

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: _____
DR. KEN MOORE
MAYOR

PASSED FIRST READING:

January 25, 2011

PASSED SECOND READING:



HISTORIC
FRANKLIN
TENNESSEE

ITEM #9
WRKS 01/11/2011

MEM

ITEM #10
WRKS 01/11/2011

ITEM #11
WRKS 01/11/2011

January 6, 2011

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *Eric*
Vernon Gerth, ACA - Community and Economic Development

SUBJECT: Building and Street Standards Board of Appeals

- Ordinance 2011-01
- Ordinance 2011-03
- Ordinance 2011-04

Purpose

The purpose of the three proposed ordinances is to amend the City of Franklin's Transportation and Street Technical Standards Manual that is adopted by reference in the Municipal Code and to establish an appeals fee for the recently created Building and Street Standards Board of Appeals.

Background

In November, the Board of Mayor and Alderman approved ordinances 2010-69 and 2010-70 that combined several existing technical Boards of Appeals into a stand alone, Building and Street Standards Board of Appeals. The Building and Street Standards Board of Appeals will be comprised of a cross-section of licensed and certified professionals whose membership reflects the requisite experience and knowledge to interpret the City's adopted construction and development standards and, transportation and street standards. Amendments to Transportation and Street Technical Standards Manual are made by ordinance, which in this instance is accomplished by Ordinance 2011-01. Ordinances 2011-03 and 2011-04 establish an appeal fee for the Building and Street Standards Board of Appeals of \$250 that is similar to the Board of Zoning Appeals.

Financial Impact

Minimal. Historically, technical boards of appeals do not meet regularly as interpretations of the various codes and standards are typically resolved by staff and professional designers. Annual revenue is anticipated to be less than \$1,000.

Recommendation

Approval of the three proposed ordinances is recommended.

Attachments

- Ordinance 2011-01 - Transportation and Street Technical Standards Manual
- Ordinance 2011-03 - Municipal Code Title 12, Building, Utility, Etc. Codes
- Ordinance 2011-04 - Municipal Code Title 22, Comprehensive Fees and Penalties