

CHARTER OF JEFFERSON CITY, TENNESSEE<sup>1</sup>

PRIVATE CHAPTER NO. 11

SENATE BILL NO. 645

By Hooper

Substituted for: House Bill No. 489

By Ford (Cocke), Atchley

AN ACT To amend the Charter of Jefferson City, Tennessee, the same being Chapter 393, Acts of 1901, as amended; Chapter 344, Private Acts of 1915, as amended; and Chapter 459, Private Acts of 1925, as amended.

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<sup>1</sup>Priv. Acts 1979, ch. 11, is the current basic charter act for the City of Jefferson City, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2019 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. Misspelled words have been spelled correctly and a few catch lines have been added for some sections. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

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

SECTION 1. Charter amended. The Charter of Jefferson City, Tennessee, the same being Chapter 393, Acts of 1901, as amended; Chapter 344, Private Acts of 1915, as amended; and Chapter 459, Private Acts of 1925, as amended; is hereby amended in its entirety to read as follows:

ARTICLE I

CORPORATE CAPACITY

SECTION

- 1. Incorporation, name, and general powers.
- 2. Boundaries.

Section 1. Incorporation, name, and general powers. The municipality of Jefferson City, in the County of Jefferson, and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and name of "Jefferson City" and shall have perpetual succession by the corporate name; may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, and dispose of the same for benefit of said municipality, and may have and use a corporate seal and change it at its pleasure.

Section 2. Boundaries. The boundaries of Jefferson City shall be as fixed by Chapter No. 393, Section 2, of the Acts of the General Assembly of the State of Tennessee for 1901, as amended by Chapter No. 301, Acts of 1903; Chapter No. 279, Acts of 1909; Chapter No. 140, Private Acts of 1923; Chapter No. 565, Private Acts of 1923; Chapter No. 583, Private Acts of 1925; Chapter No. 380, Private Acts of 1933; Chapter No. 327, Private Acts of 1949; Chapter No. 829,

Private Acts of 1949 and as further amended pursuant to the general laws of the State of Tennessee.<sup>1</sup>

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<sup>1</sup>The private acts enumerated in this section establish the boundaries as follows:

BEGINNING at a point in the southwest corner of the intersection of Burnett Street, if extended, with Universal Avenue, in the line of Universal Exploration Company; thence in an easterly direction with the old boundary line of the city limits and the southern boundary line of Universal Avenue to the intersection of Universal Avenue with Russell Street; thence in a southerly direction with the western boundary line of Russell Street to a point 175 feet south of Carson Street, in the line of Universal Exploration Company (formerly Franklin); thence in an easterly direction, crossing Russell Street, with the line of Universal Exploration Company, a line parallel to and 175 feet south of Carson Street to the southwest corner of the property of Brown Quarles, the northwest corner of the property of Whitaker, said point being 200 feet west of George Street or State Highway 92; thence in a southerly direction with the line of Universal Exploration Company to the southwest corner of the property of Dean Heim; thence in an easterly direction with the property line of Heim, crossing said State Highway 92, to a point in the eastern edge of said highway; thence in a southerly direction with the eastern edge of said highway the distance of approximately 600 feet to an old creek bed or drainage ditch south of the residence property of Ralph Newman; thence in a northeasterly direction with the meanderings of said old creek bed or drainage ditch approximately 1,200 feet to a large sycamore tree, which tree is about 250 feet east of Odell Street; thence in a northerly direction, a line east of, parallel with and 250 feet from Odell Street, the distance of 975 feet to a point in the line of W.T. Harrington; thence in an easterly direction with the line of Harrington the distance of approximately 400 feet to the line of American Zinc Company, said point being in the southeast corner of the property of Harrington; thence in a northerly direction with the line of American Zinc Company to the line of Mrs. Lithia Quatiker, her corner with Harrington; thence in an easterly direction with the south line of Quatiker and a line parallel with and 200 feet south of Ellis Street to a point in the western edge of the old Mt. Horyob Road, near the residence of Shell Emert; thence in a northerly direction with said road and the eastern boundary line of the property of W.P. Hale to the center of Mossy Creek; thence with the meanderings of said creek to a point 200 feet south of the bridge on Andrew Johnson Highway; thence in an easterly direction, a line south of, parallel with and 200 feet from the said Andrew Johnson Highway, the distance of 500 feet to a point opposite the intersection of Main Street with said highway; thence in a northerly direction, crossing said highway, the distance of approximately 1,225 feet to a point in the north right-of-way line of the Southern Railway Company, opposite the corner of the property of Guy W. Linkhous (corner of old city limits); thence in a westerly direction with the north right-of-

