CITY MANAGER-COMMISSION CHARTER[1]
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[1]This compilation includes chapters 18--29 of Title 6, Tennessee Code Annotated, which contain the basic organizational provisions for this form of government, as amended. IMPORTANT NOTE: There are many other general laws affecting municipalities organized under this charter which have been omitted from this compilation because they apply to all municipalities. These are found in various parts of the Tennessee Code Annotated. This compilation has been amended to reflect legislation passed in the 2014 session of the Tennessee General Assembly.

[2]If this city has adopted any related acts, those acts will follow the general law charter starting on page C-61.

CITY MANAGER-COMMISSION CHARTER
CHAPTER 18

CITY MANAGER-COMMISSION CHARTER -ADOPTION OR SURRENDER

SECTION

6-18-101. Definitions.
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6-18-101. Definitions. (a) (1) "City," in chapters 18-22 of this title, refers to any city that may adopt the provisions of these chapters, and "county" refers to the county in which any such city is located; and

(2) "This charter" refers to chapters 18-22 of this title.

(b) Whenever the "county election commission" is referred to in chapters 18-22 of this title, it means the county election commission of the county in which the territory proposed to be incorporated or the municipality is situated. If the territory proposed to be incorporated or the municipality includes parts of two (2) or more counties, it means the county election commission in each of such counties and they shall act jointly in performing the functions required of county election commissions in chapters 18-22 of this title. [Acts 1921, ch. 173, art. 22, § 1; Shan. Supp., § 1997a244; Code 1932, § 3642; T.C.A. (orig. ed.), § 6-1801; Acts 1977, ch. 300, § 1.]

6-18-102. Construction. In the construction of any portion of chapters 18-22 of this title whose meaning or application is in dispute, it is intended that its phraseology shall be liberally construed to effect the substantial objects of

these chapters. [Acts 1921, ch. 173, art. 22, § 2; Shan. Supp., § 1997a245; Code 1932, § 3643; T.C.A. (orig. ed.), § 6-1802.]

6-18-103. Incorporation requirements; plan of services; public hearing; proximity to existing cities. (a) (1) The residents of any incorporated municipality or of any territory that it is desired to incorporate shall have the right to adopt the provisions of chapters 18-22 of this title in the manner provided in this charter; and thereupon such city or territory shall be and become incorporated and be governed as set forth in this charter. No unincorporated territory shall be incorporated under the provisions of chapters 18-22 of this title unless such territory contains not less than one thousand five hundred (1,500) persons, who shall be actual residents of the territory, and shall also contain real estate included in the territory worth not less than five thousand dollars ($5,000).

(2) No unincorporated territory shall be allowed to hold a referendum on the question of whether or not to incorporate under this charter until a plan of services is documented, setting forth the identification and projected timing of municipal services proposed to be provided and the revenue from purely local sources to be payable annually. The plan of services shall be attached to the petition to incorporate when such petition is filed with the county election commission. The plan of services shall include, but not be limited to, police protection, fire protection, water service, sanitary sewage system, solid waste disposal, road and street construction and repair, recreational facilities, a proposed five-year operational budget, including projected revenues and expenditures, and the revenue from purely local sources to be payable annually. Municipalities that are first incorporated on or after July 1, 1993, and that produce no local own-source revenues in any fiscal year, shall not receive any state-shared revenues during the next fiscal year.

(3) Prior to filing the petition with the county election commission, a public hearing on the referendum on the question of whether or not to incorporate under this charter and plan of services shall be conducted. The public hearing shall be advertised in a newspaper of general circulation for two (2) consecutive weeks.

(b) No unincorporated territory shall be incorporated within three (3) miles of an existing municipality or within five (5) miles of an existing municipality of one hundred thousand (100,000) or more in population, according to the latest census certified by the department of economic and community development. "Existing municipality" and "existing municipality of one hundred thousand (100,000) or more in population" do not include any county with a metropolitan form of government with a population of one hundred thousand (100,000) or more, according to the 1990 federal census or

any subsequent federal census certified by the department of economic and community development.

(c) Notwithstanding subsection (a) or (b) to the contrary, a territory may be incorporated if the following conditions are fulfilled:

(1) The territory contains two hundred twenty-five (225) residents or more;

(2) The territory is composed of property that is one thousand six hundred feet (1,600) or more above sea level on the western border of the territory and contiguous with a county boundary on the eastern border of the territory;

(3) The territory is located within an area that is bordered on the west, north and east by the Tennessee River and on the south by the border between Tennessee and another state; and

(4) The territory is located within a metropolitan statistical area.

(d) Notwithstanding subsections (a)-(c) to the contrary, a territory may be incorporated that meets the following conditions:

(1) The territory contains three hundred (300) residents or more;

(2) The territory's western boundary is contiguous with the western boundary of the county in which it is located;

(3) The territory is located within an area that is bordered on the north by the Loosahatchie River and on the south by the Wolf River;

(4) The territory's eastern boundary is approximately parallel with the western boundary, but in no place is more than eight (8) miles from the western boundary; and

(5) The territory is located within a metropolitan statistical area.

(e) Notwithstanding the requirements of § 6-18-104, or any other provision of law to the contrary, the petition for incorporation of the territory described in subsection (d) may consist of a letter from a resident of the territory desiring to incorporate to the county election commission requesting that the question of incorporating the territory be placed on the ballot. The letter shall describe the exact boundaries of the proposed municipality, indicate the name of the proposed municipality, and indicate under which charter the territory desires to incorporate. The letter shall be treated as a petition meeting all the requirements of law.

(f) (1) Notwithstanding any provision of law to the contrary, whenever the governing body of any existing city affected by this section, by a resolution adopted by a majority vote of its governing body, indicates that it has no interest in annexing the property to be incorporated, and when a certified copy of such resolution and a petition requesting that an incorporation election be held are filed with the county election commission, then the proceedings shall continue as provided in this

chapter as though the proposed new incorporation was not within the specified distance of such existing city as provided in this section.

(2) Subdivision (f)(1) shall only apply in counties having a population of not less than eighty thousand (80,000) nor more than eighty-three thousand (83,000), according to the 1990 federal census or any subsequent federal census; provided, that in any adjoining county an existing municipality that is within the specified distance may also use the procedure authorized by subdivision (f)(1). [Acts 1921, ch. 173, art. 1, § 1; Shan. Supp., § 1997a120; Code 1932, § 3517; T.C.A. (orig. ed.), § 6-1803; Acts 1955, ch. 7, § 1; Acts 1957, ch. 347, § 1; Acts 1971, ch. 260, § 2; Acts 1974, ch. 776, § 2; Acts 1991, ch. 154, § 3; Acts 1993, ch. 320, §§ 5, 6; Acts 1995, ch. 13, § 6; Acts 1996, ch. 666, §§ 2, 5; Acts 1996, ch. 708, § 2, § 3.]

6-18-104. <u>Election to incorporate; withdrawal or amendment of petition; refiling following defeat</u>. (a) An election for the purpose of determining whether or not chapters 18-22 of this title shall become effective for any city shall be included on the ballot at the next election, as defined in § 2-1-104, by the county election commission upon the petition in writing of thirty-three and one-third percent (33 1/3%) of the registered voters of the city or territory, which petition shall state therein in a sufficient manner the boundaries of the proposed municipal corporation, which may be done by a general reference to the boundaries then existing if there is one. Petitioners shall attach a list of the names of all persons who at the time of making the list would be qualified voters in the proposed territory. The county election commission shall, in addition to all other notices required by law, publish one (1) notice of the election in a newspaper of general circulation within the territory of the city or of the proposed city and post the notice in at least ten (10) places in the territory.

(b) At any time not less than thirty (30) days prior to the election provided for in this section, the request or petition may be withdrawn or may be amended to call for a smaller territory for the proposed municipal corporation so long as all of the proposed smaller territory is contained within the boundaries of the territory described in the first petition or request. The withdrawal or amendment shall be valid if filed with the county election commission in writing and executed by twenty percent (20%) of the number of the registered voters voting at the last election within the boundaries of the territory described in the original request or petition, and if signed by not less than fifty-one percent (51%) of those who signed the original request or petition. In the event such an amended request or petition is filed, all provisions relating to time periods in § 6-18-103 shall be controlled by the date of the filing of the original petition, notwithstanding the filing of the amended request or petition, and the county election commission shall publish the notice of election as provided for in this section. A petition for request to withdraw, when filed with

and validated by the county election commission, shall render the original request or petition null and void.

(c) Following the defeat of an incorporation in an election held pursuant to this section, no new request for petition for an election may be filed until after the expiration of four (4) years. If the territory included in the boundaries of the newly proposed municipal corporation includes less than fifty percent (50%) of the territory subject to incorporation in such previous election, and if the territory subject to incorporation in such election comprises less than fifty percent (50%) of the territory included in the boundaries of the newly proposed municipal corporation, the four-year waiting period shall not be required.

(d) (1) If a proposal to incorporate a territory is defeated in an election held pursuant to this section by a number of negative votes comprising more than sixty percent (60%) of the persons voting, no further incorporation election shall be held for a period of four (4) years from the previous election unless the conditions established in subsection (c) are met.

(2) If a proposal to incorporate a territory is defeated in an election held pursuant to this section by a number of negative votes comprising less than sixty percent (60%) of the persons voting, no further incorporation election shall be held for a period of two (2) years from the previous election unless the conditions established in subsection (c) are met. [Acts 1921, ch. 173, art. 1, § 3; Shan. Supp., § 1997a122; Code 1932, § 3519; T.C.A. (orig. ed.), § 6-1804; Acts 1972, ch. 740, § 4(26); Acts 1980, ch. 778, § 1; Acts 1983, ch. 33, §§ 3, 4; Acts 1989, ch. 175, § 1.]

6-18-105. **Registration; voter eligibility; election results**. (a) The county election commission shall use such methods authorized by title 2 as it judges necessary to facilitate registration before the election.

(b) All registered voters of the city or of the territory of the proposed city are eligible to vote in the election.

(c) The county election commission shall determine and declare the results of the election and shall certify the results within forty-eight (48) hours after it completes its duties under § 2-8-105(3). It shall publish the certificate in a newspaper of general circulation in the city or territory and, if the city is already incorporated, shall file the certificate with the city council or other legislative body of the city at its first meeting after the certification. The certificate shall be entered at large on the minutes of the body with which it is filed. [Acts 1921, ch. 173, art. 1, § 4; Shan. Supp., § 1997a123; Code 1932, § 3520; T.C.A. (orig. ed.), § 6-1805; Acts 1972, ch. 740, § 4(27).]

6-18-106. **Adoption; applicability**. (a) If it is found, as provided in § 6-18-105, that the majority of the votes cast are in favor of the adoption of chapters 18-22 of this title, it shall be deemed to have been adopted.

(b) Except for the provisions of chapters 18-22 of this title that are adopted by reference in other municipal charters, the provisions of chapters 18-22 of this title apply only to those cities that have adopted chapters 18-22 of this title by referendum as authorized by law. [Acts 1921, ch. 173, art. 1, § 5; Shan. Supp., § 1997a124; Code 1932, § 3521; T.C.A. (orig. ed.), § 6-1806; Acts 1983, ch. 33, § 5; Acts 1995, ch. 13, § 7.]

6-18-107. **Successor assets and liabilities; interim zoning ordinance**. (a) Chapters 18-22 of this title shall take effect in any city immediately after the election and organization of the first board of commissioners provided for in this charter, and thereupon any then existing charter of such city shall immediately become abrogated and null. The right, title and ownership of all property of the city and all of its uncollected taxes, dues, claims, judgments, and choses in action, and all of its rights of every kind whatsoever, shall immediately become vested in the corporation so chartered under chapters 18-22 of this title. The new corporation shall answer and be liable for all debts, contracts, and obligations of the corporation that it succeeds in the same manner and proportion and to the same extent as the former corporation was liable under existing laws. All ordinances, laws, resolutions, and bylaws duly enacted and in force under the preexisting charter and not inconsistent with the provisions of chapters 18-22 of this title shall remain in full force until repealed, modified, or amended as provided in this charter.

(b) The zoning ordinance duly enacted and in force in any county shall apply to any unincorporated territory in the county incorporated under the provisions of chapters 18-22 of this title until such incorporated city shall duly enact zoning ordinances, or for a period of six (6) months from the date the first board of commissioners shall take their respective offices, whichever occurs first. [Acts 1921, ch. 173, art. 1, § 2; Shan. Supp., § 1997a121; Code 1932, § 3518; T.C.A. (orig. ed.), § 6-1807; Acts 1973, ch. 14, § 1.]

6-18-108. **Surrender election; waiting period; costs**. (a) After the adoption of this charter and the election of the commissioners, a majority of whom are elected for a four-year period as provided in subsection (b), no election for the surrender of this charter shall be called or held for a period of four (4) years from the date the first board of commissioners shall take their respective offices.

(b) After the expiration of the four-year period, and upon the filing of a petition in the same manner as provided for the adoption of chapters 18-22 of this title containing the signatures of the same number of registered voters and praying for a surrender of such charter, an election shall be held to determine whether or not the same shall be surrendered; provided, that in case of a failure to surrender such charter, the election shall not be held more frequently than at two-year intervals thereafter. For a four-year period after the first board of commissioners shall take office, the cost of calling and holding such an election

shall be borne by those petitioning therefor if such election does not result in a surrender of this form of charter. Should such election, however, result in a surrender, the cost of such election shall be borne by the city and following the expiration of such four-year period the cost of such election shall be borne by the city. [Acts 1951, ch. 92, § 1; 1972, ch. 740, § 4(28); T.C.A. (orig. ed.), § 6-1808.]

