



Metropolitan Nashville and Davidson County, TN

Legislation Text

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An ordinance to amend Chapter 10.64 of the Metropolitan Code, pertaining to the Fire Prevention Code, Section 13.3.5.1 of the NFPA 101 Life Safety Code, and Section 18.5.5.1 of the NFPA 1 Fire Code.

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 NFPA 1 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, pursuant to BL2021-658, the Metropolitan Government adopted the 2018 edition of the NFPA 1 Fire Code, as amended, published by the National Fire Protection Association; and,

WHEREAS, pursuant to BL2022-1373, the Metropolitan Government first adopted amendments to the NFPA 1 Fire Code, as amended, published by the National Fire Protection Association; and,

WHEREAS, the applicable codes for fire, building, dwelling, energy, gas/mechanical, plumbing, and life safety standards are updated by international bodies on a periodic basis; and,

WHEREAS, such updates are adopted by the Metropolitan Council into the Metropolitan Code of Laws as the governing standards for Davidson County, Tennessee; and,

WHEREAS, the amendments of these sections of the Metropolitan Code, the NFPA 101 Life Safety Code, and the NFPA 1 Fire Code are in the best interest of the citizens of Nashville and Davidson County.

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

Section 1. That Section 10.64.012 of the Metropolitan Code is hereby amended by adding a new section title: "Amendments to the 2018 NFPA 1 Fire Code & to the 2018 NFPA 101 Life Safety Code."

Section 2. That Section 10.64.012 of the Metropolitan Code is hereby amended by adding the following section immediately following the section title:

A. The following amendments, deletions, or additions to the 2018 NFPA 1 Fire Code thereto are adopted by references, as fully as though copied into the Metropolitan Fire Prevention Code, and thereby made a part of the Metropolitan Fire Prevention Code.

Section 3 That Section 10.64.012 of the Metropolitan Code is hereby amended by renumbering subsections A through U to instead be designated as subsections 1 through 21.

Section 4. That Section 10.64.012 of the Metropolitan Code is hereby amended by deleting former subsection D in its entirety.

Section 5. That Section 10.64.012 of the Metropolitan Code is hereby amended by adding the following subsection:

6. Section 13.3.2.8 is amended by deleting and substituting in lieu thereof:

Where the occupant load exceeds 200, the following assembly occupancies shall be protected

throughout by an approved, supervised automatic sprinkler system in accordance with NFPA 13:

- 1) Dance Halls
- 2) Discotheques
- 3) Nightclubs
- 4) Assembly occupancies with festival seating

Section 6. That Section 10.64.012 of the Metropolitan Code is hereby amended by adding the following subsection:

10. Section 14.8.1.2 is amended by adding the following subsection:

14.8.1.2.1 At the discretion of the authority having jurisdiction, limits or restrictions may be imposed on occupant load calculations when hazardous conditions or a reduction in life safety features exist, including but not limited to existing infrastructure, building construction, limited fire department access, clear egress limits to the public way, and natural or man-made egress restrictions.

Section 7. That Section 10.64.012 of the Metropolitan Code is hereby amended by deleting and substituting in lieu thereof:

11. Section 14.11.1 is amended by deleting and substituting in lieu thereof:

14.11.1 Exit Termination - Exits shall terminate directly, at a public way or at an exterior exit discharge acceptable to the AHJ, unless otherwise provided in 14.11.1.2 through 14.11.1.4.

Section 8. That Section 10.64.012 of the Metropolitan Code is hereby amended by moving the previously designated subsection U, up in position to new position as subsection 18, and states as follows:

18. Section 18.4.5.1 is amended by adding a new subsection:

18.4.5.1.1 The minimum required fire flow for townhouse buildings containing between three and eight dwellings not exceeding 3600 square feet shall be 1000 gpm for 1 hour duration where a 2-hour fire rated demising wall, without penetrations, extends from the foundation of the roof deck.

Section 9. That Section 10.64.012 of the Metropolitan Code is hereby amended by adding the following subsection immediately following subsection 21:

B. The following amendments, deletions, or additions to the 2018 NFPA 101 Life Safety Code thereto are adopted by reference, as full as though copied into the Metropolitan Fire Prevention Code, and thereby made a part of the Metropolitan Fire Prevention Code.

