



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE

Published on *MTAS* (<http://www.mtas.tennessee.edu>)

February 25, 2020

10 Simple Questions on Code Adoption

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,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

10 Simple Questions on Code Adoption	3
--	---

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 [1]

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?

Building: International Building Code, an edition within seven (7) years of the latest published edition.

Fire: International Fire Code, an edition within seven (7) years of the latest published edition, or the NFPA Uniform Fire Code, an edition within seven (7) years of the latest published edition.

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 [2]

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?

Effective August 4, 2016, the State of Tennessee adopted the 2012 editions of the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Conservation Code, International Existing Building Code, and the NFPA 101 Life Safety Code. Some of these codes were adopted with amendments. More information on the state's adopted codes are available 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 [2]

Links:

[1] https://www.tn.gov/content/dam/tn/commerce/documents/fire_prevention/forms/FireResidentialExemptApp.pdf

[2] https://www.tn.gov/content/dam/tn/commerce/documents/fire_prevention/posts/2016.08.04_sfmo_code_adoption_and_history.pdf

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.

Source URL (retrieved on 02/25/2020 - 8:23pm): <http://www.mtas.tennessee.edu/reference/10-simple-questions-code-adoption>



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE