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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Department of Commerce and Insurance
Division:	Division of Fire Prevention
Contact Person:	Joseph Underwood
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0780-02-02	Codes and Standards
Rule Number	Rule Title
0780-02-02-.01	Adoption By Reference
0780-02-02-.02	Application (REPEALED)
0780-02-02-.03	Retroactive Enforcement
0780-02-02-.04	Conflicts
0780-02-02-.05	Local Ordinances

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

Amendment
Chapter 0780-02-02
Codes and Standards

Rule 0780-02-02-.01 Adoption by Reference shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-02-.01 Adoption by Reference

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for fire prevention, fire protection and building construction safety in the state of Tennessee shall be those prescribed in the following publications:
 - (a) International Building Code (IBC), 2012 edition, published by the International Code Council (ICC), except for:
 1. Chapter 11 Accessibility; and,
 2. Chapter 34, Section 3411 Accessibility For Existing Buildings;
 - (b) The International Fuel Gas Code (IFGC), 2012 edition, published by the International Code Council (ICC);
 - (c) The International Mechanical Code (IMC), 2012 edition, published by the International Code Council (ICC);
 - (d) The International Plumbing Code (IPC), 2012 edition, published by the International Code Council (ICC);
 - (e) The International Property Maintenance Code (IPMC), 2012 edition, published by the International Code Council (ICC);
 - (f) The International Fire Code (IFC), 2012 edition, published by the International Code Council (ICC);
 - (g) The International Energy Conservation Code (IECC), 2012 edition, published by the International Code Council (ICC), except that the provisions of the International Energy Conservation Code, 2006 edition, shall apply to the following occupancy classifications as defined by the International Building Code (IBC), 2012 edition:
 1. Moderate-hazard factory industrial, Group F-1;
 2. Low-hazard factory industrial, Group F-2;
 3. Moderate-hazard storage, Group S-1; and,
 4. Low-hazard storage, Group S-2;
 - (h) The International Existing Building Code (IEBC), 2012 edition, published by the International Code Council (ICC);
 - (i) For state buildings, educational occupancies and any other occupancy requiring an inspection by the state fire marshal for initial licensure, NFPA 101 Life Safety Code, 2012 edition, published by the National Fire Protection Association (NFPA); and,

- (j) No provision of the preceding cited publications shall be adopted that conflicts with:
 - 1. The installation and service standards of portable fire extinguishers and fixed fire extinguisher systems in Tenn. Comp. R. & Regs. 0780-02-14-.02; and,
 - 2. The standards for engaging in the liquefied petroleum gas business in Tenn. Comp. R. & Regs. 0780-02-17-.02.
- (2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) an optional or recommended, rather than mandatory, standard or practice; or,
 - (b) any agency, procedure, fees or penalties for administration or enforcement purposes inconsistent with the statute or rules.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

Rule 0780-02-02-.03 Retroactive Enforcement shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-02-.03 Retroactive Enforcement

Any existing building which conformed to the standards legally effective at the time of its construction shall not be subject to the standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01, unless the nonconformity of the building to such standards poses a serious life safety hazard. However, any construction as defined in Tenn. Comp. R. & Regs. 0780-02-03-.01 undertaken after the effective date of this chapter shall be in compliance with the standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01.

Authority: T. C. A. §§ 68-102-113, 68-120-101 and 68-120-102.

Rule 0780-02-02-.04 Conflicts shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

- (1) In the event of a conflict or inconsistency between the standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01:
 - (a) the provisions of the International Building Code (IBC) shall prevail if such conflict or inconsistency relates to building height, building area restrictions or construction type;
 - (b) the provisions of the Tennessee Public Building Accessibility Act, T.C.A. § 68-120-201, et seq., shall prevail if such conflict or inconsistency relates to accessibility; and,
 - (c) the more stringent provision shall prevail in all other cases.
- (2) In the event of a conflict or inconsistency between either standard adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01 and 0780-02-01 (Electrical Installations), the provisions of Tenn. Comp. R. & Regs. 0780-02-01 (Electrical Installations) shall prevail.
- (3) Nothing in this rule shall abrogate any right of appeal granted under T.C.A., Title 68, Chapters 102 and 120.

Authority: T. C. A. §§ 68-102-113, 68-120-101 and 68-120-106.