6-18-109. Surrender election; commission duties; voter eligibility. The county election commission has the same duties with respect to an election for the surrender of a charter as it has with respect to an election to adopt a charter under this title. Any registered voter of the city may vote in the election. [Acts 1951, ch. 92, § 1; Acts 1972, ch. 740, § 4(29); T.C.A. (orig. ed.), § 6-1809.]

6-18-110. Termination. (a) If a majority of the votes cast in the election provided for in this charter shall favor the termination of such form of government, the provisions of such charter shall terminate at one (1) minute past midnight (12:01 a.m.) on the sixtieth day following the date of such election unless it falls upon a Sunday, in which case it shall terminate at one (1) minute past midnight (12:01 a.m.) on the next day. If previous to the adoption of this form of charter such city or town functions under a different charter, then upon termination of this charter such prior charter shall become effective at the time mentioned in this subsection (a), and territory previously unincorporated shall revert to that status.

(b) If by law in the case of unincorporated territory another charter may be adopted by vote of the electors, the question as to whether or not such other form of charter shall be adopted may be placed upon the ballot to be used in the election mentioned in this section, if the petition filed requests the same, and if all other necessary legal steps to adopt such other form of charter have been taken prior to the election. [Acts 1951, ch. 92, § 1; T.C.A. (orig. ed.), § 6-1810.]

6-18-111. Election following surrender. (a) In case there is a previously incorporated city or if a new charter is adopted as provided in § 6-18-110, the county election commission shall call an election not less than forty (40) days nor more than fifty (50) days following the election for surrender of the charters provided in § 6-18-108, at which time municipal officials for the newly adopted form of government shall be chosen who shall take office upon the date fixed for the termination of the previous charter.

(b) The qualifying deadline for filing nominating petitions shall be twelve o'clock (12:00) noon of the sixth Thursday before the election.

(c) All registered voters of the municipality may vote in the election. [Acts 1951, ch. 92, § 1; modified; Acts 1972, ch. 740, § 4(30); T.C.A. (orig. ed.), § 6-1811.]

6-18-112. Post-surrender assets and liabilities; succession. In case of a reversion to a former form of charter or adoption of a new one simultaneously with the surrender of the old, all assets, liabilities and obligations of such city shall become assets, liabilities and obligations of the new municipality, and in the event that a city shall revert to an unincorporated status, the governing body of such city thereupon shall become trustees of the property and funds of such former city and, under such bonds as may be required by the county legislative body, shall proceed to terminate the affairs of the city and dispose of its property. [Acts 1951, ch. 92, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 6-1812.]

6-18-113. Surplus property and funds; taxes to meet deficit; termination of affairs. Should the property and funds be more than sufficient to meet the city's obligations, the surplus shall be paid into the treasury of the county to become a part of its general fund. Should the property and funds be insufficient to meet all the city's current obligations, the county legislative body is hereby authorized to levy and collect taxes upon the property within the boundaries of the former city and to pay same over to the trustees for the purpose of meeting such current deficit. The trustees shall terminate the affairs of the city as soon as possible, but in no event shall the trusteeship continue for more than thirty-six (36) months. Any matters, including obligations maturing after thirty-six (36) months, not disposed of within the period designated in this section shall become the responsibility of the county legislative body of the county wherein the city was located. [Acts 1951, ch. 92, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 6-1813.]

6-18-114. Unconstitutional.

6-18-115. Municipal incorporation; tax revenues.

(a) Notwithstanding any other provision of law to the contrary, whenever a new municipality incorporates under any form of charter, the county or counties in which the new municipality is located shall continue to receive the revenue from all state and local taxes distributed on the basis of situs of collection, generated within the newly incorporated area, until July 1 following the incorporation, unless the incorporation takes effect on July 1.

(b) If the incorporation takes effect on July 1, then the municipality shall begin receiving revenue from such taxes generated within its corporate boundaries for the period beginning July 1.

(c) Whenever a municipality incorporates, the municipality shall notify the department of revenue of such incorporation prior to the incorporation becoming effective, for the purpose of tax administration.

(d) Such taxes shall include the local sales tax authorized in § 67-6-103, the income tax on dividends authorized in § 67-2-102, and all other

such taxes distributed to counties and municipalities based on the situs of their collection. [Acts 1998, ch. 651, § 2.]

CHAPTER 19

POWERS UNDER CITY MANAGER-COMMISSION CHARTER

SECTION

6-19-101. Ordinance powers.
6-19-102. Enumerated powers nonexclusive.
6-19-103. Public schools.
6-19-104. Purchases and contracts; procedures.
6-19-105. Retirement.

6-19-101. Ordinance powers. Every city incorporated under chapters 18-22 of this title may:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for municipal purposes;

(2) Adopt such classifications of the subjects and objects of taxation as may not be contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner provided in this section;

(6) Issue and give, sell, pledge, or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the city, upon the credit of the city or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the city for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state;

(9) Condemn property, real or personal or any easement, interest, or estate or use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of title 29, chapter 16, or in such other manner as may be provided by general law;

(10) Take and hold property within or without the city or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or

interest therein, or any other utility that is of service to the city, its inhabitants, or any part of the city;

(12) Grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the city and those in the city. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The board of commissioners may prescribe in each grant of a franchise, the rates, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that may be opened after the grant of the franchise;

(13) Make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those in the city. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association or corporation, but also as against the city itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The board of commissioners may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that may be opened after the grant of the contract;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel, from time to time, reasonable extensions of facilities for such services, but nothing in this subdivision (14) shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits and

regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor under §§ 7-31-107 -- 7-31-111 and 29-16-203, or in such other manner as may be provided by general laws;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys as provided by title 7, chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board of commissioners;

(18) Acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate such collection and disposal, and the cost of such collection, regulation or disposal may be funded by taxation or special assessment to the property owner;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city, and to exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the city, and charge reasonable fees therefor, and to provide standards of weights, tests and measures in such manner as may be provided pursuant to title 47, chapter 26, part 9;

(25) Establish, regulate, license and inspect weights and measures in accordance with subdivision (24);

(26) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and require any alteration or changes necessary to make them healthful, clean or safe;

(27) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(28) Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with §§ 40-24-104 and 40-24-105 or through contempt proceedings in accordance with general law;

(29) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(30) Establish schools, to the extent authorized pursuant to general law, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the city;

(31) Regulate, tax, license or suppress the keeping or going at large of animals within the city, impound the same and, in default of redemption, to sell or kill the same;

(32) Call elections as provided in this charter; and

(33) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated in this section. [Acts 1921, ch. 173, art. 3, § 1; Shan. Supp., § 1997a131; Code 1932, § 3528; T.C.A. (orig. ed.), § 6-1901; Acts 1972, ch. 740, § 4(31); Acts 1977, ch. 344, § 1; Acts 1989, ch. 175, § 3; Acts 1995, ch. 13, §§ 8, 9; Acts 2011, ch. 453, § 6; Acts 2014, ch. 927, § 7.]

6-19-102. **Enumerated powers nonexclusive**. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this chapter impair a power granted in any other part of this charter,

and whether powers, objects, or purposes are expressed, conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one (1) or more such powers as to any one (1) or more such objects for any one (1) or more such purposes. [Acts 1921, ch. 173, art. 3, § 2; Shan. Supp., § 1997a132; Code 1932, § 3529; T.C.A. (orig. ed.), § 6-1902.]

6-19-103. Public schools. Such town may establish, erect, and maintain public schools, and may assess and levy taxes for such purpose. [Acts 1921, ch. 175, § 1; Shan. Supp., § 2023a53b1; Code 1932, § 3647; T.C.A. (orig. ed.), § 6-1903.]

6-19-104. Purchases and contracts; procedures. (a) The city manager shall be responsible for all city purchasing, but the city manager may delegate the duty to make purchases to any subordinate appointed by the city manager.

(b) Competitive prices for all purchases and public improvements shall be obtained whenever practicable and in accordance with regulations established by ordinance, and the purchase made from or the contract awarded to the lowest and best bidder; provided, that the city may reject any and all bids.

(c) Formal sealed bids shall be obtained in all transactions involving the expenditure of an amount to be set by ordinance. The amount set shall be equal to or greater than the amount set in chapter 56, part 3 of this title, but may not be greater than ten thousand dollars ($10,000). The transaction shall be evidenced by written contract. In cases where the board indicates by unanimous resolution of those present at the meeting, based upon the written recommendation of the manager, that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorize noncompetitive contracts.

(d) The city manager may reject all bids and authorize the making of public improvements or accomplishment of any other city work by any city department.

(e) Purchasing and contract procedures not prescribed by this charter or other law may be established by ordinance.

(f) The board of commissioners may by ordinance delegate to the city manager the authority to enter into binding contracts on behalf of the city, without specific board approval, in routine matters and matters having insubstantial long-term consequences. The ordinance shall enumerate the types of matters to which the city manager's authority extends and may place other limitations on the city manager's authority under this subsection (f). As used in this subsection (f), "routine matters and matters having insubstantial long-term consequences" means any contract for which expenditures during the fiscal year will be less than ten thousand dollars ($10,000). [Acts 1921, ch. 173, art. 21, § 1; Shan. Supp., § 1997a243; Code 1932, § 3641; T.C.A. (orig. ed.), § 6-1905; Acts 1989, ch. 175, § 4; Acts 1999, ch. 270, § 1.]

6-19-105. Retirement. The board of commissioners may provide for the retirement of the city's full-time nonelective officers and employees and make available to them any group, life, hospital, health, or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits otherwise provided by law. [Acts 1975, ch. 179, § 1; T.C.A. (orig. ed.), § 6-1906.]

CHAPTER 20

COMMISSIONERS AND MAYOR UNDER CITY MANAGER-COMMISSION CHARTER

Part 1–Election of Commissioners

SECTION

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Part 1–Election of Commissioners

6-20-101. **Method of election; numbers; terms**. (a) In all cities that adopt the provisions of chapters 18-22 of this title, commissioners as provided for in this charter shall be elected in the manner prescribed in this chapter.

(b) If such city or territory has a population of five thousand (5,000) or more according to the last federal census, there shall be elected at the first election five (5) commissioners, the three (3) receiving the highest number of votes to hold office for four (4) years, and the other two (2) for two (2) years. If such city or territory has a population of less than five thousand (5,000) according to the last federal census, there shall be elected at the first election three (3) commissioners, the two (2) receiving the highest number of votes to hold office for four (4) years and the third for two (2) years. The term of all commissioners thereafter elected shall be for four (4) years, or until their successors are elected and qualified. Any such city that has a population of not less than two thousand nine hundred twenty (2,920) nor more than two thousand nine hundred twenty-two (2,922), according to the federal census of 1960 or any subsequent federal census, five (5) commissioners shall be elected as provided for cities of more than five thousand (5,000) population. The deadline for filing nominating petitions for the first commissioners is thirty-five (35) days before the incorporation election.

(c) Any city having a population of less than five thousand (5,000) shall have the option of increasing the number of commissioners to five (5) by ordinance. In the next regular city election after the adoption of such an ordinance, voters shall be entitled to vote for three (3) commissioners, or four (4) commissioners, as the case may be, and at the same election the approval of the ordinance shall also be submitted to the voters. If a majority of those voting on the ordinance shall be for approval and the number of commissioners to be elected is three (3), the two (2) receiving the highest number of votes shall hold office for four (4) years, and the third for two (2) years. If the number of commissioners to be elected is four (4), the two (2) receiving the highest number of votes shall hold office for four (4) years, and the other two (2) for two (2) years. The terms of all commissioners thereafter elected shall be for four (4) years, or until their successors are elected and qualified. An ordinance approved by the voters may not be repealed or amended. If a majority of those voting on the ordinance shall not be for approval, the ordinance shall be null and void, and the results of the election shall be certified as though the election were for one (1) commissioner, or two (2) commissioners, as the case may be, and as though no ordinance had been adopted.

(d) An ordinance increasing the number of commissioners to five (5) may also be submitted to the voters in an election on the question that the board of commissioners directs the county election commission to hold. At such election, voters shall be entitled to vote for two (2) commissioners to serve until the next regular city election. If a majority of those voting on the ordinance shall

be for approval, the two (2) candidates for commissioner receiving the highest number of votes shall be declared elected. At the next regular city election if the number of commissioners to be elected is four (4), the three (3) receiving the highest number of votes shall hold office for four (4) years, and the fourth for two (2) years; if the number of commissioners to be elected is three (3), they shall hold office for four (4) years. The terms of all commissioners thereafter elected shall be for four (4) years, or until their successors are elected and qualified. If a majority of those voting on the ordinance in the special election shall not be for approval, the ordinance and the election of the two (2) commissioners shall be null and void.

(e) Notwithstanding subsections (a)-(d), a city with a population of not less than six hundred (600) nor more than six hundred twenty-five (625) persons, according to the 1980 federal census or any subsequent federal census, located in a county with a population in excess of seven hundred thousand (700,000) persons, also according to the 1980 federal census or any subsequent federal census, shall elect all commissioners at one time for a four-year term so that the city may be spared the expense of conducting elections every two (2) years. In order to effectuate this provision, all commissioners to be elected at the 1983 election shall be elected to a two-year term only, to serve until the 1985 election at which time, and every four (4) years thereafter, all commissioners shall be elected to four-year terms. Subsection (e) shall have no effect unless approved by a two-thirds (2/3) vote of the governing body of any municipality to which it may apply.

(f) Cities that have adopted § 6-20-201(a)(3) to provide for popular election of the mayor shall have two (2) or four (4) commissioners as the case may be under subsection (b) or (c).

