

SUBSTITUTE ORDINANCE NO. BL2009-350

An ordinance amending Title 10 of the Metropolitan Code to adopt the 2006 International Fire Code, as amended, for use throughout the Metropolitan Government, and the 2006 NFPA 101 Life Safety Code, as amended, for certain occupancies.

WHEREAS, Tennessee Code Annotated § 68-120-101 allows local governments to adopt either the International Fire Code, published by the International Code Council, Inc., or the Uniform Fire Code, published by the National Fire Protection Association, Inc., provided the local government certifies to the state fire marshal that it is adequately enforcing such code; and,

WHEREAS, on April 17, 2007, the Metropolitan Council enacted Ordinance No. BL2007-1390, which, in part, adopted the 2006 NFPA 1 Uniform Fire Code of the National Fire Protection Association; and,

WHEREAS, the Tennessee Department of Commerce and Insurance has recently adopted the 2006 International Fire Code as the fire code for use throughout the state of Tennessee, to become effective December 20, 2008; and,

WHEREAS, it is fitting and proper that the Metropolitan Government adopt the 2006 International Fire Code, as amended, for use throughout the Metropolitan Government, and the 2006 NFPA 101 Life Safety Code, as amended, for certain occupancies.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Chapter 10.64 of the Metropolitan Code is hereby amended by deleting Section 10.64.010 in its entirety and substituting in lieu thereof the following new section 10.64.010:

10.64.010 Fire Prevention Code adopted.

The metropolitan government adopts the 2006 International Fire Code published by the International Code Council, as amended in this chapter, and Appendix B, Appendix D, and Appendix F of the International Fire Code, as amended in this chapter, to be applicable throughout the metropolitan government. A copy of the International Fire Code, including Appendices B, D, and F, is attached to the ordinance codified in this section and hereof, the same as if copied verbatim herein. The International Fire Code and Appendices B, D, and F thereto, with amendments indicated herein, and with the addition of the 2006 Life Safety Code for certain occupancies, shall be known as the Metropolitan Fire Prevention Code.

Section 2. Chapter 10.64 of the Metropolitan Code is hereby amended by deleting Section 10.64.012 in its entirety and substituting in lieu thereof the following new section 10.64.012:

10.64.012 Life Safety Code (NFPA No. 101-2006) adopted for certain occupancies. The metropolitan government adopts the NFPA 101 Life Safety Code (NFPA No. 101-2006), 2006 edition, published by the National Fire Protection Association, as amended in this chapter, for new and existing state buildings and metropolitan government owned buildings, and for the following new and existing occupancies as defined in the NFPA 101 Life Safety Code 2006 edition:

1. educational occupancies;
2. day-care occupancies;
3. residential board and care occupancies; and
4. health care occupancies.

A copy of the 2006 NFPA 101 Life Safety Code is attached to the ordinance codified in this section and hereof, the same as if copied verbatim herein.

Section 3. Chapter 10.64 of the Metropolitan Code is hereby amended by deleting Section 10.64.015 in its entirety and substituting in lieu thereof the following new section 10.64.015:

10.64.015 Amendments to the 2006 International Fire Code and Appendices.

The following amendments, deletions, or additions to the 2006 International Fire Code and appendices thereto are adopted by reference, as fully as though copied into the Metropolitan Fire Prevention Code, and thereby made a part of the Metropolitan Fire Prevention Code.

A. Section 101 is hereby amended by adding the following new subsection 101.6:

101.6 Whenever any of the requirements of the adopted fire and building codes shall be found to be in conflict, the more stringent provisions shall apply.

B. Section 102 is hereby amended by adding the following new section 102.10.

102.10 Existing buildings. The fire code official has the authority to conduct inspections of existing buildings as frequently as deemed necessary by the fire code official.

C. Section 105.6 is hereby amended by substituting "105.6.47" for "105.6.46" as follows:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.47.

