Dear Reader:

The following document was created from the MTAS website (mtas.tennessee.edu). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the Tennessee Code Annotated and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Adopting Building Codes and Amendments By Reference

Reference Number: MTAS-1093

Cities adopting building codes by reference must adopt the complete codes by ordinance. Cities may adopt amendments to building codes published by original publishers 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.

This section sets forth procedures for adopting codes and published 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 [1] is included at the end of this section. Sample ordinances, regulations and resolutions are included at the end of this section.

Adopting Building Codes by Reference

Reference Number: MTAS-1094

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. Penalties for building code violations should be set forth in the ordinance adopting the code by reference. See 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.

Amendments to Building Codes

Reference Number: MTAS-1095

Building Codes Adopted by Reference

Amendments to building codes published by original publisher may be adopted either by ordinance or by administrative regulations. Regardless of which method is used to adopt published amendments to codes, the governing body must take affirmative action to either accept or reject each specific amendment to a particular code. The statute does not provide for automatic adoption of future published amendments, nor will an ordinance adopted to incorporate "all future amendments" comply with the statute. 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. 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. The local standards may not conflict with any provision of T.C.A. Title 68, Chapter 120.

Rejecting Specific Amendments

Reference Number: MTAS-1772

If a city decides not to adopt a certain published 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. This must be done every time a new amendment is published to the code. Each amendment rejected must be identified by "date and source." The ICC and other organizations, when publishing building codes or amendments, specify the date of the code or amendment by year, e.g. "2012 edition with 2014 revisions." The "source" is the particular code being adopted.

[8] T.C.A. § 6-54-502(c) - (e).
[13] Id.
[14] Id.
[15] Id.
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." [4] 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.

[15] Id.

Adopting Amendments by Ordinance

Reference Number: MTAS-1773

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 published 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." [5] 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." [6]


Adopting Amendments by Administrative Regulations

Reference Number: MTAS-1774

The second method of adopting published 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 [1] 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." [3]

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." [7]

General Information

With this method, the "appropriate municipal code official" must "adopt administrative regulations" that incorporate by reference the published 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. However, an ordinance must be amended by an act of "equal dignity," i.e., another ordinance. It is a legislative act, and legislative acts may not be delegated. 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." [8]

*Publication* and *Filing* Requirements

The building official must make the regulations available to the governing body (the "publication" requirement), and to the general public (the "filing" requirement), 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. 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. 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. 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." 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." 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.

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. The expiration of the 90-day period is the final step in adopting the administrative regulations. 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." 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, 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

Reference Number: MTAS-1096

Usually every three years, 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. In such cases, an ordinance must be passed by the governing body to adopt the new code. The administrative procedures apply only to “changes and amendments” to codes adopted by reference, and not to complete codes, which must be adopted by ordinance. 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,” for sample ordinances adopting new codes where a code was adopted by reference previously.

[36] Id.
[37] T.C.A. § 6-54-502(c).
[38] T.C.A. § 6-54-502(a).
APPENDIX A  


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. See Sample 3 in Appendix B.
      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. 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 published amendments by ordinance, see Sample 1 in Appendix B.
      2. If you plan to adopt published amendments by administrative regulations, see Sample 2 in Appendix B.
      3. If you plan to adopt published 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 published 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 published amendments, follow Sample 3 in Appendix B.
   C. If you are having the building official adopt published 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; 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.
Sample Ordinance: Adopt Amendments by Ordinance

Reference Number: MTAS-1099
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. 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 Ordinance: Adopt Amendments Administratively

Reference Number: MTAS-1100
Sample Ordinance: Adopt Amendments Administratively

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.¹⁴ 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:  

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 Resolution: Rejecting Amendments

Reference Number: MTAS-1101
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.\(^4\) 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 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 charter\(^5\) 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 Ordinance: Incorporating Amendments-Ordinance

Reference Number: MTAS-1103

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, 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. It must be modified for cities adopting a different code or operating under a different charter.

**CHAPTER 1**

**INTERNATIONAL BUILDING CODE**

**SECTION**

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.

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.