(g) Notwithstanding subsections (a)-(f), any city incorporated under or adopting this charter may, by ordinance, choose to elect the members of the board of commissioners by district. If the board chooses to elect commissioners by district, the board shall by ordinance create contiguous single-member districts equal to the number of commissioners. The districts shall be equitably apportioned according to population. The establishment of the districts and the fixing of their boundaries shall be accomplished not less than twelve (12) months prior to the regular city election at which commissioners are to be elected, and any change in district boundaries shall also be accomplished within this time limitation. The board shall, within ten (10) years from the initial establishment of districts and at least once in every ten (10) years thereafter, reapportion the districts so that the apportionment shall comply with the requirements of this section. One (1) commissioner shall be elected from each district of the city. The ordinance providing that the commissioners will be chosen by districts may provide that each district commissioner will be elected by the voters of the city at-large or by only the voters of the district. A person must reside in a district to run for or hold the office of commissioner from that district. The ordinance providing that commissioners will be chosen by district

may also provide for transition provisions, including increasing the terms of the number of commissioners necessary so that the initial election from all districts shall take place at the same time. The ordinance may provide that all commissioners initially elected serve four-year terms or that some serve four (4) years and some serve two (2) years. If some are elected for two (2) years, their successors shall be elected for four (4) years, so that the commissioners have staggered terms. After the initial election, all commissioners shall be elected for four-year terms.

(h) Any city having a population of more than twenty thousand (20,000), according to the last federal census, shall have the option of increasing the number of commissioners to seven (7) by ordinance. Upon adoption of such an ordinance, it shall be filed with the county election commission, which shall submit approval of the ordinance to the voters of the city at the next general election or regular city election that follows the filing period required pursuant to § 2-3-204(b). If a majority of those voting on the ordinance are not for approval, the ordinance shall be null and void. If a majority of those voting on the ordinance are for approval, then at the next regular city election, voters shall be entitled to vote for four (4) commissioners, or five (5) commissioners, as the case may be, in order to provide for a total of seven (7) commissioners. If the number of commissioners to be elected is four (4), each shall hold office for four (4) years. If the number of commissioners to be elected is five (5), the three (3) receiving the highest number of votes shall hold office for four (4) years, and the other two (2) for two (2) years. The terms of all commissioners thereafter elected shall be for four (4) years, or until their successors are elected and qualified. An ordinance approved by the voters pursuant to this section may not be repealed or amended. [Acts 1921, ch. 173, art. 2, § 1; Shan. Supp., § 1997a125; Code 1932, § 3522; T.C.A. (orig. ed.), § 6-2001; Acts 1963, ch. 114, § 1; Acts 1967, ch. 79, § 1; Acts 1968, ch. 438, § 1; Acts 1972, ch. 740, § 4(32); Acts 1983, ch. 14, § 1; Acts 1989, ch. 61, § 2; Acts 1989, ch. 175, § 5; Acts 2006, ch. 540, § 1.]

6-20-102. Dates. (a) The first election of commissioners in any city under chapters 18-22 of this title shall be held on the fourth Tuesday following the election at which the provisions of these chapters have been adopted. The board of commissioners shall fix the date of all subsequent elections; provided, that any date so designated shall fall within ninety (90) days of the annual anniversary of the first election of the board of commissioners.

(b) In any city having a population of not less than three hundred seventy-five (375) nor more than four hundred twenty-five (425), in any county having a population of not less than twenty-eight thousand (28,000) nor more than twenty-eight thousand one hundred (28,100), all according to the 1970 federal census or any subsequent federal census, the board of commissioners shall fix the date of all subsequent elections; provided, that any date so designated shall be set at least one hundred twenty (120) days prior to the date such election is to be held. The presiding officer of the board of commissioners

shall certify such election date, or any subsequent change thereto, to the secretary of state.

(c) (1) The board of commissioners may by ordinance change the date of municipal elections to coincide with the August or November general election. The ordinance changing the election date shall provide for the extension of the terms of members of the board necessary to meet the election date, but no term may be extended for more than two (2) years beyond its regular expiration date.

(2) Nothing in subdivision (c)(1) shall be construed to remove any incumbent from office or abridge the term of any incumbent prior to the end of the term for which an elected official was selected.

(3) If the board of commissioners changes the date of municipal elections pursuant to subdivision (c)(1), the board may at a later date change the election date back to what such date was prior to moving the election date to coincide with the August or November general election. The board may only make an election date change under this subdivision (c)(3) one (1) time. Terms of incumbent members of the board shall not be abridged to accomplish an election date change under this subsection (c); however members elected at a date change pursuant to this subsection (c) may take office at a later date so as to not abridge terms of incumbent members. If such members take office at a later date, their term may be abridged due to such members having to take office at the later date.

(d) (1) In addition to the authority granted by subsections (a), (b) and (c), the board of commissioners of any municipality incorporated under the general laws of this state and having a population of not less than four hundred fifty (450) nor more than four hundred sixty (460), or not less than four hundred eight-five (485) nor more than four hundred ninety-four (494), that is located in any county having a population of not less than fifty-one thousand two hundred (51,200) nor more than fifty-one thousand three hundred (51,300), all according to the 2000 federal census or any subsequent federal census, may, by an ordinance approved by an affirmative two-thirds (2/3) vote of its membership, fix the date of subsequent regular municipal elections as the date of the regular November election as defined in § 2-1-104, by one (1) of the following alternative methods specified in the ordinance:

(A) The terms of office of the incumbent members of the board of commissioners and popularly-elected mayor, if there is one, that would have expired on the date of the first regular municipal election occurring after the adoption of the ordinance shall be extended to the date of the regular state November election occurring thereafter. The terms of office of the incumbent members of the board of commissioners and popularly-elected mayor, if there is one, that would have expired on the date of the second regular municipal election occurring after the adoption of

the ordinance shall be extended to the date of the regular state November election occurring thereafter; or

(B) The terms of incumbent members of the board of commissioners, and the popularly-elected mayor, if there is one, that expire six (6) months or less before a regular state November election, shall be extended to the date of that state election. The terms of members of the board of commissioners and the popularly-elected mayor, if there is one, that expire more than six (6) months before a regular state November election shall be filled at the regular city election pertinent to those offices for terms extending to the next regular state November election.

(2) Members of the board of commissioners, and the popularly-elected mayor, if there is one, shall be elected for terms of four (4) years, except for the transitional term provided for in subdivision (d)(1)(B).

(3) Nothing in this subsection (d) shall be construed to remove any incumbent from office or abridge the term of any incumbent prior to the end of the term for which an elected official was selected. [Acts 1921, ch. 173, art. 2, § 4; Shan. Supp., § 1977a128; Code 1932, § 3525; T.C.A. (orig. ed.), § 6-2002; Acts 1971, ch. 273, § 1; Acts 1982, ch. 898, § 1; Acts 1985, ch. 79, § 1; Acts 2007, ch. 44, § 1; Acts 2010, ch. 1008, § 2.]

6-20-103. **Candidate eligibility**. A qualified voter of the city, other than a person qualified to vote based only on nonresident ownership of real property under § 6-20-106(b), shall be eligible for election to the office of commissioner. [Acts 1921, ch. 173, art. 4, § 2; Shan. Supp., § 1997a134; Code 1932, § 3531; T.C.A. (orig. ed.), § 6-2003; Acts 2001, ch. 1, § 1.]

6-20-104. **Disqualifying convictions**. No person shall become commissioner who has been convicted of malfeasance in office, bribery, or other corrupt practice, or crime, or of violating any of the provisions of § 6-20-108 in reference to elections. Any commissioner so convicted shall forfeit such commissioner's office. [Acts 1921, ch. 173, art. 4, § 3; Shan. Supp., § 1997a135; Code 1932, § 3532; T.C.A. (orig. ed.), § 6-2004.]

6-20-105. **Calling of elections**. The board of commissioners has the power by ordinance to direct the calling by the county election commission of municipal elections, including all elections respecting bond issues. [Acts 1921, ch. 173, art. 2, § 2; Shan. Supp., § 1997a126; Code 1932, § 3523; T.C.A. (orig. ed.), § 6-2005; Acts 1970, ch. 403, § 1; Acts 1972, ch. 740, § 4(33).]

6-20-106. **Voter eligibility**. (a) In any election of commissioners under this charter, registered voters of the city or territory may vote.

(b) In cities having populations of not less than one thousand three hundred fifty (1,350) nor more than one thousand three hundred seventy-five (1,375), according to the 1970 federal census or any subsequent federal census, registered voters who own real property located in any such city shall be entitled to vote in all municipal elections and municipal referenda held in such city. In cases of multiple ownership of real property, no more than two (2) owners who are registered voters shall be eligible to vote under this subsection (b). This subsection (b) shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of commissioners of any city to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of such board and certified by such presiding officer to the secretary of state.

(c) In cities having a population of not less than four thousand five hundred fifty (4,550) nor more than four thousand six hundred eight (4,608) according to the 1980 federal census or any subsequent federal census, all registered voters who own real property located in any such city shall also be entitled to vote in all municipal elections and municipal referenda held in such city.

(d) In any city having a population of not less than one thousand nine hundred forty (1,940) nor more than two thousand (2,000), according to the 1980 federal census or any subsequent federal census, a registered voter who resides outside the boundaries of the city, but who owns at least eight thousand square feet (8,000 sq. ft.) of real property located within the boundaries of the city, shall be entitled to vote in all municipal elections and municipal referenda held in the city. In any case of multiple ownership of such real property, the nonresident voter must own at least one-half (1/2) interest of such property. This subsection (d) shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of commissioners of any city to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of such board and certified by such presiding officer to the secretary of state.

(e) In municipalities having a population of not less than one thousand ten (1,010) and not more than one thousand fifteen (1,015), according to the 1990 federal census or any subsequent federal census, all registered voters who own real property located in any such municipality shall also be entitled to vote in all municipal elections and municipal referenda held in such city. In cases of multiple ownership of real property, no more than two (2) owners who are registered voters are eligible to vote under this subsection (e). This subsection (e) shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of commissioners of any city to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of such municipality and certified by the presiding officer to the secretary of state. [Acts 1921, ch. 173, art. 2, § 2; Shan. Supp., § 1997a126; Code 1932, § 3523; T.C.A. (orig. ed.), § 6-2006; Acts 1970, ch. 403, § 1; Acts 1971, ch. 261, § 1; Acts 1972, ch. 740, § 4(34); Acts 1976, ch. 846, §§ 1, 2; Private Acts 1978, ch. 263, §§ 1, 2; Acts 1989, ch. 30, § 1; Acts 1991, ch. 461, § 1; Acts 1996, ch. 820, § 1.]

6-20-107. Results; declaration. The county election commission shall determine and declare the results of the election. The requisite number of candidates receiving the highest number of votes shall be declared elected. [Acts 1921, ch. 173, art. 2, § 3; Shan. Supp., § 1997a127; Code 1932, § 3524; T.C.A. (orig. ed.), § 6-2007; Acts 1972, ch. 740, § 4(35).]

6-20-108. Prohibited campaign conduct; penalty. No candidate for any office nor any other person shall, directly or indirectly, give or promise any person or persons any office, employment, money, benefit, or anything of value for the purpose of influencing or obtaining political support, aid, or vote for any candidate. Any person violating this section shall be punished by fine of not more than fifty dollars ($50.00) for each offense. [Acts 1921, ch. 173, art. 22, § 4; Shan. Supp., § 1997a247; Code 1932, § 3645; T.C.A. (orig. ed.), § 6-2009.]

6-20-109. Terms; beginning date. The terms of all commissioners shall begin at the beginning of the first regularly scheduled meeting of the board of commissioners following the date of their election. [Acts 1921, ch. 173, art. 2, § 6; Shan. Supp., § 1997a130; Code 1932, § 3527; T.C.A. (orig. ed.), § 6-2010; Acts 1990, ch. 632, § 1.]

6-20-110. Board vacancies. (a) Any vacancy on the board occurring prior to a regular city election shall be filled by the remaining members of the board until that election. At the election, the remaining unexpired term shall be filled. No member shall be appointed under this section at any time when the board already has one (1) member so appointed. In the case of any additional vacancy, the board shall by ordinance or resolution, call upon the county election commission to call a special election for the purpose of filling such additional vacancy. If a city has chosen to elect commissioners from districts, any vacancy in a district commissioner's office shall be filled by the appointment or election of a qualified person who resides in the district.

(b) If, within ninety (90) days of the occurrence of a vacancy, the vacancy has not been filled by the remaining members of the commission in accordance with subsection (a), then the mayor, or, if a vacancy exists in the position of mayor, then the city manager, or, if a vacancy exists in the positions of mayor and city manager, then the city recorder, shall notify the county election commission within five (5) business days following the passage of such ninety-day period. The county election commission shall call a special election for the purpose of filling the vacancy; provided, however, that such special election shall be held in conjunction with the next general election or city election, if such election is scheduled to occur more than seventy-five (75) days but less than one hundred twenty (120) days from the date the county election commission is notified of the unfilled vacancy. [Acts 1921, ch. 173, art. 4, § 8; Shan. Supp., § 1997a142; Code 1932, § 3539; T.C.A. (orig. ed.), § 6-2011; Acts

1972, ch. 740, § 4(36); Acts 1973, ch. 222, § 1; Acts 1989, ch. 175, § 6; Acts 2005, ch. 255, § 1.]

Part 2–Powers and Duties of Board

6-20-201. **Election of mayor**. (a) (1) The commissioners, at the first regular meeting after each biennial election, shall elect one (1) of their number mayor for a term of two (2) years, and, thus organized, the body shall be known as the board of commissioners.