Rule 0780-02-02-.05 Local Ordinances shall be amended by deleting the existing rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-02-.05 Local Ordinances

Except as provided in T.C.A. § 68-120-101, or otherwise approved in writing by the state fire marshal, no city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee shall adopt or enforce any ordinance prescribing less stringent standards of fire prevention, fire protection, or building construction safety than those established hereunder. A city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee that has adopted an edition of a building construction or fire safety standard within seven (7) years of the most current published edition shall be deemed to be in compliance with this chapter.

Authority: T.C.A. §§ 68-102-113, 68-120-101 and 68-120-106.

Repeal
Chapter 0780-02-02
Codes and Standards

Rule 0780-02-02-.02 Application shall be amended by repealing the existing rule in its entirety.

Authority: T.C.A. §§ 68-102-113 and 68-120-101.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

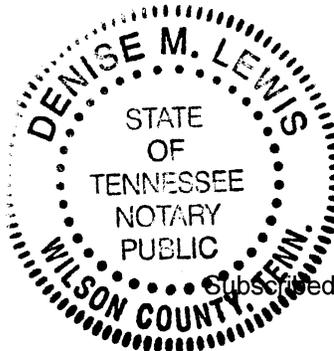
Board Member	Aye	No	Abstain	Absent	Signature (if required)
Not Applicable					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commissioner of Commerce and Insurance (board/commission/ other authority) on 1/25/16 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 06/26/15

Rulemaking Hearing(s) Conducted on: (add more dates). 08/19/2015



My Commission Expires

Date: 1/25/16

Signature: Julie Mix McPeak

Name of Officer: Julie Mix McPeak

Title of Officer: Commissioner of Commerce and Insurance

Subscribed and sworn to before me on: 1/25/16

Notary Public Signature: Denise M Lewis

My commission expires on: 2/15/16

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III

Herbert H. Slatery III
Attorney General and Reporter

4/29/2016
Date

Department of State Use Only

Filed with the Department of State on: 5/6/16

Effective on: 8/4/16

Tre Hargett
Tre Hargett
Secretary of State

RECEIVED
 2016 MAY -6 PM 3:46
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 PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Prior to the public hearing on August 19, 2015, regarding the adoption of amendments to Tenn. Comp. R. & Regs. 0780-02-02 Codes and Standards, one written comment was received from Mr. Dan Johnson with the East Tennessee Chapter of the Tennessee Building Officials Association (TBOA). Mr. Johnson's comment addressed concern of the proposed rules and the application of the standards adopted herein regarding accessibility requirements adopted by the state fire marshal and local jurisdictions. Chris Bainbridge, Director of Codes Enforcement for the Division of Fire Prevention responded on behalf of the agency that the proposed rules will not impact the existing state accessibility standard, which is currently the 2010 ADA standard, and local jurisdictions have the authority to adopt and enforce national standards independently. Mr. Johnson also made a verbal statement at the public hearing, to accompany his previously submitted written comment, in support of adoption of the proposed rules.

At the public rulemaking hearing, multiple oral comments and statements were made by persons in attendance. Mr. Steve Mills with the city of Hendersonville and the TBOA and Mr. Dwayne Hicks with the TBOA made statements in support of adopting the proposed amendments and the 2012 editions of the International Code Council (ICC) published codes and standards. Mr. John Finch representing the Association of General Contractors spoke in support of the proposed amendments. Mr. Mark Roberts with the International Code Council (ICC) issued a statement in support of adoption of the 2012 editions of the published codes for commercial buildings. Mr. Eddie Phillips past president of the Tennessee Fire Chiefs Association spoke in support of adopting the published rules. Mr. John Householder, building official with the town of Farragut, also spoke in support of adopting the published rules and the family of international codes published by ICC.

Mr. Jim Pillow, a West Tennessee Building Inspector, made several comments regarding the proposed amendments. Mr. Pillow spoke in support of the rule regarding prohibition against retroactive enforcement of codes. However, Mr. Pillow was not in support of adoption of the International Conservation Energy Code (IECC) in particular for apartment buildings. Mr. Pillow was also not in support of the state fire marshal adopting the specifically referenced standards for mechanical and plumbing. Mr. Pillow also requested that the agency add a provision in the rules that local jurisdictions (municipalities and counties) will not be required to enforce any code or standard provision that the state fire marshal is not enforcing as well.

