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ORDINANCE NO. 93-1014

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

WHEREAS some of the ordinances of the City of Lebanon are obsolete, and

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

WHEREAS the City Council of the City of Lebanon, 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 Lebanon Municipal Code, now, therefore:

BE IT ORDAINED BY THE CITY OF LEBANON, TENNESSEE, THAT:

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 Lebanon 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 Ordinances repealed.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of a general, continuing, and permanent application or of a penal nature not contained in the Municipal Code are hereby repealed from and after the effective date of said code, except as hereinafter provided.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 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 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; 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

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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 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; any zoning ordinance or amendment thereto or any 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. 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; provided, however, that 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 permits, 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.¹

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 commissioner of finance and revenue 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.

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

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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 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 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 office of the commissioner of finance and revenue for public use and inspection at all reasonable times.

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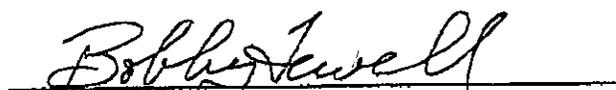
Section 11. Date of effect. This ordinance shall take effect thirty (30) days from and after its final passage, the public welfare requiring it, and the Municipal Code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading February 16, 1993.

Passed 2nd reading March 2, 1993.

APPROVED AS TO FORM:


City Attorney


Mayor


Commissioner of Finance and Revenue

**ORDINANCE
OF THE CITY COUNCIL
OF THE CITY OF LEBANON, TENNESSEE**

NO. 01-2240

**AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTAL AND
REPLACEMENT PAGES FOR THE MUNICIPAL CODE OF THE CITY OF
LEBANON, TENNESSEE**

WHEREAS, the ordinances which affect the municipal code must be officially codified and incorporated into the Lebanon Municipal Code; and

WHEREAS, with the assistance of the Municipal Technical Advisory Service revisions have been prepared for additions, changes and corrections to the Lebanon Municipal Code through Ordinance No. 00-2179 (December 2000); and

WHEREAS, the City Council for Lebanon, Tennessee does hereby implement codification for ordinances as stated herein.

NOW THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee as follows:

Section 1. Ordinances codified. The supplemental and replacement pages contained in the City of Lebanon Municipal Code, hereinafter referred to as the "supplement," are incorporated by reference as if fully set out herein and are ordained and adopted as part of the updated City of Lebanon Municipal Code.

Section 2. Continuation of existing provisions. Insofar as the provisions of the supplement are the same as those of ordinances existing and in force on its effective date, the provisions shall be considered to be continuations thereof and not as new enactments.

Section 3. Penalty clause. Unless otherwise specified, wherever in the supplement, including any 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 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 shall be punishable by a penalty of not more than five hundred dollars (\$500.00), as provided in TCA 6-54-308, and costs for each separate violation; provided, however, that 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 supplement or the municipal code or other applicable law.

Each day any violation of the supplement continues shall constitute a separate offense.

Section 4. Severability clause. Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 5. Construction of conflicting provisions. Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which established the higher standard for the promotion and protection of the public health, safety and welfare shall prevail.

Furthermore, if any provision stated in this codification is contrary to the original ordinance originally passed, the terms of the original ordinance shall prevail for purposes of promoting the public health, safety and welfare.

Section 6. Code available for public use. One copy of the supplement shall be kept available in the office of the Commissioner of Finance and Revenue for public use and inspection during regular city business hours.

Section 7. Effect of Post-Codification Ordinances. In the event any ordinances have been approved by the Lebanon City Council after Ordinance No. 00-2179, and in the further event there is a conflict between the provisions stated in those later ordinances and the supplemental and replacement provisions adopted herein, the provisions of the later ordinances shall prevail.

Section 8. Restatement. The City Council, under the terms and conditions stated herein does hereby adopt and ratify the Lebanon Municipal Code as supplemented herein.

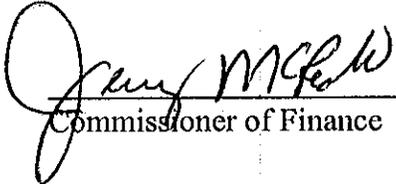
Section 9. Date of effect. This supplement, including all the codes and ordinances therein adopted by reference, shall take effect from and after final passage, the public welfare requiring it, and shall be effective on and after that date.

Section 10. Distribution. Upon passage of this ordinance adopting for codification the Lebanon Municipal Code replacement pages attached hereto, the Commissioner of Finance and Revenue shall distribute replacement pages and directions to all members of the City Council and others who have existing code volumes.