(2) In cities holding elections every four (4) years under the terms of § 6-20-101(e), the commissioners, at the first regular meeting after the quadrennial election and every two (2) years subsequent thereto, shall elect one (1) of their number mayor for a term of two (2) years, and the body so organized shall be known as the board of commissioners. This subdivision (a)(2) shall have no effect unless approved by a two-thirds (2/3) vote of the governing body of any municipality to which it may apply.

(3) (A) Cities holding elections every four (4) years under the terms of § 6-20-101 and having a population of not less than one thousand twenty (1,020) nor more than one thousand thirty (1,030), according to a 1987 state certified census or any subsequent federal census, shall have the option of a popular election of a mayor, to serve four (4) consecutive years, as the board of commissioners directs the county election commission to hold under § 6-20-102. Voters shall be entitled to vote for a mayor and two (2) or four (4) commissioners dependent upon those provisions of § 6-20-101 in effect for that city.

(B) Subdivision (a)(3)(A) shall have no effect unless approved by a two-thirds (2/3) vote of the governing body of any municipality to which it may apply.

(b) (1) (A) Rather than being elected by the board of commissioners, the mayor may be elected by popular vote if this method of electing the mayor is approved in a referendum in the city. In the referendum, the question on the ballot shall appear in substantially this form:

Shall the mayor of this city be elected by popular vote rather than by the board of commissioners?

(B) The referendum may be called by resolution of the board of commissioners or by petition of ten percent (10%) of the registered voters of the city. The referendum shall be held by the county election commission as provided in the general election law for elections on questions, or the resolution or petition may provide that the referendum be held at the next regular city election.

(2) Once the popular election of the mayor has been approved by a majority of those voting, the board of commissioners shall designate by ordinance one (1) of the commissioner positions as that of mayor. The popular election of the mayor shall take effect at the next election for the

position designated. In the mayoral election, the person receiving the most votes shall become the mayor. The term of the popularly elected mayor shall be four (4) years.

(3) In a city that has chosen to elect commissioners from districts and that also has chosen to elect the mayor by popular vote, the board of commissioners shall establish one (1) less district than the number of commissioners, and the mayor shall be elected at-large for a four-year term.

(4) The popularly elected mayor shall have the same powers and duties as a mayor chosen by the board of commissioners.

(c) During the absence or disability of the mayor, the board shall designate some properly qualified person to perform the mayor's duties. [Acts 1921, ch. 173, art. 4, § 1; art. 7, § 1; modified; Shan. Supp., §§ 1997a133, 1997a157; Code 1932, §§ 3530, 3554; T.C.A. (orig. ed.), § 6-2012; Acts 1983, ch. 14, § 2; Acts 1989, ch. 61, § 1; Acts 1989, ch. 175, § 7.]

6-20-202. **Choice of acting mayor**. At the first meeting of the board, and thereafter at the first meeting after a general city election, the board shall choose from its membership a member to act in the absence, inability, or failure to act of the mayor. [Acts 1921, ch. 173, art. 4, § 9; Shan. Supp., § 1997a143; Code 1932, § 3540; T.C.A. (orig. ed.), § 6-2013.]

6-20-203. **Acting mayor; duties**. The vice mayor shall act as mayor during any temporary absence, inability, or failure to act of the mayor, and whenever a vacancy occurs in the office of mayor, such member shall become mayor and hold office as such for the unexpired term. [Acts 1921, ch. 173, art. 4, § 9; Shan. Supp., § 1997a144; Code 1932, § 3541; T.C.A. (orig. ed.), § 6-2014.]

6-20-204. **Compensation and salaries**. (a) The salary of the mayor shall not exceed three hundred dollars ($300) per month, and the salary of each commissioner shall not exceed two hundred fifty dollars ($250) per month; except that in cities that have a population of not less than one thousand (1,000), according to the federal census of 1970 or any subsequent federal census, the salary of the mayor shall not exceed five hundred dollars ($500) per month, and the salary of each commissioner shall not exceed four hundred fifty dollars ($450) per month. No increase in the salaries permitted by this section shall become effective unless approved by a two-thirds (2/3) vote of the board of commissioners.

(b) (1) The salary of the mayor and commissioners shall be set by the board of commissioners. In cities with a population of less than one thousand (1,000), however, the salary of the mayor shall not exceed five hundred dollars ($500) per month, and the salary of each commissioner shall not exceed four hundred fifty dollars ($450) per month. In cities with a population of one thousand (1,000) or more, the salary of the

mayor shall not exceed one thousand dollars ($1,000) per month, and the salary of each commissioner shall not exceed nine hundred fifty dollars ($950) per month. No increase in salaries of the mayor and commissioners shall be effective unless approved by a two-thirds (2/3) vote of the members to which the board of commissioners is entitled. Populations referred to in this section shall be as determined by the latest federal decennial census.

(2) This subsection (b) shall only apply in counties having a population of not less than four hundred seventy thousand (470,000) nor more than four hundred eighty thousand (480,000), according to the 1980 federal census or any subsequent federal census.

(c) (1) Notwithstanding the limits established in subsections (a) and (b), the salaries of the mayor and commissioners may be established annually by the board of commissioners at the time of adoption of the annual operating budget; provided, however, that such salaries shall not be increased or diminished prior to the end of the term for which such officials were elected.

(2) This subsection (c) shall become effective upon approval by a two-thirds (2/3) vote of the board of commissioners. [Acts 1921, ch. 173, art. 4, § 4; Shan. Supp., § 1997a136; mod.; Code 1932, § 3533; T.C.A. (orig. ed.), § 6-2015; Acts 1968, ch. 541, § 1; Acts 1977, ch. 238, § 1; Acts 1989, ch. 579, §§ 1, 2; Acts 2001, ch. 141, § 1.]

6-20-205. <u>Delegated board powers; conflict of interest</u>. (a) The legislative and all other powers, except as otherwise provided by this charter, are delegated to and vested in the board of commissioners. The board may by ordinance or resolution not inconsistent with this charter prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city.

(b) (1) Any member of a local governing body of a county or a municipality who is also an employee of such county or municipality may vote on matters in which such member has a conflict of interest if the member informs the governing body immediately prior to the vote as follows:

"Because I am an employee of (name of governmental unit), I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents."

(2) In the event a member of a local governing body of a county or a municipality has a conflict of interest in a matter to be voted upon by the body, the member may abstain for cause by announcing such to the presiding officer. Any member of a local governing body of a county or municipality, who abstains from voting for cause on any issue coming to

a vote before the body shall not be counted for the purpose of determining a majority vote.

(3) The vote of any person having a conflict of interest who does not inform the governing body of such conflict as provided in subdivision (b)(1) shall be void if challenged in a timely manner. As used in this subdivision (b)(3), "timely manner" means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.

(4) Nothing in this subsection (b) shall be construed as altering, amending or otherwise affecting the provisions of § 12-4-101(a). In the event of any conflict between this subsection (b) and § 12-4-101(a), the provisions of § 12-4-101(a) shall prevail. [Acts 1921, ch. 173, art. 4, § 5; Shan. Supp., § 1997a137; Code 1932, § 3534; T.C.A. (orig. ed.), § 6-2016; Acts 1986, ch. 765, §§ 1-3.]

6-20-206. **Board powers; exercise; possession**. The board shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the board, except through proceedings adopted at some regular or special session. [Acts 1921, ch. 173, art. 4, § 5; Shan. Supp., § 1997a138; Code 1932, § 3535; T.C.A. (orig. ed.), § 6-2017.]

6-20-207. **Regular meetings; time and place**. The board of commissioners shall by ordinance fix the time and place at which the regular meetings of the board shall be held. Until otherwise provided by ordinance, the regular meetings of the board shall be held at eight o'clock p.m. (8:00 p.m.) on the first and third Thursdays of each month. [Acts 1921, ch. 173, art. 4, § 6; Shan. Supp., § 1997a139; Code 1932, § 3536; T.C.A. (orig. ed.), § 6-2018.]

6-20-208. **Special meetings; notice**. Whenever, in the opinion of the mayor, city manager or any two (2) commissioners the welfare of the city demands it, the mayor or the recorder shall call special meetings of the board of commissioners upon at least twelve (12) hours written notice to each commissioner, the city manager, recorder, and city attorney, served personally or left at such person's usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. [Acts 1921, ch. 173, art. 4, § 6; Shan. Supp., § 1997a140; Code 1932, § 3537; T.C.A. (orig. ed.), § 6-2019.]

6-20-209. **Mayor to preside**. The mayor shall preside at all meetings of the board of commissioners. [Acts 1921, ch. 173, art. 4, § 7; Shan. Supp., § 1997a141; Code 1932, § 3538; T.C.A. (orig. ed.), § 6-2020.]

6-20-210. Quorum. A majority of all the members of the board constitutes a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of the absentees in such manner and under such penalties as the board may provide. [Acts 1921, ch. 173, art. 4, § 10; Shan. Supp., § 1997a145; Code 1932; § 3542; T.C.A. (orig. ed.), § 6-2021.]

6-20-211. Rules; discovery and enforcement powers; journal.

(a) The board may determine the rules of its proceedings, subject to this charter, and may arrest and punish by fine any member or other person guilty of disorderly or contemptuous behavior in its presence.

(b) (1) The board has the power and may delegate it to any committee to:

(A) Subpoena witnesses, and order the production of books and papers relating to any subject within its jurisdiction;

(B) Call upon its own officers or the chief of police to execute its process; and

(C) Arrest and punish by fine or imprisonment, or both, any person refusing to obey such subpoena or order.

(2) The refusal to obey a subpoena or order of the board is a Class C misdemeanor.

(c) A violation of this section is a Class C misdemeanor, and each day's continuance in any refusal to comply with the requirements of this section is a separate offense.

(d) The board's presiding officer or the chair of any committee may administer oaths to witnesses.

(e) The board shall keep a journal of its proceedings, and the yeas and nays on all questions shall be entered thereon. [Acts 1921, ch. 173, art. 4, § 11; Shan. Supp., § 1997a146; Code 1932, § 3543; T.C.A. (orig. ed.), § 6-2022; Acts 1989, ch. 175, § 8; Acts 1989, ch. 591, § 113.]

6-20-212. Public sessions. (a) All sessions of the board shall be public.

(b) All sessions of the board shall be subject to change of plan in case of emergency. [Acts 1921, ch. 173, art. 4, § 12; Shan. Supp., § 1997a147; Code 1932, § 3544; T.C.A. (orig. ed.), § 6-2023.]

6-20-213. Mayor; meeting duties. The mayor shall preside at all meetings of the board of commissioners and perform such other duties consistent with the mayor's office as may be imposed by it, and the mayor shall have a seat, a voice and a vote, but no veto. The mayor shall sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and the mayor may introduce ordinances to the board of commissioners. [Acts 1921, ch. 173, art. 6, § 1; Shan. Supp., § 1997a154; Code 1932, § 3551; T.C.A. (orig. ed.), § 6-2024.]

6-20-214. Ordinances; form. All ordinances shall begin, "Be it ordained by the city of (here insert name) as follows:." [Acts 1921, ch. 173, art. 5, § 1; Shan. Supp., § 1997a149; Code 1932, § 3546; T.C.A. (orig. ed.), § 6-2025.]

6-20-215. Reading; effective date; emergency ordinances.

(a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-22 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

(b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage; provided, that it shall contain the statement that an emergency exists and shall specify the distinct facts and reasons constituting such an emergency.

(c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.

(d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended, except by a new ordinance. [Acts 1921, ch. 173, art. 5, § 2; Shan. Supp., § 1997a150; Code 1932, § 3547; T.C.A. (orig. ed.), § 6-2026; Acts 1976, ch. 420, § 1; Acts 1989, ch. 175, § 9; Acts 1995, ch. 13, § 10; Acts 1996, ch. 652, § 4.]

6-20-216. Vote; journalization. In all cases under § 6-20-215, the vote shall be determined by yeas and nays, and the names of the members voting for or against an ordinance shall be entered upon the journal. [Acts 1921, ch. 173, art. 5, § 3; Shan. Supp., § 1997a151; Code 1932, § 3548; T.C.A. (orig. ed.), § 6-2027.]

6-20-217. Ordinance recordation and preservation. Every ordinance shall be immediately taken charge of by the recorder and by the recorder be numbered, copied in an ordinance book, filed and preserved in the recorder's office. [Acts 1921, ch. 173, art. 5, § 4; Shan. Supp., § 1997a152; Code 1932, § 3549; T.C.A. (orig. ed.), § 6-2028.]

6-20-218. Penal ordinances; publication. (a) Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city.

(b) No such ordinance shall take effect until the ordinance, or its caption, is published, except as otherwise provided in chapter 54, part 5 of this title. [Acts 1921, ch. 173, art. 5, § 5; Shan. Supp., § 1997a153; Code 1932, § 3550; T.C.A. (orig. ed.), § 6-2029; Acts 1981, ch. 194, § 1; Acts 1984, ch. 811, § 2.; Acts 1989, ch. 175, § 16.]

6-20-219. **Mayor; acts required by ordinance**. The mayor has the power and it is hereby made the mayor's duty to perform all acts that may be required of the mayor by any ordinance duly enacted by the board of commissioners, not in conflict with any of the provisions of this charter. [Acts 1921, ch. 173, art. 6, § 2; Shan. Supp., § 1997a155; Code 1932, § 3552; T.C.A. (orig. ed.), § 6-2030.]

6-20-220. **Removal from office**. (a) The mayor or any commissioner may be removed from office by the board of commissioners for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty, or for permanent disability, by a majority vote of the other members of the board voting for such removal. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing, shall be served on the accused or published at least three (3) times on three (3) successive days in a daily newspaper circulating in the city.