D. Section 105.6 is hereby amended by adding the following new subsection 105.6.47:

105.6.47 Special Events. A special event permit is required if deemed necessary by the fire code official when a Fire Watch is required to assure life safety during an event.

E. Section 107.1 is hereby amended by deleting it in its entirety and substituting the following new Section 107.1:

107.1 Maintenance and installation of safeguards.

1. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

2. Structures and facilities operating under a use and occupancy permit at the time of the adoption of this code must install and continuously maintain all devices, equipment, systems, conditions, arrangements, levels of protection, and any other features that were required by the fire code that was applicable when the structure or facility was issued the use and occupancy permit, or any equivalent safety measures that have been approved by the fire code official. Structures and facilities operating under a use and occupancy permit at the time of the adoption of this code can opt to comply with all of the requirements for new structures and facilities under this code in lieu of all of the requirements of the fire code that was applicable when the structure or facility was issued the use and occupancy permit.

3. Notwithstanding any other provision in this code, if any of the following has been issued pursuant to a previous version of the fire code, all deficiencies identified therein must be remedied immediately unless additional time for compliance is specifically granted by this code pursuant to Section 903.2.1.3.1 or Section 903.2.10.3.1.

3.1. Any citation, notice of violation, request for plan of correction, or any other notice of noncompliance with the applicable fire code from the fire code official; or

3.2. Any order, action or resolution of the Board of Fire and Building Code Appeals; or

3.3. Any court order.

After all deficiencies have been remedied, the structure or facility may then opt, as permitted by 107.1.2 above, to comply with all of the requirements for new structures and facilities under this code in lieu of all of the requirements of the fire code that were applicable when the structure or facility was issued the use and occupancy permit.

4. All existing structures or facilities, whether controlled by this fire code or a previous version of the fire code, shall comply with all provisions of this code that expressly apply to such existing structures or facilities or which, in the opinion of the fire code official, constitute a distinct hazard to life or property pursuant to Sections 102.1.3 and 102.1.4 of this code.

The intent of this Section 107.1 is to ensure that all existing structures and facilities either comply fully with the fire code that was applicable when the structure or facility was issued a use and occupancy permit or comply fully with this code. A

structure or facility that fully complies with the fire code that was applicable when the use and occupancy permit was issued must still comply with certain provisions of this code: all provisions in this code that expressly apply to such existing properties as well as those which, in the opinion of the fire code official, constitute a distinct hazard to life or property. The intent of this section is also to ensure that structures and facilities that have had a deficiency identified under any previous code must remedy such deficiency even if such condition would not be a violation under this code.

F. Section 108.1 is hereby amended by adding the following new language to the end of the existing paragraph.

108.1 Board of appeals established. The Board of Appeals created and empowered to act on all appeals under this Metropolitan Fire Prevention Code shall be the Metropolitan Board of Fire and Building Code Appeals (Board) as established and provided for in the Metropolitan Code of Laws, Chapter 2.80 and Section 16.08.010. The Board shall hear all appeals for variances in or interpretations of this Metropolitan Fire Prevention Code by the Fire Marshal of the Metropolitan Government. When acting under this Metropolitan Fire Prevention Code, the Board shall transmit its decisions to the Fire Marshal.

G. Section 202 is hereby amended by adding the following new definitions to the list of existing definitions.

BED AND BREAKFAST HOMESTAY. A private home, inn or other unique residential facility located in a structure of historical significance as defined in Tennessee Code Annotated Section 68-14-503(3), offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guest staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property, or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

EXISTING, LEGAL BUILDING LOT.

An existing, legal building lot shall include the following:

1. Infill Lot. A lot in an established one- and two-family or townhouse dwelling subdivision in which the following infrastructure elements are in existence at the time of the adoption of this ordinance: water mains, fire hydrants, and streets with existing homes constructed. This lot was not sold or built upon during the initial phase of construction or the original home was demolished to make way for new construction;
2. All one- and two-family or townhouse dwelling lots in phases and sections of subdivisions for which an approved final plat was recorded at the Davidson County Register of Deeds Office prior to the adoption of this ordinance; or
3. All lots in all future phases or sections of one- and two-family or townhouse dwelling subdivisions that were granted preliminary approval by the Metropolitan Planning Commission prior to the adoption of this ordinance and

for which the plans have not materially changed since the time of preliminary approval, as determined by the fire code official.