Section 10. That Section 10.64.012 of the Metropolitan Code is hereby amended by adding the following subsections under section B:

1. Section 7.3.1.2 is amended by adding the following subsection:

7.3.1.2.1 At the discretion of the authority having jurisdiction, limits or restrictions may be imposed on occupant load calculations when hazardous conditions or a reduction in life safety features exist, including but not limited to existing infrastructure, building construction, limited

fire department access, clear egress limits to the public way, and natural or man-made egress restrictions.

2. Section 7.7.1 is amended by deleting and substituting in lieu thereof:

7.7.1 Exit Termination - Exits shall terminate directly, at a public way or at an exterior exit discharge acceptable to the AHJ, unless otherwise provided in 7.7.1.2 through 7.7.1.4.

3. Section 13.3.2.8.1 is amended by deleting and substituting in lieu thereof:

Where the occupant load exceeds 200, the following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with NFPA 13:

- 1) Dance halls
- 2) Discotheques
- 3) Nightclubs
- 4) Assembly occupancies with festival seating

Section 11. That Section 10.64.017 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing with the following:

10.64.017 - Open Burning.

It is the intent and purpose of this Section to protect the citizens of Nashville from injury arising from hazards and public nuisances and to reduce the accidental spread of fire for the benefit of the health, safety, general welfare and physical property of the people. The city shall seek the accomplishment of these objectives through the regulation of open burning as adopted and set forth herein.

A. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Air curtain destructor" or "air curtain incinerator" means a portable or stationery combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain.

"Cooking fire" means the noncommercial, residential burning of materials not exceeding 3 ft. (0.9 m) in diameter and 2 ft. (0.6 m) in height, other than rubbish in which the fuel burned is contained in an outdoor fireplace, a barbecue grill, or a barbecue pit for the purpose of preparing food.

"Fire marshal" means the duly appointed fire marshal or acting fire marshal of the city.

"Open burning" means the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

"Recreational fire" means the noncommercial burning of materials other than rubbish for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel burned is not contained in an incinerator, a barbecue grill, or a barbecue pit, and the total fuel area is not exceeding 3 ft. (0.9 m) in diameter and 2 ft. (0.6 m) in height.

- B. The burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provisions of this section. Furthermore, burning for the purpose of disposing of construction or demolition waste or debris not otherwise described herein is expressly prohibited, and such waste or debris shall not be included in any open burning conducted under the provisions of this section.
- C. No open burning shall be allowed except under the following conditions and their restrictions:
- 1) Ceremonial or recreational fires.
 - a) Shall be of reasonable size and duration.
 - b) Any permit required by the fire marshal or director of public health shall be obtained prior to burning.
 - c) No prohibited materials shall be burned for such fires.
 - d) An approved water supply shall be present in the immediate vicinity of the burn site to be used for extinguishment as necessary.
 - e) A minimum 2A-10BC fire extinguisher shall be present in the immediate vicinity of the burn site to be used for extinguishment as necessary.

 - 2) Outdoor fireplaces or outdoor noncommercial food preparation.
 - a) Outdoor fireplaces or portable charcoal or gas barbecue grills shall be prohibited within ten feet of any structure in which more than two dwelling units are located.
 - b) No prohibited materials shall be burned for such fires.

 - 3) Burning for the purpose of clearing vegetation from land for new development or a change in the use of the land shall be permitted only if:
 - a) The burning will take place at least five hundred feet from any occupied building, roadway, walkway or any other location as may be specified by the fire marshal.
 - b) The materials to be burned consist solely of vegetation grown on the property containing the burn site.
 - c) The materials to be burned are placed in a pit and an air curtain destructor or air curtain incinerator is used.
 - d) Priming materials used to facilitate such burning are limited to #1 or #2 grade fuel oils.
 - e) The burning occurs between the hours of 7:00 a.m. and dark.
 - f) All appropriate permits have been issued from the fire marshal and the metro public health director.

 - 4) Burning for the purpose of disposing of detached tree limbs and leaves shall be permitted only

if:

- a) The burning will take place at least three hundred feet away from any adjacent lot or tract with a residential dwelling or other occupied structure.
 - b) The materials to be burned consist solely of leaves and limbs gathered from the property containing the burn site.
 - c) The materials to be burned are placed in a pit and an air curtain destructor or air curtain incinerator is used, if the fire marshal has instructed that an air curtain destructor or air curtain incinerator is to be used, based on the size and location of the burn and other relevant safety issues.
 - d) Priming materials used to facilitate such burning are limited to #1 or #2 grade fuel oils.
 - e) The burning occurs between the hours of 9:00 a.m. and 3:30 p.m.
 - f) All appropriate permits have been issued from the fire marshal and the metro public health director, as required.
- 5) Neither the exceptions allowed hereunder, nor the granting of a permit shall relieve any person of liability for injuries or damage caused by such open burning, nor shall an exception or permit relieve any person of the responsibility to obtain any other permit required by any other agency, or of complying with other applicable requirements, ordinances, statutes, or restrictions.
- 6) In the event the fire marshal or the fire marshal's representative determines a fire to be a nuisance to adjacent property owners or occupants or to the public at large, the fire marshal or the fire marshal's representative shall order the fire to be extinguished immediately by any means or, if necessary, the fire department may extinguish the fire.
- 7) The fire marshal or the fire marshal's representative along with the director of public health may order all open burning temporarily stopped at any time due to weather conditions or other environmental conditions which may cause open burning to pose a significant public health or safety risk.

Section 12. That Section 10.64.018 of the Metropolitan Code is hereby amended by deleting subsection A in its entirety and replacing with the following:

- A. The fire marshal's office shall charge the following operational permit fees:
1. Aerosol products: \$119.00.
 2. After hours inspection: \$350.00.
 3. After hours standby: \$213.00.
 4. Air curtain: \$151.00.
 5. Amusement buildings: \$151.00.
 6. Aviation hangars-aircraft service/repair: \$151.00.
 7. Aviation fuel service/refueling vehicles: \$151.00.

8. Blasting-Explosives: \$285.00.
9. Carnivals/Fairs: \$151.00.
10. Cellulose nitrate film: \$151.00.
11. Combustible dust-producing operations: \$151.00.
12. Combustible fibers: \$151.00.
13. Combustible storage: \$151.00.
14. Compressed gases: \$151.00.
15. Concession trailer/food truck (mobile food vendors): \$151.00.
16. Cryogenics: \$151.00.
17. Cutting and welding: \$151.00.
18. Day Care Operation: \$151.00
19. Dry cleaning: \$151.00.
20. Exhibits and trade shows: \$151.00.
21. Explosives - storage and handling: \$166.00.
22. Flammable and combustible liquids: \$149.00.
23. Hazardous materials: \$151.00.
24. High-piled storage: \$151.00.
25. Hot work operations: \$151.00.
26. Industrial ovens: \$151.00.
27. Knox Box: \$58.00.
28. Lumber yards and woodworking plants: \$209.00.
29. Liquid- or gas-fueled vehicles or equipment in assembly buildings: \$151.00.
30. Liquid propane gas (LPG): \$149.00.
31. Open flames and candles: \$151.00.
32. Organic coatings: \$151.00.
33. Places of assembly: \$224.00.
34. Places of assembly > 10,000 sf: \$384.00.
35. Private fire hydrants: \$117.00 (up to four hydrants).
36. Pyrotechnic fees: \$290.00.
37. Pyroxylin plastics: \$151.00.
38. Refrigeration equipment: \$151.00.

39. Repair garages and motor fuel-dispensing facilities: \$151.00.
40. Special event/fire watch-Owner provided: \$88.00.
41. Spraying and dipping: \$151.00.
42. Tents and temporary membrane structures: \$149.00.
43. Tire storage: \$151.00.
44. Wood products: \$151.00.

Section 13. That Section 10.64.018 of the Metropolitan Code is hereby amended by adding the following subsection:

B. Re-Inspections: For a re-inspection, the fee shall be \$65.00 dollars.

Section 14. That Section 10.64.018 of the Metropolitan Code is hereby amended by adding the following subsection:

C. Plan Examination Fees.

1. Fire alarm: The fee for examination of fire alarm plans shall be \$58.00 per each 50 devices or fraction thereof.
2. Fire sprinklers: The fee for examination of fire sprinkler plans shall be \$191.00 per each 50 sprinkler heads or fraction thereof.

Section 15. That Section 10.64.018 of the Metropolitan Code is hereby amended by adding the following subsection:

D. Fire/Life Safety Inspection Fees. Fees for fire/life safety inspections performed by the fire marshal's office which are tied to permits from other Metro agencies, including but not limited to the Codes Administration and Beer Board, shall be as follows:

1. For project areas or areas where the fire/life safety inspection is to be performed is 10,000 square feet or less, the fee shall be \$310.77.
2. For project areas or areas where the fire/life safety inspection is to be performed is greater than 10,000 square feet, but no more than 25,000 square feet, the fee shall be \$414.36.
3. For project areas or areas where the fire/life safety inspection is to be performed is greater than 25,000 square feet, but no more than 50,000 square feet, the fee shall be \$517.95.
4. For project areas or areas where the fire/life safety inspection is to be performed is greater than 50,000 square feet, but no more than 75,000 square feet, the fee shall be \$621.54.
5. For project areas or areas where the fire/life safety inspection is to be performed is greater than 75,000 square feet, but no more than 100,000 square feet, the fee shall be \$725.13.
6. For project areas or areas where the fire/life safety inspection is to be performed is

greater than 100,000 square feet, but no more than 250,000 square feet, the fee shall be \$1035.90.