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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:

________________________________________________________________________________________

(In 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 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, 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 charter 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,\(^9\) 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

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Energy Code Adoption

**Reference Number:**
In the 2010 Legislative Session, the General Assembly passed Public Chapter No. 529, the Tennessee Clean Energy Future Act of 2009. Central to the bill, which amended T.C.A. § 68-120-101, are authorization for adoption of energy efficiency standards and implementation of the broadened statewide building standards that took effect July 1, 2010. Currently, state requirements apply only to municipal, county, state, and certain private buildings, newly constructed one- and two-family dwellings and include regulation of various structural and safety factors.

Applicability of the standards, however, is not absolute as this legislation effectively created three classes of code enforcement across the state:

1. **Exempt** – Cities where local building codes and local code enforcement meet state minimum standards. These cities will continue to adopt and enforce their own building codes.

2. **Nonexempt state enforcement** – Cities where local residential building codes and local residential code enforcement do not meet minimum state standards. Here, at the request of the city or upon the department of commerce and insurance’s own initiative, the state will enforce state-adopted building codes.

3. **Opt-out** – Cities that have passed a resolution exempting their jurisdiction from the applicability of minimum state standards for one and two-family dwellings.

Cities can avoid state enforcement by adopting and enforcing codes that meet minimum state standards. However, where cities do not meet these state minimums, the state standards will apply as will state enforcement. Cities also have limited authority to opt out of the application of the state standards in their jurisdictions.

**Energy Code: Exempt Cities**

**Reference Number:** MTAS-1122

The intent of the legislation, and the hope of the state entities charged with enforcing it, is to encourage as many cities as possible to become exempt. Obtaining exempt status not only provides a city and its residents with the highest level of protection and safety in new home construction, it also allows a city to retain local control of its own development.

The designation “exempt” was already defined prior to passage of this legislation. Under that previous definition an exempt city was one that had adopted the building and fire codes required by the state, was adequately enforcing those codes, and performing reviews of construction plans and specifications. Under this new regulatory scheme, however, the requirements for obtaining exempt status, and thus the definition of “exempt,” have changed. For purposes of this writing, “exempt” as defined by the new legislation is assumed.

The legislation requires a city to adopt and enforce minimum building codes to become exempt. The specific prerequisites for exemption are set out in the state fire marshal’s rules and regulations; however, the general requirements are as follows:

State enforcement remains limited to state buildings, educational occupancies and any other occupancy requiring inspection for initial licensure if the local government has chosen to adopt and enforce building codes for construction of all buildings, for construction of all buildings other than one- and two-family dwellings, or for one- and two-family dwellings only; and:

1. For one- and two-family dwellings, it has adopted the International Residential Code;

2. For construction other than one- and two-family dwellings it has adopted a building construction safety code consisting of the International Building Code and either the International Fire Code or the Uniform Fire Code, if adopted on or after July 1, 2006; and

3. The city is adequately enforcing its locally adopted building code and performing reviews of construction plans and specifications and inspections required by the state fire marshal. Requirements vary depending on the type of construction.
Furthermore, an exempt city’s building code edition for one- and two-family dwellings must be current within seven years of publication unless otherwise approved by the state fire marshal. If your city meets and adequately enforces the aforementioned standards then you will retain local control and be exempt from statewide codes and enforcement.

According to these requirements, a city may choose to adopt and enforce codes for specific buildings, and state enforcement will apply where the city is not regulating and enforcing. Hence, within the exempt city classification, there will be a further breakdown of groupings. They are:

1. Cities that adopt and enforce codes for buildings other than one- and two-family dwellings. Here, the state will regulate residential construction with enforcement by deputy building inspectors.
2. Cities that adopt and enforce codes for one- and two-family dwellings only. Here, the state will regulate buildings other than one- and two-family dwellings.
3. Cities that adopt and enforce codes for both one- and two-family dwellings and other buildings. Here, the state will not regulate within the city’s jurisdiction except state buildings, educational facilities, etc.

