



Protection of the Public

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://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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Theaters

It is the duty of the "corporate authorities of any city or town" to examine theaters and other public entertainment facilities to determine if all necessary safeguards are provided to avoid "accident by fire or panic." If such facilities are deficient in any respect, it is likewise their duty to require "such alterations as will [promote] the public safety." Plans for such buildings must be approved by the "proper municipal authorities" before construction begins, and failure to make prescribed alterations will result in license forfeiture and building closure. T.C.A. § 68-101-102.

Public Garages in Buildings Occupied for "Habitational Purposes"

State law contains detailed prescriptions for constructing a public garage as part of a building used for "habitational purposes" and deals with fire walls, fireproof materials, sprinklers, etc. T.C.A. § 68-101-103(a).

Energy Conservation in New Buildings

The state legislature adopted by reference the 2003 International Energy Conservation Code published by the International Code Council as the minimum requirements for effective use of energy in new buildings. T.C.A. § 4-3-734. Local jurisdictions apparently have the option of adopting the 2000 International Energy Conservation Code with 2002 amendments, published by the International Code Council, rather than enforcing the code adopted by the state.

Amendments to these codes cannot become effective until approved by the General Assembly or one of its committees. The code adopted applies to "... new buildings and structures or portions thereof and additions to existing buildings that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage, and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy."

Non-residential farm buildings, temporary buildings used exclusively for construction, and other specifically listed uses are exempted. Apparently, one of these codes must be adopted and enforced by all local governments, even if the local government has not otherwise adopted or enforced other building codes. T.C.A. §§ 13-19-101, *et seq.*

A municipality may charge a fee to cover administrative costs of enforcing this code. The fee "may not accrue to the general revenue of the local government or by any other application become subject to laws regulating local taxation". T.C.A. § 13-19-107.

Handicapped Access

The local building inspector is responsible for requiring construction, enlargement, or substantial alteration of new public buildings to meet the minimum specifications in the 2010 ADA Standards for Accessible Design, and any further amendments, supplements or subsequent editions. For public buildings for which a local building inspector is the responsible authority, a local government may select the 2010 ADA Standards for Accessible Design or disability accessibility specifications from the codes or publications of other nationally recognized agencies or organizations. This responsibility is shared with the State Building Commission for state buildings and with the state fire marshal for buildings subject to his or her review. These requirements apply to buildings constructed by local governments and other publicly used buildings, such as theaters, restaurants, hotels, factories, office buildings, stadiums, hospitals, voting areas, shopping areas, and convention centers. Provision is made for waivers under specified limited circumstances, and local governments are exempted from fines or penalties for non-compliance. T.C.A. §§ 68-120-201–205.

Also, the Americans with Disabilities Act requires local governments to comply with either the Uniform Federal Accessibility Standards or the Americans with Disabilities Act Accessibility Guidelines in constructing or substantially altering any building, facility, or structure.

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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