

ORDINANCE 2013-51

**TO BE ENTITLED: "AN ORDINANCE TO AMEND
TITLE 12, CHAPTER 1 OF THE FRANKLIN
MUNICIPAL CODE TO ADOPT THE INTERNATIONAL
BUILDING 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, in order to be consistent with the majority of the surrounding communities, who have adopted or will adopt the 2012 International Code Council series of codes and allow builders, designers, and developers to reference one set of code books in the Middle Tennessee area, Building and Neighborhood Services proposes this business friendly initiative;

WHEREAS, technology and processes used by City Staff have evolved to allow the various departments involved in development approvals to effectively collaborate to issue Certificates of Use and Occupancy; 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 believes it is in the best interest of the City of Franklin to adopt the International Building 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 1, Section 12-101 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. 12-101. Building code adopted. (1) Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501, et seq. , and for the purpose of regulating construction, alteration, repair, use and occupancy, location, maintenance, removal and

demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code 2009 2012 edition, including Appendices A, B, C, D, F, G, H, I, J and K **D and G** thereto, 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 Building Code.

(2) Pursuant to authority granted by Tennessee Code Annotated, §6-54-502(c) the Building and Neighborhood Services Director shall adopt administrative regulations to incorporate subsequent amendments to the International Building Code, 2009 2012 edition as prepared by the International Code Council. These amendments shall be identified by the Building and Neighborhood Services 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 1, Section 12-102 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. 12-102. - Amendments to the 2009 2012 edition of the International Building Code.

...

~~(2) Sections 105.1.1 and 105.1.2 of the International Building Code, which reference annual permits, are hereby deleted.~~

...

~~(7) Appendix B of the International Building Code is deleted.~~

~~(8) Chapter 4 of the International Building Code is modified by creating a new section 424 which shall read as follows:~~

~~424 GOVERNMENT OWNED CONFERENCE CENTER BUILDINGS~~

~~424.1 Scope. The provisions of section 424 shall apply to buildings or structures defined in section 424.2 as government owned conference center buildings.~~

~~424.2 Definitions. For the purpose of this section, a "government owned conference center building" is defined as a single building or structure three stories or less in height for assembly purposes wherein one adjacent hotel tenant had no more than five entrances into the conference center and the building is owned by a unit of state or local government.~~

~~424.3 Tenant Separation. A government owned conference center building, separated by property lines from a hotel need not comply with exterior wall~~

~~requirements at Table 601 in accordance with the international Building Code, 2009 Edition at the common property line. A wall at a common property line shall not be considered a party wall.~~

~~(9) Deletes Chapter 11 of the International Building Code in lieu of Handicap Accessibility Codes adopted and enforced by the State of Tennessee and the subsequent requirements found in Title 12, Chapter 11 of the City of Franklin Municipal Code.~~

(10) General amendments.

~~(a) Whenever the building code refers to the "building official," it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code.~~

(a) A plan review fee for construction documents is hereby established by the City of Franklin in accordance with the schedule as specified in **Appendix A**, comprehensive fees and penalties. The plan review fee shall be paid at time of submittal of blueprints for review and shall be for initial submittal and one resubmitted for review only. The plan review fee is required for all projects other than one- and two-family dwelling projects, inclusive of accessory structures for one- and two-family dwellings. Construction plans reviewed and approved will be valid for one year from the date of approval.

(b) The qualifications of the building official shall be those defined by the City of Franklin job description for this position.

(c) All contractors doing work within the City of Franklin shall comply with the Tennessee Code Annotated, Title 62, Chapter 6.

(d) The building permit fee is hereby established by the City of Franklin in accordance with the schedule as specified in **Appendix A**, comprehensive fees and penalties.

(e) A fee as specified in **Appendix A**, comprehensive fees and penalties, shall be submitted for any permit issued for demolition of an existing structure within the City of Franklin [2].

(f) A processing fee as specified in Appendix A, Comprehensive Fees and Penalties, shall be submitted for Foundation permits, in addition to the fee for the full Building permit.

