

West's Tennessee Code Annotated [Currentness](#)

Title 6. Cities and Towns

Municipal Government Generally

▣ [Chapter 54. Municipal Powers Generally](#)

→ [Part 5. Ordinances and Codes](#)

→ **§ 6-54-501. Definitions**

As used in this part, unless the context otherwise requires:

(1) “Code” means and includes any published compilation of rules and regulations that have been prepared by various technical trade associations and shall include specifically, but not be limited to, building codes; plumbing codes; electrical wiring codes; codes for the slaughtering, processing, selling of meats and meat products for human consumption; codes for the production, pasteurizing and sale of milk and milk products; together with any other code that embraces rules and regulations pertinent to a subject that is a proper municipal legislative matter;

(2) “Municipality” means and includes any city or town organized and operating under the general or special laws of the state of Tennessee;

(3)(A) “Public record” means and includes any municipal, state, or federal statute, rule, or regulation adopted prior to the exercise by any municipality of the authority to incorporate by reference granted in this part;

(B) “Public record” does not include the municipal ordinances, rules, or regulations of any municipality, except those of the municipality that is exercising the right to incorporate by reference, nor does “public record” include the state laws, rules or regulations of any state other than the state of Tennessee; and

(4) “Published” means printed, lithographed, multigraphed, or otherwise reproduced.

#### **§ 6-54-502. Codes and public records; adoption by reference; building codes**

(a) Any municipality is hereby authorized to adopt by reference the provisions of any code or portions of any code as defined in [§ 6-54-501](#), without setting forth the provisions of such codes in full; provided, that at least one (1) copy of the code that is incorporated or adopted by reference is filed in the office of the clerk or recorder of the municipality and is kept available for public use, inspection, and examination. Any municipality is likewise authorized and empowered to adopt by reference the provisions of any public records; provided, likewise, that one (1) copy of such public record is kept on file in the office of the clerk of the municipality as

provided above for codes. The filing requirement herein prescribed shall not be deemed to be complied with unless the required copy of such code or public record is filed with the clerk of such municipality for a period of fifteen (15) days prior to adoption of the ordinance that incorporates such code or public record by reference.

(b) In those municipalities that have adopted building codes by reference pursuant to subsection (a), except when a municipal governing body by a vote of at least two thirds (  $2/3$  ) of its total membership elects not to incorporate by reference any specific change or amendment, the municipal governing body shall incorporate by reference all such subsequent changes and amendments thereof, properly identified as to date and source, as may be adopted by the agency or association that promulgated the code.

(c) In those municipalities that have adopted building codes by reference pursuant to subsection (a), the requirements of subsection (b) may be satisfied by having the appropriate municipal code administrative official adopt administrative regulations that incorporate by reference such subsequent changes and amendments thereof, properly identified as to date and source, as may be adopted by the agency or association that promulgated the code.

(d) Any administrative regulations that incorporate building code amendments by reference shall become effective upon the expiration of ninety (90) calendar days or after the second official meeting of the municipal governing body following the publication of the regulations, whichever is later, unless within that period of time a resolution disapproving such administrative regulation has been adopted by the municipal governing body.

(e) In addition to complying with all requirements for the issuance of administrative regulations by the appropriate municipal code administrative official, the filing requirement of subsection (a) shall be complied with in adopting amendments to building codes by administrative regulation.

#### **§ 6-54-503. Codes and public records; amendments; adoption by reference**

(a) Any amendment that may be made to any code or public record incorporated by reference by a municipality under this part, may be likewise adopted by reference; provided, that an amended or corrected copy is filed with the clerk or recorder of such municipality for inspection, use, and examination by the public.

(b) Ordinances adopting amendments by reference shall be required to be published as any other ordinances of the municipality and the requirements as to prior filing before passage shall apply likewise to amendments.

#### **§ 6-54-504. Penalty clauses; no adoption by reference**

Nothing contained in this part shall be deemed to permit the adoption of the penalty clauses by reference that may be established in the code or public record that is being incorporated by reference, and such penalty clauses shall be set forth in full in the adopting ordinances and be published along with and in the same manner as the adopting ordinance is required to be published.

**§ 6-54-505. Obsolete**

**§ 6-54-506. Codes and public records; pre-1951 enactments by reference; ratification**

Any municipality that has before March 16, 1951, enacted a code or public record by reference thereto shall not be required to reenact such code or public record by reason of this part, and all previous incorporations by reference that would have been valid if this part had then been in effect are hereby ratified and declared effective; provided, that a copy was forthwith filed with the clerk or recorder of the municipality, if it had not already been filed.

**§ 6-54-507. Model traffic ordinance; adoption by reference**

All cities, towns and municipalities in this state are hereby authorized and empowered to adopt by reference the model traffic ordinance produced by the national committee on uniform traffic laws and ordinances.

**§ 6-54-508. Code of ordinances; preadoption hearing; validation of pre-1955 ordinances**

(a) Commencing March 21, 1955, no municipality, whether required by charter or otherwise, shall be required to publish its code of ordinances in a newspaper.

(b) A public hearing shall be held prior to adoption of a code of ordinances, and advance notice thereof shall be published in a newspaper of general circulation in the municipality.

(c) Any code of ordinances adopted before March 21, 1955, by any municipality is hereby validated with respect to any requirements for publication thereof.

(d) If any part of such code of ordinances contains new provisions of a penal nature, then such published notice shall specifically state such fact and shall also state that a copy of such new provisions is available at the city recorder's office for examination.

**§ 6-54-509. Code of ordinances; adoption; notice**

Any municipality that, on or after March 21, 1955, adopts a code of ordinances shall publish in a newspaper of general circulation in the municipality a notice that a code of ordinances has been adopted and that a copy is available at the city recorder's office for anyone who desires to examine it. Such notice shall also include a statement providing notice of any new provisions of a penal nature in such code of ordinances.

**§ 6-54-510. Code of ordinances; adoption; cure of defects; validation and ratification**

(a) When any municipality has its ordinances codified and adopts a code of ordinances in accordance with this part, or when a municipality has its code of ordinances updated from time to time, the adoption of the code or the updating of the code of ordinances shall cure any defects that occurred in the adoption of any of the individual ordinances that are codified or referred to in the code.

(b) The adoption of all ordinances codified or referred to in all municipal codes of ordinances previously adopted and in existence on April 16, 1990, is hereby expressly validated and ratified, notwithstanding that defects may have occurred in the adoption.

**§ 6-54-511. Residential rental property; code violations; inspections**

(a)(1) If any residential rental property has three (3) code violations cited on three (3) separate dates within a six-month period, the municipal agency or department that is responsible for enforcement of building codes is authorized to conduct an in-home inspection of the property, regardless of whether the landlord or a tenant is in possession of the property.

(2) The municipal agency or department that is responsible for enforcement of building codes may enter the dwelling unit only:

(A) With the consent of the tenant in possession;

(B) With a validly issued search warrant; or

(C) In the event of an emergency presenting an immediate threat to the health, safety, and welfare of the tenant in possession.

(3) Entry shall comply in all respects with [Amendment IV of the Constitution of the United States](#), as well as Article I, § 7 of the Constitution of Tennessee. Entry shall be made in such manner as to cause the least possible inconvenience to the tenant in possession.

(b) This section shall apply to any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 2000 federal census, or any subsequent federal census, and to any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census.

(c) This section shall apply to any municipality having a population of not less than thirteen thousand seven hundred (13,700) nor more than thirteen thousand eight hundred (13,800), and to any municipality having a population of not less than twenty-seven thousand two hundred (27,200) nor more than twenty-seven thousand four hundred (27,400).

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