


MEMORANDUM

June 12, 2013

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
Vernon Gerth, ACA Community and Economic Development
Chris Bridgewater, Director of Building and Neighborhood Services
Allen Lewis, Building Official

SUBJECT: **Consideration of an Ordinance To Adopt The International Code Council (ICC) A117.1-2009 Accessible And Usable Buildings And Facilities, 2009 Edition.**

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider an ordinance adopting the International Code Council's Accessible and Usable Buildings and Facilities Code, 2009 Edition.

Background

The currently adopted 2002 North Carolina Accessibility Code with 2004 supplements is no longer being updated or supported, and the ICC Accessibility code is familiar to the national and state design community. The ICC Accessibility code is one of the choices that the State offers when choosing to adopt an Accessibility code, and several surrounding communities have also chosen to utilize this code series, including the Metro Codes Department. Team members in the Building and Neighborhood Services Department are familiar with this code, which is used in Accessibility Plans Examination tests. Three members of the BNS team have completed certification testing using this standard.

Additionally, this standard is very similar to the previously adopted code, and this code series has now been adopted state-wide in North Carolina.

Financial Impact

The Building and Neighborhood Services Department (BNS) and departments that support development activities will need to purchase new reference materials, currently priced at \$36.95 per book. Training in this new standard will be accomplished through the current program of continuing education and certification in the BNS Department. Code cycle change training is routinely conducted through the Middle Tennessee inspection community as standards are updated to reflect newer construction practices and technologies.

Recommendation

In order to comply with State regulations that require adopted codes to be within 7 years of the most current edition, it is recommended that the Board approve an ordinance adopting the ICC Accessible and Usable Buildings and Facilities Code, 2009 Edition.

ORDINANCE 2013-24

TO BE ENTITLED: “AN ORDINANCE TO AMEND TITLE 12, CHAPTER 11 OF THE FRANKLIN MUNICIPAL CODE TO ADOPT THE INTERNATIONAL CODE COUNCIL A117.1-2009 ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES, 2009 EDITION.”

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, the Board of Mayor and Aldermen of the City of Franklin is authorized to prescribe regulations and standards for the design, construction, and repair to buildings and structures within the City; 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 City of Franklin currently follows the 2002 North Carolina Accessibility Code with 2004 Supplements, and this code is no longer being updated; 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; and

WHEREAS, the Board of Mayor and Aldermen believe it is in the best interest of the City of Franklin to adopt by reference the International Code Council A117.1-2009 Accessible and Usable Buildings and Facilities, 2009 Edition, as its accessibility code.

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

SECTION I. That Title 12, Chapter 11, Section 12-1101 of the City of Franklin Municipal Code is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**; and is approved to read as follows:

Sec. 12-1101. - Handicap accessibility code adopted.

Pursuant to authority granted by of the Tennessee Code Annotated, § 68-120-204 for the purpose of regulating the minimum requirements for physically handicapped persons to have the same right as the able bodied to the full and free use of streets, highways, sidewalks, walkways, public buildings, public facilities, and all other buildings and facilities, both publicly and privately owned, which serve the public, the Board of Mayor and Aldermen of the City of Franklin hereby adopt the ~~2002 North Carolina Accessibility Code with 2004 amendments~~ **ICC A117.1-2009 Accessible and Usable Buildings and Facilities**, ~~any amendments or supplement thereto or any edition which supersedes the edition as such edition;~~

~~amendments or supplements are in effect as the state architect determines by rule, published by the North Carolina Building Code Council and the North Carolina Department of Insurance, and incorporates the same as part of this Code, which shall be hereafter referred to as the handicap accessibility code.~~

SECTION II. That Title 12, Chapter 11, Section 12-1103 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:

Sec. 12-1103. - Exemptions.

Buildings are exempt from the provisions of the ~~handicap~~ accessibility code as outlined in the aforementioned ~~North Carolina Code~~ **accessibility code** or any federal law or regulation.

SECTION III. That Title 12, Chapter 11, Section 12-1104 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:

Sec. 12-1104. - Modifications.

(1)

Whenever the code references code enforcement **or building** official, it shall be deemed to be referenced as the director of ~~codes administration~~ **Building and Neighborhood Services** of the city **or their designee**. The appointing authority or administrator of the ~~handicap~~ accessibility code shall be deemed to be a reference to the board of mayor and aldermen of the city.