way line of said Railway Company to a point, corner of the property of Jamagin Heirs with Williams in the line of said Railway Company; thence northwardly with the line of Jamagin Heirs and the eastern edge of North Branner Avenue, the distance of about 1,400 feet to a point opposite a large oak tree (corner of old corporate limits); thence in a westerly direction, following the old corporate limits, crossing Nelson-Merry campus, to the southeast corner of the property of Harry Talley (formerly Edgar); thence continuing westwardly with the south line of Talley to a point in the western edge of North Sizer Street; thence in a southerly direction with the western edge of said street, crossing Mossy Creek and Mechanic Street (old Rutledge Pike) to the northeast corner of the property of Catlett; thence southwardly with the line of Catlett and Peck, following the old corporate limits to the north line of the Southern Railway Company right-of-way; thence westwardly with the north right-of-way line of said Railway Company, the distance of approximately 1,450 feet to the old corporate limits marker near the residence of Guy Cockrum (formerly Simpson); thence in a southwesterly direction approximately 975 feet, crossing said Railway right-of-way, to a large oak tree near the barn of C.A. Longmire (formerly Cowan). Said point being 400 feet north of Andrew Johnson Highway; thence a straight line in a westerly direction the distance of 1,775 feet, crossing State Highway 92 at a point 500 feet north of the intersection of said highway with Andrew Johnson Highway, to a point in the northwestern corner of the yard at the residence of Grace Bayless; thence in a southerly direction with the western edge of the yard of said Bayless residence, the distance of 900 feet to a point 400 feet south of Andrew Johnson Highway in the field of Milligan, and about 300 feet west of the residence of Dr. F.L. Milligan; thence in an easterly direction, a line south of, parallel with and 400 feet from the said Andrew Johnson Highway, the distance of 710 feet to the line of Lester Finchum; thence north 37 degrees 24 minutes west with the line of Finchum 250 feet to a stake set in Finchum's line; thence north 40 degrees 50 minutes east 72 feet to a stake set in the field of Finchum, said stake being a distance of 150 feet southwest of Mountcastle Avenue; thence in an easterly direction, a line south of, parallel with, and 150 feet from Mountcastle Avenue, a distance of approximately 460 feet to a stake in the line of Finchum and Huskey; thence with Finchum's line south 5 degrees 9 minutes west, approximately 671 feet to a stake, corner of Finchum and Collins; thence south 88 degrees west 309.5 feet to Burnett Street; thence with Finchum's line a south course to the line of Myers; thence a south course continued with Myers' line to the point of beginning.

The boundaries established in the private acts have been amended by the following ordinances of record in the recorder's office: 208, 231, 236, 239, 268, 281, 286, 287, 307, 311, 319, 338, 350A as amended by 350B, 404, 418, 437, 455, 456, 93-39, 93-38, 93-32, 93-30, 93-17, 93-5, 93-3, 94-3, 94-8, 94-10, 94-19, 94-25, 94-35, 95-4, 95-9, 95-10, 95-12, 96-6, 96-38, 96-39, 96-42, 97-10, 97-11, 97-13, 98-1, 98-10, 98-11, 98-24, 98-25, 98-28, 98-31, 98-32, 99-1, 99-16, 2000-10, 2000-14, 2000-18, 2001-10, 2001-12, 2002-01, 2002-02, 2002-03, 2002-04, 2002-05, 2002-17, 2002-18, 2003-02, 2005-02, 2005-05, 2005-10, 2006-02, 2006-04, 2006-05, 2006-06, 2006-08, 2007-02, 2007-03, 2007-06, 2007-10, 2007-11, 2007-12, 2008-01, 2008-02, 2008-04, 2009-09, 2009-10, 2009-19, 2009-24, 2010-03, 2010-04, 2011-06, 2011-13, 2012-02, and 2012-04.

