

ORDINANCE 2010-24

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 12, CHAPTER 1 OF THE FRANKLIN MUNICIPAL CODE TO ADOPT THE INTERNATIONAL 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 Building Code by Ordinance 2004-40 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 1, Section 12-101 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:

12-101. Building code adopted. (1) Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501, et seq. , and for the purpose of regulating construction, alteration, repair, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code ~~2003~~ **2009** edition,* including Appendices A, B, C, D, F, G, H, I, ~~and J and K~~ thereto, as prepared and adopted 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 Building Code.

(2) Pursuant to authority granted by Tennessee Code Annotated, §6-54-502(c) the ~~Codes—Administrator~~ **Building and Neighborhood Services** Director shall adopt administrative regulations to incorporate subsequent amendments to the International Building Code, ~~2003~~ **2009** edition as prepared 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 alderman.

SECTION II. That Title 12, Chapter 1, Section 12-102 of the City of Franklin Municipal Code is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**; and is approved to read as follows:

Sec. 12-102. Modifications

* * *

- (8) A new section is created in the International Building Code which shall be identified as Section 1089.7 of the International Building Code.

108.39.7 REINSPECTION FEE

If in the opinion of the Building Official, after appropriate inspection, any construction inspected under the terms of this section fails to comply with the law, and notice is given to the permit holder or his agent, and any reinspection of the same work is required, then a fee as specified in Title 22, Comprehensive Fees and Penalties, shall be assessed against and collected from the permit holder or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.

- (9) Chapter 4 of the International Building Code is modified by creating a new section ~~419~~ **424** which shall read as follows:

41924 GOVERNMENT OWNED CONFERENCE CENTER BUILDINGS

41924.1 Scope

The provisions of **section 41824** shall apply to buildings or structures defined in **section 41824.2** as government owned conference center buildings.

41924.2 Definitions

For the purpose of this section, a "government owned conference center building" is defined as a single building or structure three stories or less in height for assembly purposes wherein one adjacent hotel tenant had no more than five entrances into the conference center and the building is owned by a unit of state or local government.

41924.3 Tenant Separation

A government owned conference center building, separated by property lines from a hotel need not comply with exterior wall requirements at Table 601 in accordance with the International Building Code, ~~2003~~ **2009** edition at the common property line. A wall at a common property line shall not be considered a party wall.

* * *

- (11) This section (12-102(11)) hereby deletes chapter 11 of the International Building Code, 2003 2009 edition, in lieu of Handicap Accessibility Codes enforced by the State of Tennessee and subsequent requirements in title 12, chapter 11 of the City of Franklin Municipal Code.

SECTION III. That Title 12, Chapter 1, Section 12-103 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:

12-103. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code with the above modifications 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 Building Code, 2003 2009 edition will be placed on file when they are published by the codes administration **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 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** for the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: Eric S. Stuckey
Eric S. Stuckey
City Administrator/Recorder

By: John C. Schroer
John C. Schroer
Mayor of Franklin

PASSED FIRST READING

May 11, 2010

PASSED SECOND READING

May 25, 2010