(2)

~~Except as provided, Section 3.4(b)(7) is modified by striking this section in its entirety and substituting the following:~~ **Required accessible** parking spaces shall be located as close as possible to a building, but no more than 100-feet to every accessible entrance where access is provided to a single or multi-tenant building. This shall also apply to a multi-tenant building with multiple accessible front entrances. When possible, parking shall be made available directly in front of a building which lessens travel distance and allows a disabled individual to access a building without crossing traffic lanes.

Exception 1: In central business districts, urban living and similarly designed neighborhoods where on-street accessible parking is provided in accordance with Title 16, Chapter 10 of the Franklin Municipal Code, accessible off-street parking spaces shall be provided in accordance with the adopted version of the ~~North Carolina~~ Accessibility Code.

(3)

Section 4.1 is modified by adding a subsection (6) which shall read,
"Exterior ramps and landings shall be located near or adjacent to the front accessible entrance.

(4)

Appendix E, F, and G are hereby modified by striking these sections in their entirety.

(5)

Developments proposed with a concept plan for individuals 55 years of age and older, shall be required to have all single family and townhomes which are sold as fee simple units, and or condominiums consisting of one or more units, and or, rental units consisting of duplexes or multifamily units meet the minimum requirements found in ANSI 117.1, 1992 edition, sections 4.2.5.1, 4.2.5.2, 4.2.6.1, 4.2.6.2, 4.3.2.1, 4.3.3, 4.5.2.1, 4.5.2.2, 4.8.2, 4.8.3, 4.8.4, 4.8.7, 4.13.5, 4.13.8, 4.13.9, 4.17, 4.20, 4.21, 4.22.

Exception 1: Property owners building their own dwelling are exempt from the above requirements.

Exception 2: Entrance to a dwelling may be from any front, side, or rear if served by an accessible route.

Exception 3: Doors serving closets of less than 15 square feet do not have to meet section 4.13.5.

Exception 4: Only one bathroom on the main level is required to meet sections 4.17, 4.20, and 4.22.

Exception 5: Standard height of the water closet may be used, if requested by owner.

Exception 6: Thresholds in a shower stall may be a maximum of three inches.

Exception 7: Only one remote electrical control switch is required to meet sections 4.2.5.1, 4.2.5.2, 4.2.6.1, and 4.2.6.2 in a room with two electrical light switches. This also applies to any communication device control.

Exception 8: Clearance around the water closet shall be 60 inches, measured perpendicular from the side wall, and 56 inches minimum, measured perpendicular from the rear wall. No other obstruction can be within the water closet clearance. The water closet shall be positioned with a wall or partition to the rear and to one side. The distance from the side wall to the center of the water closet shall be a minimum of 16 inches and a maximum of 18 inches.

SECTION IV. That Title 12, Chapter 11, Section 12-1105 of the City of Franklin Municipal Code is hereby amended to delete the following text noted with a ~~striketrough~~; to add the following text noted in **bold**; and is approved to read as follows:

Sec. 12-1105. - Available in recorder's office.

Pursuant to Tennessee Code Annotated, § 6-54-502, one copy of the ~~handicap~~ accessibility code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. Administrative regulations adopting amendments to the ~~1991 edition of an illustrated handbook of the handicapped section of the North Carolina State Building Code with 1996 revisions~~ **accessibility code** will be placed on file when they are published by the codes administration director, and at least 15 days before their effective date.

SECTION V. That Title 12, Chapter 11, Section 12-1106 of the City of Franklin Municipal Code is hereby amended to delete the following text noted with a ~~striketrough~~; to add the following text noted in **bold**; and is approved to read as follows:

Sec. 12-1106. - Violations.

It shall be unlawful for any person, firm, corporation or agent to violate or fail to comply with, or to erect, construct, alter, demolish any handicap accessibility pertinence, device, or code requirement that does not comply with the ~~handicap~~ accessibility code as herein adopted by reference and modified. Any violation of the ~~handicap~~ accessibility code as herein adopted by reference and modified, shall be punishable by a fine as specified in Title 22, Comprehensive Fees and Penalties. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued.

SECTION VI. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION VII. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

SECTION VIII: 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 permit application received by the Building and Neighborhood Services Department on or after **September 1, 2013**, 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: _____
Dr. Ken Moore
Mayor of Franklin

PASSED FIRST READING

PASSED SECOND READING

Approved as to form:



Kristen L. Corn, Staff Attorney