

ORDINANCE 2011-03

**TO BE ENTITLED: "AN ORDINANCE AMENDING THE CITY OF FRANKLIN MUNICIPAL CODE SECTION 12-1204, RELATIVE TO AN APPEAL FEE TO THE BUILDING AND STREETS STANDARDS BOARD OF APPEALS."**

**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**, the Board of Mayor and Aldermen has created a single, Building and Streets Standards Board of Appeals whose membership contains the requisite technical knowledge and expertise to rule on the various adopted life safety building codes and street standards and which replaces several existing Boards of Appeals; and

**WHEREAS**, the Board of Mayor and Aldermen desires that the Franklin Municipal Code provide for a nominal fee to cover administrative costs to the City of Franklin when appeals to this Building and Streets Standards Board of Appeals occur.

**NOW, THEREFORE:**

**SECTION I. BE IT ORDAINED** BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that Title 12, Chapter 1, Section 12-1204 of the Franklin Municipal Code be amended by adding the following text as shown in **bold**, and approved to read as follows:

Sec. 12-1204. Duties and responsibilities of the board; appeals to the board.

- (1) The Building and Streets Standards Board of Appeals shall hear and decide appeals of orders, decisions or determinations made by the Building Official, Fire Code Official, and City Engineer relating to the application and interpretation of the technical provisions of the adopted building, electrical, plumbing, mechanical, fuel gas, property maintenance, fire and life safety codes for both residential and commercial properties and buildings or structures, appurtenances connected or attached to such buildings or structures, and the transportation and street standards and design requirements as adopted by the City of Franklin, Tennessee.
- (2) The Board shall not have the authority to waive or modify any of the code provisions as listed or adopted.
- (3) The permit applicant, property owner, or their agent shall have the right to appeal a decision of the Building Official, the Fire Code Official, City Engineer, or their designee, to the board.
- (4) An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted therein have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.
- (5) The application shall be filed by written notification to the Building Official, Fire Code Official, or City Engineer within twenty (20) days after the notice was served, **and shall be accompanied by an appeal fee as specified in Title 22, Comprehensive Fees and**

**Penalties.**

**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 public health, safety and welfare requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE**

BY: \_\_\_\_\_  
**ERIC S. STUCKEY**  
City Recorder/Administrator

BY: \_\_\_\_\_  
**DR. KEN MOORE**  
Mayor

PASSED FIRST READING

*January 25, 2011*  
\_\_\_\_\_

PASSED SECOND READING

\_\_\_\_\_



HISTORIC  
FRANKLIN  
TENNESSEE

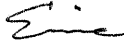
ITEM #9  
WRKS 01/11/2011

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   
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