H. Section 307.1.1 is hereby amended by adding the following new sentence to the end of the existing paragraph.

307.1.1 Prohibited open burning. The fire code official shall determine when the conditions are acceptable to allow open and recreational burning.

I. Section 404.2 item #9 is hereby amended by deleting item #9 and adding the following new item #9:

404.2 item #9. High-rise Buildings – An approved fire safety and evacuation plan shall be provided in the fire command center. In existing buildings that do not have a fire command center, the plan shall be accessible at the building's fire alarm annunciator panel.

J. Section 901.7.3 is hereby amended by adding the following new subsection 901.7.3.1.

901.7.3.1 Status tags. Fire alarm and fire detection systems upon testing shall have displayed at the main fire alarm panel location a compliance tag/sticker. This tag/sticker shall bear the fire alarm contractor's name and phone number and a space for an inspection date. A green tag/sticker shall indicate that the alarm system has no deficiencies. A red tag/sticker shall indicate any fire alarm system with deficiencies, including trouble signals. The red tag/sticker shall remain in place until repairs are completed.

K. Section 903.2.1.3 is amended by adding the following new section 903.2.1.3.1:

903.2.1.3.1 Existing Group A-2 & A-3 Where the occupant load exceeds 200, the following existing assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with NFPA 13 not later than September 30, 2012:

1. Bars with Live Entertainment
2. Dance halls
3. Discotheques
4. Nightclubs
5. Assembly occupancies with festival seating

Regardless of occupant load, any of the occupancies listed above that have been cited with:

1. overcrowding;
2. locked or blocked fire exits;
3. unpermitted pyrotechnics; or,
4. the use of props or displays not meeting applicable flame spread requirements

shall be subject to automatic fire sprinkler system requirements as ordered by the fire code official.

For purposes of this section, "live entertainment" shall include any live performance such as live music, dancing, stage acts, disc jockey, or other entertainment that in the opinion of the fire code official could cause a distraction to the audience in the case of a fire or emergency in such a manner as to delay normal exiting from the facility. A mere occasional or infrequent live performance, scheduled or unscheduled, that is incidental or not part of the regular venue of the occupancy shall not be considered live entertainment. In all cases the fire code official has the authority to determine the circumstances that constitute "live entertainment".

L. Section 903.2.5 is hereby amended by deleting the exception in its entirety and substituting the following new exception:

903.2.5 Exception: An automatic sprinkler system installed in accordance with section 903.3.1.2 or 903.3.1.3 shall be allowed in Group I-1 facilities. Sprinkler protection is required in all closets and bathrooms.

M. Section 903.2.10.3 is amended by adding the following new section 903.2.10.3.1

903.2.10.3.1 Existing buildings with occupied floors 75 feet or more above the lowest level of fire department access.

Existing buildings with occupied floors 75 feet or more above the lowest level of fire department access shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section NFPA 13 immediately; or by September 30, 2012 if such building has a Fire Watch and is equipped with a standpipe and hose system installed in accordance with NFPA 14, Standard for the Installation of Standpipe and Hose Systems. When the automatic sprinkler system is installed, a sprinkler control valve and a waterflow device shall be provided for each floor.

N. Section 903 is hereby amended by adding the following a new subsection 903.7.

903.7 Installation, alterations and repairs. Installation, alterations and repairs of automatic fire sprinkler systems (including backflow prevention devices) shall be performed by a State of Tennessee licensed fire sprinkler contractor.

O. Section 907.2.18 is hereby amended by adding the following new subsection 907.2.18.3.

907.2.18.3 Alarm required from smoke activated equipment.

Smoke detectors in elevator equipment rooms, elevator hoistways, elevator lobbies and smoke activated hold open devices for fire doors shall activate the fire alarm system when required by the fire code official.