(b) The hearing shall be public and the accused shall have the right to appear and defend in person or by counsel and have process of the board to compel the attendance of witnesses in the accused's behalf. Such vote shall be determined by yeas and nays, and the names of the members voting for or against such removal shall be entered in the journal.

(c) Immediately upon the vote for removal, the term of the accused shall expire and the accused's official status, power and authority shall cease without further action.

(d) Anyone removed under this section shall have the right of appeal. [Acts 1921, ch. 173, art. 4, § 13; Shan. Supp., § 1997a148; Code 1932, § 3545; T.C.A. (orig. ed.), § 6-2032; Acts 1989, ch. 175, § 10.]

CHAPTER 21

CITY MANAGER, OFFICERS AND EMPLOYEES

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SECTION

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Part 1--General Provisions

6-21-101. **City manager; appointment and removal**. (a) The board of commissioners shall appoint and fix the salary of the city manager, who shall serve at the will of the board.

(b) (1) The city manager may not be removed within twelve (12) months from the date on which the city manager assumed the duties of the city manager, except for incompetence, malfeasance, misfeasance, or neglect of duty.

(2) In case of the city manager's removal within that period, the city manager may demand written charges and a public hearing thereon before the board prior to the date on which final removal shall take effect. The decision and action of the board on such hearing shall be final, and pending such hearing, the board may suspend the city manager from duty. [Acts 1921, ch. 173, art. 7, § 1; modified; Shan. Supp., § 1997a157; Code 1932, § 3554; T.C.A. (orig. ed.), § 6-2101.]

6-21-102. **Subordinate city officers and employees; actions; compensation**. (a) The city manager may appoint, promote, suspend, transfer and remove any officer or employee of the city responsible to the city manager; or the city manager may, in the city manager's discretion, authorize the head of a department or office responsible to the city manager to take such actions regarding subordinates in such department or office. The city manager shall appoint such heads of administrative offices or organizational units as the city manager deems necessary. The city manager may combine, or personally hold, any such administrative offices established pursuant to this subsection (a) or otherwise established or may delegate parts of the duties of the city manager's office to designated subordinates.

(b) Except as otherwise provided in this charter, the compensation of all officers and employees of the city shall be fixed by the city manager within the limits of the appropriations ordinance and in accordance with a comprehensive pay plan adopted by the board of commissioners. [Acts 1921, ch. 173, art. 7, § 2; Shan. Supp., § 1997a158; Code 1932, § 3555; T.C.A. (orig. ed.), § 6-2102; Acts 1989, ch. 175, § 11.]

6-21-103. **Oath of office**. Every officer, agent, and employee holding a position upon an annual salary shall, before entering upon such person's duties, take and subscribe and file with the recorder, an oath or affirmation that such person has all the qualifications named in this charter for the office or employment such person is about to assume, that such person will support the constitutions of the United States and of this state and the charter and ordinances of the city and will faithfully discharge the duties of the office or employment. [Acts 1921, ch. 173, art. 7, § 3; Shan. Supp., § 1997a159; Code 1932, § 3556; T.C.A. (orig. ed.), § 6-2103.]

6-21-104. Fidelity bonds; sureties. The city manager and every officer, agent, and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon these duties, execute a fidelity bond with some surety company authorized to do business in the state of Tennessee, as surety, except that bonds for five hundred dollars ($500) or less may be given with personal surety, in such amount as shall be prescribed by ordinance of the board of commissioners, except where the amount is prescribed in this charter. All such bonds and sureties thereto shall be subject to the approval of the board of commissioners. The cost of making these bonds is to be paid by the city. [Acts 1921, ch. 173, art. 7, § 4; Shan. Supp., § 1997a160; Code 1932, § 3557; T.C.A. (orig. ed.), § 6-2104.]

6-21-105. Additional bonds. If, at any time, it appears to the mayor, city manager, or recorder that the surety or sureties on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give additional bond within twenty (20) days after being notified, the officer or employee's office shall be vacant. [Acts 1921, ch. 173, art. 7, § 5; Shan. Supp., § 1997a161; Code 1932, § 3558; T.C.A. (orig. ed.), § 6-2105.]

6-21-106. Prohibited political activities; penalties. (a) Neither the city manager, recorder, city judge, chief of police nor any person in the employ of the city, under any of such officers, shall take any active part in or contribute any money toward the nomination or election of any candidate for election to the board of commissioners, except to answer such questions as may be put to them and as they may desire to answer.

(b) A violation of this section shall subject the offenders to removal from office or employment, and to punishment by fine of not more than fifty dollars ($50.00) for each offense. [Acts 1921, ch. 173, art. 22, § 3; Shan. Supp., § 1997a246; Code 1932, § 3644; T.C.A. (orig. ed.), § 6-2106.]

6-21-107. Administration. (a) In addition to all other powers conferred upon the city manager, the city manager shall be the administrative head of the municipal government under the direction and supervision of the board of commissioners. The city manager shall be appointed without regard to the city manager's political beliefs and need not be a resident of the city or state at the time of appointment.

(b) During the absence or disability of the city manager, the board of commissioners may designate some properly qualified person to perform the functions of the city manager.

(c) The city manager shall not be required to give the city manager's entire time to the affairs of the city, unless the city commissioners, when employing the city manager, make the employment conditional upon the city manager's devoting the city manager's entire time to the interest of the city.

[Acts 1921, ch. 173, art. 8, § 1; Shan. Supp., § 1997a162; Code 1932, § 3559; T.C.A. (orig. ed.), § 6-2107.]

6-21-108. **Manager; powers and duties**. The powers and duties of the city manager are to:

(1) See that the laws and ordinances are enforced, and upon knowledge or information of any violation thereof, see that prosecutions are instituted in the city court;

(2) Except as otherwise provided in this charter, appoint, promote, demote, suspend, transfer, remove, and otherwise discipline all department heads and subordinate employees at any time, subject only to any personnel rules and regulations adopted by ordinance or resolution by the commission. Any hearings on, or appeals from, the city manager's personnel decisions provided for in the personnel rules and regulations shall be exclusively before the city manager or a hearing officer designated by the city manager;

(3) Supervise and control the work of the recorder, the chief of police, the city attorney, treasurer, and all other officers, and of all departments and divisions created by this charter or that hereafter may be created by the board of commissioners;

(4) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility or franchise are faithfully done, kept and performed, and, upon knowledge or information of any violation thereof, call the same to the attention of the city attorney, who is hereby required to take such steps as are necessary to enforce the same;

(5) Attend all meetings of the board, with the right to take part in the discussion, but not to vote;

(6) Recommend to the board for adoption such measures as the city manager deems necessary or expedient;

(7) Act as budget commissioner and keep the board fully advised as to the financial condition and need of the city;

(8) Act as purchasing agent for the city and purchase all material, supplies and equipment for the proper conduct of the city's business as provided in § 6-19-104;

(9) Execute contracts on behalf of the city when this authority is delegated to the city manager by ordinance; and

(10) Perform such other duties as may be prescribed by this charter or required of the city manager by resolution or ordinance of the board. [Acts 1921, ch. 173, art. 8, § 2; Shan. Supp., § 1997a163; Code 1932, § 3560; T.C.A. (orig. ed.), § 6-2108; Acts 1989, ch. 175, § 12; Acts 1995, ch. 13, § 11; Acts 1999, ch. 270, § 2.]

Part 2–City Attorney

6-21-201. **Qualifications**. The city attorney shall be an attorney at law entitled to practice in the courts of the state. [Acts 1921, ch. 173, art. 19, § 1; Shan. Supp., § 1997a171; Code 1932, § 3568; T.C.A. (orig. ed.), § 6-2109.]

6-21-202. **Duties; salary**. (a) The city attorney shall:

(1) Direct the management of all litigation in which the city is a party, including the functions of prosecuting attorney in the city courts;

(2) Represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers are officially interested;

(3) Attend any meetings of the board of commissioners when required by the board;

(4) Advise the board and committees or members thereof, the city manager, and the heads of all departments and divisions, as to all legal questions affecting the city's interest; and

(5) Approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city.

(b) The city attorney shall receive a salary to be fixed by the board. [Acts 1921, ch. 173, art. 10, § 2; Shan. Supp., § 1997a172; Code 1932, § 3569; T.C.A. (orig. ed.), § 6-2110; Acts 1990, ch. 635, § 1.]

Part 3–Departments Generally

6-21-301. **Establishment**. That the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there are hereby established the following departments:

(1) Department of education;

(2) Department of finance;

(3) Department of public safety; and

(4) Department of public works and welfare. [Acts 1921, ch. 173, art. 17, § 1; Shan. Supp., § 1997a224; Code 1932, § 3622; T.C.A. (orig. ed.), § 6-2111.]

6-21-302. **Creation, combination, or abolition**. The board of commissioners may by ordinance create new departments or combine or abolish existing departments and prescribe their duties and functions, but before doing so must receive the written recommendations of the city manager. [Acts 1921, ch. 173, art. 17, § 2; Shan. Supp., § 1997a225; Code 1932, § 3623; T.C.A. (orig. ed.), § 6-2112; Acts 1989, ch. 175, § 13.]

6-21-303. **Supervision and control.** The city manager shall supervise and control all departments now or hereafter created, except as otherwise provided by this charter. [Acts 1921, ch. 173, art. 17, § 3; Shan. Supp., § 1997a226; Code 1932, § 3624; T.C.A. (orig. ed.), § 6-2113.]

Part 4--City Recorder

6-21-401. **Appointment**. The city manager shall appoint a city recorder, who also may be appointed to the positions of finance director or treasurer or both. [Acts 1921, ch. 173, art. 11, §§ 1, 15; modified; Shan. Supp., §§ 1997a181, 1997a194; Code 1932, §§ 3578, 3592; T.C.A. (orig. ed.), §§ 6-2114, 6-2127; Acts 1989, ch. 175, § 14.]

6-21-402. **Recorder pro tempore**. In the event of the temporary absence or disability of the recorder, the city manager may appoint a recorder pro tempore. [Acts 1921, ch. 173, art. 11, § 16; Shan. Supp., § 1997a195; Code 1932, § 3593; T.C.A. (orig. ed.), § 6-2115.]

6-21-403. **Duties at board meeting**. It is the duty of the recorder to be present at all meetings of the board of commissioners, and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form. [Acts 1921, ch. 173, art. 11, § 2; Shan. Supp., § 1997a182; Code 1932, § 3579; T.C.A. (orig. ed.), § 6-2116.]

6-21-404. **Records; custody and preservation**. The recorder shall have custody of, and preserve in the recorder's office, the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the board of commissioners, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds, except the recorder's bond, which shall be in the custody of the mayor, and all other bonds, oaths and affirmations, and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates, and contents, and keep an accurate and modern index thereof. [Acts 1921, ch. 173, art. 11, § 3; Shan. Supp., § 1997a183; Code 1932, § 3580; T.C.A. (orig. ed.), § 6-2117.]

6-21-405. **Records and ordinances; copying and certification**. The recorder shall provide, and when required by any officer or person certify, copies of records, papers, and documents in the recorder's office, and charge therefor, for the use of the city, such fees as may be provided by ordinance, cause copies of ordinances to be printed, as may be directed by the board of commissioners, and keep them in the recorder's office for distribution. [Acts 1921, ch. 173, art. 11, § 4; Shan. Supp., § 1997a184; Code 1932, § 3581; T.C.A. (orig. ed.), § 6-2118.]

Part 5–City Court

6-21-501. **Judges; jurisdiction; selection and job qualifications; salary; temporary appointment**. (a) There shall be a city court presided over by a city judge. The board of commissioners may appoint a city judge who shall serve at the will of the board. The city judge shall have such qualifications and receive such compensation as the board may provide by ordinance.

(b) (1) At the regular general election in August 1990, the candidate for city judge who receives the highest number of votes shall be elected to the position of city judge for a term of eight (8) years and shall be a licensed attorney authorized to practice in the courts of this state. The city judge shall be not less than thirty (30) years of age and shall be a resident of the county within which the city lies. The city judge shall receive such compensation as the board by ordinance may establish; provided, that such compensation shall not be altered for the term for which the city judge is elected.

(2) All fees shall be paid into the treasury of the city and are not to be considered as part of the compensation of the city judge. In the absence or disability of the city judge, a general sessions court judge of the county within which the city lies shall sit temporarily as city judge. Any vacancy in the office of city judge shall be filled by the board until the next regularly scheduled election is conducted.

(3) This subsection (b) is local in effect and shall become effective in a particular municipality upon the contingency of a two-thirds (2/3) vote of the legislative body of the municipality approving the provisions of this subsection (b). Unless the municipality's charter provides otherwise, by the same vote, the legislative body of the municipality may revoke the approval of the provisions of this subsection (b), and this subsection (b) shall become ineffective upon the end of the term of the city judge elected under this subsection (b).

(4) (A) This subsection (b) only applies in counties having a population in excess of two hundred fifty thousand (250,000), according to the 1980 federal census or any subsequent federal census.

(B) This subsection (b) does not apply in any county having a population greater than seven hundred seventy thousand (770,000), according to the 1980 federal census or any subsequent census.

(C) This subsection (b) shall not apply in any county having a population of not less than four hundred seventy thousand (470,000) nor more than four hundred eighty thousand (480,000), according to the 1980 federal census of population or any subsequent federal census.