SECTION III. That Title 12, Chapter 1, Section 12-103 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. 12-103. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the building 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 International Building Code, 2009 2012 edition will be placed on file when they are published by the Building and Neighborhood Services Director, and at least fifteen (15) days before their effective date.

SECTION IV. That Title 12, Chapter 1, Section 12-105 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:

Section 12-105. Certificate of **Use and Occupancy**

(1) (a) Building occupancy. A new building shall not be occupied or a change made in the occupancy, nature or use of a building, part of a building or structure until after the certificate of **use and** occupancy has been issued. Said certificate shall not be issued until all required **building, infrastructure, zoning, life safety, electrical, gas, mechanical, accessibility, property maintenance, plumbing and fire protection** systems have been inspected by Building and Neighborhood Services (**or the designees of Building and Neighborhood Services Director**) and the Franklin Fire Department for compliance with the technical codes and other applicable laws and ordinances and released by the building codes and other applicable laws and ordinances and released by the building official and the fire official, with the exception that the Franklin Fire Department does not enforce the fire code for single-family dwellings nor does it release for occupancy single-family dwellings. It shall be unlawful for any person to occupy a building, part of a building or structure prior to the issuance of a certificate of occupancy. The offender shall be deemed guilty of a misdemeanor and such violation shall be punishable by a penalty as specified in **Appendix A, Comprehensive Fees and Penalties.**

(b) Issuing Certificate of **Use and Occupancy.** Upon satisfactory completion of construction of a building **and the associated site**, part of a building or structure and installation of **building, infrastructure, zoning, life safety, electrical, gas, mechanical, accessibility, property maintenance, plumbing and fire protection** systems in accordance with the technical codes, reviewed plans and specifications, and after the **final sequence of inspections** by the Franklin Codes Administration **Building and Neighborhood Services Department (including the designees of the Building and Neighborhood Services Director)** and the Franklin Fire Department, with the exception that the Franklin Fire Department does not enforce the fire code for ~~single-family one- and two-family dwellings~~, the Franklin Codes Administration **Building and**

Neighborhood Services shall issue a certificate of **use and** occupancy stating the nature of the occupancy permitted, **the uses on the site as defined by both the Zoning Ordinance and the Building Code**, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the International Building Code. Said certificate shall require the authorization ~~signature~~ of the building official, **the zoning administrator**, and the fire official, with the exception that the Franklin Fire Department does not authorize occupancy for ~~single-family~~ **one- and two-family** dwellings.

(c) Temporary/partial occupancy. A temporary/partial certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building. Said certificate shall require the authorization ~~signatures~~ of the building official and the fire official. **A fee for temporary occupancy is established monthly in accordance with the schedule as specified in Appendix A, comprehensive fees and penalties.**

(2) Certificate of completion. Upon satisfactory completion of construction of a building **and the associated site**, part of a building or structure and installation of **building, infrastructure, zoning**, life safety, electrical, gas, mechanical, **accessibility, property maintenance**, plumbing and fire protection systems in accordance with the technical codes, reviewed plans and specifications, and after the **final sequence of inspections** by the ~~Franklin Codes Administration~~ **Building and Neighborhood Services (including the designees of the Building and Neighborhood Services Director)** and the Franklin Fire Department, a certificate of completion may be issued. This certificate is proof that a structure and **associated site** or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy. Said certificate shall require the authorization ~~signatures~~ of the building official, **the zoning administrator**, and the fire official.

SECTION V. That Title 12, Chapter 1, Section 12-106 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. 12-106. - Deletions.

(1)

~~Section 105.1.1 and Section 105.1.2 of the International Building Code, which reference annual permits, are hereby deleted from the International Building Code.~~

(2)

Section 105.2, subsections 1 and 12 of the International Building Code, are hereby deleted from the exemptions for requiring permits for accessory structures and structural awnings.

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 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 **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

December 10, 2013

PASSED SECOND READING

Approved as to form by:

Kristen L. Corn
Kristen L. Corn, Staff Attorney