Energy Code: Nonexempt Cities

Reference Number: MTAS-1123

If, however, a city cannot or chooses not to adopt and enforce the minimum standards, the state will enforce the applicable statewide codes in the city. The commissioner of commerce and insurance is authorized to contract with local governments to use their employees for inspections of one- and two-family residences. These contracts can allow inspectors to charge a fee as set out by the state fire marshal’s office. These are the state regulations applicable to such inspections, containing the relevant fee schedule:

Deputy building inspectors must be state certified as a:

1. Licensed building inspector;
2. Licensed plumbing inspector; or
3. Licensed mechanical inspector.

Energy Code: Opt-Out Cities

Reference Number: MTAS-1124

Whether or not it is enforcing a locally adopted code or has no code at all, a city can completely avoid state regulation of one- and two-family dwellings in its jurisdiction by opting out of the statewide standards. This can be accomplished by a specific and recurring resolution process. This requires a city to pass a resolution by a two-thirds vote of the governing body exempting one- and two-family dwellings in its jurisdiction from the applicability of the statewide standards and to forward the resolution to the state fire marshal. The resolution, however, expires 180 days following the date of the next election. Hence, each new governing body must pass a subsequent resolution to continue avoiding applicability of the state standards.
Tennessee Complying with Energy Code

Reference Number: MTAS-1126

The Department of Commerce and Insurance is complying with the state law. A survey of local governments relating to the enforcement of one- and two-family residential codes shows that many local governments have adopted versions of a residential code, and that some cities have decided, either consciously or unconsciously, not to adopt or enforce codes at the local level. Failing to adopt and enforce codes is a disservice to the community.

Financial assistance has been available in the past from the state. The Tennessee Valley Authority (TVA) is another important partner in the energy code process. TVA supports energy codes and is a reliable source of information about effective enforcement. This link provides information from TVA on ways to make homes more energy efficient and on rebate programs: https://www.energystorage.com/ [12]

10 Simple Questions on Code Adoption

Reference Number: MTAS-1226

1. Do Tennessee towns and cities have to adopt a building or fire code?
No. There is no state law that requires a city to adopt a building or fire code. However, if a city or town decides it does not want codes to be enforced in the town, it must apply for an exemption or strictly follow an “opt-out” process as described in T.C.A. § 68-120-101. If a city or town 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. If you adopt a code, you must apply for a Local Government Residential Exemption Authorization. The form is available on the State of Tennessee website at: https://www.tn.gov/content/dam/tn/commerce/documents/fire_prevention/forms/FireResidentialExemptApp.pdf [13]

2. Is there a need to adopt building or fire codes?
Yes. Public safety is the best reason to adopt codes. Citizens need protection from others and sometimes even from themselves to prevent them from building an unsafe home. The entire model code development process is based on tragedies that have occurred 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 et al. authorize all municipalities in the state to adopt by reference codes published by technical trade organizations. 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?
State law requires the code you have adopted to be no more than seven years older than the date of the latest published edition of the code adopted. The International Code Council, for example, publishes a new edition of its model codes every three years, and the most current published edition is the 2018 edition. Therefore, your city or town could adopt the 2018, 2015, or 2012 edition of an ICC model code. The state has adopted the 2012 edition. Your city or town may adopt newer versions that are substantially equal to, or more stringent than, the state-adopted versions. Your city or town cannot adopt a code that is less stringent than the state code. T.C.A. § 68-120-101(b)(4)(A)

If your town or city has not adopted a code, you have a choice. You can choose to not adopt any codes, or you can adopt a building or fire code.

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?


Other: There are other codes such as mechanical codes you can adopt as needed for plumbing, gas, etc.

You can find the current list of adopted codes on the State of Tennessee website: https://www.tn.gov/content/dam/tn/commerce/documents/fire_prevention/posts/2016.08.04_sfmo_code_adoption_and_history.pdf [14]

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’s. Architects, engineers, and contractors are using them, and the building and fire codes work better together. You can adopt codes that are substantially equal to, or more stringent than, the state’s codes if you feel that the needs of your city would be better served by a different code. You cannot adopt a code that is less stringent than the state’s codes.

9. Why do some towns and cities adopt codes, then not enforce them?

Some cities sell permits just to raise revenue, which is not a good idea and is risky from a liability standpoint. Why should you adopt any codes if you do not intend to enforce them?

