



Code Adoption Procedures Required by State Law

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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Reference Number: MTAS-1038

You must comply with certain provisions in the state law before and after your new code is adopted.

Adoption of Standard Codes by Reference

T.C.A. §§ 6-54-501 through 6-54-506 authorize the adoption of various technical codes by reference but require that one copy of any code that is adopted by reference be filed in the office of the recorder at least 15 days prior to adoption and thereafter kept available for public use, inspection, and examination. Therefore, before the city adopts its new code of ordinances, be sure that you have acquired and have on file at least one copy of any building codes that are adopted by reference in Title 7 and in Title 12.

Notice Prior to Adoption of Municipal Code

T.C.A. § 6-54-508 provides that "...[a] public hearing shall be held prior to adoption of a code of ordinances and advance notice thereof shall be published in a newspaper of general circulation in the municipality.... If any part of such code of ordinances contains new provisions of a penal nature, then such published notice shall specifically state such fact and shall also state that a copy of such new provisions are available at the city recorder's office for examination."

A notice in substantially the following form should suffice:

Public Hearing on Proposed Code of Ordinances
Notice is hereby given that a public hearing on the adoption of a municipal code of ordinances will be held by the town council of the town of _____, Tennessee, at ____ p.m. on the ____ day of _____, 20____, in the town hall. A copy of the proposed code of ordinances is available in the recorder's office for anyone who desires to examine it in advance of the hearing.
Notice is also given that the proposed new code of ordinances contains new provisions of a penal nature.
The general penalty prescribed for violations of the code is set forth in Section 5 of the adopting ordinance. See page ORD-2 in the code.

Notice After Adoption of Municipal Code

T.C.A. § 6-54-509 provides that "[a]ny municipality which on or after March 21, 1955, adopts a code of ordinances shall publish in a newspaper of general circulation in the municipality a notice that a code of ordinances has been adopted and that a copy is available at the city recorder's office for anyone who desires to examine it. Such notice shall also include a statement providing notice of any new provisions of a penal nature in such code of ordinances."

After your new code is adopted we suggest publishing a notice in substantially the following form:

Municipal Code of Ordinances Adopted
Notice is hereby given that a municipal code of ordinances was adopted by the board of mayor and aldermen of the town of _____, Tennessee, on the ____ day of _____, 20____, and is available in the recorder's office for anyone who desires to examine it.
Notice is also given that the new code of ordinances contains new provisions of a penal nature.
The general penalty clause for violations of the code is set forth in section 5 of the adopting ordinance. See page ORD-2 in the code.

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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Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE