

TITLE

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF OAK RIDGE, TENNESSEE.

WHEREAS, some of the ordinances of the City of Oak Ridge are obsolete; and

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

WHEREAS, the Council of the City of Oak Ridge, 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 "Oak Ridge Municipal Code."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

**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 "Oak Ridge 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 Ordinances repealed.** All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.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 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 fixing the salary of any city officer or employee or the amount of any bond required of any officer, employee or agent of the city; 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 city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and assessing taxes therefor; 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; any ordinance which by its own terms, is effective only for a stated or limited time; any ordinance approving or amending the rules and regulations of any board, commission, department or other agency of the city; any zoning ordinance or amendment thereto or amendment to the zoning map; nor 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 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 less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) and costs for each separate violation, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment as provided in § 1-107 of the code; 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 term 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.<sup>1</sup>

**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. Any and all additions and amendments to the code, when passed in such form as to indicate the intention of the city council to make the same a part thereof, shall be deemed to be incorporated in the code so that reference to the Oak Ridge Municipal Code shall be understood and intended to include such additions and amendments. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

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 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.

**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.** Three (3) copies of the code shall be kept on file in the office of the city clerk, preserved in looseleaf form or in such other form as the city council may consider most expedient. It shall be the express duty of the city clerk, or someone authorized by the city clerk, to insert in such copies, in their designated places, all amendments or ordinances which indicate the intention of the city council to make the same a part of the code when the same have been printed or reprinted in page form, and to extract from such copies all provisions which may be from time to time repealed by the city council. Such copies of the code shall be available for all persons desiring to examine the same.

**Section 10. Unlawful changes to code.** It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the City of Oak Ridge to be misrepresented thereby. Any person violating this section shall be punished as provided in section 5 of this ordinance.

**Section 11. Date of effect.** This ordinance shall take effect ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

APPROVED AS TO FORM AND LEGALITY:

/s/ Kenneth R. Krushenski  
City Attorney

/s/ David R. Bradshaw  
Mayor

/s/ Jacquelyn J. Bernard  
City Clerk

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