10. What building code does the state use?


ISO-Building Code Effectiveness Grading Schedule

Reference Number: MTAS-1135

The Insurance Services Office (ISO) was established in 1971 to assist with identifying and mitigating hazard risk for insurance companies that provide coverage for public and private sector customers. It addresses specific risk information for natural catastrophes, fire-protection resources, community water systems, municipal building codes, and flood zones. ISO’s Public Protection Classification (PPC) Service evaluates the capacity of the local fire department to respond to and fight structure fires. By evaluating a community’s ability to suppress fires, ISO provides crucial information for understanding risks associated with a specific property. From these assessments, ISO develops and assigns a rating to a community, often referred to as the ISO rating.

ISO provides information on:

- buildings — size, construction, occupancies, hazards, and public and private fire protection; and
- people — fraud, criminal and public records, claims, and employment history and background.
- communities — fire protection, water systems, other critical infrastructure, building codes, and natural and man-made catastrophes;

Communities rely on ISO’s information to plan for, budget, and justify improvements in fire protection and communications infrastructure.

ISO recognizes that not all communities adopt and enforce building codes or have equally stringent building codes, nor do all communities enforce their codes with the same vigor. Yet the effectiveness of local building codes can help predict how well some structures in the community will fare in a hurricane, earthquake, or other natural disaster. ISO’s Building Code Effectiveness Classifications help distinguish the various levels of community building-code adoption and enforcement.

The concept is simple: municipalities with well-enforced, up-to-date codes should demonstrate better loss experience, and insurance rates can reflect that. The prospect of lessening catastrophe-related
damage and ultimately lowering insurance costs provides an incentive for communities to enforce their building codes rigorously especially as they relate to windstorm damage.

The anticipated upshot: safer buildings, less damage, and lower insured losses from catastrophes.

The ISO Building Code Effectiveness Grading Schedule (BCEGS) program assigns each municipality a BCEGS grade of 1 (exemplary commitment to building-code enforcement) to 10. ISO develops advisory rating credits that apply to ranges of BCEGS classifications (1-3, 4-7, 8-9, 10). A grade of 98 is given if a community refuses to participate in BCEGS. ISO gives insurers BCEGS classifications, BCEGS advisory credits, and related underwriting information.

Follow the link for frequently asked questions about BCEGS: https://www.isomitigation.com/bcegs/ [15]

What is the Building Code Effectiveness Grading Schedule?

Reference Number: MTAS-1136

ISO works with municipal building-code authorities to assess and enforce building codes through its Building Code Effectiveness Grading Schedule (BCEGS) program. The BCEGS program assesses the building codes in effect in a community and how that community enforces them, with special emphasis on mitigating losses from natural hazards.

ISO has been conducting BCEGS surveys across the country since 1995. ISO has a database of information on more than 15,000 building-code enforcement departments serving more than 20,000 communities nationwide. ISO estimates that approximately 87% of the country's population lives in jurisdictions classified in the BCEGS program. ISO's extensive analysis of building-code adoption and enforcement, coupled with feedback received from building officials throughout the country, has prompted ISO to embark on a project to review, revise, and update the criteria in BCEGS.

While current, non-amended codes are very important to a community's resiliency, ISO's claims analysis shows that code enforcement efforts are even more critical. MTAS anticipates that future versions of the BCEGS will place more emphasis on code enforcement. In addition, an ISO study comparing fire frequency to points earned in the BCEGS program showed that strong code enforcement reduces the frequency of fires. There is real value for a community to participate in the BCEGS program. Having and enforcing current, non-amended codes results in reduced damage from natural hazards, fire, and other perils, ultimately reducing insurance costs. Property owners may benefit from insurance premium discounts or decreased deductibles.

For more detailed information, go to https://www.isomitigation.com/bcegs/ [15]

How Does the BCEGS Work?

Reference Number: MTAS-1137

ISO collects information on the building codes in effect in a particular community, as well as how the community enforces its building codes. It then analyzes the data using the BCEGS to determine the level of building-code enforcement. Insurers may use the assigned grading to determine property insurance values or grant premium credits for buildings constructed under strictly enforced codes.

