



## Procedures for Adopting Ordinances

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Procedures for Adopting Ordinances

**Reference Number:** MTAS-162

### ***Ordinances and Codes***

Ordinances are the legislative enactments of municipal governing bodies. Codes are comprehensive ordinances, such as building, plumbing, and electrical regulations. A code of ordinances is a compilation (codification) of all city ordinances.

### ***Procedures for Adopting Ordinances***

Charters usually spell out the procedures for adopting ordinances, including the number of readings required. If the charter is silent, ordinances need to be read only once. The general law mayor-aldermanic charter requires two considerations of an ordinance. T.C.A. § 6-2-102. The general law city manager-commission charter calls for two readings, and a city may establish by ordinance a procedure to read only the caption instead of the entire ordinance. T.C.A. § 6-20-215. The modified city manager-council charter requires two readings. T.C.A. § 6-32-202.

## Publication of Ordinances

**Reference Number:** MTAS-299

Generally, ordinances do not need to be published unless the charter or a specific general law requires otherwise. General law mayor-aldermanic cities have the option of publishing each ordinance or only the caption. T.C.A. § 6-2-101.

General law city manager-commission cities must publish each penal ordinance or the caption. T.C.A. § 6-20-218. Publication must be in a city's general circulation newspaper and is necessary for an ordinance to become effective.

Under the general law modified city manager-council charter, at least an abstract of the essential provisions of each ordinance should be published within 10 days after its adoption. T.C.A. § 6-32-204.

Notwithstanding charter provisions to the contrary, the city needs to publish only the caption and a summary of a comprehensive zoning ordinance. T.C.A. § 13-7-203.

## Adoption of Model Codes

**Reference Number:** MTAS-300

Professional organizations have prepared a number of model codes, such as those for building, plumbing, and electrical, that can be adopted by municipal governing bodies. Such a code may be identified in an ordinance adopting it by reference, which avoids publication. A copy of any code adopted by reference must be filed with the city clerk and be made available for public inspection at least 15 days before the adopting ordinance passes. However, any penalty provisions must be in the adopting ordinance, which must be published in the manner prescribed for ordinances.

If a model code has been adopted, any subsequent amendment must be adopted unless the governing body, by a vote of at least two-thirds of its total membership, elects not to incorporate the amendment. T.C.A. §§ 6-54-501–505, 507.

T.C.A. § 6-54-502(c) contains provisions for administratively adopting amendments to model codes.

## Adoption of State Misdemeanors

**Reference Number:** MTAS-301

T.C.A. § 16-18-302 allows municipalities to adopt any Class C state misdemeanors by reference or substantial duplication as an ordinance violation as long as the punishment for the ordinance violation is limited to \$50.

*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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