**ORDINANCE 2025-35**

**AN ORDINANCE TO DELETE TITLE 12, CHAPTER 5 OF THE FRANKLIN MUNICIPAL CODE IN ITS ENTIRETY AND TO ADD NEW CHAPTER 3 TO TITLE 13 OF THE FRANKLIN MUNICIPAL CODE TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2024 EDITION.**

**WHEREAS,** the Board of Mayor and Aldermen ("BOMA") for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin is authorized to prescribe regulations securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation in dwellings, apartment houses, rooming houses, and other buildings within the City; and

**WHEREAS,** Tennessee Code Annotated Title 6, Chapter 54, Part 5 allows municipalities to adopt codes by reference; and

**WHEREAS,** in its legislative judgment the BOMA 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,** Adoption of the 2024 International Property Maintenance Code is not required by the State of Tennessee to be adopted by municipalities.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:**

**SECTION** I. That Title 12, Chapter 5, Sections 12-501, 12-502, 12-503, and 12-504 of the City of Franklin Municipal Code are hereby deleted in their entirety and replaced with the following:

**Chapter 5. – Reserved.**

**SECTION** II. That Title 13, Chapter 3, of the City of Franklin Municipal Code is hereby added to read as follows:

**Chapter 3. – Property Maintenance Code**

**Sec. 13-301. Property maintenance code adopted.**

(1) Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation in dwellings, apartment houses, rooming houses, and other buildings, the International Property Maintenance Code, 2024 edition, 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 Property Maintenance Code.

(2) Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502(c), the Building and Neighborhood Services Director shall adopt administrative regulations to



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incorporate subsequent amendments to the International Property Maintenance Code, 2024 edition, as published by the International Code Council. These amendments shall be identified by the 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 the Board of Mayor and Aldermen.

**Sec. 13-302. Modifications.**

Modifications to the 2024 International Property Maintenance Code are approved to read as follows:

(1) *Title References.* Wherever the International Property Maintenance Code, as adopted, refers to the Building Official, Department of Law, or Chief Appointing Authority it shall mean the Building and Neighborhood Services Department Director, Building Official, City Attorney, or Board of Mayor and Aldermen, respectively.

(2) *Section 111 Means of Appeals* is deleted in its entirety and replaced with the following:

*Section 111 Means of Appeal.* Appeals of Notices of Violation issued by the Building and Neighborhood Services Director (or his designee) made under the Property Maintenance Code shall be heard by the Building and Streets Standards Board of Appeals established in Title 12, Chapter 12 of the Municipal Code. However, if the Building and Neighborhood Services Director (or his designee) determines that circumstances exist that may be dangerous or detrimental to the health, safety, and welfare of the community, a citation may be issued at a time prior to the end of the appeal period. Once a citation is issued, the means of appeal are those provided by the City court system.

(3) Section 302.10 – *Graffiti is created to read as follows:*

Section 302.10 – *Graffiti*

*302.10.1 General.* The purpose of this section is to reduce the potential for blight and gang violence due to graffiti. It shall be unlawful for any person to deface property with graffiti or to permit graffiti to be placed upon property that they own.

*302.10.2 Definitions*

"Graffiti" shall mean marks, symbols, signs, letters, pictures, names, phrases, or sentences, which are painted, inscribed, marked, or otherwise placed on real property or other surfaces for the purpose of defacing said property, or making a personal statement that is inconsistent with the zoned character of the neighborhood or, contributes to continued defacement and blighting conditions in the neighborhood.

"Property" shall mean a building structure, garage, shed, fence, deck, signage, culvert, bridge, landing or other improvement to a parcel of land, or the public way.

"Reasonable Time" shall mean thirty (30) days from the posting of the property, unless the Building and Neighborhood Services Department Director or their designee approves a greater period.

"Remove(al)" shall mean to obliterate and eliminate graffiti by such means as will restore the property to its condition existing prior to defacement by graffiti.

*302.10.3 Graffiti Prohibited.*

1. It shall be unlawful for any person to paint, inscribe, mark, or otherwise apply graffiti

on any public or private property located within the corporate limits of the City.