ARTICLE II

POWERS

SECTION

1. Powers enumerated.

Section 1. Powers enumerated. Jefferson City shall have power:

(1) To assess, levy, and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or city purposes.

(2) To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

(3) To contract and be contracted with.

(4) To expend the money of the city for all lawful purposes.

(5) To 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.

(6) To condemn property, real or personal or any interest, or estate or use therein, either within or without the city, for present or future defined public use; to condemn property for easements for public uses including, but not limited to, public utilities, roadways and railway lines and spur tracks serving industrial parks or industrial buildings; such condemnations to be made and effected in accordance with the procedures and provisions of Chapter 14 of Title 23 TCA, or in such other manner as may be provided by general law.

(7) To take and hold property within or without the city or state upon trust; and to administer trusts for the public benefit.

(8) To 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 of service to the city, its inhabitants, or any part thereof.

(9) To grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the city and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises, and whenever an exclusive franchise is

granted, it shall be exclusive against any other person, firm, association, or corporation. Franchises may be granted for the period of twenty-five (25) years or less from the date of granting, but no longer. Such franchises may be renewable at the option of the council. The city council may prescribe in each grant of a franchise, to public utilities not regulated by the Tennessee Public Service Commission, 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 said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

(10) To make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those therein. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive against any other person, firm, association, or corporation. Such contracts may be entered into for the period of twenty-five (25) years or less from the date of execution, but not longer. The city council may prescribe in each such contract entered into with public utilities not regulated by the Tennessee Public Service Commission, 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 as the date of the contract, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys, and other thoroughfares and to any other streets, alleys, and other thoroughfares that thereafter may be opened.

(11) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service utilities and compel, from time to time, reasonable extensions of facilities for such services.

(12) To provide for the acquisition, construction, building, operation, and maintenance inside or outside the city of: public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas works, marinas, city forests, tree and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and any other public improvements; and to regulate the use thereof; and for such purposes property may be either acquired or taken under Sections 6-1007 through 6-1011 and 23-1541, Tennessee Code Annotated or under other applicable laws.



(13) To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse, and to impose a compulsory service charge for such, or to license and regulate such collection and disposal.

(14) To license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law or inconsistent with State licensing procedures.

(15) To impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law.

(16) To 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.

(17) To 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.

(18) To inspect, test, measure, and weigh any article for consumption or use within the city, and to charge reasonable fees therefor; and to provide standards of weights, tests, and measures.

(19) To establish, regulate, license, and inspect weights and measures.

(20) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the city, and to provide for the enforcement of such standards.

(21) To purchase or construct, maintain, and establish penal facilities for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the city who fails to secure the fine and costs imposed upon him, or to contract with the county to keep said persons in the facility of said county and to provide by said contract and by ordinance for the commitment of such persons to the facility so provided, until such fine shall be fully paid.

(22) To enforce any ordinance, by means of fines, forfeitures and penalties and to impose court costs.

(23) To establish schools, determine the necessary boards, officers, and teachers required therefor, and fix their compensation, to purchase or otherwise acquire land for school houses, playgrounds and other purposes connected with the schools; to purchase or erect all necessary buildings and to do all other acts necessary to establish, maintain, and operate a complete educational system within the city.