(c) If a city judge is unable to preside over city court for any reason, then, to the extent a general sessions court judge agrees to serve temporarily as city judge, the judge shall appoint a general sessions judge of the county within which the city lies to sit in the city judge's stead. If there is not a general sessions judge available, then the city judge shall appoint an attorney, meeting the same qualifications as a general sessions judge, to sit temporarily. [Acts 1921, ch. 173, art. 9, § 1; Shan. Supp., § 1997a164; Code 1932, § 3561; T.C.A. (orig. ed.), § 6-2119; Acts 1965, ch. 330, § 1; Acts 1979, ch. 309, § 1; Acts 1981, ch. 176, § 1; Acts 1982, ch. 888, § 1; Acts 1982, ch. 889, § 1; Acts 1989, ch. 191, § 1; Acts 1989, ch. 520, §§ 1, 2, 4-6; Acts 1990, ch. 622, § 1; Acts 1996, ch. 633, § 1; Acts 2004, ch. 914, § 6; Acts 2011, ch. 453, § 7.]

6-21-502. **Powers**. (a) The city judge has the power and authority to:

(1) Impose fines, costs, and forfeitures, and punish by fine for violations of city ordinances;

(2) Preserve and enforce order in such city judge's court;

(3) Enforce the collection of all such fines, costs, and forfeitures imposed by such city judge; and

(4) (A) In default of payment, or of good and sufficient security given for the payment of such fines, costs or forfeitures imposed by such city judge, if:

(i) The city court has concurrent jurisdiction with the general sessions court, the city judge is authorized to enter an order in accordance with § 40-24-104 which, in accordance with such section, may include imprisonment until the fine, costs or forfeitures, or any portion of it, is paid. No such imprisonment shall exceed the period of time established in § 40-24-104, for any one (1) offense or violation.

(ii) The city court does not have concurrent jurisdiction with the general sessions court, the city judge is authorized to enter an order for contempt of court for the payment of the fine in the amount established pursuant to § 16-18-306.

(B) Fines may be paid in installments in the manner provided by ordinance or in accordance with § 40-24-104. Any court is authorized to enforce the collection of unpaid fines or forfeitures as a judgment in a civil action in any court with competent jurisdiction in accordance with § 40-24-105. The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance provision.

(b) The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision. [Acts 1921, ch. 173, art. 9, § 2; Shan. Supp., § 1997a165; Code 1932, § 3562; T.C.A. (orig. ed.),

§ 6-2120; Acts 1965, ch. 330, § 2; Acts 1989, ch. 175, § 15; Acts 1995, ch. 13, § 12; Acts 2011, ch. 453, § 8.]

6-21-503. **Court dockets**. The city judge shall keep, or cause to be kept, a court docket or dockets embodying complete detailed records of all cases handled by the city judge. [Acts 1921, ch. 173, art. 9, § 7; Shan. Supp., § 1997a170; Code 1932, § 3567; T.C.A. (orig. ed.), § 6-2121; Acts 1965, ch. 330, § 2.]

6-21-504. **Arrests; warrants**. (a) Only one (1) warrant shall be issued for the same offense, the warrant to embrace all of the parties charged with the same offense.

(b) No arrest shall be made, except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest, or unless in a case of felony.

(c) The affidavit upon which the warrant is issued shall especially state the offense charged. [Acts 1921, ch. 173, art. 9, § 4; Shan. Supp., § 1997a167; Code 1932, § 3564; T.C.A. (orig. ed.), § 6-2122.]

6-21-505. **Appearance bond**. Whenever any person is arrested for the violation of any city ordinance in the presence of a police officer, and no warrant has been issued or served, such person may execute an appearance bond in an amount not exceeding fifty dollars ($50.00), and file same with a police desk sergeant, or may, in lieu of the execution of an appearance bond, deposit a sum not exceeding fifty dollars ($50.00), with a police desk sergeant and be given a receipt for same, and, on the appearance of such person before the city court at the time specified in the receipt, such deposit shall be returned to that person. On the failure of such person to appear at the time specified, the amount so deposited shall be forfeited to the municipality and such person shall not be entitled to the return of any part thereof and it shall not be necessary to issue a scire facias; provided, that within two (2) days of the imposition of the forfeiture, the city judge shall have the power to set aside the conditional judgment imposing such forfeiture when it shall be made to appear that the failure of the accused to appear and defend such accused's suit was due to no fault or negligence of the accused. After the expiration of the two (2) days, there may be a final judgment imposing a forfeiture. [T.C.A. (orig. ed.), § 6-2123; Acts 1953, ch. 196, § 1; Acts 1965, ch. 330, § 2.]

6-21-506. **Fines and labor; payment and performance**. (a) All fines imposed by the city judge for violations of city ordinances shall belong to and be paid into the treasury of the city.

(b) Any labor performed in the execution of a workhouse or prison sentence for such violation or violations shall be performed for the city under the direction of the city manager. [Acts 1921, ch. 173, art. 9, § 5; Shan. Supp.,

§ 1997a168; Code 1932, § 3565; T.C.A. (orig. ed), § 6-2124; Acts 1965, ch. 330, § 2.]

6-21-507. **Costs and fines; collection**. (a) The city judge, in all cases heard or determined by such city judge for offenses against the corporate laws and ordinances, shall set and collect municipal court costs in accordance with the provisions of § 16-18-304, shall levy and collect the litigation tax in accordance with the provisions of § 16-18-305 and, in addition, shall add thereto one dollar ($1.00), as a tax on all such cases. The city judge shall certify to the chief of police for collection, all fines, costs, and forfeitures imposed by the city judge for offenses against the laws and ordinances of the city. Costs in favor of any person paid a fixed salary by the city shall belong to the city and be paid into its treasury. It is the duty of the city judge to collect and receipt for all fines imposed by the city judge, and the city judge shall render a monthly report to the board of commissioners of all costs and fines collected and of all assessed and uncollected.

(b) It is unlawful for any other person or officer to collect or receipt for such fines, costs, and recoveries, but the city judge may authorize the chief of police to collect and receipt for fines and costs. [Acts 1921, ch. 173, art. 9, § 6; Shan. Supp., § 1997a169; Code 1932, § 3566; T.C.A. (orig. ed.), § 6-2125; Acts 1965, ch. 330, § 2; impl. am. Acts 1979, ch. 68, §§ 2, 3; Acts 2004, ch. 914, § 6.]

6-21-508. **Judgment; appeal to circuit court**. Any person dissatisfied with the judgment of the city judge in any case or cases heard and determined by the city judge, may, within ten (10) entire days thereafter, Sundays exclusive, appeal to the next circuit court of the county, upon giving bond with good and sufficient security as approved by the city judge for such person's appearance or the faithful prosecution of the appeal; provided, that in prosecutions for violations of the city ordinances, the bond shall not exceed two hundred fifty dollars ($250). [Acts 1921, ch. 173, art. 9, § 3; Shan. Supp., § 1997a166; Code 1932, § 3563; T.C.A. (orig. ed.), § 6-2126; Acts 1965, ch. 330, § 2; Acts 1969, ch. 287, § 1.]

Part 6–Police

6-21-601. **Appointments**. The city manager shall appoint a chief of police and such patrol officers and other members of the police force as may be provided by ordinance. [Acts 1921, ch. 173, art. 18, § 1; Shan. Supp., § 1997a227; Code 1932, § 3625; T.C.A. (orig. ed.), § 6-2128.]

6-21-602. **Duties**. It is the duty of the chief of police and the members of the police force to:

(1) Preserve order in the city;

(2) Protect the inhabitants and property owners therein from violence, crime, and all criminal acts;

(3) Prevent the commission of crime, violations of law and of the city ordinances; and

(4) Perform a general police duty, execute and return all processes, notices, and orders of the mayor, city manager, city attorney, and recorder, and all other processes, notices, and orders as provided in this charter or by ordinance. [Acts 1921, ch. 173, art. 18, § 2; Shan. Supp., § 1997a228; Code 1932, § 3626; T.C.A. (orig. ed.), § 6-2129.]

6-21-603. **Assistance; emergencies**. In time of riot or other emergency, the mayor or city manager shall have power to summon any number of inhabitants to assist the police force. [Acts 1921, ch. 173, art. 18, § 3; Shan. Supp., § 1997a229; Code 1932, § 3627; T.C.A. (orig. ed.), § 6-2130.]

6-21-604. **Warrants; prosecution**. Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same, and appear in the city courts as prosecutors, relieving complaining citizens insofar as practical of the burden of instituting cases involving the violation of city ordinances; but this section shall not be construed to relieve any person from the duty of appearing in court and testifying in any case. [Acts 1921, ch. 173, art. 18, § 4; Shan. Supp., § 1997a230; Code 1932, § 3628; T.C.A. (orig. ed.), § 6-2131.]

6-21-605. [Repealed.]

Part 7–Fire Department

6-21-701. **Appointments**. The city manager shall appoint a chief of the fire department and such other members of the department as may be provided by ordinance. [Acts 1921, ch. 173, art. 19, § 1; Shan. Supp., § 1997a232; Code 1932, § 3630; T.C.A. (orig. ed.), § 6-2133.]

6-21-702. **Duties**. It is the duty of the chief of the fire department and the members thereof to take all proper steps for fire prevention and suppression. [Acts 1921, ch. 173, art. 19, § 2; Shan. Supp., § 1997a233; Code 1932, § 3631; T.C.A. (orig. ed.), § 6-2134.]

6-21-703. **Response to emergency; direct route**. (a) When any fire department or company recognized as duly constituted by the commissioner of commerce and insurance pursuant to § 68-102-108 is requested to respond to a fire, hazardous materials incident, natural disaster, service call, or other emergency, it may, regardless of where the emergency exists, proceed to the emergency site by the most direct route at the maximum speed consistent with safety. While responding to, operating at, or returning from such emergency, the chief of the responding fire department or company, or any member serving in capacity of fire officer-in-charge, shall also have the authority to:

(1) Control and direct the activities at the scene of the emergency;

(2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person or persons from injury;

(3) Blockade any public highway, street or private right-of-way temporarily while at such scene;

(4) Trespass at any time of the day or night without liability while at such scene;

(5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;

(6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire that is in progress in another building or premises;

(7) Inspect for preplanning all buildings, structures, or other places in the chief's fire district, except the interior of a private dwelling, where any combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish, or other combustible material that is or may become dangerous as a fire menace to such buildings, structures, or other places has been allowed to accumulate, or where such chief or the chief's designated representative

has reason to believe that such combustible material has accumulated or is likely to accumulate;

(8) Direct without liability the removal or destruction of any fence, house, motor vehicle, or other thing, if such person deems such action necessary to prevent the further spread of the fire;

(9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and

(10) Order disengagement or discouplement of any convoy, caravan, or train of vehicles, craft, or railway cars, if deemed necessary in the interest of safety of persons or property.

(b) When any fire department or company responds to any emergency outside its fire district, however, it shall at all times be subject to the control of the fire chief or designated representative in whose district the emergency occurs. [Acts 1921, ch. 173, art. 19, § 3; Shan. Supp., § 1997a234; Code 1932, § 3632; T.C.A. (orig. ed.), § 6-2135; Acts 1975, ch. 166, § 2; Acts 1993, ch. 171, § 1.]

6-21-704. **Fire marshal**. The city manager may appoint a fire marshal whose duty shall be, subject to the chief of the fire department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson. [Acts 1921, ch. 173, art. 19, § 4; Shan. Supp., § 1997a235; Code 1932, § 3633; T.C.A. (orig. ed.), § 6-2136.]

Part 8–Schools

6-21-801. **Control by city manager**. The city manager of any municipality incorporated under chapters 18-22 of this title has full power to manage and control the public or city schools. [Acts 1921, ch. 173, art. 20, § 1; modified; Shan. Supp., § 1997a236; Code 1932, § 3634; T.C.A. (orig. ed.), § 6-2137; Acts 1955, ch. 121, § 2.]

6-21-802. **Officers and employees**. The city manager shall appoint, prescribe the duties and powers of, and fix the salary of the director of schools of the city and appoint, fix the salaries of, and have power to remove, all other officers and all teachers, agents, and employees of the department of education. [Acts 1921, ch. 173, art. 20, § 2; Shan. Supp., § 1997a237; Code 1932, § 3635; T.C.A. (orig. ed.), § 6-2138; Acts 1955, ch. 121, § 2.]

6-21-803. **Buildings; plan approval**. All plans for the erection or improvement of school buildings or other buildings used for educational purposes shall be subject to the approval of the city manager. [Acts 1921, ch. 173, art. 20, § 4; Shan. Supp., § 1997a239; Code 1932, § 3637; T.C.A. (orig. ed), § 6-2140; Acts 1955, ch. 121, § 2.]

6-21-804. **Materials, supplies, and equipment; purchases**. All materials, supplies, and equipment for educational purposes shall be purchased by the city manager. [Acts 1921, ch. 173, art. 20, § 5; Shan. Supp., § 1997a240; Code 1932, § 3638; T.C.A. (orig. ed.), § 6-2141; Acts 1955, ch. 121, § 2.]

6-21-805. **Funds; apportionment**. In apportioning the state and county school funds of the county, the county board of education, or other apportioning and disbursing body, shall apportion and pay over to the treasurer of the city such portion of the state and county school funds as by law is applicable to the schools within the limits of the city. [Acts 1921, ch. 173, art. 20, § 6; Shan. Supp., § 1997a241; Code 1932, § 3639; T.C.A. (orig. ed.), § 6-2142; Acts 1955, ch. 121, § 2.]

6-21-806. **Funds; manner of payment**. The board of commissioners shall provide by ordinance for the manner in which the state, county, and city taxes apportioned to the school fund shall be paid over by the city treasurer. [Acts 1921, ch. 173, art. 20, § 7; Shan. Supp., § 1997a242; Code 1932, § 3640; T.C.A. (orig. ed.), § 6-2143; Acts 1955, ch. 121, § 2.]