P. Section 913 is hereby amended by adding the following new section 913.6:

913.6 Fire Pumps used in fire protection shall have the following signals transmitted to an approved Central Station Alarm Monitoring Service or an approved Proprietary Service:

Electric Fire Pumps

1. Fire Pump Run
2. Phase Reversal
3. Power Failure
4. Main Water Flow

Diesel Fire Pumps

1. Fire Pump Run
2. Low Batteries
3. Failure to Start
4. Main Water Flow

Q. Section 1020.1, Enclosure of vertical exit shafts, is hereby amended by deleting Exception #5.

R. Section 1024.1, Discharge of exits, is hereby amended by deleting Exception #3.

S. Section 1024.6 is hereby amended by adding the new subsection 1024.6.1:

1024.6.1 Access to a public way from an exit discharge that requires easement agreements from other property owners to insure access to public ways shall be "permanent easements," protecting all future owners and occupants. Permanent easements can be voided if exit termination from structures is changed to meet the exit termination requirements of NFPA 7.7.1.

T. Section 1027.16, Fire Escape Stairs (section 1027.16.1 through 1027.16.7), is hereby amended by deleting this section in its entirety.

U. Section 1027.17, Corridors, is hereby amended by deleting Exception #3.

V. Section 1908.3 is hereby amended by substituting the Exception as follows:

1908.3 Size of Piles. Exception: The fire code official is authorized to allow the pile size to be increased when additional fire protection is provided in accordance with chapter 9. The increase shall be based upon the capabilities of the system installed. Combustible waste materials such as bark, sawdust, chips, and other debris shall not be permitted to accumulate in a quantity or location that constitutes an undue fire hazard as determined by the fire code official.

W. Section 2204.3 is hereby amended by substituting its entirety as follows:

2204.3 Un-attended self-service motor fuel dispensing facilities. Unattended self-service motor fuel dispensing facilities, when allowed by the fire code official, shall comply with Sections 2204.3.1 through 2204.3.7.

X. Section 2205.6 is hereby amended by adding the new language to the existing language.

2205.6 Warning signs. The words *WARNING, No Smoking and Stop Motor* shall be at least four inches in height with a stroke width of one inch. They shall be in a contrasting color that is acceptable to the fire code official.

(1) Section 3904.1.2 is hereby amended by deleting it in its entirety and adding the following:

3904.1.2 Distance from detached storage buildings to exposures.

Table 3904.1.2(a) Maximum Allowable Quantity of Organic Peroxide Formulations in Nonsprinklered Buildings

Class of Organic Peroxide Formulation	Segregated Storage 150 ft (46 m)		Cut-Off Storage		Detached Storage Minimum Separation*			
	lb	kg	lb	kg	50 ft (15 m)		100 ft (30.5 m)	
	lb	kg	lb	kg	lb	kg	lb	kg
I	N/A	N/A	N/A	N/A	1000	454	4,000	1,810
	10,000	4,540						
II	N/A	N/A	2,000	907	20,000	9,070	80,000	36,300
	500,000	227,000						
III	1,500	680	3,000	1,360	70,000	31,800	200,000	90,700
	750,000	340,000						
IV	100,000	45,400	200,000	90,700	300,000	136,000	500,000	227,000
	1,000,000	454,000						
V	UNL	UNL	UNL	UNL	UNL	UNL	UNL	UNL
	UNL	UNL						

Note: N/A — Not Allowed; UNL — Unlimited.