7. For project areas or areas where the fire/life safety inspection is to be performed is greater than 250,000 square feet, but no more than 500,000 square feet, the fee shall be \$2071.80.
8. For project areas or areas where the fire/life safety inspection is to be performed is greater than 500,000 square feet, but no more than 750,000 square feet, the fee shall be \$3107.70.
9. For project areas or areas where the fire/life safety inspection is to be performed is greater than 750,000 square feet, but no more than 1,000,000 square feet, the fee shall be \$4143.60.
10. For project areas or areas where the fire/life safety inspection is to be performed is greater than 1,000,000 square feet, the fee shall be \$5179.50.

Section 16. That Section 10.64.018 of the Metropolitan Code is hereby amended by adding the following subsection:

E. Fire Sprinkler Inspection Fees. Fees for fire sprinkler inspections performed by the fire marshal's office which are tied to permits from other Metro agencies, including but not limited to the Codes Administration and Beer Board, shall be as follows:

1. For projects or locations with fire sprinkler systems containing 500 sprinkler heads or less, the fee shall be \$414.36.
2. For projects or locations with fire sprinkler systems containing more than 500 sprinkler heads, but no more than 1,250 heads, the fee shall be \$1035.90.
3. For projects or locations with fire sprinkler systems containing more than 1,250 sprinkler heads, but no more than 2,500 heads, the fee shall be \$2071.80.
4. For projects or locations with fire sprinkler systems containing more than 2,500 sprinkler heads, but no more than 3,750 heads, the fee shall be \$3107.7.
5. For projects or locations with fire sprinkler systems containing more than 3,750 sprinkler heads, but no more than 5,000 heads, the fee shall be \$4143.60.
6. For projects or locations with fire sprinkler systems containing more than 5,000 sprinkler heads, the fee shall be \$5179.50.

Section 17. That Section 10.64.018 of the Metropolitan Code is hereby amended by renumbering former subsection B to be subsection F.

Section 18. That Section 10.64 of the Metropolitan Code is hereby amended by creating Section **10.64.019 - Failure to Submit Application within Designated Timeframe - Expedite Fees**, and adding as follows:

10.64.019 - Failure to Submit Application within Designated Timeframe - Expedite Fees.

A. All permit applications for operational permits shall be submitted to the Fire Marshal's Office no less than 10 business days prior to the commencement of any work, operation, or condition for which an operational permit is required, or the date of expiration of a current operational permit.

B. If an application for an operational permit is submitted to the Fire Marshal's Office between 3 and 10

business days prior to the commencement of any work, operation, or condition for which an operational permit is required, or the date of expiration of a current operational permit, the application shall be subject to an expedite fee of \$175.00.

C. If an application for an operational permit is submitted to the Fire Marshal's Office with less than 3 business days prior to the commencement of any work, operation, or condition for which an operational permit is required, or the date of expiration of a current operational permit, the application shall be subject to an expedite fee of \$175.00 or denial.

Section 19. That Section 10.64 of the Metropolitan Code is hereby amended by creating Section **10.64.020 - Failure to Obtain Permit - Fees Tripled**, and adding as follows:

10.64.020 - Failure to Obtain Permit - Fees Tripled.

A. In addition to any other penalty imposed for failure to obtain a permit, where any type of work, operation, or condition for which an operational permit is required, is commenced before an operational permit is issued, the permit fees shall be tripled.

Section 20. That section 10.64 of the Metropolitan Code is hereby amended by creating Section **10.64.021 - Failure of Service Providers to submit ITM reports within designated timeframe**, and adding as follows

10.64.021 - Failure of Service Providers to submit ITM reports within designated timeframe

- A. All life safety/fire protection systems installed in Metro Nashville/Davidson County shall be inspected, tested, and maintained according to the referenced edition of the associated NFPA code or standard related to that system in the Metropolitan Fire Code.
- B. All systems shall be inspected, tested, and maintained by a trained, qualified, and certified person(s) (hereafter referred to as "service provider").
- C. The service provider that will inspect, test, or maintain these systems shall prepare a report (hereafter referred to as "ITM report") detailing their findings per the applicable NFPA codes or standards related to the system being serviced.
- D. A copy of the ITM report shall be submitted to the Fire Marshal's Office (FMO), via the 3rd party system utilized by the FMO, no later than five (5) days from the date the inspection took place.
- E. Any service provider that fails to submit an ITM report to the FMO within the above timeframe shall be considered in violation of this code, and subject to a penalty from the FMO.