(24) To regulate, tax, license or suppress the keeping or going at large of animals within the city; to impound the same and in default of redemption to sell or humanely dispose of the same.

(25) To establish, maintain and operate civil service systems, group insurance plans, and retirement systems for city employees, and to appropriate, expend and use the money of the city therefor.

(26) Under the police power, to make all necessary and proper rules and regulations regarding the use and operation of taxi cabs and contract carriers, and the operations thereof, within the corporate limits.

(27) To do all things necessary to provide the city sufficient and safe water; to provide for the regulation, construction and maintenance of water works, settling basins, pumping stations, water pipes and mains and rights-of-way for the same, reservoirs, wells and all appurtenances, whether within or without the corporate limits of the city; to provide for rates and assessments for water service, and to provide and fix liens or penalties and withdrawal of service for refusal or failure of the party served to pay for same.

(28) To provide for the establishment and operation of all offices, boards, divisions and departments, not herein enumerated, which may be deemed necessary or expedient in the interest of the city and to abolish, reorganize, or revise the scope of responsibilities of any office, board, division or department.

(29) To provide for and establish a Planning Commission and a Board of Zoning Appeals pursuant to and consistent with the general law; and to invest such bodies with all the powers conferred by general law; and to act upon the plans, plats, decisions and recommendations made by such bodies, respectively as in the general law provided.

(30) To call, regulate, provide for and control all municipal elections not provided by general law or this charter.

(31) To provide for the control of the growth of grass, weeds and vegetation and the accumulation of trash, rubbish and other deleterious or

noxious matter upon any property within the city; to require the owner of those in possession of said property to keep the same free from the accumulation thereof; to charge such owner or those in possession of said property with cost of removal of same and to impress a lien upon such property to defray the costs thereof.

(32) To have and exercise all powers which now or hereafter it would be competent for this Charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein.

### ARTICLE III

#### ELECTIONS

##### SECTION

1. Date of general city election.
2. General election laws apply.
3. Voter qualification requirements.
4. Election procedure.

Section 1. Date of general city election. A general city election shall be held on the same date as the state general election on the first Tuesday after the first Monday in November of even numbered years. [As replaced by Priv. Acts 2003, ch. 7, § 1]

Section 2. General election laws apply. All elections shall be conducted by the Commissioners of Elections of Jefferson County in accordance with the general election laws and this charter.

Section 3. Voter qualification requirements. Any person who has been a resident of Jefferson City for thirty days immediately preceding an election, or any nonresident who has owned taxable real property in the city for thirty days immediately preceding an election, and who is otherwise qualified to vote for members of the state legislature and has registered, shall be entitled to vote in city elections. These same qualifications shall apply to other city elections and referenda unless otherwise provided by law.

Section 4. Election procedure. At the city election held in May of 2003, a Mayor and two (2) councilmen shall be elected and shall serve until the date of the general state election on the first Tuesday after the first Monday in November of 2006 or until their successors are elected and qualified. Thereafter they shall be elected for four (4) year terms of office or until their successors are elected and qualified. At the city election held in May of 2005, two (2)

councilmen shall be elected and shall serve until the date of the general state election on the first Tuesday after the first Monday in November of 2008 or until their successors are elected and qualified. Thereafter they shall be elected for four-year terms of office or until their successors are elected and qualified. Any Mayor or councilmen shall be eligible for reelection. In the event that two (2) or more candidates receive the same number of votes at any election for Mayor or councilman, the tie shall be broken in accordance with the provisions of Tennessee Code Annotated, Section 2-8-111. No council member whose term extends beyond the next mayoral election may qualify as a candidate for the office of mayor if such council member holds office as such thirty (30) days prior to the final day for qualification as a candidate for mayor. Such council member shall not be disqualified from being appointed by the council to serve as a council member until the next city election for mayor, to fill the vacancy created by his or her resignation from office. [As amended by Priv. Acts 1981, ch. 36; and Priv. Acts 1981, ch. 37, § 1; replaced by Priv. Acts 2003, ch. 7, § 2, and amended by Priv. Acts 2006, ch. 99 and ch. 97]