6-21-807. **Board of education; number of members; election; powers**. (a) The provisions of §§ 6-21-801 and 6-21-802 notwithstanding, the board of commissioners, by ordinance, may delegate the power to manage and control the city public schools to an elected board of education.

(b) The board of education shall have the same number of members as the board of commissioners and shall be elected on the same day and in the same manner as the board of commissioners.

(c) If the board of commissioners is elected by district, the board of education shall also be elected by district.

(d) The board shall exercise the power otherwise granted to the city manager in this part. [Acts 1989, ch. 175, § 18.]

CHAPTER 22

FISCAL AFFAIRS UNDER CITY MANAGER-COMMISSION CHARTER

SECTION

6-22-101. Finance director; duties.
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6-22-101. Finance director; duties. The city manager or an officer appointed by the city manager shall serve as finance director and shall:

(1) Exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and claims, and the disposition of such property, assets and claims;

(2) Be the general accountant and auditor of the city;

(3) Have custody of all records, papers, and vouchers relating to the fiscal affairs of the city, and the records in the city manager's office shall show the financial operations and conditions, property, assets, claims, and liabilities of the city, all expenditures authorized and all contracts in which the city is interested;

(4) Require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to the city manager by the several departments and officers of the city, including all deputies or employees of the city manager's department charged with the collection or expenditures of money, and shall control and audit the same; and

(5) At least monthly, adjust the settlements of officers engaged in the collection of the revenue. [Acts 1921, ch. 173, art. 11, § 5; Shan. Supp., § 1997a185; Code 1932, § 3582; T.C.A. (orig. ed.), § 6-2201; Acts 1989, ch. 175, § 19.]

6-22-102. **Taxes and special assessments**. The assessment, levy, and collection of taxes and special assessments shall be in the charge of the department of finance, subject to the limitations elsewhere found in this charter. [Acts 1921, ch. 173, art. 12, § 1; Shan. Supp., § 1997a196; Code 1932, § 3594; T.C.A. (orig. ed.), § 6-2202.]

6-22-103. **Taxation of property and privileges**. All property, real, personal and mixed subject to state, county, and city taxes, and all privileges taxable by law, shall be taxed, and taxes thereon collected by the city for municipal purposes as provided in this chapter. [Acts 1921, ch. 173, art. 12, § 1; Shan. Supp., § 1997a197; Code 1932, § 3595; T.C.A. (orig. ed.), § 6-2203.]

6-22-104. **Ad valorem tax; assessment and collection**. The ad valorem tax upon the stocks, accounts, and equipment may be assessed and collected in like manner as state and county merchant's ad valorem tax is assessed upon the same property. It is the duty of the county assessor of property and the comptroller of the treasury to prepare a separate assessment book or roll showing real, personal and mixed property assessable by the county assessor of property or the comptroller of the treasury lying within the limits of the city. [Acts 1921, ch. 173, art. 12, § 1; Shan. Supp., § 1997a198; Code 1932, § 3596; T.C.A. (orig. ed.), § 6-2204; impl. am. Acts 1955, ch. 69, § 1; Acts 1995, ch. 305, § 70.]

6-22-105. **Tax assessment records; copying and certification**. The records referenced in § 6-22-104 shall be certified to the finance director of the city upon the completion of the work of the boards of equalization, after they have been copied by the county clerk or the department of revenue. [Acts 1921, ch. 173, art. 12, § 1; modified; Shan. Supp., § 1997a199; Code 1932, § 3597;

T.C.A. (orig. ed.), § 6-2205; impl. am. Acts 1959, ch. 9, § 14; impl. am. Acts 1978, ch. 934, §§ 22, 36; Acts 1989, ch. 175, § 20.]

6-22-106. Tax books; preparation and certification. (a) As soon as practicable in each year after the assessment books for the state and county are complete, which shall be after boards of equalization provided for by general laws shall have finished their work, it is the duty of the finance director to prepare or cause to be prepared, from the assessment books of the county and of the comptroller of the treasury, a tax book similar in form to that required by laws of the state to be made out for the county trustee, embracing, however, only such property and persons as are liable for taxes within the city.

(b) Such tax books, when certified to be true, correct and complete by the finance director, shall be the assessment for taxes in the city for all municipal purposes; provided, that there may be an assessment by the finance director at any time, of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city. Instead of the assessment made by county and state officials as provided in this section, the city may, by ordinance insofar as not prohibited by general laws, provide for and regulate an assessment to be made by its own assessor of property. [Acts 1921, ch. 173, art. 12, § 2; Shan. Supp., § 1997a201; Code 1932, § 3599; T.C.A. (orig. ed.), § 6-2206; impl. am. Acts 1955, ch. 69, § 1; Acts 1989, ch. 175, § 20; Acts 1995, ch. 305, § 71.]

6-22-107. Statements; property valuation and tax revenue; levy by ordinance. (a) It is the duty of the finance director, in each year, as soon as the assessment roll for the city is complete, to submit to the board of commissioners a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits, including the assessment of all railroads, telephone, telegraph, and other public utility properties, together with a certified statement of the revenue derived by the city from privilege taxes, merchant's ad valorem taxes, street labor taxes, fines for the preceding fiscal year, and miscellaneous revenue.

(b) Upon the presentation of such statements by the finance director, the board shall proceed by ordinance to make the proper levy to meet the expenses of the city for the current fiscal year. [Acts 1921, ch. 173, art. 10, § 3; Shan. Supp., § 1997a173; Code 1932, § 3570; T.C.A. (orig. ed.), § 6-2207; Acts 1989, ch. 175, § 20.]

6-22-108. Levy; date. The board of commissioners of the city shall have full power to levy and collect taxes as of January 10 of each and every year. [Acts 1921, ch. 173, art. 12, § 1; Shan. Supp., § 1997a200; Code 1932, § 3598; T.C.A. (orig. ed.), § 6-2208.]

6-22-109. Levy; tax book extension. It is the duty of the finance director, immediately after the levy of taxes by the board of commissioners, to cause the levy to be extended upon the tax book prepared by the finance director in the same manner that extensions are made upon the tax books in the hands of the county trustee. [Acts 1921, ch. 173, art. 10, § 4; Shan. Supp., § 1997a174; Code 1932, § 3571; T.C.A. (orig. ed.), § 6-2210; Acts 1989, ch. 175, § 20.]

6-22-110. Tax due date; collection by treasurer; distress warrants.

(a) All taxes due the city, except privilege and merchant's ad valorem taxes and street labor taxes, shall, until otherwise provided by ordinance, be due and payable on November 1 of the year for which the taxes are assessed.

(b) The treasurer shall be custodian of the tax books and shall be the tax collector of the city.

(c) Distress warrants may issue for the collection of taxes and any such distress warrant shall be executed by the chief of police or any police officers of the city by a levy upon, and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process of courts of general sessions. [Acts 1921, ch. 173, art. 10, § 5; Shan. Supp., § 1997a175; Code 1932, § 3572; T.C.A. (orig. ed.), § 6-2211.]

6-22-111. Tax liens; assessments valid despite errors; correction.

(a) All municipal taxes on real estate in the city, and all penalties and costs accruing thereon, are hereby declared to be a lien on such realty from and after January 1 of the year for which same are assessed, superior to all other liens, except the liens of the United States, the state of Tennessee and the county, for taxes legally assessed thereon, with which it shall be a lien of equal dignity.

(b) No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named nor the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid.

(c) The board of commissioners shall have power to correct any errors in the tax assessments upon a certificate filed by the assessor of property or assessing body. [Acts 1921, ch. 173, art. 10, § 6; Shan. Supp., § 1997a176; Code 1932, § 3573; T.C.A. (orig. ed.), § 6-2212; Acts 1974, ch. 771, § 3.]

6-22-112. Penalty for late tax payments; discount for early payments. (a) On December 1 of the year for which the taxes are assessed, or other date provided by ordinance, a penalty of two percent (2%) upon all taxes remaining unpaid shall be imposed and collected by the city and paid into the city treasury. An additional penalty of two percent (2%) shall be added for each month thereafter for twelve (12) months.

(b) If any taxpayer elects to pay such taxpayer's taxes prior to October 1, that taxpayer shall be entitled to a discount of two percent (2%) from the amount of the taxpayer's bill. [Acts 1921, ch. 173, art. 10, § 7; Shan. Supp., § 1997a177; Code 1932, § 3574; T.C.A. (orig. ed.), § 6-2213.]

6-22-113. Date changes; semiannual installments; discounts.

(a) The board of commissioners may, by ordinance passed by unanimous vote, change the due date and delinquent date of all taxes, and may provide for the semiannual payment of taxes and a discount for the prompt payment of such taxes.

(b) In case a semiannual installment of taxes is made due and payable before the assessment and levy of taxes in the city for the current year is complete, the amount of the installment so collected as a tax upon any property shall be not more than fifty percent (50%) of the taxes levied on the property for the preceding year, such installment to be credited on the current year's taxes when determined and levied. [Acts 1921, ch. 173, art. 10, § 8; Shan. Supp., § 1997a178; Code 1932, § 3575; T.C.A. (orig. ed.), § 6-2214.]

6-22-114. Delinquent taxes; sale of real estate. The finance director shall, under the provisions of the state law for the collection of delinquent taxes, certify to the trustee of the county a list of all real estate upon which municipal taxes remain due and unpaid, or that is liable for sale for other taxes, and the same shall be sold in like manner and upon the same terms and conditions as real estate is sold for delinquent state and county taxes. [Acts 1921, ch. 173, art. 10, § 9; Shan. Supp., § 1997a179; Code 1932, § 3576; T.C.A. (orig. ed.), § 6-2215; Acts 1989, ch. 175, § 20.]

6-22-115. Improvements or services; assessment procedure. The board of commissioners has the power, and is hereby given authority, to file complaints in the chancery court in the name of the city for the collection of assessments and levies made for payment for improvements or service in the city, such as paving, sidewalks, curbing, guttering, sewers and other improvements, or services for which assessments may be made under the charter, or by any other acts of the general assembly, and the cost of which is made a charge on property owners abutting the improvements and a lien on abutting property. The suits commenced by such complaints shall be conducted as other suits in chancery for the enforcement of like liens and under the rules of law and practice provided for the same. The complaints shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention that all persons in the same improvement district, or liable for portions of the same assessment and levy for improving a portion of the city as provided in this section, and on whose property the assessment or levy is a lien, shall be made parties defendant to one (1)

complaint. [Acts 1921, ch. 173, art. 10, § 10; Shan. Supp., § 1997a180; Code 1932, §3577; T.C.A. (orig. ed.), § 6-2216.]

6-22-116. License taxes; imposition and collection. (a) License taxes may be imposed by ordinance upon any and all privileges, businesses, occupations, vocations, pursuits, or callings, or any class or classes thereof, now or hereafter subject to such taxation under the laws of Tennessee, and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm, or corporation.

(b) The treasurer shall enforce the collection of merchants' taxes and all other license taxes, and for that purpose have and exercise the powers of law vested in, and follow the procedure and methods prescribed for, county clerks. [Acts 1921, ch. 173, art. 13, § 1; Shan. Supp., § 1997a204; Code 1932, § 3602; T.C.A. (orig. ed.), § 6-2217; impl. am. Acts 1978, ch. 934, §§ 22, 36.]

6-22-117. System of accounting. The finance director, with the approval of the city manager, shall cause an efficient system of accounting for the city to be installed and maintained. [Acts 1921, ch. 173, art. 11, § 6; Shan. Supp., § 1997a185; Code 1932, § 3583; T.C.A. (orig. ed.), § 6-2218; Acts 1989, ch. 175, § 20.]

6-22-118. City funds; rceipts and disbursements; forms. The finance director shall cause all forms used in connection with either the receipt or disbursement of city funds to be numbered consecutively, and shall account for all spoiled or unused forms. [Acts 1921, ch. 173, art. 11, § 14; Shan. Supp., § 1997a193; Code 1932, § 3591; T.C.A. (orig. ed.), § 6-2219; Acts 1989, ch. 175, § 20.]

6-22-119. Treasurer; appointment and duties. (a) The city manager shall appoint a treasurer.

(b) It is the duty of the treasurer to collect, receive and receipt for the taxes and all other revenue and bonds of the city, and the proceeds of its bond issues, and to disburse the same.

(c) The city manager may appoint the recorder as treasurer. [Acts 1921, ch. 173, art. 11, § 7; Shan. Supp., § 1997a186; Code 1932, § 3584; T.C.A. (orig. ed.), § 6-2220.]

6-22-120. Depositories. Depositories of the municipal funds shall be designated by ordinance. The board shall require any financial institution that becomes a depository of municipal funds to secure such funds by collateral in the same manner and under the same conditions as state deposits under title 9, chapter 4, parts 1 and 4, or as provided in a collateral pool created under title 9, chapter 4, part 5. [Acts 1921, ch. 173, art. 11, § 13; Shan. Supp., § 1997a192;

Code 1932, § 3590; T.C.A. (orig. ed.), § 6-2221; Acts 1977, ch. 80, § 1; Acts 1989, ch. 175, § 21; Acts 1994, ch. 752, § 5.]

6-22-121. Budget commissioner; fiscal year. (a) The city manager shall be budget commissioner.

(b) The fiscal year of the city shall begin on July 1, unless otherwise provided by ordinance. [Acts 1921, ch. 173, art. 16, § 1; Shan. Supp., § 1997a218; Code 1932, § 3616; T.C.A. (orig. ed.), § 6-2222; Acts 1989, ch. 175, § 22.]

