

ORDINANCE 2011-01

TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 1 OF THE FRANKLIN TRANSPORTATION & STREET TECHNICAL STANDARDS, AS ADOPTED BY REFERENCE IN TITLE 16, CHAPTER 11 OF THE FRANKLIN MUNICIPAL CODE, TO PROVIDE FOR APPEALING THE CITY ENGINEER'S ORDER OR DECISION."

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin, Tennessee on August 14, 2007 adopted Ordinance 2007-85, Franklin Transportation & Street Technical Standards, to provide uniform engineering and technical standards for transportation related design and construction projects within the City; and

WHEREAS, Ordinance 2007-85 granted the City Engineer the authority to review and approve plans and specifications and to consider modifications to the Standards for all transportation related design and construction projects affecting City streets; and

WHEREAS, the Board of Mayor and Aldermen, in order to provide an efficient process for validating the decision and interpretations of staff in the application and enforcement of the various adopted building codes and street standards, on November 23, 2010, adopted Ordinance 2010-69 that established the Building And Streets Standards Board of Appeals, Title 12, Chapter 12 of the Franklin Municipal Code; and

WHEREAS, Chapter 1, Section 1.11 of the Franklin Transportation & Street Technical Standards provides for modifications to the Standards by the City Engineer, but there is no provisions for appeals of the City Engineer's orders or decisions; and

WHEREAS, Chapter 1, Section 1.12 of the Franklin Transportation & Street Technical Standards provides for revisions to the Standards, or Specifications, to be adopted by ordinance.

NOW THEREFORE:

SECTION I: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that Chapter 1, Section 1.12 of the Franklin Transportation & Street Technical Standards is to be deleted in its entirety and replaced with the following:

"1.12 - Appeal of City Engineer Order or Decision

Any person aggrieved by any order or determination of the City Engineer may appeal said order or decision to the Building and Street

Standards Board of Appeals, established in Title 12, Chapter 12 of the Franklin Municipal Code, and have such order or determination reviewed by the Building and Street Standards Board of Appeals. The appellant shall have twenty (20) days to petition the Building and Street Standards Board in order to Appeal the City Engineer's decision. A written notice of Appeal shall be filed with the City Engineer, and such notice shall set forth with particularity the decision, action or inaction of the City Engineer complained of and the relief sought by the person filing said Appeal. A payment of Two Hundred Fifty Dollars (\$250) shall accompany this appeal, and may be refunded to the appellant by the Building and Street Standards Board of Appeals in the event the decision of the City Engineer is overturned.

1.13 – Revisions to these Specifications

These specifications will be adopted by ordinance of the City Board of Mayor and Aldermen and shall be revised by ordinance; however, forms and administrative procedures or regulations to effectuate the intent of these specifications are subject to change as deemed necessary by the City Engineer with thirty (30) days' notice from posting on the City's website or advertising in a publication of general circulation within Williamson County and placed on file at the City Recorder's Office and at the City Engineer's Office for public inspection and written comment."

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 requiring it.

ATTEST

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC S. STUCKEY
CITY ADMINISTRATOR

By: _____
JOHN C. SCHROER
MAYOR

PASSED FIRST READING:

PASSED SECOND READING:
