

ORDINANCE NO. 648

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION [AND REVISION] OF THE ORDINANCES OF THE CITY OF WINCHESTER, TENNESSEE.

WHEREAS some of the ordinances of the City of Winchester are obsolete, and

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

WHEREAS the City Council of the City of Winchester, 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 "Winchester Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINCHESTER, TENNESSEE:

Section 1. Ordinances codified. The ordinances of the city 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 "Winchester 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 Ordinances repealed.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of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in section 3 below.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 budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing or authorizing the establishment of a social security system or providing or changing 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, closing, 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 city.

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, 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.¹

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

¹State 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 governing body, 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 city 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 city clerk's office for public use and inspection at all reasonable times.

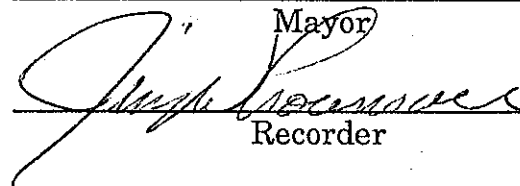
Section 10. Date of effect. This ordinance shall take effect twenty (20) days after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading 1-26, 1993.

Passed 2nd reading 2-9, 1993.

Passed 3rd reading 3-9, 1993.



Mayor


Recorder

ORDINANCE NO. 651

AN ORDINANCE TO RATIFY ORDINANCE NO. 648, ADOPTED MARCH 9, 1993, AND TO PROVIDE FOR A PUBLIC HEARING PRIOR TO ADOPTING AN UPDATE TO THE MUNICIPAL CODE FOR WINCHESTER, TENNESSEE.

WHEREAS, Tennessee Code Annotated, §6-54-508 requires that a public hearing be held prior to the adoption of a code of ordinances and, further requires advance notice of the hearing; and

WHEREAS, Ordinance No. 648, passed on third reading on March 9, 1993, was finally passed before notice of a public hearing was given; and

WHEREAS, the City Council of the City of Winchester desires that a notice of a public hearing be given and a public hearing be held and, further desires to ratify Ordinance No. 648, which adopts a new municipal code for the City of Winchester, Tennessee.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINCHESTER, TENNESSEE:

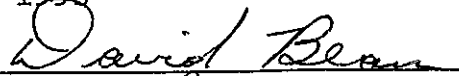
Section 1. Prior to the final passage of this ordinance, the City Administrator shall provide notice in a newspaper of general circulation that a public hearing will be held to consider the adoption of a municipal code of ordinances and, cause such a public hearing to be held.

Section 2. Ordinance No. 648 is hereby ratified in all respects and, upon final passage of this ordinance, will have full force and effect.

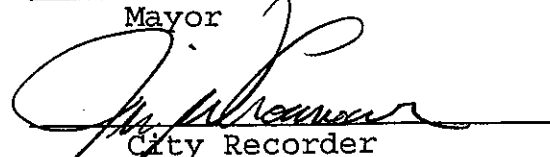
Section 3. Upon final passage of this ordinance, notice that a code of ordinances has been passed and, is on file in the city recorder's office, will be published in a newspaper of general circulation.

Section 4. This ordinance shall take effect from and after its final passage the public welfare demanding it.

Passed 1st reading April 13, 1993
Passed 2nd reading April 27, 1993
Passed 3rd reading May 11, 1993



Mayor



City Recorder