## ARTICLE IV

### CITY COUNCIL

#### SECTION

1. Composition.
2. Election of vice-mayor.
3. Qualifications for office.
4. Salaries.
5. Time and place of meetings.
6. The office of mayor.
7. Vacancies.
8. Oath of office.
9. Quorum, attendance, and adjournment.
10. Proceedings.
11. Removal of mayor or councilman from office.
12. Ordinance procedure.
13. Legislative action which must be exercised by ordinance.

Section 1. Composition. The governing body of Jefferson City shall consist of the mayor and four councilmen elected by the voters of Jefferson City at large, and after the election of the vice-mayor as provided by this charter, shall be known as the city council.

Section 2. Election of Vice-Mayor. The Mayor and councilmen, at the first regular meeting following each general city election shall elect one (1) of

their number Vice-Mayor to carry out the duties of Mayor in his or her absence. If the office of Mayor shall become vacant, the Vice-Mayor shall become Mayor the remainder of the unexpired term; and in the latter event, as soon as the vacancy is filled, the council shall elect another of its members to the office of Vice-Mayor to serve during the remainder of the unexpired term. [As replaced by Priv. Acts 2003, ch. 7, § 3]

Section 3. Qualifications for office. The mayor and councilmen shall be qualified voters of the city and shall hold no other public office except as a notary public or member of the national guard or military reserve. No person shall be eligible to the office of mayor or councilman unless he shall have been for at least one (1) year next preceding his election a citizen of Jefferson City. If the mayor or a councilman shall cease to possess any of these qualifications, or shall be convicted of any crime involving moral turpitude, his office shall immediately become vacant. No person shall become mayor or councilman who has been convicted of malfeasance in office, bribery, or other corrupt practice or crime.

Section 4. Salaries. The council may set the annual salary of the mayor and councilmen by ordinance, but no ordinance establishing or increasing such salary shall become effective until the expiration of the current term of the mayor and all councilmen.

Section 5. Time and place of meetings. The council shall, by ordinance, fix the time and place at which the regular meetings of the council shall be held. Until otherwise provided by ordinance, the regular meeting of the council shall be held at 7:30 p.m. on the first Monday of each month. When such day falls on a legal holiday, the meeting shall be on the next following day unless otherwise prescribed by council.

Whenever in the opinion of the mayor or of any three (3) councilmen, the welfare of the city demands it, the recorder shall call a special meeting of the council.

Section 6. The office of mayor. The mayor shall preside at all meetings of the council at which he is present, and in his absence, the vice-mayor shall preside, and in the absence of the mayor and vice-mayor, the council may designate one of their number to preside.

The mayor shall be the chief elected official of the city, and shall be the officer upon which process against the city may be served. He shall have a vote in city council on all matters, but no veto power. [as amended by Priv. Acts 2006, ch. 98]

Section 7. Vacancies. Any vacancy in the council shall be filled by appointment made by the remaining members thereof, and the councilman so appointed shall serve for the remainder of the unexpired term. Provided, however, that only one (1) vacancy shall be filled by appointment made by the council; and, in the event of any additional vacancy after the first, the council shall forthwith, by resolution, call upon the election commissioners for Jefferson County to call a special election for the purpose of filling any such additional vacancy. The Election Commissioners for Jefferson County, when thus called upon by the council, shall immediately call such special election and appoint the necessary officers therefor, and said special election shall be held in the same manner as provided in this charter for general city elections. The councilman elected at such special election so held shall hold office for the remainder of the unexpired term; provided, however, that the foregoing provisions with reference to filling any additional vacancy after the first by a special election shall not apply to any additional vacancy in the council occurring less than one hundred-eighty (180) days prior to any general city election; and in the latter event, such additional vacancy occurring less than one hundred-eighty (180) days prior to any general city election shall be filled by appointment made by the remaining members of the council, and the mayor or councilman so appointed shall serve until his successor elected at the next general election is qualified.

In the event of the occurrence of any vacancy in the council which may, under the provisions of this section, be filled by appointment by the mayor and remaining councilmen, and such mayor and remaining councilmen shall fail or neglect to fill such vacancy within 20 days of its occurrence, it shall be the duty of the Election Commissioners of Jefferson County, upon certification of such facts to them by any council member, to call and cause to be held, as hereinabove provided, a special election for the purpose of filling such vacancy, provided such certification be made to the Election Commissioners for Jefferson County within sufficient time to permit the holding and completion of such special election at least 180 days prior to the next general city election.

Section 8. Oath of office. The mayor and councilmen, before entering upon their duties, shall each take and subscribe and file with the recorder an oath or affirmation that he will support the Constitution of the United States and of the State of Tennessee and the Charter and ordinances of the City of Jefferson City, and that he will faithfully discharge the duties of his office.

Section 9. Quorum, attendance, and adjournment. A majority of all the members of said council shall constitute 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 council may provide.

A regular meeting at which a quorum is present may be adjourned by a majority vote, either from day to day or from time to time; but no such adjournment shall be taken to a date beyond the preceding the next regular meeting; and any adjourned meeting shall continue as a regular meeting throughout said adjournment.

Section 10. Proceedings. Said council may determine the rules of its proceedings, subject to this charter. It shall have power to subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction; to call upon the chief of police to execute its process; and to arrest and punish by fine any person refusing to obey such subpoena or order.

No fine for any one offense under this section shall exceed fifty dollars (\$50) or the maximum allowed by state law.

Its presiding officer or the chairman of any committee may administer oaths to witnesses.

It shall keep a journal of its proceedings, and the vote on every question shall be entered thereon.

Section 11. Removal of mayor or councilman from office. The mayor or any councilman may be removed from office by the council for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty or for permanent disability, all other members of the council voting for said 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 seven (7) days prior to said hearing in a newspaper of general circulation in the city. The hearing shall be made public and the accused shall have the right to appear and defend person and by counsel, and have process of the council to compel the attendance of witnesses in his 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.

Immediately upon the vote for removal the term of the accused shall expire and his official status, power and authority cease without further action. Any one removed hereunder shall have the right of appeal, within ten days, to the circuit court of Jefferson County. Upon any such appeal being taken, the recorder shall make and certify to the clerk of said circuit court a complete transcript of the entire removal proceedings. The judge of said court shall hear and determine the cause solely upon transcript record, and no additional evidence shall be introduced. The city or the accused, if either be dissatisfied with the decree of the court, may appeal to the supreme court as in other cases.

Section 12. Ordinance procedure. All ordinances shall begin with the clause, "Be it ordained by the city council of Jefferson City, Tennessee." An ordinance may be introduced by any member of the council. The body of ordinances may be omitted from the minutes on first reading, but reference therein shall be made to the ordinance by title and/or subject matter. Every ordinance shall be passed on two different days, at regular, special or adjourned meetings. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the presiding officer of council, and shall be immediately taken charge of by the recorder, and by him numbered, copied in an ordinance book and there authenticated by the signature of the recorder, and filed and preserved in the recorder's office. [as amended by Priv. Acts 2006, ch. 96]

Section 13. Legislative action which must be exercised by ordinance. Except as otherwise provided by general law or this chapter, legislative action of the council shall be by ordinance when granting, renewing or extending public franchises; creating, abolishing or combining departments or offices; authorizing the borrowing of money; regulating the rate charged for its services by a public utility; fixing fees, service charges and utility rates; exercising the police power; levying taxes; adopting the budget; providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed; or amending or repealing an existing ordinance.

