

ORDINANCE 2010-51

TO BE ENTITLED: "AN ORDINANCE AMENDING SECTION 12-108 OF THE CITY OF FRANKLIN MUNICIPAL CODE, TITLE 12 – BUILDING, UTILITY, ETC. CODES, FOR THE PURPOSE OF CREATING A REFUND POLICY FOR BUILDING/CONSTRUCTION RELATED PERMITS

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee the Board of Mayor and Aldermen is authorized to prescribe regulations and standards that encourage and advance the quality of life within the City; and

WHEREAS, in its legislative judgment, the Board of Mayor and Aldermen has found that ordinances and policies that regulate land use, guide the maintenance of the city’s infrastructure, and delivery of essential services must be dynamic and modified from time to time to reflect changes in best practices, model codes, land and labor costs, and safety standards necessary to preserve and promote the private and public interest; and

WHEREAS, the Board of Mayor and Alderman recognizes that construction projects may not proceed as originally planned and has decided to create a building permit refund policy.

NOW, THEREFORE:

SECTION I. BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF FRANKLIN, TENNESSEE, that Title 12, Chapter 1, Section 12-108 of the City of Franklin Municipal Code is hereby created and is approved to read as follows:

Sec. 12-108. – Refund for permits.

In order to obtain a refund for building, electrical, and/or plumbing permit(s), a written request shall be submitted to the Building and Neighborhood Services Department within ninety (90) days from the date the permit was issued. No refunds will be granted if construction has commenced or if the building permit was fifty (\$50) dollars or less. A processing fee shall be deducted from the original permit fee as specified in Title 22 - Comprehensive Fees and Penalties with any other incurred costs. Refund policies for Facility Taxes, Road Impact Fees, and Sewer and Water Fees are subject to the Municipal Code section pertaining to the applicable fee.

SECTION II. BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall take effect from and after its passage on second and final reading 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

PASSED FIRST READING

July 27, 2010

PASSED SECOND READING




HISTORIC
FRANKLIN
TENNESSEE

MEMORANDUM

July 2, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
Vernon Gerth, ACA - Community and Economic Development
Lawrence Washington, Student Intern

SUBJECT: City of Franklin Building Permit Refund Policy

Purpose

The purpose of this ordinance amendment is part of our ongoing work in trying to implement a refund policy for building and construction related permits.

Background

In order to build, construct, or modify a commercial or a residential building, a permit is needed before any type of construction begins. For any number of reasons, occasionally projects cannot proceed as originally planned. Creating a refund policy for building and construction related permits would provide a reasonable, fair process when unforeseen circumstances arise. Additionally, implementing this refund policy further demonstrates we value our citizens and local businesses and serving them is a top priority.

Financial Impact

The proposed ordinance includes a fifty (\$50) dollar processing fee to be deducted from the original permit fee so the City can recoup the related processing costs. Facility Taxes, Road Impact Fees, and Sewer and Water Tap Fees are subject to the Municipal Code section pertaining to the applicable fee.

Recommendation

A motion to approve is recommended.

Attachments

- Ordinance amendment for Title 12- Building, Utility, Etc. Codes
- Ordinance amendment for Title 22- Comprehensive Fees and Penalties
- Excel spread sheet showing comparable cities with a building permit refund policy

**COMPARABLE CITIES WITH
REFUND POLICY**

| Comparable Cities | (Days) allowed before refund | Processing Fee (\$) | (%) of Refund | No Refunds On Permits Less Than |
|-----------------------|------------------------------|---------------------|---------------|---------------------------------|
| Farmington, Mi | 365 | \$30.00 | 70% | \$30.00 |
| Brentwood, Tn | <i>No Policy</i> | | | |
| Nashville, Tn | <i>No Policy</i> | | | |
| Liberty Hill, Tx | 180 | \$25.00 | 75% | |
| McCall, Id | 180 | None | 100% | |
| South Lake Tahoe, Ca | 1095 | None | 80% | |
| Honolulu, Hi | 365 | None | 50% | \$10.00 |
| Redmond, Wa | None | None | 80% | \$150.00 |
| Miami Beach, Fl | 180 | None | 100% | \$75.00 |
| Greeley, Co | 180 | None | 100% | |
| Los Angeles, Ca | 365 | 20% of cost | 80% | |
| Montville, Ct | 180 | \$10.00 | 60% | |
| Aventura, Fl | 180 | None | 50% | \$100.00 |
| Minneapolis, Mn | 365 | \$26.75 | 50% | \$132.50 |
| Springfield, Mo | 180 | \$25.00 | 90% | |
| Anaheim, Ca | 180 | \$43.10 | 80% | |
| Recommendation | | | | |
| Franklin, TN | 90 | \$50.00 | 100% | \$50.00 |