2. It shall be unlawful for the owner of any property to permit graffiti to remain in a manner visible to persons using rights-of-way accessible to the general public, provided the Building and Neighborhood Services Department Director or their designee has given the property owner proper notice to remove the graffiti within a specified period as prescribed in Sections 107.2 and 107.3 of the International Property Maintenance Code, 2024 Edition, and said period has elapsed.

*3.10.4 Hardship.*

1. In the event that a private property owner has a financial hardship and the Building and Neighborhood Services Department Director or their designee determines that graffiti is located on private property in a manner visible to persons using rights-of-way accessible to the general public, the City Administrator is authorized to provide for the removal of the graffiti or otherwise furnish the owner with materials necessary to accomplish such removal. Said funds for removal and materials may come from a designated fund in the Street Department Operating Budget.
2. Financial hardship must be verified by appropriate financial documentation provided by the property owner to the City of Franklin or their designee and verified at an income level at or below 50% of the median income as stated annually by the Department of Housing and Urban Development for the Greater Nashville, Davidson, Murfreesboro MSA.
3. The City Administrator shall not authorize the undertaking that provides for the painting or repair of any more extensive area than the area where the graffiti is located.
4. Prior to commencing removal of the graffiti, the City Administrator or their designee shall obtain the written consent, as prepared by the City Attorney, from the affected property owner to access their property and that releases and holds harmless the City from any damage or workmanship that results for the work performed. The owner shall execute an appropriate release prepared by the City Attorney prior to the City commencing any work on the property.

*3.10.5 Violations and Penalties for Non-removal.* It shall be unlawful for any person, firm, corporation, agent, or government entity to violate or fail to comply with a Notice of Violation to remove graffiti from their property. Any violations of this section or Property Maintenance Code as herein adopted and modified, shall be punishable by a fine as specified in appendix A, comprehensive fees and penalties. Each day or portion thereof that a violation continues after due notice has been served shall be deemed a separate offense.

*3.10.6 Violations and Penalties for Painting, Inscribing, Marking, or Otherwise Applying Graffiti.* Any violation of Section 302.10.3(1) is hereby determined to be an act of willful misconduct as defined by the Tennessee Code Annotated for which victims suffering damages have the right to reimbursement from the violator for said damages. Further, any parent or guardian, having custody and control of a minor who violates Section 302.10.3(1) shall be jointly and severally liable for such damages. The City may, at the discretion of the City Administrator, undertake to recover damages on behalf of any victim suffering damages as a result of any violation of this ordinance.

*3.10.7 Community Service: Alternative Remedy.* In lieu of, or as a part of, prosecuting a civil action pursuant to the terms of Section 302.10.3(1), the City Attorney, upon recommendation of the City Administrator, shall be authorized to offer a minor or his or her parent or guardian an option to perform such community service as the City

Administrator deems appropriate.

*3.10.8* *Appeals.* An appeal from any final order or decision of the Building and Neighborhood Services Department Director or their designee may be made in accordance with application for appeals as outlined in Section 111 of this code.

**Sec. 13-303. Available in Recorder's office**

Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one copy of the Property Maintenance 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 Property Maintenance Code will be placed on file when they are published by the Building and Neighborhood Services Department Director, and at least 15 days before their effective date.

**Sec. 13-304. Violations.**

It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. Any violation of said code shall be punishable by a fine as specified in appendix A, comprehensive fees and penalties.

**SECTION III. 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 shall remain in 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 IV. 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 V:** **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 on January 1, 2026, for the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

**ATTEST:**

By: _____
**Angie Skarp**
City Recorder

**CITY OF FRANKLIN, TENNESSEE:**

By: _____
**Dr. Ken Moore**
Mayor

**Approved as to form by:**

_____
**William E. Squires**
Deputy City Attorney

PASSED FIRST READING 9/23/25, 8-0
PASSED SECOND READING: 10/14/25, 8-0



Law Dept approved 08.28.25