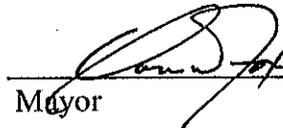
Section 11. Historical record. For purposes of establishing an historical record, the Commissioner of Finance and Revenue shall maintain a complete copy of the Lebanon Municipal Code prior to the additions of the supplemental pages attached hereto.

Section 12. This ordinance shall take effect immediately upon its passage, the public welfare requiring same.

Attest:

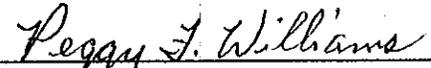


Commissioner of Finance



Mayor

Approved as to form:



City Attorney

Passed first reading: 7/03/01

Passed second reading: 7/17/01

ORDINANCE NO. 04-2668

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO ADOPT AND ENACT SUPPLEMENTAL AND REPLACEMENT PAGES FOR THE MUNICIPAL CODE OF THE CITY OF LEBANON, TENNESSEE

WHEREAS, the ordinances which affect the municipal code must be officially codified and incorporated into the Lebanon Municipal Code; and

WHEREAS, with the assistance of the Municipal Technical Advisory Service, revisions have been prepared for additions, changes and corrections to the Lebanon Municipal Code through Ordinance No. 01-2307 (December 2001); and

WHEREAS, the City Council of Lebanon, Tennessee, does hereby implement codification for ordinances as stated herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. Ordinances codified. The supplemental and replacement pages contained in the City of Lebanon Municipal Code, hereinafter referred to as the "supplement," are incorporated by reference as if fully set out herein and are ordained and adopted as part of the updated City of Lebanon Municipal Code.

Section 2. Continuation of existing provisions. Insofar as the provisions of the supplement are the same as those of ordinances existing and in force on its effective date, the provisions shall be considered to be continuations thereof and not as new enactments.

Section 3. Penalty clause. Unless otherwise specified, wherever in the supplement, including any 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 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 shall be punishable by a penalty of not more than five hundred dollars (\$500.00), as provided in TCA § 06-54-308, and costs for each separate violation; provided, however, that 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 supplement or the municipal code or other applicable law.

Each day any violation of the supplement continues shall constitute a separate offense.

Section 4. Severability clause. Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 5. Construction of conflicting provisions. Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which established the higher standard for the promotion and protection of the public health, safety and welfare shall prevail.

Furthermore, if any provision stated in this codification is contrary to the original ordinance originally passed, the terms of the original ordinance shall prevail for purposes of promoting the public health, safety and welfare.

Section 6. Code available for public use. One copy of the supplement shall be kept available in the office of the Commissioner of Finance and Revenue for public use and inspection during regular city business hours.

Section 7. Effect of Post-Codification Ordinances. In the event any ordinances have been approved by the Lebanon City Council after Ordinance No. 01-2307, and in the further event there is a conflict between the provisions stated in those later ordinances and the supplemental and replacement provisions adopted herein, the provisions of the later ordinances shall prevail.

Section 8. Restatement. The City Council, under the terms and conditions stated herein does hereby adopt and ratify the Lebanon Municipal Code as supplemented herein.

Section 9. Date of effect. This supplement, including all the codes and ordinances therein adopted by reference, shall take effect from and after final passage, the public welfare requiring it, and shall be effective on and after that date.

Section 10. Distribution. Upon passage of this ordinance adopting for codification the Lebanon Municipal Code replacement pages attached hereto, the Commissioner of Finance and Revenue shall distribute replacement pages and directions to all members of the City Council and others who have existing code volumes.

Section 11. Historical record. For purposes of establishing an historical record, the Commissioner of Finance and Revenue shall maintain a complete copy of the Lebanon Municipal Code prior to the additions of the supplemental pages attached hereto.

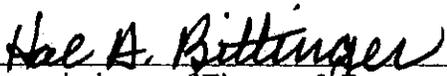
Ordinance No. 04-2668

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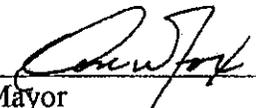
Section 12. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

Approved:

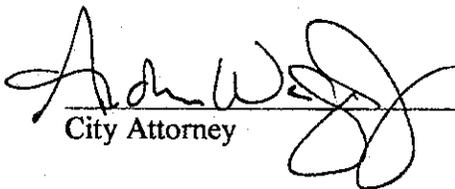


Commissioner of Finance & Revenue



Mayor

Approved as to form:



City Attorney

Passed first reading: 10/05/04

Passed second reading: 10/19/04