ORDINANCE NO. 350

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 1. 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 20, both inclusive, are ordained and adopted as the "Mount Carmel Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed.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of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 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 city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or 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 city; 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; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. 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 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code 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. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."[1]

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

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[1]State law reference
For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101, et seq.

Section 6. 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 7. 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 8. 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 9. 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 10. 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, May 25, 2010.

Passed 2nd reading, June 22, 2010.

Mary Lawson
Mayor

Marian L. Sandidge
Recorder

NOTICE OF PUBLIC HEARING PUBLISHED ON: May 29, 2010

NAME OF PUBLICATION: *Kingsport Times-News*

PUBLIC HEARING HELD ON: June 22, 2010

FIRST READING	AYES	NAYS	OTHER
VICE-MAYOR THOMAS WHEELER	X		
ALDERMAN WILLIAM BLAKELY	X		
ALDERMAN RICHARD GABRIEL	X		
ALDERMAN TRESA MAWK	X		
ALDERMAN KATHY ROBERTS	X		
ALDERMAN CARL WOLFE	X		
MAYOR GARY LAWSON	X		
TOTALS	7	0	0

PASSED FIRST READING: May 25, 2010

SECOND READING	AYES	NAYS	OTHER
VICE-MAYOR THOMAS WHEELER	X		
ALDERMAN WILLIAM BLAKELY	X		
ALDERMAN RICHARD GABRIEL	X		
ALDERMAN TRESA MAWK	X		
ALDERMAN KATHY ROBERTS	X		
ALDERMAN CARL WOLFE	X		
MAYOR GARY LAWSON	X		
TOTALS	7	0	0

PASSED SECOND READING: June 22, 2010

PUBLICATION AFTER PASSAGE:
DATE: June 24, 2010
NEWSPAPER: *Kingsport Times-News*

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KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN June 2, 2010

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 5-29-10, and appearing 1 consecutive weeks/times, as per order of Town of Mount Carmel

Signed Karen C Mulkey

PUBLIC HEARING ON PROPOSED CODE OF ORDINANCES

Notice is hereby given that a public hearing on the adoption of a municipal code of ordinances will be held by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee, at 7:00 p.m. on the June 22, 2010, in the city hall. A copy of the proposed code of ordinances is available in the recorder's office for anyone who desires to examine it in advance of the hearing.

PUB1T: 05/29/10

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 2nd day of June 2010, Karen C Mulkey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

William David Richards
NOTARY PUBLIC

WILLIAM DAVID RICHARDS NOTARY PUBLIC AT LARGE SULLIVAN COUNTY, TENNESSEE

My commission expires 7-2-11

Legals

MUNICIPAL CODE OF ORDINANCES ADOPTED

Notice is hereby given that a municipal code of ordinances was adopted by the board of commissioners of the Town of Mount Carmel, Tennessee, on the 22nd day June, 2010, and is available in the recorder's office for anyone who desires to examine it. Notice is also given that the new code of ordinances contains new provisions of a penal nature.

PUB1T; 06/24/10