

RESOLUTION NO. _____

A RESOLUTION TO EXEMPT THE CITY/TOWN OF _____ FROM APPLICABILITY OF STATEWIDE BUILDING CONSTRUCTION SAFETY STANDARDS IN ONE-FAMILY AND TWO-FAMILY DWELLINGS WITHIN ITS JURISDICTION.

WHEREAS, Public Chapter No. 529 of the 2009 Public Acts, also known as the “Tennessee Clean Energy Future Act of 2009”, requires the State Fire Marshal to adopt and enforce statewide building construction and safety standards in jurisdictions who do not adopt and adequately enforce codes meeting the state’s minimum standards; and

WHEREAS, *Tennessee Code Annotated* § 68-120-101(b)(1)(B) authorizes a municipality to, by a two-thirds (2/3) vote, adopt a Resolution to exempt the municipality from application of statewide standards for one-family and two-family dwellings within its jurisdictional boundaries; and

WHEREAS, An opt-out Resolution adopted pursuant to *Tennessee Code Annotated* § 68-120-101(b)(1)(B) expires one hundred eighty (180) days following the date of the next election of the governing body after its passage; and

WHEREAS, The State Fire Marshal has, via Rules of the Departments of Commerce and Insurance, Division of Fire Protection, Chapter 0780-02-23, adopted the 2009 edition of the International Residential Code with various amendments; and

WHEREAS, the (*governing body*) of the City/Town of _____ desires to exempt the applicability of statewide building construction safety standards within its jurisdictional boundaries; now, therefore:

BE IT RESOLVED BY THE (GOVERNING BODY) OF THE CITY/TOWN OF _____ THAT:

SECTION 1. Pursuant to *Tennessee Code Annotated* § 68-120-101(b)(1)(B) the City/Town of _____ elects to exempt the applicability of the statewide building construction safety standards in one-family and two-family dwellings within its jurisdictional boundaries.

SECTION 2. The exemption enacted by Section 1 of this resolution shall expire one hundred eighty (180) days following the date of the election for the local legislative body next occurring following the adoption of this resolution¹. **[A municipality may elect an earlier expiration date.]**

¹ State law reference

SECTION 3. The City Recorder shall transmit a copy of this Resolution to the State Fire Marshal upon its passage.

SECTION 4. This resolution takes effect from and after its passage, the welfare of the City/Town of _____ requiring it.

Adopted: _____

Mayor

City Recorder

A resolution passed pursuant to *Tennessee Code Annotated* § 68-120-101(b)(1)(B) expires one hundred eighty (180) days following the date of the election for the local legislative body next occurring following the adoption of the resolution. If a municipality neglects to renew or opts not to renew the resolution, one-family and two-family dwellings become subject to the statewide building code safety standards and their enforcement by the State Fire Marshal.