Through the BCEGS Program, ISO assigns each municipality a Building Code Effectiveness Classification from 1 (exemplary enforcement) to 10 for both commercial and residential new construction. Insurers and individual policyholders benefit from reduced losses in communities with favorable classifications. Effective code enforcement leads to safer buildings, less damage from catastrophes, and lower insured losses.

<table>
<thead>
<tr>
<th>Class Table</th>
<th>Point Range</th>
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<tbody>
<tr>
<td>1</td>
<td>93.00 – 100.00</td>
</tr>
<tr>
<td>2</td>
<td>85.00 – 92.99</td>
</tr>
<tr>
<td>3</td>
<td>77.00 – 84.99</td>
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</table>
A Categorization of the Percentage of Tennessee Cities with an Assigned ISO Classification

- 10 percent of cities surveyed are in Class 1, 2, or 3
- 74 percent of cities surveyed are in Class 4, 5, or 6
- 16 percent of cities surveyed are in Class 7, 8, 9, or 10

Special Classifications

- BCEGS Class 98 (pronounced nine-eight, not ninety-eight) enforcement is in Florida and it has a 1 percent surcharge.
- BCEGS Class 99 (pronounced nine-nine, not ninety-nine) is a class that does not meet minimum requirements, declined to participate, or the community developed properties before the initial BCEGS evaluation of the jurisdiction.

The BCEGS and Insurance Rates

Any building constructed in the year ISO classifies a community, or in a later year, will be eligible for the program. Buildings in communities with classifications of 9 and lower will receive a rating credit, and a classification of 10 receives no credit. Classifications of 1–3 will receive the highest credit, and classifications of 4–9 will receive intermediate credits. Existing buildings are not subject to the program, and the BCEGS does not affect loss costs for those buildings. As of 2015, Tennessee has a Classification of 5 for commercial buildings and a Classification of 6 for residential buildings, so Tennessee is in the intermediate credits range.

Under the evaluation system, insurance rates will not be higher and no rate increase will be implemented. The BCEGS is a credit only program and only applies to new buildings. ISO attempts to re-evaluate a city every five years, but ISO may not evaluate every city every five years. ISO often selects cities located in seismic areas and other areas subject to natural disasters for evaluation.

Access more information at https://www.isomitigation.com/bcegs/facts-and-figures/ [16]

The ISO Building Code Effectiveness Grading Schedule Evaluation

Reference Number: MTAS-1138

ISO bases the evaluation on a combination of background data collected, the administration of the adopted building codes, the plan review process, inspections and enforcement, and qualifications of employees conducting the previously mentioned processes.

Background Data

The background data is a compilation of information provided by the jurisdiction that supplies ISO with administrative information and a history of the building codes used. This information is collected from a questionnaire. Information provided includes identifying the chief administrative officer and the building official, the size of the jurisdiction including population, the average assessed value of the buildings served by the building department, type of government, (i.e. city manager, county executive, county
commission, mayor, etc.), the number of permits issued, type of tools used to save time and increase efficiency, type of natural hazards the jurisdiction is subject to, and the construction value in new construction as well as renovations and additions for commercial, multi-family, residential and modular home occupancies.

**Administration of Codes**
The administration of codes addresses the current codes and the year in which they were adopted. The adopted codes for building, electrical, mechanical, fuel gas, plumbing, energy, and wild land-urban interface should include any local amendments. The budget of the building department will be examined with references to expenditures for salaries, training, certifications, incentives for additional training, and continuing education. ISO will also review the appeals process and the members of the board of appeals and their background.

**Plans Review**
The plans review will include the number of plans reviewed during the reporting period and the quantity of inspections required from those reviews. ISO will inquire if plans necessitate detailing structural components so as to identify structural design issues. During the examination of the plans, the jurisdiction must identify other criteria in which it uses to enforce or mandate guidelines, for example using FEMA to establish the National Flood Insurance Program (NFIP) elevations or state-adopted codes that may be more stringent. Additionally, cities will need to show how the plan review process and the plan reviewers are evaluated.