6-22-122. Estimate of expenditures and revenue; submission date. The city manager shall, on or before May 15 of each year, submit to the board of commissioners an estimate of the expenditures and revenue of the city for the ensuing fiscal year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city manager. [Acts 1921, ch. 173, art. 16, § 1; Shan. Supp., §§ 1997a219, 1997a220; Code 1932, §§ 3617, 3618; T.C.A. (orig. ed.), § 6-2223; Acts 1989, ch. 175, § 23.]

6-22-123. [Repealed.]

6-22-124. Appropriations; tentative ordinance; amendments.

(a) Upon receipt of the estimate provided for in § 6-22-122, the board of commissioners shall prepare a tentative appropriation ordinance.

(b) The appropriation ordinance for each fiscal year shall be finally adopted before the first day of the fiscal year.

(c) Amendments may be made to the original appropriations ordinance at any time during a current fiscal year; provided, however, that, except for emergency expenditures under § 6-22-129, increased appropriations may be made only after the city manager has certified in writing that sufficient unappropriated revenue will be available. [Acts 1921, ch. 173, art. 16, § 2; Shan. Supp., § 1997a222; Code 1932, § 3620; T.C.A. (orig. ed.), § 6-2225; Acts 1989, ch. 175, § 24; Acts 1992, ch. 760, § 4; Acts 1995, ch. 13, § 13.]

6-22-125. Reversions to general fund. At the end of each year, all unencumbered balances or appropriations in the treasury shall revert to the general fund and be subject to further appropriations. Such balances shall be considered unencumbered only when the city manager shall certify in writing that the purposes for which they were appropriated have been completely accomplished and that no further expenditure in connection with them is necessary. [Acts 1921, ch. 173, art. 16, § 3; Shan. Supp., § 1997a223; Code 1932, § 3621; T.C.A. (orig. ed.), § 6-2226.]

6-22-126. Finance director; powers and duties; claims against city. (a) Except as by this charter or by law or ordinance otherwise provided, the finance director shall prescribe and regulate the manner of paying creditors, officers and employees of the city. The finance director shall audit all payrolls, accounts and claims against the city and certify thereon the balance as stated by the finance director, but no payroll, account, or claim, or any part thereof, shall be audited against the city or paid unless authorized by law or ordinance and approved and certified by the city manager and the head of the department for which the indebtedness was incurred, and the amount required for payment of the same appropriated for that purpose by ordinance and in the treasury.

(b) Whenever any claim is presented to the city finance director, the finance director shall have power to require evidence that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose may summon before such finance director any officer, agent or employee of any department of the municipality, or any other person, and examine the officer, agent or employee upon oath or affirmation relative thereto.

(c) The city manager, finance director and head of the department concerned, and their sureties, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the municipality. [Acts 1921, ch. 173, art. 11, § 8; Shan. Supp., § 1997a187; Code 1932, § 3585; T.C.A. (orig. ed.), § 6-2227; Acts 1989, ch. 175, § 20.]

6-22-127. Warrants. (a) Subject to § 6-22-126, warrants shall be issued by the finance director.

(b) Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund.

(c) Any officer or employee in the finance director's office may be designated by such finance director to draw warrants with the same effect as if signed by the finance director, such designation to be in writing, in duplicate, filed with the city manager. The city manager may make such designation if the finance director is absent or disabled and there is no one in the finance director's office designated to act. Any such designation may be revoked by the finance director while acting as such by filing the revocation in duplicate with the city manager and the treasury division. [Acts 1921, ch. 173, art. 11, § 9; Shan. Supp., § 1997a188; Code 1932, § 3586; T.C.A. (orig. ed.), § 6-2228; Acts 1989, ch. 175, § 20.]

6-22-128. City obligations; availability of funds; certification. No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the board of commissioners or be authorized by any officer of the city, unless the finance director shall first certify to the

board or the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury or safely assured to be forthcoming and available in time to comply with, or meet such contract, agreement, obligation or expenditures; and no contract, agreement or other obligation involving the expenditure of money payable from the proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of this charter in reference to city bonds. [Acts 1921, ch. 173, art. 11, § 10; Shan. Supp., § 1997a189; Code 1932, § 3587; T.C.A. (orig. ed.), § 6-2229; Acts 1989, ch. 175, § 20.]

6-22-129. Expenditures; emergencies. No contract liability shall be incurred without previous authority of law or ordinance, but the board of commissioners may, by ordinance, empower the proper officials to pay out money or incur contract liability for the city for the necessary preservation of the city's credit, or in other extreme emergency, under such restrictions as may be provided in the ordinance; provided, that any such liability shall mature not later than one (1) year from the date of its incurrence. [Acts 1921, ch. 173, art. 11, § 11; Shan. Supp., § 1997a190; Code 1932, § 3588; T.C.A. (orig. ed.), § 6-2230.]

6-22-130. Annual operating budget; comparisons; publication.

(a) Notwithstanding the provisions of any other law to the contrary, the governing body shall publish the annual operating budget and budgetary comparisons of the proposed budget with the prior year's actual figures and the current year's estimated figures, which information shall include the following:

(1) Revenues and expenditures for the following governmental funds: general, streets/public works, general purpose school and debt service;

(2) Revenues for each fund shall be listed separately by local taxes, state of Tennessee, federal government and other sources;

(3) Expenditures for each fund shall be listed separately by salaries and other costs;

(4) Beginning and ending fund balances shall be shown for each fund; and

(5) The number of full-time equivalent employee positions shall be shown for each fund.

(b) The publication shall be in a newspaper of general circulation and shall be published not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget. [Acts 1991, ch. 484, § 9; Acts 1992, ch. 760, § 5.]

CHAPTER 23

BONDS UNDER CITY MANAGER-COMMISSION CHARTER

SECTION

6-23-101–6-23-113. [Repealed.]

CHAPTERS 24–29

[Reserved.]

RELATED ACTS

Priv. Acts 2000, ch. 146
"Adequate facilities tax" C-62

CHAPTER NO. 146

HOUSE BILL NO. 3299

By Representative Walley

Substituted for: Senate Bill No. 3324

By Mr. Speaker Wilder

AN ACT to authorize the City of Piperton to levy and collect a privilege tax or taxes on new development in the city in order that new development contributes its fair share of the cost of providing public facilities and services made necessary by such development.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.

SECTION 1. This Act shall be known and cited as the "City of Piperton Adequate Facilities Tax."

SECTION 2. As used in this act, unless a different meaning appears from the context:

a. "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind: the term includes a mobile home. This term will not pertain to buildings used for agricultural purposes.

b. "Building Permit" means a permit for development issued in the City of Piperton.

c. "Capital Improvement Program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

d. "Certificate of Occupancy" means a license for occupancy of a building or structure issued in the City of Piperton.

e. "Development" means the subdivision of land or the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, which provides, adds to or increases the floor area of a residential or non-residential use.

f. "Dwelling Unit" means a room or rooms connected together constituting a separate, independent housekeeping establishment for owner

occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

g. "General Plan" means the official statement of the planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provision set forth in Tennessee Code Annotated, Sections 13-3-301, 13-3-302, 13-4-201, and 13-4-202. For purposes of this act only, a general plan may consist solely of the land development plan element which sets out a plan or scheme of future land usage.

h. "Governing Body" means the municipal Legislative Body of the City of Piperton, Tennessee.

i. "Major Street or Road Plan" means the plan adopted by the planning commission, pursuant to Tennessee Code Annotated, Sections 13-3-402 and 13-4-302, showing, among other things, "the general location, character and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

j. "Non-Residential" means the development of any property for any use other than residential use, except as may be exempted by this act.

k. "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.

l. "Place of Worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, that a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status.

m. "Public Building" means a building owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including but not necessarily limited to counties, cities, school districts and special districts, or the federal government or any agency thereof.

n. "Public Facility or Facilities" means a physical improvement undertaken by the county or city, including, but not limited to the following: roads and bridges, parks and recreational facilities, jails and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other governmental capital improvement benefiting the citizens of the county and/or city.

o. "Residential" means the development of any property for a dwelling unit or units.

SECTION 3. It is the intent and purpose of this act to authorize the City of Piperton to impose a tax or taxes on new development in the City, such tax

or taxes to be payable at the time of final approval of a subdivision plat or at the time of issuance of a building permit or certificate of occupancy so as to ensure and require that the persons responsible for new development share in the burdens of growth by paying for their fair share for the cost of new and expanded public facilities made necessary by such development.

SECTION 4. Engaging in the act of development within the City of Piperton, except as provided in Section 6 herein, is declared to be a privilege upon which the City of Piperton may, by ordinance of the governing body, levy a tax or taxes in such amount or amounts as set in such ordinance.

SECTION 5. a. The governing body shall impose the tax or taxes authorized herein by ordinance after adopting a capital improvements program indicating the need for the cost of public facilities anticipated to be funded, in part, by such tax or taxes and after finding that the need for such public facilities is reasonably related to new development in the municipality.

b. For the exercise of the privilege described herein, the City of Piperton in imposing a tax or taxes on new development may develop tax rate schedules by which residential and non-residential uses are classified by type for the purpose of imposition of the tax or taxes authorized herein.

c. The tax or taxes established in this act shall be collected in the manner and at such times as established in the ordinance.

d. The governing body shall, by ordinance, adopt administrative guidelines, procedures, regulations and forms necessary to properly implement, administer and enforce the provisions of this act.

SECTION 6. This act shall not apply to development of:

1. Public buildings.
2. Places of worship.
3. Barns or outbuildings used for agricultural purposes.
4. Replacement of buildings taken by eminent domain by any public body; replacement structures for previously existing buildings destroyed by fire, or other disasters or replacement on the same site of any building which either has had a privilege tax paid upon it, or has been utilized as a residence by the individual(s) making application for three (3) years immediately preceding the date of application for a building permit.
5. Additions to a single-family dwelling.
6. A structure owned by a non-profit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code.
7. Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certification of occupancy for the permanent residential structure; provided that the permanent structure is a residence for the owner and occupant of the mobile

home and that the owner and occupant has resided on the property for a period of not less than three (3) years.

8. Buildings which either have previously had a privilege tax paid upon them, or which have been continuously occupied by the individual(s) making application for three (3) years immediately preceding the date of application for a building permit, and which are moved from one site within the municipality to another site within the municipality, provided that no new building replaces the building being moved. If a new building is to be placed on the site, then the person(s) having: (1) paid the privilege tax for the building which originally occupied the site, or (2) otherwise qualified in accordance with provisions herein for exemption from paying the privilege tax will be given first right to the exemption. Payment of such privilege tax would take precedence. The other building would then be required to pay the privilege tax.

SECTION 7. All tax funds collected shall be used for the purpose of providing public facilities, the need for which is reasonably related to new development.

SECTION 8. The authority to impose the privilege tax or taxes on new development in the City of Piperton is in addition to all other authority to impose taxes, fees, assessments, or other revenue raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax or taxes, in addition to any other authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation.

SECTION 9. Any person aggrieved by the decision of the municipal building official or other responsible official concerning any aspect of this act may obtain review of the official's decision in the following manner:

1. By payment of the disputed amount to the City of Piperton and by notifying the official that the payment is made under protest; and

2. By requesting an appeal of the decision of the official in written form within ten (10) days of the protest and payment. Appeals shall be heard by the governing body. A hearing shall be scheduled within forty-five (45) days of the written request for appeal.

The governing body shall render a decision on all hearings within thirty (30) days of the hearing date, unless the hearing is continued from time to time by a majority vote of the governing body for further information.

The governing body shall act as a quasi-judicial body whose purpose is to determine the intent of the act, its applicability to the appellant, and to rule upon the interpretation of the official. The governing body shall not be bound by formal rules of evidence applicable to the various courts of the State.

Hearings before the board shall proceed as follows:

1. The building official shall explain his or her ruling and the reasons for the ruling.

2. The appellant shall explain his or her reasons for protesting the ruling.

3. The board may request further information from any municipal official. The board will not have the power of subpoena.

4. The governing body will deliberate and render a decision by a majority vote. Decisions will be reduced to writing and copies shall be sent to all parties and shall become a part of the minutes of the governing body. Decisions of the governing body shall be final, except that either the building official, or the person aggrieved may seek review of the governing body's actions by certiorari and supersedeas to the Chancery Court of Fayette County, Tennessee, provided that an application to the court is made within sixty (60) days of the written decision of the governing body.

SECTION 10. The provisions of this act shall in no manner repeat, modify or interfere with the authority granted by any other public or private law applicable to the City of Piperton. This act shall be deemed to create an additional and alternative method for the City of Piperton to impose and collect taxes for the purpose of providing public facilities made necessary by new development in the municipality.

SECTION 11. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the municipal Legislative Body of the City of Piperton. Its approval or nonapproval shall be proclaimed by the presiding officer of the municipal Legislative Body and certified to the Secretary of State.

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes it shall become effective upon being approved as provided in Section 12.

PASSED: May 18, 2000

s/Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

s/John Wilder
JOHN S. WILDER
SPEAKER OF THE SENATE

Approved this _____ day of _____ 2000

_____
DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had House Bill No. 3299 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.

ORDINANCE NO. 45-04

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

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

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

WHEREAS the board of commissioners of the City of Piperton, 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 "Piperton Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF PIPERTON, AS FOLLOWS:[1]

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 "Piperton 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 establishing a social security system or

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[1]Charter reference
Tennessee Code Annotated, § 6-20-214.

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 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 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 more than fifty dollars ($50.00) 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 term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."[1]

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[1]State law reference

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

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 violation 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 board of commissioners, 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 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 July 20, 2004 JRH

Passed 2nd reading August 17, 2004 JRH

John R Huff Mayor
Mayor

Elizabeth A. McCommon
Recorder CMC