



## MEMORANDUM

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April 20, 2010

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator  
Rocky Garzarek, Fire Chief  
Andy King, Fire Marshal

SUBJECT: Ordinance 2010-32, to amend Title 7, Chapter 5 of the Franklin Municipal Code to adopt NFPA 101 Life Safety Code, 2009 Edition

### **Purpose**

The purpose of this memorandum is to provide information to the Board of Mayor and Aldermen (BOMA) concerning the proposed amendment to Title 7, Chapter 5 of the Municipal Code to adopt the 2009 edition of the National Fire Protection Association (NFPA) Life Safety Code (LSC) 101.

### **Background**

NFPA 101 provides essential life safety requirements for both new and existing buildings. Other codes, such as the International Building Code (IBC) and International Fire Code (IFC), focus primarily on new construction and do not consider the unique circumstances and problems of code compliance in existing structures. The IFC is a maintenance code in addition to its role with the IBC for new construction, but this code regulates operational and industrial aspects more than basic life safety functions such as the ability to exit, fire alarms, and special building uses. As buildings age and their uses change, the LSC provides minimum life safety requirements based on those changes. This specific approach helps ensure that the most appropriate elements of a requirement are available for consideration rather than a single code requirement that would apply to all buildings regardless of its use or age. Existing buildings also pose challenges for maintaining life safety functions that are not addressed or considered in other codes.

In addition to the consideration for existing buildings, the LSC contains chapters for each type of occupancy classification further enhancing the City's ability to apply basic life safety requirements based on the individual uses that building owners and tenants desire. This aspect enables greater flexibility when considering options for construction and emergency building features that are essential for the safety of the public.

Adoption of the 2009 edition would allow designers, building owners, businesses, and tenants to benefit from the latest research into occupant safety, advances in technology and building methods, as well as lessons learned from tragic events such as the World Trade Towers 2001 and the Station Nightclub Fire in 2003. The 2009 edition of the LSC includes performance-based compliance options allowing greater flexibility in building design. A new chapter in this edition also provides direction on building rehabilitation to encourage adaptive reuse of buildings without compromising occupant safety.

The proposed change from the 2000 edition to the 2009 is based on requirements by the State of Tennessee (mandated adoption of codes within seven years of those adopted by the State) as well as increasing the City's ability to address customer concerns about building uses and providing business



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owners with clearer expectations. The updated code also reflects state-of-the-art changes which could improve citizen safety through the research and technological changes. Generally, it is recommended for codes to be adopted in the same revision year to avoid gross inconsistencies. The 2000 LSC was not updated with the other adopted codes (IBC, IFB, etc.) in 2003 due to an oversight during a change in fire department administration. The 2006 edition was not considered for adoption because the 2006 editions of the IBC (and other I-Codes) were not going to be adopted by the City.

The Life Safety Code is adopted and enforced in 33 of 50 states, including Tennessee, and in countless jurisdictions. The ability to have codes intended for new and existing buildings enables the City of Franklin greater flexibility to work with business owners and architects in designing safe buildings as well as maintaining those buildings over time and through multiple changes in their uses.

### **Recommendation**

Adoption of NFPA 101, 2009 edition.

**ORDINANCE 2010-32**

**TO BE ENTITLED: “AN ORDINANCE TO AMEND TITLE 7, CHAPTER 5 OF THE FRANKLIN MUNICIPAL CODE TO ADOPT THE NFPA 101 LIFE SAFETY CODE, 2009 EDITION.”**

**WHEREAS**, for the purpose of regulating the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, conditions hazardous to life or property in the occupancy and use of buildings and premises, the operation, installation, construction, location, safeguarding and maintenance of attendant equipment, the installation and maintenance of adequate means of egress not provided for by the building code, therefore promoting the public safety of the people of Franklin; and

**WHEREAS**, in its legislative judgment the Board of Mayor and Aldermen has found that building regulations and standards must be dynamic and modified from time to time to reflect changes in model codes, construction materials, recognized construction methods, and safety standards necessary to preserve and promote the private and public interest; and

**WHEREAS**, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, adopted the 2000 edition of the National Fire Protection Association 101 Life Safety Code via Ordinance 2000-32 in July 2000; and

**WHEREAS**, Tennessee Code Annotated Title 68, Chapter 120, requires that for cities that enforce their own building construction safety standards, the building codes adopted by reference must be current within seven years of the date of the latest editions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:**

**SECTION I.** That Title 7, Chapter 5, Section 7-501 of the City of Franklin Municipal Code is hereby amended to delete the following text noted with a ~~strikethrough~~; to add the following text noted in **bold**; and is approved to read as follows:

**7-501. Life safety code adopted.**

- (1) Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501, et seq., and for the purpose of prescribing regulations governing the design, operation, and maintenance of buildings and other structures for safety to life from fire and similar emergencies, the NFPA 101, Life Safety Code, 2000 2009 edition with any subsequent amendments or revisions that may be added, or as replaced by any later editions, as prepared by the National Fire Protection Association, is hereby adopted by reference and included herein as

part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502 one (1) copy of said NFPA 101, Life Safety Code has been filed with the recorder and is available for public use and inspection. ~~The NFPA 101, Life Safety Code, chapter 33, referenced publications, of the National Fire Protection Association shall be the latest editions available by the National Fire Code Subscription Service.~~

- (2) Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502(c), the fire chief or his designee shall adopt administrative regulations to incorporate subsequent amendments to the NFPA Life Safety Code, ~~2000~~ **2009** edition., ~~including chapter 33, "Referenced Publications," as published by the NFPA.~~ These amendments shall be identified by the fire chief as to date and source and shall take effect as provided in Tennessee Code Annotated, § 6-54-502 unless disapproved by resolution of the board of mayor and aldermen. Administrative regulations adopting amendments to the International Fire Code, ~~2003~~ **2009** edition will be placed on file at the city recorder's office when they are published by the fire chief, and at least fifteen (15) days before their effective date.

**SECTION III:** BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall be in full force and in effect for any lot, building or structure on or after **September 1, 2010** for the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: \_\_\_\_\_  
Eric S. Stuckey  
City Administrator/Recorder

By: \_\_\_\_\_  
John C. Schroer  
Mayor of Franklin

PASSED FIRST READING \_\_\_\_\_

PASSED SECOND READING \_\_\_\_\_