

ORDINANCE NO. 1994 - 5

AN ORDINANCE adopting and enacting a comprehensive codification and revision of the ordinances of The City of Waverly, Tennessee.

WHEREAS, some of the ordinances of The City of Waverly (the "City") are obsolete; and

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

WHEREAS, the Board of Mayor & Aldermen has caused the ordinances of the City of a general, continuing and permanent application or of a penal nature to be codified and revised and the same are now embodied in a code of ordinances to be known as the "Waverly Municipal Code of 1994;"

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR & ALDERMEN OF THE CITY OF WAVERLY, TENNESSEE, That:

Section 1. Ordinances codified. The ordinances of the City of a general, continuing, and permanent application

or of a penal nature are codified and revised in Titles 1 to 20, both inclusive, as set forth in Exhibit A attached hereto and made a part hereof by reference, and are ordained and adopted as the "Waverly Municipal Code of 1994" (hereinafter referred to as the "Municipal Code"). The Municipal Code and all of the provisions and terms thereof are hereby adopted.

Section 2. Ordinances repealed. All previous codifications of ordinances of the City and 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of a general, continuing and permanent application or of a penal nature not contained in the Municipal Code are hereby repealed from and after the effective date hereof except as hereinafter provided in Section 3 and Section 4 hereof.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 shall not affect:

(a) 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 hereof;

(b) 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 the City's indebtedness;

(c) Any budget ordinance or ordinance making appropriation of any funds for municipal purposes.

(d) Any contract or obligation assumed by or in favor of the City;

(e) Any ordinance establishing or authorizing the establishment of a social security system or providing or changing coverage under that system;

(f) Any administrative ordinances or resolutions not in conflict with or inconsistent with the provisions of the Municipal Code;

(g) The portion of any ordinance not in conflict with the Municipal Code which regulates speed, direction of travel,

passing, stopping, yielding, standing or parking on any specifically named public street or way;

(h) Any right or franchise granted by the City;

(i) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening or vacating any street or public way;

(j) Any ordinance establishing and prescribing the grade of any street;

(k) Any ordinance providing for local improvements and special assessments therefor;

(l) Any ordinance dedicating or accepting any plat or subdivision;

(m) Any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the effective date hereof;

(n) Any zoning ordinance or amendment thereto or amendment to the Zoning Map; or

(o) Any ordinance annexing territory to the City.

Section 4. Continuation of proceedings under existing provisions. Insofar as the provisions of the Municipal Code are the same as those of ordinances existing and in force on the effective date hereof, said provisions as provided in the Municipal Code shall be considered to be in lieu thereof and as new enactments, but the provisions of all former codes and ordinance shall continue in force and effect until the final disposition of any proceedings thereunder.

Section 5. Penalty clause. (a) Unless otherwise specified, in the Code, including the various codes adopted by reference, when any act is prohibited or made or declared to be unlawful or to be an offense or misdemeanor against the City, or whenever 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 or the commission or omission of any such act shall be punishable by a penalty of not more than (\$500. 00) for each separate violation; provided, however, in the case of moving traffic violations the penalty shall be not more than \$50. Imposition

of any such penalty shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or where otherwise permitted under the provisions of the Code or other applicable law.

(b) When a person fined or assessed a penalty by the Municipal Court for violating a provision of the Code defaults in payment of such fine or penalty, he or she may be required to perform hard labor within or without the City Workhouse. Such hard labor shall continue, to the extent that his or her physical condition shall permit, until the penalty is discharged by payment or until the penalty is discharged by being credited with the sums as may be prescribed for each day's hard labor.

(c) For each day's hard labor performed by a person convicted of a violation there shall be credited upon his or her fine or penalty assessed and upon any additional costs as imposed, the sum of \$25.

(d) Each day that a violation continues shall constitute a separate offense. (as amended by Ord. #1997-10, July 1997)

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 the Municipal 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 & 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 thereafter affecting the Municipal Code shall be adopted as amending, adding or deleting, by numbers, specific chapters or sections of the Municipal 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 City officers and employees having copies of the Municipal 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 number of those ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is added 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 the Municipal Code, the provision which establishes the higher standard for the promotion and protection of the public health, safety and welfare shall prevail.



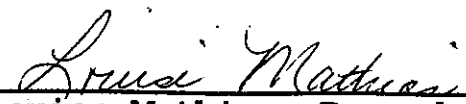
Section 9. Code available for public use. A copy of the Municipal Code shall be kept available in the Recorder's office for public use and inspection at all reasonable times.

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.

PUBLIC HEARING NOTICE PUBLISHED:	AUG 26, 1994
PUBLIC HEARING HELD:	SEP 12, 1994
Passed on 1st reading:	<u>OCT 10 1994</u>
AMENDED BY SUBSTITUTION :	<u>NOV. 14, 1994</u>
Passed on 2nd reading: AS AMENDED	<u>NOV. 14 1994</u>
Approved by Mayor:	<u>NOV. 14 1994</u>

  
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 Jess S. Bowen Jr., Mayor

Attest:

  
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 Louise Mathias, Recorder