

**ORDINANCE 2010-28**

**TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 12, CHAPTER 8 OF THE FRANKLIN MUNICIPAL CODE TO ADOPT THE INTERNATIONAL EXISTING BUILDING CODE, 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 Board of Mayor and Aldermen of the City of Franklin, Tennessee, adopted the 2003 edition of the International Existing Building Code by Ordinance 2004-47 on May 11, 2004; 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.

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

**SECTION I.** That Title 12, Chapter 8, Section 12-801 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:

**12-801. Existing building code adopted.**

(1) Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501, et seq. ~~through 6-54-506~~, and for the purpose of securing the public safety, health and general welfare and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, the International Existing Building Code, ~~2003~~ **2009** edition as published 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 existing building 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 Existing Building Code, ~~2003~~ **2009** edition as published by the International Code Council. These amendments shall be identified by the ~~codes administration~~ **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 Aldermen.

**SECTION II.** That Title 12, Chapter 8, Section 12-802 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. 12-802. Modifications.**

~~Wherever the existing building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the Board of Mayor and Aldermen of the City of Franklin.~~

~~Whenever the code refers to the building official, it shall be deemed a reference to the Franklin Codes Administration.~~

~~Whenever the code refers to the "Board of Adjustments and Appeals," it shall be deemed to be a reference to the building board of adjustments and appeals as appointed by the mayor and ratified by the Board of Mayor and Aldermen of the City of Franklin.~~

- (1) **Wherever the existing building code refers to the "building official," it shall, for the purposes of the code, mean the Director of the Building and Neighborhood Services Department or his designee.**
- (2) **Wherever the existing building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the Board of Mayor and Aldermen of the City of Franklin.**
- (3) **Whenever the code refers to the "Board of Adjustments and Appeals," it shall be deemed to be a reference to the Building Board of Adjustments and Appeals as appointed by the mayor and ratified by the Board of Mayor and Aldermen of the City of Franklin.**

**SECTION III.** That Title 12, Chapter 8, Section 12-803 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:

**12-803. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one **(1)** copy of the existing building code 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 Existing Building Code, 2003 **2009** 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. 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 V. 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 VI:** 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, 2010**, 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: \_\_\_\_\_  
John C. Schroer  
Mayor of Franklin

PASSED FIRST READING

May 11, 2010

PASSED SECOND READING

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