ORDINANCE NO. 11-01

AN ORDINANCE OF THE CITY OF OAK HILL, TENNESSEE
ADOPTING A CODIFICATION OF THE CITY'S ORDINANCES.

WHEREAS, the Board of Commissioners of the City of Oak Hill, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised as the same are embodied in a code or ordinances known as the “City of Oak Hill Municipal Code,”

NOW, THEREFORE, BE IT ORDAINED by the City of Oak Hill as follows:

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 “City of Oak Hill 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 Ordinances repealed.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of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as provided for in Section 3 below. In addition to those ordinances saved from repeal as set forth below, this ordinance does not repeal any pending ordinances that have been passed on first reading and which may become effective after the effective date of this ordinance. Specifically, Ordinance 11-04, which has been passed on first reading, shall not be repealed by this codification ordinance, and if passed on second reading on the same date as this ordinance shall become effective subsequent to this ordinance.

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; and 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 appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; and administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinances not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any public street; any ordinance providing for local improvements and special assessments therefore; 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; not 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 in this title, chapter or section of
the municipal code, including the codes and ordinances adopted by reference, whenever in the
municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in
the municipal code the doing of any act is required or the failure to do any act is declared to be a
civil offense, the violation of any such provision of the municipal code shall be punished by a
civil penalty of not more than fifty dollars ($50.00) and costs for each separate violation
provided, however, that the imposition of a civil penalty under the provision of this municipal
code 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. In any place in the municipal code the term “it shall be a misdemeanor” or “it
shall be an offense” or “it shall be unlawful” or similar terms appears in the context of a penalty
provision of this municipal code, it shall mean “a civil penalty.”

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

Section 6. Severability. 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. If any section, sentence, clause or phrase of this ordinance or the
municipal code should be held to be invalid or unconstitutional by a court of competent
jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality
of any other section, sentence, clause, or phrase of this ordinance or of the municipal code.

Section 7. Reproduction and amendment of code. The municipal code shall be
reproduced in loose-leaf form. The board of commissioners, 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
town 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 shall 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 has been available for at least 15 days prior to adoption and shall be kept available in the recorder’s office for public use and inspection at all reasonable times.

Section 10. **Effective date.** This ordinance shall take effect upon its passage on final reading, provided that it shall not take effect earlier than fifteen (15) days after the first passage thereof, the public welfare requiring.

Duly approved and adopted by the Board of Commissioners of the City of Oak Hill, Tennessee.

Mayor Austin McMullen

ATTEST:

City Recorder

Passed First Reading: March 17, 2011

Passed Second Reading: July 21, 2011

APPROVED AS TO FORM AND LEGALITY:

Todd Moore, City Attorney