Section 21. That Section 10.64 of the Metropolitan Code is hereby amended by accommodating the newly added sections within Article 1 of Chapter 10.64, so that the first section of **Article II, - No-Smoking Regulations** would update its section number from 10.64.020 to 10.64.022.

Section 22. This Ordinance shall take effect immediately after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance amends Chapter 10.64 of the Metropolitan Code of Laws pertaining to the Fire Prevention Code. 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 NFPA 1 Fire Code, published by the National Fire Protection Association, Inc. The Metropolitan Government adopted the 2018 edition of the NFPA 1 Fire Code, as amended, published by the National Fire Protection Association pursuant to Ordinance No.

BL2021-658. Amendments to the NFPA 1 Fire Code were previously adopted pursuant to Ordinance No. BL2022-1373.

The ordinance under consideration makes various updates to the NFPA 1 Fire Code in line with changes adopted by the National Fire Protection Association.

The ordinance reorganizes the existing Metropolitan Code of Laws Section 10.68.017 regarding open burning. The updated provision contains additional regulations for ceremonial and recreational fires.

Additionally, the ordinance amends code sections that establish fire marshal's office permit fees for operational permits, re-inspections, plan examinations, fire/life safety inspections, and fire sprinkler inspections. Metropolitan Code of Laws Section 10.68.018.B. provides that the fire marshal's fee schedule may be modified by resolution adopted by the Metropolitan Council. The fire marshal's fee schedule was last updated in July 2022 pursuant to Resolution No. RS2022-1648.

While some housekeeping modifications have been made to the permit fee schedule, the permit fees largely remain the same.

The fee for re-inspections would be moved to its own subsection and increased from \$59 to \$65.

The fire alarm and fire sprinkler plan examination fees would be moved from the fee schedule to a new subsection. The fee for fire alarm plans would remain at \$58 per each 50 devices. The fee for sprinkler plan review and permit would remain at \$191 per each 50 sprinkler heads.

A new fee would be added for fire/life safety inspections performed by the fire marshal's office which are tied to permits from other Metropolitan departments, such as the Department of Codes Administration and the Beer Board. The fees would be as follows:

- For project areas 10,000 square feet (ft²) or less -- \$310.77
- For project areas greater than 10,000 ft² to 25,000 ft² -- \$414.36
- For project areas greater than 25,000 ft² to 50,000 ft² -- \$517.95
- For project areas greater than 50,000 ft² to 75,000 ft² -- \$621.54
- For project areas greater than 75,000 ft² to 100,000 ft² -- \$725.13
- For project areas greater than 100,000 ft² to 250,000 ft² -- \$1,035.90
- For project areas greater than 250,000 ft² to 500,000 ft² -- \$2,071.80
- For project areas greater than 500,000 ft² to 750,000 ft² -- \$3,107.70
- For project areas greater than 750,000 ft² to 1,000,000 ft² -- \$4,143.60
- For project areas greater than 1,000,000 ft² -- \$5,179.50

A new fee would also be added for fire sprinkler inspections performed by the fire marshal's office which are tied to permits from other Metropolitan departments, such as the Department of Codes Administration and the Beer Board. The fees would be as follows:

- 500 sprinkler heads or less -- \$414.36
- More than 500 to 1,250 sprinkler heads -- \$1,035.90

- More than 1,250 to 2,500 sprinkler heads - \$2,071.80
- More than 2,500 to 3,750 sprinkler heads -- \$3,107.70
- More than 3,750 to 5,000 sprinkler heads -- \$4,143.60
- More than 5,000 sprinkler heads -- \$5,179.50

A new section would be added to require that permit applications must be submitted to the fire marshal's office no less than 10 days prior to the commencement of any work related to the permit, or the expiration of the existing permit. If the permit is needed in less than 10 days, it would be subject to an expediting fee of \$175.

Finally, a new provision would be added requiring service providers who inspect life safety/fire protection systems to submit a report to the fire marshal no later than 5 days from the date of inspection.