

ORDINANCE NO. 97-1100-B

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE
CODIFICATION AND REVISION OF THE ORDINANCES OF THE OF CITY
OF LENOIR CITY, TENNESSEE

WHEREAS some of the ordinance of the City of Lenoir City are obsolete,
and

WHEREAS some of the other ordinances of the municipality are
inconsistent with each other or are otherwise inadequate, and

WHEREAS the City Council of the City of Lenoir City, Tennessee, has
caused its ordinances of a general, continuing, and permanent application or of
a penal nature to be codified and revised and the same are embodied in a code
of ordinances known as the "Lenoir City Municipal Code" now, therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR
CITY, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the municipality of a
general continuing, and permanent application or a penal nature, as codified
and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are
ordained and adopted as the "Lenoir City Municipal Code," hereafter referred to
as the "Municipal Code."

Section 2. Ordinances repealed. All ordinances of 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code are hereby repealed from and after the effective date of said code, except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 hereinafter provided in section 3 below.

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; any ordinance or
resolution promising or requiring the payment of money by or to the
municipality or authorizing the issuance of any bonds or other evidence of said
municipality's indebtedness; any budget ordinance; any ordinance related to
purchasing; any contract or obligation assumed by or in favor of said
municipality; any ordinance establishing or authorizing the establishment of a
social security system or providing or changing coverage under that system;
any administrative ordinances or resolutions not in conflict or inconsistent
with the provisions of such code; the portion of any ordinance not in conflict
with such code which regulates speed, direction of travel, passing, stopping,
yielding, standing, or parking on any specifically named public street or way,
any right or franchise granted by the municipality; any ordinance dedicating,
naming, establishing, locating, relocating, opening, closing, paving, widening,
vacating, etc., any street or public way; any ordinance providing local
improvements and special assessments therefor; any ordinance dedicating or
accepting any plat or subdivision; any prosecution, suit, or other proceeding
pending or any judgement rendered on or prior to the effective date of said
code; any zoning ordinance or amendment thereto or amendment to the
zoning map; nor shall such repeal affect any ordinance annexing territory to
the municipality.

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 a 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 five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions 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 "it shall be a civil offense." Anytime the word "fine" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

Section 6. Severability clause. 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. The invalidity of any section, subsection, paragraph, sentence or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The city council, 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 city 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 dates and 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 will 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 shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading February 10, 1997

Passed 2nd reading February 24, 1997

Passed 3rd reading March 24, 1997



Charles T. Eblen, Mayor



Debbie Cook, Recorder-Treasurer