Director Bainbridge responded that the agency is required to adopt the 2012 edition of the IECC as a condition for receiving federal funds through the American Recovery and Reinvestment Act (ARRA). Director Bainbridge also pointed out that the agency was sensitive to such issues and that some provisions of the 2012 edition of the IECC in regards to certain facilities and structures were specifically not adopted due to concerns previously expressed to the state fire marshal by various contractors and building designers.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

1. Types and estimated number of small businesses directly affected:

Small businesses involved in the construction of commercial buildings will be affected by the promulgation of these rules.

2. Projected reporting, recordkeeping, and other administrative costs:

There is no foreseeable alteration in existing reporting or recordkeeping utilized by small businesses that will result from the promulgation of these rules.

3. Probable effect on small businesses:

Small businesses involved in the construction of commercial buildings will be affected by the promulgation of these rules.

4. Less burdensome, intrusive, or costly alternative methods:

The amended rules are not anticipated to impact small businesses more significantly than the current rules provide. There has not been a less burdensome, intrusive or costly alternative method identified or recommended for use.

5. Comparison with federal and state counterparts:

There are no federal counterparts to the rule. A majority of local exempt jurisdictions in the state have adopted the same codes proposed under the rules, which will establish the state minimum standard for the construction of commercial buildings.

6. Effect of possible exemption of small businesses:

There are no possible exemptions for small businesses to the requirements contained in the proposed rules.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These amended rules are projected to impact local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The amendments to Tenn. Comp. R. & Regs. 0780-02-02 will update the minimum statewide building construction safety standards (“minimum standards”) for fire prevention, fire protection and building construction safety in Tennessee. The amendments to Tenn. Comp. R. & Regs. 0780-02-02-.01 [Adoption By Reference] replace the 2006 edition of the International Building Code (IBC) with the 2012 edition of the IBC. The amendments will specifically adopt the 2012 editions of the fuel gas, plumbing, property maintenance, existing building, energy, mechanical standards, and the International Fire Code (IFC). For state buildings, educational occupancies and any other occupancy requiring an inspection by the state fire marshal for initial licensure, NFPA 101 Life Safety Code, 2012 edition, published by the National Fire Protection Association (NFPA) is adopted. The amendments also provide for exceptions to the newly adopted standards, specifically accessibility requirements, to avoid duplication and conflicts with other applicable statutes and rules. In regards to moderate-hazard factory industrial (Group F-1) facilities, low-hazard factory industrial (Group F-2) structures, moderate-hazard storage (Group S-1) buildings, and low-hazard storage (Group S-2) buildings, the 2006 edition of the International Energy Conservation Code (IECC) will apply instead of the 2012 edition of the IECC, which is adopted otherwise. Tenn. Comp. R. & Regs. 0780-02-02-.02 [Application] is repealed in its entirety because the language has been deemed as redundant and unnecessary. Tenn. Comp. R. & Regs. 0780-02-02-.04 [Conflicts] is amended by inserting the word “building” before “height” and “area” in order to provide greater clarity and to make the rules more uniform with the language of the commercial standards and codes adopted and applied across the state. Several amendments are minor and should be considered as housekeeping, in general, to correct citation requirements and the renumbering of statute sections as required in the rulemaking guidelines adopted by the Secretary of State. Finally, Tenn. Comp. R. & Regs. 0780-02-02-.05 [Local Ordinances] is amended to clarify that any local jurisdiction which has adopted a standard that is within seven (7) years of the most recent published edition of the standard is presumed to be in compliance with T.C.A. § 68-120-101.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

A majority of local exempt jurisdictions in the state have adopted the same building standards and codes proposed under the rules. However, in 2010, the State of Tennessee and Governor Bredesen agreed to adopt energy codes for residential and commercial buildings which meets or exceeds the 2009 International Energy Conservation Code (IECC) as part of the conditions for accepting federal funds offered through the American Recovery and Reinvestment Act (ARRA). The adoption of the 2012 IECC for commercial building has been determined to satisfy part of the state’s obligation for receipt of the recovery funds.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Division of Fire Prevention held meetings on November 24, 2014, and December 10, 2014, with multiple stakeholders representing persons, businesses and organizations to be impacted by the promulgation of new rules and the adoption of new building standards and codes. The group of stakeholders included the following persons and organizations:

- American Council of Engineering Companies—Tracy Worley
- American Institute of Architects/Tennessee Society —William Steffenhagen
- Associated General Contractors of Tennessee—John Finch
- Tennessee Building Official’s Association—Terry Cobb
- Tennessee Fire and Life Safety Inspector’s Association—Kenny Custer
- Tennessee Fire Chief’s Association—Eddie Phillips
- Tennessee Plumbing and Mechanical Inspector’s Association—David Bodkin
- Tennessee Society of Professional Engineers—Vic McConnell
- Tennessee State Architect’s Office—Alan Robertson

University of Tennessee County Technical Assistance Service—Kevin Lauer

This group discussed which standards the Division of Fire Prevention should adopt for commercial construction. The consensus was to adopt the 2012 International Building Code (IBC) and the 2012 International Fire Code (IFC) as the minimum standards pursuant to Tenn. Code Ann. § 68-120-101(a).

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

Not applicable.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Minimal.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Joseph Underwood, Chief Counsel for Fire Prevention and Law Enforcement, Department of Commerce and Insurance and Christopher Bainbridge, Codes Enforcement Officer, Department of Commerce and Insurance.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Joseph Underwood, Chief Counsel for Fire Prevention and Law Enforcement, Department of Commerce and Insurance and Christopher Bainbridge, Codes Enforcement Officer, Department of Commerce and Insurance.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Joseph Underwood, 500 James Robertson Pkwy, Davy Crockett Tower, 8th Floor, Nashville, TN 37243, (615) 741-3899 Joseph.Underwood@tn.gov; Christopher Bainbridge, 500 James Robertson Pkwy, Davy Crockett Tower, 10th Floor, Nashville, TN 37243, (615) 741-6246 christopher.bainbridge@tn.gov.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

Not applicable.

**RULES
OF
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-02-02
CODES AND STANDARDS**

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0780-02-02-.01 ADOPTION BY REFERENCE.

~~(1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for fire prevention, fire protection and building construction safety in the State of Tennessee shall be those prescribed in the following publications:~~

~~(a) Except for Chapter 11 pertaining to accessibility and Chapter 27 pertaining to electrical requirements and the International Electrical Code, ICC International Building Code, 2006 edition, including ICC International Mechanical Code, 2006 edition, published by the International Code Council, Inc., 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001.~~

~~(b) ICC International Fire Code, 2006 edition, published by the International Code Council, Inc., 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C. 20001.~~

~~(c) For state buildings, educational occupancies and any other occupancy requiring an inspection by the state fire marshal for initial licensure as defined by the 2006 edition of the International Building Code, Life Safety Code (NFPA No. 101-2006), 2006 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.~~

~~(d) To lead by example, for state buildings, in lieu of Chapter 13 of the International Building Code, 2006 edition, ASHRAE Standard 90.1, 2007 edition, published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers, 1794 Tullie Circle NE, Atlanta, GA 30329.~~

~~(2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:~~

~~(a) an optional or recommended, rather than mandatory, standard or practice; or~~

~~(b) any agency, procedure, fees or penalties for administration or enforcement purposes inconsistent with these rules.~~

(1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for fire prevention, fire protection and building construction safety in the state of Tennessee shall be those prescribed in the following publications:

(a) International Building Code (IBC), 2012 edition, published by the International Code Council (ICC), except for:

1. Chapter 11, Accessibility; and,

2. Chapter 34, Section 3411 Accessibility For Existing Buildings:

- (b) The International Fuel Gas Code (IFGC), 2012 edition, published by the International Code Council (ICC);
- (c) The International Mechanical Code (IMC), 2012 edition, published by the International Code Council (ICC);
- (d) The International Plumbing Code (IPC), 2012 edition, published by the International Code Council (ICC);
- (e) The International Property Maintenance Code (IPMC), 2012 edition, published by the International Code Council (ICC);
- (f) The International Fire Code (IFC), 2012 edition, published by the International Code Council (ICC);
- (g) The International Energy Conservation Code (IECC), 2012 edition, published by the International Code Council (ICC), except that the provisions of the International Energy Conservation Code, 2006 edition, shall apply to the following occupancy classifications as defined by the International Building Code (IBC), 2012 edition:
 - 1. Moderate-hazard factory industrial, Group F-1;
 - 2. Low-hazard factory industrial, Group F-2;
 - 3. Moderate-hazard storage, Group S-1; and,
 - 4. Low-hazard storage, Group S-2;
- (h) The International Existing Building Code (IEBC), 2012 edition, published by the International Code Council (ICC);
- (i) For state buildings, educational occupancies and any other occupancy requiring an inspection by the state fire marshal for initial licensure, NFPA 101 Life Safety Code, 2012 edition, published by the National Fire Protection Association (NFPA); and,
- (j) No provision of the preceding cited publications shall be adopted that conflicts with:
 - 1. The installation and service standards of portable fire extinguishers and fixed fire extinguisher systems in Tenn. Comp. R. & Regs. 0780-02-14-.02; and,
 - 2. The standards for engaging in the liquefied petroleum gas business in Tenn. Comp. R. & Regs. 0780-02-17-.02.

