existing ordinance.

NOTE: This sample follows the ordinance adoption procedures of the general law mayor-aldermanic charter,⁴⁶ and must be modified for cities operating under a different charter.

ORDINANCE NO. _____

An ordinance to amend Ordinance # _____ to adopt the most recent amendments to the *International Building Code*.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF _____, TENNESSEE, THAT:

Section 1. Ordinance # _____ is amended in Section 1 to replace the words and figures “_____ edition” with “_____ edition with _____ revisions.”

Section 2. This ordinance shall take effect from and after its final passage, the welfare of the town requiring it.

Passed 1st reading _____, 20 _____.

Passed 2nd reading _____, 20 _____.

Mayor

Recorder



Sample 6: Municipal Code chapter adopting the *International Building Code* with intent to adopt amendments administratively, and footnote to administrative regulations. **NOTE:** This sample adopts the *International Building Code* and follows the ordinance adoption procedures of the general law mayor-aldermanic charter.⁴⁷ It must be modified for cities adopting a different code or operating under a different charter.

CHAPTER 1 ***INTERNATIONAL BUILDING CODE***

SECTION

12-101. International building code adopted.

12-102. Modifications.

12-103. Available in recorder's office.

12-104. Violations and penalty.

12-101. International Building Code adopted. (1) Pursuant to authority granted by *Tennessee Code Annotated* §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Building Code*, _____ edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the international building code.

(2) Pursuant to authority granted by *Tennessee Code Annotated* § 6-54-502(c), the building official shall adopt administrative regulations to incorporate subsequent amendments to the international building code as published by the International Code Council. These amendments shall be identified by the building official as to date and source and shall take effect as provided in *Tennessee Code Annotated* § 6-54-502, unless disapproved by resolution of the board of mayor and aldermen.¹

12-102. Modifications. (1) Definitions. Whenever in the *International Building Code* reference is made to the duties of a certain official named therein, that designated official of the City of _____ who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international building code are concerned.

(2) Permit fees. The schedule of permit fees shall be as follows: _____ [Insert building fees here]

12-103. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated* § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. Administrative regulations adopting amendments to the *International Building Code* will be placed on file when they are published by the building inspector and at least fifteen (15) days before their effective date.

12-104. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

¹Administrative regulations of the building official, effective _____, 20____, adopt the _____ amendments to the *International Building Code*, _____ edition. These regulations are available for public inspection in the office of the recorder.



Sample 7: Administrative regulations to adopt amendments to building codes.

ADMINISTRATIVE REGULATIONS OF THE BUILDING INSPECTOR, CITY OF _____

The building inspector of the City of _____ adopts the following amendments and modifications to the *International Building Code*, _____ edition (if amendments to another code are being adopted, insert that code name). The *International Building Code*, _____ edition, was adopted by reference by Ordinance # _____ (or “by the City of _____ Municipal Code, _____”).

Section 1. Amendments adopted. _____

Section 2. Modifications. The _____ revisions to the *International Building Code*, _____ edition, are modified as follows:

(Insert modifications here with references to the building code, if modifications are made.)

Section 3. Effective date. These administrative regulations shall become effective upon the expiration of ninety (90) calendar days or after the second official meeting of the municipal governing body following this publication of the regulations, whichever is later, unless within that period of time a resolution disapproving such administrative regulation has been adopted by the municipal governing body, provided they have been on file 15 days in the recorder’s office for public inspection prior to that time.

Date of publication: _____, 20 _____.

Date of first board meeting after publication: _____, 20 _____.

Date of second board meeting after publication: _____, 20 _____.

Date on file in recorder’s office: _____, 20 _____.

Effective Date: _____, 20 _____.



Sample 8: Ordinance adopting new editions to building codes - amending an existing ordinance. **NOTE:** This sample follows the ordinance adoption procedures of the general law mayor-aldermanic charter⁴⁸ and must be modified for cities operating under a different charter.

ORDINANCE NO. _____

An ordinance to amend Ordinance # _____ to adopt the most recent amendments to the *International Building Code*.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF _____, TENNESSEE, THAT:

Section 1. Ordinance # _____ is amended in Section 1 to replace the words and figures “ _____ edition with _____ revisions” with “ _____ edition.”

Section 2. This ordinance shall take effect from and after its final passage, the welfare of the town requiring it.

Passed 1st reading _____, 20 _____.

Passed 2nd reading _____, 20 _____.