## ARTICLE V

### CITY MANAGER

#### SECTION

1. Appointment and removal of city manager.
2. Acting city manager.
3. Powers and duties.

Section 1. Appointment and removal of city manager. The city council shall appoint and fix the salary of the city manager, who shall serve at the will of the council, provided, however, that he may not be removed within twelve (12) months from the date on which he assumed his duties, except for incompetence, malfeasance, misfeasance, or neglect of duty. In case of his removal within said period, he may demand written charges and a public hearing thereon before the council prior to the date on which his final removal shall take effect; but the decision and action of the council on such hearing shall be final, and pending such hearing, the council may suspend him from duty.



Section 2. Acting city manager. The city council shall designate an administrative officer of the city as acting city manager to serve during any temporary absence or disability of the manager.

Section 3. Powers and duties. The city manager shall be the chief administrative officer of the city; responsible to the council for the direction and administration of all offices, departments, and activities placed in his charge by this charter or the city council. The powers and duties of the city manager shall be:

(1) To appoint, remove or otherwise discipline all department heads and all subordinate officers and employees, all appointments to be made upon merit and fitness alone. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department or office.

(2) To see that all laws and ordinances, subject to enforcement by him or by officers subject to his direction, are enforced, and upon knowledge or information of any violation thereof, to see that prosecutions are instituted.

(3) To attend all council meetings and to have the right to take part in any discussions, but not to vote.

(4) To prepare and submit an annual operating budget and an annual capital budget update to the council at the appropriate time.

(5) To submit to the council a complete report on the financial condition of the city at the end of each fiscal year.

(6) To make such other reports on the activities of the city as the city council may require or as he sees the need for and to make such recommendations as in his opinion, are necessary to improve the effectiveness and efficiency of the city's operations or as are needed for the overall good of the city.

(7) To act as purchasing agent for the city, purchasing all materials, supplies, and equipment needed by the city in accordance with state law and procedures established by the city council.

(8) To perform other duties required by this charter or the city council.

ARTICLE VI

## CITY RECORDER

## SECTION

1. Appointment, compensation, and specific requirements, powers, and duties of office.
2. Shall keep minutes.
3. Shall be custodian of public records, bonds, etc.
4. Shall provide and certify copies of records, papers, etc.
5. Shall generally supervise and keep records of fiscal affairs.
6. Shall be treasurer.
7. Shall preside over city court.
8. Shall perform any other duties imposed.
9. Appointment of recorder pro tempore.

Section 1. Appointment, compensation, and specific requirements, powers, and duties of office. The recorder shall be appointed by the city manager and shall be the head of the department of finance. He shall receive a salary to be fixed by the council; give such bond to the city for not less than ten thousand dollars, as may be provided by ordinance. He shall have a seat and a voice, but no vote, in the council. He shall by his signature and the city seal, attest all instruments signed in the name of the city and all official acts of the mayor. He shall have power to administer oaths.

Section 2. Shall keep minutes. It shall be the duty of the recorder to be present at all meetings of the council and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form.

Section 3. Shall be custodian of public records, bonds, etc. The recorder shall have custody of and preserve in his office, the city seal, the public records, original rolls of ordinances, ordinance books, minutes of the council, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds (except his own 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.

Section 4. Shall provide and certify copies of records, papers, etc. The recorder shall provide, and, when required by any officer or person, certify copies of records, papers and documents in his 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 council, and kept in his office for distribution.

Section 5. Shall generally supervise and keep records of fiscal affairs. The recorder as the head of the department of finance, shall 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 thereof. He shall be the general accountant and internal auditor of the city; shall have custody of all papers, records and vouchers relating to the fiscal affairs of the city, and the records in his office shall show the financial operations and condition, property, assets, claims and liability of the city, all expenditures authorized and all contracts in which the city is interested.

Section 6. Shall be treasurer. The recorder shall be the treasurer of the city; as such it shall be his duty to collect, receive and receipt for the taxes and all other revenues and bonds of the city, and the proceeds of its bond issues, and to disburse the same.

Section 7. