



MEMORANDUM

October 4, 2010

TO: City of Franklin Board of Mayor and Alderman

FROM: Eric Stuckey, City Administrator *ES*
Vernon Gerth, ACA-Community and Economic Development
Kristen Corn, Staff Attorney

SUBJECT: Ordinances 2010-69 and 2010-70 creating the Building and Streets Standards Board of Appeals

Purpose

The purpose of this memorandum is to provide information to the Board of Mayor and Aldermen (BOMA) in consideration of two ordinance amendments that combine the City's three existing technical Boards of Appeals into a single Building and Streets Standards Board of Appeals.

Background

Since the State of Tennessee and City of Franklin have adopted the International Code Series each of the construction disciplines has its own manual. Examples of these manuals include Commercial Building (IBC), Residential Building (IRC), Plumbing (IPC), Electrical (NEC), Mechanical (IMC), Fire (NFPA & IFC), and the Property Maintenance (IPMC). Each one of these code manuals prescribes a "Means of Appeals" and Appeals Board to a staff interpretation or for an equitable alternative. Historically, the City has maintained three different technical Boards of Appeals but several have not met for years. In lieu of staff spending time soliciting members and keeping all of the existing and new Boards of Appeals active, staff proposes to create a single Building and Streets Standards Board of Appeals whose membership reflects the requisite experience and knowledge to interpret the City's adopted building construction and development standards. Since the proposed Building and Street Standards Board of Appeals will be comprised of a cross-section of licensed and certified professionals, staff is also recommending a means for appealing or interpretation of the City's Transportation and Street Technical Standards. Currently, there is no appeal process designated for the appeal of a determination made by the City Engineer in implementing the City's Technical Street Standards.

As a special note, former City Employee and Plumbing Official Steve Cook shared his vision of a combined Board of Appeals with colleagues prior to leaving employment. Staff has completed the work Steve started.

Financial Impact

There are no additional financial implications expected with the exception of the staff time saved in soliciting membership for the various Boards of Appeal.

Recommendation

The approval of the Building and Street Standards Board of Appeals as proposed in Ordinances 2010-69 and 2010-70 is recommended.

ORDINANCE 2010-70

TO BE ENTITLED: "AN ORDINANCE AMENDING TITLE 7, SECTIONS 7-206 AND 7-505 OF THE CITY OF FRANKLIN MUNICIPAL CODE FOR THE PURPOSE OF COMBINING THE CITY'S EXISTING BUILDING RELATED BOARDS OF APPEALS INTO A SINGLE 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 desires that the Franklin Municipal Code provides an efficient process for validating the decisions and interpretations of staff in the application and enforcement of the various adopted building codes and street standards; and

WHEREAS, the Board of Mayor and Aldermen by creating 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 which replaces several existing Boards of Appeals.

NOW, THEREFORE:

SECTION I. BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that Title 7, Chapter 2, Section 7-206 of the Franklin Municipal Code be deleted in its entirety and replaced with the following language:

Sec. 7-206. Amendments to the 2009 edition of the International Fire Code.

- (1) Section 108 Means of Appeal is deleted and in its place is approved to read as follows:

Section 108. Means of Appeal. Appeals of decisions of the Building Official (or his designee) or the Fire Marshal (or his designee) made under the International Fire Code shall be heard by the Building & Streets Standards Board of Appeals as established in Title 12, Chapter 12 of the Franklin Municipal Code.

SECTION II. BE IT FURTHER ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that Title 7, Chapter 5, Section 7-505 of the Municipal Code be deleted in its entirety and replaced with the following language:

Sec. 7-505. Amendments to the 2009 edition of the NFPA 101 Life Safety Code.

- (1) Section 1.7 Means of Appeal is created and is approved to read as follows:

Section 1.7. Means of Appeal. Appeals of decisions of the Building Official (or his designee) or the Fire Marshal (or his designee) made under the NFPA 101 Life Safety Code shall be heard by the Building & Streets Standards Board of Appeals as established in Title 12, Chapter 12 of the Franklin Municipal Code.

SECTION III. 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 Administrator/Recorder

BY: _____
JOHN C. SCHROER
Mayor

PASSED FIRST READING _____

PASSED SECOND READING _____