

Energy Code: Exempt Cities

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.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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Energy Code: Exempt Cities

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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.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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