

**THE
ERWIN
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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TOWN OF ERWIN, TENNESSEE

MAYOR

Dwight (Glenn) White

VICE MAYOR

James (Mickey) Hatcher

ALDERMEN

Michael Baker
Paula Edwards
Cathy Huskins
Angie Vaughn

RECORDER

Mark Moeller

CITY ATTORNEY

Thomas J. Seeley, III

PREFACE

The Town of Erwin Municipal Code contains the codification and revision of the ordinances of the Town of Erwin, Tennessee. By referring to the historical citation appearing at the end of each section, the user can determine the origin of each particular section. The absence of a historical citation means that the section was added by the codifier. The word "modified" in the historical citation indicates significant modification of the original ordinance.

The code is arranged into titles, chapters, and sections. Related matter is kept together, so far as possible, within the same title. Each section number is complete within itself, containing the title number, the chapter number, and the section of the chapter of which it is a part. Specifically, the first digit, followed by a hyphen, identifies the title number. The second digit identifies the chapter number, and the last two digits identify the section number. For example, title 2, chapter 1, section 6, is designated as § 2-106.

By utilizing the table of contents, code index and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should locate all the provisions in the code relating to any question that might arise. However, the user should note that most of the administrative ordinances (e.g. Annual Budget, Zoning Map Amendments, Tax Assessments, etc...) do not appear in the code. Likewise, ordinances that have been passed since the last update of the code do not appear here. Therefore, the user should refer to the city's ordinance book or the recorder for a comprehensive and up to date review of the city's ordinances.

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the town's charter.

The code has been arranged and prepared in loose-leaf form to facilitate keeping it up to date. MTAS will provide updating service under the following conditions:

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the town agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if

justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team: Kelley Myers and Nancy Gibson is gratefully acknowledged.

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
CITY CHARTER**

SECTION 1. Ordaining clause specified. Be it further enacted, That the Board of Mayor and Aldermen shall have the power, by majority vote, to pass ordinances, and all ordinances shall begin, "Be it ordained by the Town of Erwin, as follows:".

SECTION 2. Procedure for adopting; when effective; amendment of. Be it further enacted, that each and every ordinance shall, before the same becomes effective, be passed on two (2) different days, and not less than one (1) week shall elapse between the first and second reading. The first passage may be by the reading of the caption only. On the second passage, the proposed ordinance shall either be read in full or full copies of the said proposed ordinance shall be made available to each member of the Board of Mayor and Aldermen and to the public prior to said passage, which second passage shall be at a regular meeting of the Board.

No ordinance shall take effect until after the expiration of ten (10) days after the final passage thereof, except in the case of emergency ordinances. An emergency ordinance may become effective upon the day of the final passage, provided it shall contain the statement that an emergency exists and shall specify distinctly the facts and reasons constituting such emergency; and the unanimous vote of all members of the Board present shall be required to pass an emergency ordinance. No ordinance shall be amended except by ordinance. [As amended by Priv. Acts 1988, ch. 203, § 2; and as replace by Priv. Acts 2001, ch. 25]

SECTION 3. To be numbered and kept in ordinance book. Be it further enacted, That every ordinance shall be immediately taken in charge by the Recorder and by him numbered and copied in an ordinance book filed and preserved in his office.

SECTION 4. Publication requirements; codification of; proving. Be it further enacted, That all ordinances of a penal nature shall be published at least one time in a newspaper of the Town, unless such ordinance be of such length as would, in the opinion of the Board of Mayor and Aldermen, render the publication thereof unnecessarily expensive, in which event the facts shall be stated in the ordinance, whereupon the ordinance may be published by posting a certified copy thereof on a bulletin board at the Municipal Building. The said posting shall be at least ten days before the effective date of the ordinance, and, after such publication, the said ordinance shall be in full force and effect.

The said Town may codify, rearrange and publish in book form, under appropriate chapters and sections, all ordinances, and such revisions and codification may be in one ordinance, containing one or more subjects. The

publication of such revision and codification in book or pamphlet form, as aforesaid, shall be held to be sufficient publication of the ordinance or several ordinances contained in such codification so published.

Any such publication of a revision or codification of ordinances in a book or pamphlet form shall contain a certificate of the Mayor and Recorder of the correctness of such revision and publication (which certificate may be printed), and shall show the date on which printed and published, and shall be effective from and after such date.

All Town ordinances and resolutions and proceedings of said Board of Mayor and Aldermen may be proved by the seal of the said corporation, attested by the Recorder, and when purporting to be printed and published in book or pamphlet form by authority of the said Town, the same shall be received in evidence of the due enactment of any ordinance or resolution therein, and the date of the enactment thereof.

SECTION 5. Recorder to keep record of board's proceedings and a separate ordinance book. Be it further enacted, That the full and complete record of all the proceedings of the Board of Mayor and Aldermen shall be kept by the Recorder, who shall keep a separate book called "Ordinance Book," in which shall be recorded all the ordinances passed by the Board.

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