Mayor

Recorder



Sample 9: Ordinance adopting new editions to building codes - amending a municipal code. **NOTE:** This sample follows the ordinance adoption procedures of the general law mayor-aldermanic charter,⁴⁹ and must be modified for cities operating under a different charter.

ORDINANCE NO. _____

An ordinance to amend the Municipal Code to adopt the most recent edition of the *International Building Code*.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF _____, TENNESSEE, THAT:

Section 1. _____, "*International Building Code* adopted," of the Municipal Code is amended to replace the words and figures " _____ edition with _____ revisions" with " _____ edition."

Section 2. This ordinance shall take effect from and after its final passage, the welfare of the town requiring it.

Passed 1st reading _____, 20 _____.

Passed 2nd reading _____, 20 _____.

Mayor

Recorder



FOOTNOTES

1. T.C.A. § 6-54-502(a).
2. *Hourglass Lounge, Inc. v. City of Johnson City*, 879 S.W.2d 860, 861 (Tenn. Ct. App. 1994).
3. See *Jefferson County v. City of Morristown*, 1999 WL 817519 (Tenn. Ct. App. 1999) (unpublished decision), at 8 (annexation ordinance is considered adopted upon final reading, the final legislative act of the governing body, though annexation is not operative for 30 days).
4. *State ex rel Wilson v. City of LaFayette*, 572 S.W.2d 922, 924 (Tenn. 1978).
5. *City of Lebanon v. Baird*, 756 S.W.2d 236, 241 (Tenn. 1988).
6. T.C.A. § 6-54-504.
7. T.C.A. § 6-54-503.
8. T.C.A. § 6-54-502(c) - (e).
9. T.C.A. § 6-54-502(b), (d).
10. See T.C.A. § 6-54-502(b).
11. T.C.A. § 68-120-101 (b)(4)(A) (2004).
12. T.C.A. § 68-120-106(a) (Supp. 2003).
13. *Id.*
14. T.C.A. § 6-51-502(b).
15. *Id.*
16. T.C.A. § 6-54-503.
17. T.C.A. § 6-54-503(b).
18. T.C.A. § 6-54-502(c).
19. T.C.A. § 68-120-113(a)(1).
20. *City of Rockwood v. Cincinnati, N.O. & T.P. Ry. Co.*, 22 S.W.2d 237, 160 Tenn. 31 (1929).
21. *City of Bluff City v. Morrell*, 764 S.W.2d 200, 202 (Tenn. 1988).
22. *City of Cleveland v. Bradley County*, 1999 WL 281086 (Tenn. Ct. App. 1999) (unpublished opinion), at 4, *J.T. McCallen v. City of Memphis*, 786 S.W.2d 633, 639 (Tenn. 1990).
23. *City of Rockwood*, 22 S.W.2d at 240.
24. T.C.A. § 6-54-502(d).
25. T.C.A. § 6-54-502(e).
26. T.C.A. § 6-54-502(d).
27. *Black's Law Dictionary* 1227-1228 (6th ed. 1990).
28. T.C.A. § 6-54-502(d).
29. T.C.A. § 6-54-502(a).
30. *Id.*
31. T.C.A. § 6-54-502(e).
32. T.C.A. § 6-54-502(d).
33. *Id.*
34. T.C.A. § 6-54-502(a).
35. See *City of Bluff City v. Morrell*, 764 S.W.2d at 202.
36. *Id.*
37. T.C.A. § 6-54-502(c).
38. T.C.A. § 6-54-502(a).
39. T.C.A. § 68-120-101(b)(4)(A).
40. T.C.A. § 6-54-502(b).
41. T.C.A. § 6-54-502(d).
42. T.C.A. § 6-54-502(e).
43. T.C.A. § 6-1-101 *et seq.*
44. *Id.*
45. *Id.*
46. *Id.*
47. *Id.*
48. *Id.*
49. *Id.*



THE UNIVERSITY of TENNESSEE

MUNICIPAL TECHNICAL ADVISORY SERVICE

The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, disability or veteran status in provision of educational programs and services or employment opportunities and benefits. This policy extends to both employment by and admission to the university.

The university does not discriminate on the basis of race, sex or disability in its education programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Equity and Diversity (OED), 1840 Melrose Avenue, Knoxville, TN 37996-3560, telephone (865) 974-2498 (V/TTY available) or 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the UTK Office of Human Resources, 600 Henley Street, Knoxville, TN 37996-4125.

MTAS1668 • E14-1050-000-040-12