(2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:

- (a) an optional or recommended, rather than mandatory, standard or practice; or,
- (b) any agency, procedure, fees or penalties for administration or enforcement purposes inconsistent with the statute or rules.

Authority: T.C.A. §§ ~~68-120-101, and 68-120-101(a) and (e), 68-102-113, and 68-102-113(a) and (e).~~

0780-02-02-.02 APPLICATION. Repealed.

~~(1) The provisions of the codes adopted by reference in rule 0780-02-02-.01 shall govern the manner in which:~~

- ~~(a) the codes are applied to new construction and existing buildings.~~
- ~~(b) occupancies and types of construction are classified for the purpose of determining minimum code requirements; and~~
- ~~(c) the specific requirements of the codes may be modified to permit the use of alternate materials or methods of construction.~~

Authority: ~~T.C.A. §§53-2413 and Chapter 857, Public Acts of 1982.~~ T.C.A. §§ 68-102-113 and 68-120-101.

0780-02-02-.03 RETROACTIVE ENFORCEMENT.

Any existing building which conformed to the standards legally effective at the time of its construction shall not be subject to the standards adopted by reference in Tenn. Comp. R. & Regs. rule 0780-02-02-.01, unless the nonconformity of the building to such standards poses a serious life safety hazard. However, any construction as defined in Tenn. Comp. R. & Regs. rule 0780-02-03-.01 undertaken after the effective date of this chapter shall be in compliance with the standards adopted by reference in Tenn. Comp. R. & Regs. rule 0780-02-02-.01.

Authority: ~~T.C.A. §§53-2413, 68-102-113, 68-120-102, and Chapter 857, Public Acts of 1982.~~ 68-102, 113, 68-120-101 and 68-120-102.

0780-02-02-.04 CONFLICTS.

- (1) In the event of a conflict or inconsistency between the standards codes adopted by reference in Tenn. Comp. R. & Regs. rule 0780-02-02-.01:
 - (a) the provisions of the International Building Code (IBC) shall prevail if such conflict or inconsistency relates to building height, building area restrictions or construction type;
 - (b) the provisions of the Tennessee Public Building Accessibility Act, T.C.A. § 68-120-201, et seq., shall prevail if such conflict or inconsistency relates to accessibility; and,
 - (c) the more stringent ~~code~~ provision shall prevail in all other cases.
- (2) In the event of a conflict or inconsistency between either standard code adopted by reference in rule Tenn. Comp. R. & Regs. 0780-02-02-.01 and Chapter 0780-02-01 (Electrical Installations) of the Rules and Regulations of the State of Tennessee, the provisions of Chapter Tenn. Comp. R. & Regs. 0780-02-01 (Electrical Installations) shall control prevail.
- (3) Nothing in this rule shall abrogate any right of appeal granted under Tenn. Code Ann., Title 68, Chapters 102 and 120.

Authority: ~~T. C. A. § 68-102-113(a) and (e) and, 68-120-101(a) and 68-120-106.~~

0780-02-02-.05 LOCAL ORDINANCES.

Except as provided in Tenn. Code Ann. T.C.A. § 68-18120-101, or otherwise approved in writing by the state fire marshal, no city, county, town, municipal corporation, metropolitan government, or political subdivision of the State of Tennessee shall adopt or enforce any ordinance prescribing less stringent standards of fire prevention, fire protection, or building construction safety than those established hereunder. A city, county, town, municipal corporation, metropolitan government, or

political subdivision of the state of Tennessee that has adopted an edition of a building construction or fire safety standard within seven (7) years of the most current published edition shall be deemed to be in compliance with this chapter.

Authority: T.C.A. §§~~58-2413, 68-17-113, 68-18-101, and Chapter 857, Public Acts of 1982, 68-102-113, 68-120-101 and 68-120-106.~~