*Minimum separation means the distance from the line of property that is or can be built upon, including the opposite side of a public way, or the distance from the nearest important building on the same property. [NFPA 432:Table 4.10(a)]

Table 3904.1.2(b) Maximum Allowable Quantity of Organic Peroxide Formulations in Sprinklered Buildings

Class of Organic Peroxide Formulation	Segregated Storage 150 ft (46 m)			Cut-off Storage		Detached Storage Minimum Separation*			
	lb	kg	kg	lb	kg	50 ft (15 m)		100 ft (30.5 m)	
	lb	kg	kg	lb	kg	lb	kg	lb	kg
I	N/A	N/A		2000	907	2000	907	20,000	9070
	175,000	79,400							
II	4000	1810		50,000	22,700	100,000	45,400	200,000	90,700
	UNL	UNL							
III	50,000	22,700		100,000	45,400	200,000	90,700	UNL	UNL
	UNL	UNL							
IV	UNL	UNL		UNL	UNL	UNL	UNL	UNL	UNL
	UNL	UNL							
V	UNL	UNL		UNL	UNL	UNL	UNL	UNL	UNL
	UNL	UNL							

Note: N/A — Not Allowed; UNL — Unlimited.

*Minimum separation means the distance from the line of property that is or can be built upon, including the opposite side of a public way, or the distance from the nearest important building on the same property. [NFPA 432:Table 4.10(b)]

Note #1 - The quantity of Class III organic peroxide formulations as it appears in Table 70.3.4.8.1(a) in cut-off storage shall be permitted to be increased to 20,000 lb (9070 kg) if the walls or partitions providing the cut-off have a fire resistance rating of at least 4 hours. [NFPA 432:4.10.1.1]

Note #2 - Class I organic peroxide formulation cut-off storage as it appears in Table 70.3.4.8.1(b) shall have interior walls with a blast resistance of 432 psf (0.2 bar). [NFPA 432:4.10.1.2]

Note #3 - Class I organic peroxide formulation cut-off storage as it appears in Table 70.3.4.8.1(b) shall have deflagration venting provided for exterior walls. [NFPA 432:4.10.1.3]

Y. Section 3904.1.7 is hereby amended by deleting it in its entirety and substituting the following:

Table 3904.1.7 Provisions for Storage Arrangement by Class of Organic Peroxide Formulation

Class of Organic Peroxide Formulation	Minimum Additional Aisle Width		Maximum Pile Height		Maximum Pile Width		Minimum Main Aisle Width	
	ft	m	ft	m	ft	m	ft	m
I	4	1.2	6	1.8	4	1.2	8	2.4
II*	4	1.2	8	2.4	8	2.4	6	1.8
III*	4	1.2	8	2.4	8	2.4	6	1.8
IV	3	0.9	10	3	16	4.9	4	1.2
V	See Note #1							

*See Note #1.
[NFPA 432:Table 4.11.5]

Note #1 - Storage of 55 gal (208 L) drums of Class II and Class III organic peroxide formulations shall be stored one high only.
[NFPA 432:4.11.6]

Note #2 - Storage of Class V organic peroxide formulations shall meet the requirements of this Code. [NFPA 432:4.11.7]

Z. Section B104.2 of Appendix B is hereby amended by adding the following new exception:

B104.2 Area Separation. Exception: Provided that townhouses, as defined by the International Residential Code, are separated with approved two-hour fire rated construction, the square footage of one unit only shall be utilized for the purposes of calculating needed fire flow. Such fire-flow requirements remain effective regardless of the number of attached townhouses, provided that an approved four-hour fire wall separates each row of eight units or that all units are equipped with either a NFPA 13D, NFPA 13R, or NFPA 13 automatic fire sprinkler system.

AA. Section B105.1 of Appendix B is hereby amended by adding the following sentence at the end of the first paragraph:

All new one- and two-family and townhouse dwellings not covered by Exception No. 1, Exception No. 2, or Exception No. 3 of B105.1 shall be required to meet the fire-flow requirements of Appendix B.

BB. Section B105.1 of Appendix B is hereby amended by adding the following new exception No. 2.

