

ORDINANCE NUMBER 87-11

AN ORDINANCE ADOPTING AND ENACTING A RECODIFICATION AND REVISION
OF THE 1971 MUNICIPAL CODE AND CERTAIN ORDINANCES OF THE TOWN
OF SPRING HILL, TENNESSEE

WHEREAS, the 1971 Spring Hill Municipal Code is not current and does not reflect Ordinances passed since its adoption; and

WHEREAS, some of the ordinances of the Town are inconsistent with each other and the 1971 Municipal Code or are otherwise inadequate; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Spring Hill, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be recodified and revised and the same are embodied in a code of ordinances known as the "1987 Spring Hill Municipal Code"; now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SPRING HILL, TENNESSEE, that:

Section 1. Ordinances codified. The 1971 Municipal Code and subsequent ordinances of the Town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles"; namely "titles" 1 to 13, both inclusive, are ordained and adopted as the "1987 Spring 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 Ordinances repealed.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of a general, continuing, and permanent application or of a penal nature not contained in the Municipal Code are hereby repealed from and after the effective date of said code; except as

hereinafter provided.

Section 3. Ordinances saved from repeal. The repeal provided for in the preceding section of this ordinance shall not affect: Any annexation or zoning ordinance; 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 Town or authorizing the issuance of any bonds or other evidence of said Town's indebtedness; any contract or obligation assumed by or in favor of said Town; any 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 or way; any right or franchise granted by the Town; 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 special assessments 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; nor shall such repeal affect the zoning ordinance or any of its amendments or any ordinance annexing territory to the Town.

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. Wherever in the Municipal Code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the Municipal Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the Municipal Code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. The imposition of a penalty under the provisions of this section 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.

When any person is fined 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 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 violation of the Municipal Code continues shall constitute a separate offense.

Section 6. Code as evidence. Any printed copy of the Municipal Code certified under the signature of the recorder shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

¹ For authority to allow deferred payment of fines, or payment by installments, see the Tennessee Code Annotated, sections 40-24-101, et seq.

Section 7. 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 8. Reproduction and amendment of code. The Municipal Code shall be reproduced in loose-leaf form. The Board of Mayor and Aldermen, 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 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. 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 9. 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 10. 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 11. 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 AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SPRING HILL, TENNESSEE, this the 22 day of

June, 1987.

George C. Jones
GEORGE C. JONES, MAYOR

ATTEST:

June Quirk
JUNE QUIRK, CITY RECORDER

LEGAL FORM APPROVED:

ROBIN COURTNEY, TOWN ATTORNEY

Passed on 1st reading: 5-18-87

Passed on 2nd reading: 6-15-87

Passed on 3rd reading: 6-22-87