

THE  
WINCHESTER  
MUNICIPAL  
CODE

Prepared by the

MUNICIPAL TECHNICAL ADVISORY SERVICE  
INSTITUTE FOR PUBLIC SERVICE  
THE UNIVERSITY OF TENNESSEE

in cooperation with

TENNESSEE MUNICIPAL LEAGUE

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CITY OF WINCHESTER, TENNESSEE

MAYOR

Terry Harrell

VICE MAYOR

Bruce Spencer

CITY COUNCIL

Cile Alexander  
Jeannie Bates  
Gene Snead  
William Womack

CITY ADMINISTRATOR

Beth Rhoton

## Preface

The Winchester Municipal Code contains the codification and revision of the ordinances of the City of Winchester, 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 section 2-106.

By utilizing the table of contents 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 city 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 city'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 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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 Sherry R. Hill, Administrative Services Assistant, and Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Steve Lobertini  
Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE  
CITY CHARTER

3.15. Style of ordinances. Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of the council in advance of the meeting at which introduced. The enacting clause of ordinances shall be, "Be it ordained by the Council of the City of Winchester, Tennessee."

3.16. Ordinance procedure.

(a) No action of the council shall be valid or binding unless approved by the affirmative vote of at least three (3) members of the council.

(b) Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or amended.

(c) Every ordinance, except an emergency ordinance, shall be approved on three (3) considerations not less than one (1) week apart between the first and second consideration.

(d) Ordinances shall become effective on the date provided in the ordinance.

(e) Only the caption of every ordinance shall be read prior to its consideration for approval. The council may request that the entire ordinance be read at the time it is being considered.

(f) Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second consideration.

(g) An emergency ordinance shall require only one (1) vote and is effective upon the day of its passage; provided, it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting the emergency.

(h) The majority vote of all members of the board present shall be required to pass an emergency ordinance.

(i) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance.

(j) No ordinance shall be amended except by a new ordinance.

(k) The council shall have the general and continuing ordinances of the city assembled into an official code of the city, a copy of which shall be kept currently up to date by the city recorder and shall be available to the public.

(l) After adoption of the official code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(m) Standard codes may be adopted by ordinances which contain only references to titles, dates, issuing organizations, and changes to the standard codes as the council may deem desirable. Procedures prescribed by general law shall be followed when adopting standard codes.

(n) Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the council.

(o) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the city recorder.

3.17. Voting by the council. The ayes and nays shall be recorded in the minutes for all ordinance considerations. Resolutions and actions of the council may be approved by majority vote of the council using rules adopted by the council, unless otherwise required by state regulations.

3.18. Recording of ordinances. Every ordinance shall be immediately taken charge of by the recorder and numbered, copied in an ordinance book, filed and preserved by the recorder in his office. The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the city recorder. [Priv. Acts 2011, ch. 28, §§ 3.15--3.18]