

**THE
ATHENS
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

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Change 14, October 16, 2012

CITY OF ATHENS, TENNESSEE

MAYOR

Hal Buttram

VICE-MAYOR

Ann S. Davis

COUNCIL MEMBERS

Chuck T. Burris
Dick Pelley
William Bo Perkinson

CITY MANAGER

Mitchell B. Moore

CITY CLERK

Leslie McKee

CITY ATTORNEY

H. Chris Trew

Preface

The Athens Municipal Code contains the codification and revision of the ordinances of the City of Athens, 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 Sandy Selvage, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Tracy Gardner, Administrative Services Assistant is gratefully acknowledged.

Steve Lobertini
Legal Consultant

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

ARTICLE VI

Ordinances

Section 1. Be it further enacted, That ordinances shall begin, "Be it ordained by the City of Athens as follows:"

Section 2. Be it further enacted, That every ordinance enacted by the Council shall be presented to the Council and passed by a majority of the Council members present on two (2) separate days, the second presentation to be not less than fourteen (14) days following the first presentation unless a majority of the entire Council shall by recorded vote waive this time requirement. Upon each presentation the caption of the ordinance shall be read or its substance stated, and upon request of any member of the Council, or upon the request of any resident or taxpayer of the municipality an ordinance shall be read in full before final passage. Except in the ordinance adopting the budget, no material or substantial amendment may be made on second or final passage unless such amendment is passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred.

An emergency ordinance may become effective upon the day of its final passage, provided that it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.

No ordinance making a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. [As amended by Priv. Acts 1987, ch. 56, § 2; Priv. Acts 1990, ch. 213, § 1; and Priv. Acts 2000, ch. 83, § 3]

Section 3. Be it further enacted, That in all cases under the preceding section, the vote shall be determined by yeas and nays; the names of the members voting for or against an ordinance shall be entered upon the journal.

Section 4. Be it further enacted, That every ordinance shall be immediately taken charge of by the City Manager and by him numbered, copied in an ordinance book, filed and preserved in his office.

Section 5. Be it further enacted, That a summary of all ordinances of a penal nature shall be published at least once in a newspaper of the city and no such ordinance shall be in force until it is so published.