B105.1 One- and two-family dwellings. Exception No. 2: One- and two-family and townhouse dwellings not greater than 3600 square feet which are constructed on existing, legal building lots, as defined in Section 202, are not subject to Appendix B if they:

1. Meet definition #1 of "existing, legal building lot" and meet the fire-flow requirements of the Insurance Services Office (ISO) Formula for Needed Fire Flow; or
2. Meet definition #1 of "existing, legal building lot" and have a fire hydrant within 500 feet of all parts of the home, measured by way of hard surface road, and the hydrant flows at least 750 gpm with 20 psi residual pressure; or
3. Meet definition #1 of "existing, legal building lot" and have a fire hydrant within 500 feet of all parts of the home, measured by way of hard surface road, and the hydrant flows less than 750 gpm but not less than 500 gpm with 20 psi residual pressure and there is a secondary fire hydrant within 1,000 feet of the home that flows no less than 1,000 gpm with 20 psi residual pressure; or
4. Meet definition #2 or definition #3 of "existing, legal building lot," in which case they shall meet the fire-flow requirements set forth by the fire code official at the time the plat was approved or preliminarily approved. In the event the fire-flow requirements were not noted at the time of approval or preliminary approval, then Appendix B shall apply unless:
 - 4.1 There is a fire hydrant within 500 feet of all parts of the home, measured by way of hard surface road, and the hydrant flows at least 750 gpm with 20 psi residual pressure; or
 - 4.2 There is a fire hydrant within 500 feet of all parts of the home, measured by way of hard surface road, and the hydrant flows less than 750 gpm but not less than 500 gpm with 20 psi residual pressure and there is a secondary fire hydrant within 1,000 feet of the home that flows no less than 1,000gpm with 20 psi residual pressure ; or
 - 4.3 The fire-flow requirements of the Insurance Services Office (ISO) Formula for Needed Fire Flow are met.

CC. Section B105.1 of Appendix B is hereby amended by adding the following new exception No. 3.

B105.1 One- and two-family dwellings. Exception No. 3: One- and two- family and townhouse dwellings which exceed 3,600 square feet and which are constructed on "existing, legal building lots" shall meet either the fire-flow requirements of the Insurance Service Office (ISO) Formula for Needed Fire Flow or Appendix B of the International Fire Code.

Section 4. Chapter 10.64 of the Metropolitan Code is hereby amended by adding new Section 10.64.016:

10.64.016 Amendment to the 2006 NFPA 101 Life Safety Code.

The 2006 NFPA 101 Life Safety Code is hereby amended by deleting all references to the NFPA 5000, Building Construction and Safety Code, 2006 edition, which are contained therein. This amendment to the 2006 NFPA 101 Life Safety Code is adopted by reference, as fully as though copied into the Fire Prevention Code, and thereby made a part of the Metropolitan Fire Prevention Code for the occupancies specified in 10.64.012.

Section 5. Chapter 10.64.017 is hereby amended by:

(1) Substituting the following for the first paragraph:

10.64.017 Amendments to miscellaneous NFPA codes and standards that are referenced in the 2006 International Fire Code and 2006 NFPA 101 Life Safety Code.

The following amendments, deletions, or additions to the NFPA codes are adopted by reference, as fully as though copied into the 2006 International Fire Code and 2006 Life Safety Code, and thereby made a part of the Metropolitan Fire Prevention Code.

(2) Amending subsection H by deleting it in its entirety and substituting in lieu thereof the following new subsection H:

Section 5.12.1.1 of the 2003 Edition of NFPA 20 Standard for the Installation of Stationary Pumps for Fire Protection is hereby amended by deleting the subsection 5.12.1.1 and substituting the following:

5.12.1.1 Fire Pump enclosures shall be two-hour fire rated reinforced concrete block. Exception: When it has been proven that an explosion hazard does not exist, fire pump enclosures can be of any two-hour fire rated construction.

Section 6.

The provisions of this ordinance shall become effective on October 30, 2009.

Section 7.

This ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

Stephen F. Halford
Chief Stephen Halford, Director-Chief
Nashville Fire Department

Danny Hunt
Assistant Chief Danny Hunt,
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Terrence L. Cobb
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