

ORDINANCE 2013-58

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 12, CHAPTER 5 OF THE FRANKLIN MUNICIPAL CODE TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 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 Board of Mayor and Aldermen believes it is in the best interest of the City of Franklin to adopt the International Property Maintenance Code, 2012 Edition.

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

SECTION I. That Title 12, Chapter 5, Section 12-501 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. 12-501. Property maintenance code adopted.

- (1) Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation in dwellings, apartment houses, rooming houses, and other buildings, the International Property Maintenance Code, ~~2003~~ **2012** edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this Code and is hereinafter referred to as the property maintenance code.
- (2) Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502(c), the ~~codes administration~~ **Building and Neighborhood Services** director shall adopt administrative regulations to incorporate subsequent amendments to the International Property Maintenance Code as published by the International Code Council. These amendments shall be identified by the codes administration director 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 alderman.

SECTION II. That Title 12, Chapter 5, Section 12-502 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. 12-502. Modifications.

Modifications to the ~~2003~~ **2012** International Property Maintenance Code are approved to read as follows:

Section 111 Board of Appeals is deleted and in its place is approved to read as follows:

Section 111 Means of Appeal. Appeals of Notices of Violation issued by the Building and Neighborhood Services Director (or his designee) made under the International Property Maintenance Code shall be heard by the Building and Streets Standards Board of Appeals established in Title 12, Chapter 12 of the Municipal Code. However, if the Building and Neighborhood Services Director (or his designee) determines that circumstances exist that may be dangerous or detrimental to the health, safety, and welfare of the community, a citation may be issued at a time prior to the end of the appeal period. Once a citation is issued, the means of appeal are those provided by the City court system.

SECTION III. 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 IV. 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 V: 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 for any permit application received by the Building and Neighborhood Services Department on or after **March 1, 2014**, 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 by:



Kristen L. Corn, Staff Attorney