

ORDINANCE NUMBER 2019-40

**AN ORDINANCE TO AMEND TITLE 12, CHAPTER 13 OF THE FRANKLIN MUNICIPAL CODE TO
CREATE SECTION 12-1302 RELATING TO CONSTRUCTION SITE MAINTENANCE**

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 for the location, design, construction, and maintenance of buildings and structures within the City; and

WHEREAS, the Board of Mayor and Aldermen has found that ordinances that regulate land use, development, and building construction must be dynamic and modified from time to time to reflect changes in best practices, model codes, building materials, land labor costs, and safety standards necessary to preserve and promote the private and public interest; and

WHEREAS, the Board of Mayor and Aldermen finds that in order to effectively promote the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee, guidelines should be established to ensure stabilization of construction sites and safe access and egress for inspectors and emergency vehicles.

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

SECTION I. That Title 12, Chapter 13, of the Franklin Municipal Code is hereby amended to add the following section in its entirety as a new section:

Sec. 12-1302. - Construction Site Maintenance.

- (1) *Responsibility.* The person representing the developer, contractor, or owner who has obtained a Building Permit to develop a lot or parcel of property is responsible for the general, overall, day-to-day maintenance of the lot or parcel of property until such time that a Final Certificate of Occupancy is issued.
- (2) *Definitions.*
 - (a) *Developer/Contractor/Owner* shall mean the individual, partnership or corporation who is responsible for the construction of all improvements, hiring subcontractors, securing permits, and scheduling the construction.
 - (b) *Repeat Offenses* are deemed to occur where a contractor or permittee has received two (2) or more Stop Work Orders pursuant to this Section in a single 12-month period.
 - (c) *Lot* shall mean a parcel of land occupied or intended to be occupied by one (1) main building, or a group of main buildings, and having its principal frontage on a street.
 - (d) *Section* shall mean a portion of contiguous lots within a development.

- (e) *Site* shall mean the contiguous street(s) or section(s) containing the parcels, lots, or any portion of the site plan where the developer and/ or permittee responsible for the violation(s) is performing work.
- (3) *Implementation.* To ensure stabilization of construction sites and safe access and egress for inspectors, emergency vehicles, and residents who reside in the area, the following standards shall be required and enforced:
- (a) A pre-construction meeting with representatives of the developer, contractor, or owner and Building and Neighborhood Services Department (BNS) shall be required before the first building permit is issued within the development or section, as applicable.
 - (b) The following items shall be discussed and documented during the pre-construction meeting:
 - (i) Contact person. A single point of contact for the developer, contractor, or owner and a City staff member shall be named and contact information shared.
 - (ii) Contractor and City Contact Information Signs. Sign parameters are to be provided by BNS. Signs shall be in place at the time vertical construction begins. Signs shall include, at a minimum, the Developer, Contractor, or Owner and City Staff contact information, and shall be required on each lot, parcel, street, or entrance into the development or section, as applicable.
 - (iii) Parking requirements. On-street vehicle parking shall be limited to one side of the street. A determination shall be made which side of the street parking shall be designated for on-street parking and the developer or their designee shall install approved, temporary signage. Temporary No Parking signage where parking is prohibited shall also be installed. The Fire Marshal or designee may impose additional enforceable parking requirements for safety purposes.
 - (iv) Traffic requirements. Construction entrances and exits to and from the development, subdivision, and/or section must be determined. The Fire Marshal or designee shall determine if one-way traffic is needed.
 - (v) The Developer, Contractor, or Owner shall specify and install temporary signage that designates the concrete washout area(s).
 - (vi) The Developer, Contractor, or Owner shall specify the staging area for construction materials to provide access to all portions of the site and building.
 - (vii) The Developer, Contractor or Owner must provide a construction phasing plan for projects with multiple buildings. These plans must indicate the order or sequence of construction of buildings by building, street, and section.
- (4) *Requirements for Construction Sites and Adjacent Areas.*
- (a) Silt fences or wattles shall be in place prior to commencing grading or excavating, and shall