**Inspections-Enforcement**
Jurisdictions will be required to indicate the number of inspections conducted for each code enforced by the building department. The ISO field representative will determine, if during the course of an inspection, the building inspector has the authority to issue correction notices or “Stop Work Orders.” Critical to the BCEGS evaluation of the inspection program is the building department’s ability to conduct “special” inspections for specific structural element deficiencies. Finally, the field representative will evaluate the issuance of the Certificate of Occupancy and how the inspections associated with this process are conducted.

**The Grade**
After the field visit and the site survey, the ISO field representative completes the write up and then submits the BCEGS to the ISO Regional Processing Center (RPC) for review. The center reviews the grading for completeness and accuracy. A grading survey evaluation is sent to the community official who worked with the field representative. This gives the community an opportunity to comment on the quality of the process.

After the RPC verifies the grading to be appropriate, it sends the community officials a survey result letter. The letter includes a summary of the grading results and the classification details explaining the credits the community received while outlining the maximum credit available in the schedule. Insurance companies are then advised of the published classification.

**ISO Building Code Effectiveness Grading Schedule Resources**

**Reference Number:** MTAS-1139

More information on the BCEGS is available at the ISO website at https://www.isomitigation.com/bcegs/[15], or call ISO at 1-800-444-4554, or email ISO at https://www.isomitigation.com/about-us/contact-iso-mitigation/[17]. Building officials may request a copy of the BCEGS manual by contacting ISO as indicated below.

ISO
Customer Support
545 Washington Blvd, 18-3
Jersey City, NJ 07310-1686
Telephone: 1-800-444-4554, option 2

**Conclusion**
The BCEGS is a process and resource that benefits communities by regular evaluation of the community’s building codes and inspection efforts. This process helps communities maintain current codes and follow current code enforcement practices, as communities with strong codes and code
enforcement should demonstrate better loss experience and enjoy favorable insurance rates. The BCEGS is a credit-only program for new buildings, so insurance rates should not increase following a survey, but may decrease for new buildings if the classification is good enough to warrant credit. Existing buildings are not subject to the BCEGS program, and the community’s BCEGS rating does not affect the insurance rates for existing buildings.

Opt-In for Residential Inspections

Reference Number: MTAS-1176


The legislation created three classes of code enforcement across the state:

1. Exempt — These are cities where local building codes and local code enforcement meet state minimum standards. Exempt cities adopt and enforce their own building codes.
2. Non-exempt state enforcement (opt-in) — These are cities where local residential building codes and local residential code enforcement do not meet state minimum standards. Here, at the request of the city or upon the department of commerce and insurance’s own initiative, the state will enforce state-adopted building codes.
3. Opt-out — These are cities that have passed a resolution exempting their jurisdiction from the applicability of state minimum standards for one and two-family dwellings. Cities can avoid state enforcement by adopting and enforcing codes that meet minimum state standards. However, where cities do not meet these state minimums, the state standards will apply as will state enforcement. Cities also have limited authority to opt out of the application the state standards in their jurisdictions.

Opt-In: Exempt Cities

Reference Number: MTAS-1177

The goal of the legislation and the desire of the state entities charged with enforcing it are to encourage as many cities as possible to become exempt. Obtaining exempt status provides a city with the most local control of its own development and provides its residents with the highest level of protection and safety in new home construction, which helps maintain property values.

To be exempt under this law, a city must adopt and enforce minimum building codes. The specific pre-requisites for exemption are found in the state fire marshal’s rules and regulations, but the general requirements are:

State enforcement remains limited to state buildings, educational occupancies and any other occupancy requiring inspection for initial licensure if the local government has chosen to adopt and enforce building codes for construction of all buildings, for construction of all buildings other than one- and two-family dwellings, or for one- and two-family dwellings only; and:

1. For one- and two-family dwellings, it has adopted the International Residential Code;
2. For construction other than one- and two-family dwellings it has adopted a building construction safety code consisting of the International Building Code and either the International Fire Code or the Uniform Fire Code, if adopted on or after July 1, 2006; and
3. The city is adequately enforcing its locally adopted building code and performing reviews of construction plans and specifications and inspections required by the state fire marshal. Requirements vary depending on the type of construction.
Furthermore, an exempt city’s building code edition for one- and two-family dwellings must be current within seven years of publication unless otherwise approved by the state fire marshal. A city that meets and adequately enforces the aforementioned standards retains local control and is exempt from statewide codes and enforcement.

