

March 27, 2014

Town of Chapel Hill
Mr. Austin Edmondson
Interim Town Administrator
2202 Unionville Road
Chapel Hill, Tennessee 37034

VIA ELECTRONIC MAIL

Dear Mr. Edmondson:

You recently asked whether the town is authorized to issue building permits and conduct inspections on the new Marshall County elementary school to be constructed in Chapel Hill. The answer is no – but some information will be useful to understand why.

The State Fire Marshal’s Office (SFMO) has delegated to certain local jurisdictions authority to enforce building codes under TCA 68-120-101. Numbering approximately 37 statewide (list attached), these “exempt” jurisdictions have demonstrated that they are adequately enforcing local building codes with the requisite staff to perform plans reviews and field inspections to ensure fire and building code compliance. Chapel Hill has not been designated as an exempt jurisdiction.

Exempt jurisdictions must certify in writing that they comply with the following:

- For one-family and two-family dwellings, it has adopted the International Fire Code, published by the International Code Council (ICC);
- For construction other than one-family and two-family dwellings, it has adopted the ICC International Building Code and either (1) the ICC International Fire Code or (2) the Uniform Fire Code, published by the National Fire Protection Association, if adopted on or after July 1, 2006; and
- That it is adequately enforcing its codes and is performing any reviews of construction plans and specifications and inspections required by the SFMO.

An exempt city’s codes must be current within seven years of the date of the latest editions of the publications. The SFMO performs quality audits of each exempt jurisdiction every three years.

Exempt cities are responsible for enforcing fire and safety codes on all building and structures within the jurisdictions, including elementary schools. But as noted – Chapel Hill is not so designated. So authority to oversee an elementary school construction project in Chapel Hill – and in all other non-exempt jurisdictions in Tennessee – rests exclusively with the state.

In addition, you will be interested in knowing that the SFMO also reviews and approves building plans for certain other occupancies across the state (including within exempt cities). The full list of these occupancies includes:

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- Educational occupancies, (schools) kindergarten through the 12th grade
- Day care occupancies (child and adult) licensed by the Tennessee Department of Human Services
- State owned and leased projects, except for leased facilities in an exempt city
- State agency licensing, when the agency identifies through law or rule that the SFMO must perform fire inspections

So in exempt jurisdictions both the city and the state are involved in building code enforcement for these uses.

Finally, the SFMO reviews and approves building plans, except in exempt cities, for the following occupancies:

- Assembly occupancy of 300 or more.
- Business occupancy – three or more story buildings.
- Residential occupancy – three or more story buildings
- Correctional facilities.
- Enclosed malls.
- High-hazard industrial (2006 IBC Groups H-1 and H-2 only, excluding storage).

Please be aware that this information pertains to exempt jurisdictions pursuant to TCA 68-120-101(b)(2). There are also cities designated as “exempt” as a result of amendments from the Tennessee Clean Energy Future Act of 2009, which became effective July 1, 2010.

Clean Energy Future Act exempt cities are those cities, like Chapel Hill, that have adopted and are enforcing local building codes on one-family and two-family dwellings, and townhouses. These jurisdictions are required to have in place and enforce local building and fire codes including the ICC Residential Code and the ICC Fire Code or NPFA Uniform Fire Code, each of which must also be current within seven years of the latest publications. For cities that do not meet the minimum state standards, the state will enforce state-adopted building codes on one-family and two-family dwellings, and townhouses. There is also an opt-out provision for cities that desire no building code enforcement on these residential dwellings.

Please let me know if you have further questions regarding this matter.

Very truly yours,



Jeffrey J. Broughton
Municipal Management Consultant