- be maintained throughout for stabilization of the lot/parcel of property being developed.
- (b) Roadways shall be clear of debris, mud, trash, and all building materials at all times.
- (i) Litter shall be disposed of daily and prior to any forecasted rainfall events and placed in an onsite bin or dumpster.
 - (ii) Sediment tracked onto a street shall be removed immediately.
 - (iii) Streets shall be broom swept daily and truck swept or vacuumed weekly.
 - (iv) The Building Official or designee shall have the authority to require streets be truck swept or vacuumed daily.
 - (v) Traffic flow shall not be restricted unless a Traffic Control Plan has been approved. For street closures on a regular basis, a Right-of-Way Permit is required, as detailed in TITLE 16 - STREETS AND SIDEWALKS, ETC., CHAPTER 2. - RIGHT-OF- WAY OCCUPANCY, OBSTRUCTION, EXCAVATIONS, AND CUTS.
 - (vi) Streets shall not be blocked. All vehicles, including emergency vehicles, shall be able to safely navigate the street at all times. The City of Franklin Police Department shall have the authority to issue citations and/or tow vehicles if necessary.
- (c) Grass and other vegetation on the construction site shall be periodically cut in accordance with Section 13-104 of the City of Franklin Municipal Code.

(5) *Enforcement.*

- (a) If at any time a site is not in compliance with this Section, no inspections shall occur by City personnel in the Building and Neighborhood Services Department.
- (b) Fines may be sought on a day-by-day basis until each site is in compliance with this Section. Any violation of this Section shall be punishable by citation to the Franklin Municipal Court and imposition of a fine as specified for violations in Appendix A, comprehensive fees and penalties.
- (c) The issuance of a citation and imposition of fine(s) by the BNS Department pursuant to this Section shall not preclude imposition of any other fines which may be applicable under other state or federal laws or sections of the Franklin Municipal Code.
- (d) Truck sweeping or vacuuming of streets on demand (within 24 hours) may be required by the Building Official or designee.
- (e) Stop Inspection Orders and Stop Work Orders may be issued at the discretion of the Building Official or designee until a site is brought into compliance with this Section.
 - (i) When a Stop Work Order of any kind is issued, all pertinent departments shall be notified, including, at a minimum, the Stormwater/Engineering, BNS, Fire, and Streets Departments.
 - (ii) When a Stop Work Order is issued by BNS, grading and stormwater work may continue.
 - (iii) When a Stop Work Order is issued due to on-street parking violations, all work on the site covered by the applicable site plan shall cease.
- (f) No additional permits for the specific site in violation will be issued by BNS until the site has

been brought into compliance. The area and extent of the specific site excluded from obtaining permits shall be determined by the Building Official or designee.

(6) *Requirements Where Repeat Offenses Have Occurred.*

(a) A contractor that has received two (2) or more Stop Work Orders in a 12-month period shall be considered to have engaged in repeat offenses under this Section, and will be required to complete the following steps prior to resuming a regular work and inspection schedule:

- (i) Correct all violating conditions cited in the Stop Work Order(s).
- (ii) Inspections by appointment (to be attended by the General Contractor, Superintendent, and Contractor) are required for a minimum of one (1) week. The completion of a minimum of two (2) successful inspections by appointment are required.
- (iii) Inspection by appointment fees shall be at the current rate of After-Hours Inspections as designated in APPENDIX A - COMPREHENSIVE FEES AND PENALTIES, CHAPTER 12. BUILDING, UTILITY, ETC., CODES.
- (iv) Training Class. Class Attendance for additional training shall be required. The class shall be a TDEC class on Erosion Control (TNEPSC Level 1), or a course taught or endorsed by the Building Official or designee.
- (v) Proof of class registration for two (2) representatives of the company engaging in repeat offenses shall be provided to the Building Official or designee within one (1) week of the violation.
- (vi) Proof of class completion shall be provided to the Building Official or designee within three (3) months of the violation.

(b) Those persons or entities engaging in Repeat Offenses shall not be allowed to obtain additional permits for related projects for a minimum of one (1) month and the completion of the required steps outlined in item (a). The area and extent of the specific site or related projects excluded from obtaining permits shall be determined by the Building Official or designee.

(7) *Conflicts with Other Chapters and Sections of the Municipal Code.* If at any time these requirements conflict with other site requirements elsewhere in the Franklin Municipal Code or any code adopted by the City of Franklin, the more restrictive requirements shall apply.

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 for the health, safety, and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

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

CITY OF FRANKLIN, TENNESSEE:

BY: Dr. Ken Moore
Dr. Ken Moore
Mayor

APPROVED AS TO FORM BY:

William E. Squires
William E. Squires, Assistant City Attorney

Passed First Reading: July 14, 2020

Passed Second Reading: August 11, 2020