

AMENDED

ORDINANCE NO. 114

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION
AND REVISION OF THE ORDINANCES OF THE TOWN OF MOUNT CARMEL, TENNESSEE

WHEREAS some of the ordinances of the Town of Mount Carmel are obsolete, and

WHEREAS some of the other ordinances of the Town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Mount Carmel Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL, TENNESSEE, THAT:

SECTION ONE

ORDINANCES CODIFIED

The ordinances of the Town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 13, both inclusive, are ordained and adopted as the "Mount Carmel Municipal Code," hereinafter referred to as the "municipal code."

SECTION TWO

ORDINANCES REPEALED

All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section Three below.

SECTION THREE

ORDINANCES SAVED FROM REPEAL

The repeal provided for in Section Two of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or

requiring the payment of money by or to the Town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the Town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way, any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; nor shall such repeal affect any ordinance annexing territory to the Town or amending its zoning ordinance or map; or any ordinance or resolution duly passed by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee, presently in effect but yet to be codified in this "Mount Carmel Municipal Code."

SECTION FOUR

CONTINUATION OF EXISTING PROVISIONS

Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

SECTION FIVE

PENALTY CLAUSE

Wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty

under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law.

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate offense.

SECTION SIX

CODE AS EVIDENCE

Any printed copy of the municipal code certified under the signature of the recorder shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

SECTION SEVEN

SEVERABILITY CLAUSE

Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

SECTION EIGHT

REPRODUCTION AND AMENDMENT OF CODE

The municipal code shall be reproduced in loose-leaf form. The Board of Mayor and Aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code.

Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

SECTION NINE

CONSTRUCTION OF CONFLICTING PROVISIONS

Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

SECTION TEN

CODE AVAILABLE FOR PUBLIC USE

A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

SECTION ELEVEN

DATE OF EFFECT

This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st Reading April 26, 1990

Passed 2nd Reading May 24, 1990

Passed 3rd Reading June 28, 1990

Ronnie L. Davis
MAYOR

Rita Jones
CITY RECORDER

Michael A. Faulk
CITY ATTORNEY

**The Law Offices of
MICHAEL A. FAULK**

107 East Main Boulevard
P.O. Box 2080
Church Hill, Tennessee 37642
615/357-8088

April 25, 1990

211 South Depot Street
Rogersville, Tennessee 37857
615/272-4843

Rita Jones
Town of Mt. Carmel
100 E. Main Street
P. O. Box 1421
Mt. Carmel, Tennessee 37645

Re: Recodification of Ordinances
Attorney File No. 880610-26

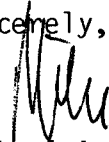
Dear Rita:

Please find enclosed the amended ordinance which should appear on the agenda for Thursday, April 26, 1990. We will need to pass it on first reading Thursday night and then a second reading in May. I have added a section to Section Three to preserve any ordinances or resolutions not yet codified.

In regard to future resolutions and ordinances, the procedure as outlined in MTAS in the Preface of this "Mount Carmel Municipal Code" on page iii should be followed, and as soon as a recodification takes place, new pages of this code should be distributed to each member who has a copy so we can keep the Code in a regular state of update.

Thank you for your attention in this regard.

Sincerely,



Michael A. Faulk

MAF:mh

Enclosure

PUBLIC CHAPTER NO. 863

HOUSE BILL NO. 1291

By Kisber

Substituted for: Senate Bill No. 1062

By Owen, Rochelle

AN ACT to amend Titles 6, 7, 13, and 67 of the Tennessee Code Annotated relative to the authority of municipalities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 5 is amended by adding the following as an appropriately numbered new section:

6-54-5 . Validation of ordinances included in codification. When any municipality has its ordinances codified and adopts a code of ordinances in accordance with this Part, or when a municipality has its code of ordinances updated from time to time, the adoption of the code or the updating of the code of ordinances shall cure any defects that occurred in the adoption of any of the individual ordinances that are codified or referred to in the code. The adoption of all ordinances codified or referred to in all municipal codes of ordinances previously adopted and in existence on the date this Section takes effect is hereby expressly validated and ratified notwithstanding that defects may have occurred in the adoption.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: APRIL 5, 1990

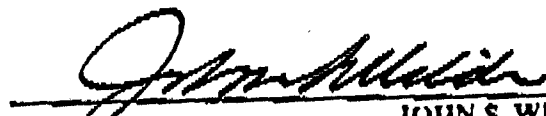
05/08/90

Rita,

This is the law I was mentioning.

Mike Faulk


ED MURRAY, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 16th day of April 1990


NED MCWHORTER, GOVERNOR