According to these requirements, a city may choose to adopt and enforce codes for specific buildings, and state enforcement will apply where the city is not regulating and enforcing. Therefore, within the exempt city classification, there will be a further breakdown of groupings. They are:

1. Cities that adopt and enforce codes for buildings other than one- and two-family dwellings. Here, the state will regulate residential construction with enforcement by deputy building inspectors.
2. Cities that adopt and enforce codes for one- and two-family dwellings only. Here, the state will regulate buildings other than one- and two-family dwellings.
3. Cities that adopt and enforce codes for both one and two-family dwellings and other buildings. Here, the state will not regulate within the city’s jurisdiction except state buildings, educational facilities, etc.

**Opt-In: Non-Exempt Cities**

**Reference Number:** MTAS-1178

If a city cannot or decides not to adopt and enforce the minimum standards, the state will enforce the applicable statewide codes in the city. The commissioner of commerce and insurance is authorized to contract with local governments to use their employees for inspections of one- and two-family residences. These contracts allow inspectors to charge a fee as set out by the state fire marshal’s fee schedule. Deputy building inspectors must be state certified as a:

1. Licensed building inspector;
2. Licensed plumbing inspector; or
3. Licensed mechanical inspector.

**Opt-Out Cities**

**Reference Number:** MTAS-1179

Whether or not it is enforcing a locally adopted code or has no code at all, a city can completely avoid state regulation of one and two-family dwellings in its jurisdiction by opting out of the statewide standards. This can be accomplished by a specific and recurring resolution process. This requires a city to pass a resolution by a two-thirds vote of the governing body exempting one- and two-family dwellings in its jurisdiction from the applicability of the statewide standards and to forward the resolution to the state fire marshal. The resolution, however, expires 180 days following the date of the next election. Therefore, each new governing body must pass a subsequent resolution to continue avoiding applicability of the state standards.

The counties and cities that have opted-out of the residential inspection program represent approximately 20 percent of the state’s population. A list of the residential inspection program status [18] of all Tennessee counties and cities is presented later in this section.

**Local Government Authorization to Perform Electrical Inspections**

**Reference Number:** MTAS-2083

A municipality may be authorized to conduct electrical inspections within its jurisdiction, and to charge a fee for said inspections, by the Commissioner of Commerce and Insurance. T.C.A. § 68-102-143(b)(1). According to the Tennessee Department of Commerce and Insurance [19], thirty-one (31) municipalities were authorized to conduct electrical inspections as of March 2017.
This inspection authority applies to all residential, commercial, and industrial electrical inspections of new and existing structures, except for state owned properties, and electric vehicle supply equipment (with exceptions).

In order to be authorized by the state, the municipality must make a written request, on the form approved by the state fire marshal, identifying:

- The title and edition of the electrical code that is adopted and will be enforced.
- The number and type of inspections that will be conducted for each inspection (final, rough-in, temporary, HVAC, etcetera).
- A detailed description of the permit issuance and record-keeping process for all inspection activities.
- The names of the employees who will perform electrical inspections, and who have successfully completed the respective certification examinations (ICC residential electrical inspector and ICC commercial electrical inspector).

Following receipt of application, the state fire marshal will schedule a pre-authorization review in the municipality’s office. Following said review, the state fire marshal may authorize the municipality to conduct electrical inspections.

At least once every three years (3) following authorization, the state fire marshal shall undertake a review to determine if the municipality is adequately enforcing the adopted electrical code, is properly performing inspections, and is otherwise in compliance with the requirements granted to perform electrical inspections. The state fire marshal will notify the municipality in writing whether there are areas in which the adopted electrical code or inspections are not being adequately performed. If so noted, the municipality has thirty (30) days to submit a plan of corrective action to ensure compliance with all requirements. Tenn. Comp. R. & Regs. 0780-02-01-.20.

Links:
[12] https://www.energyright.com/
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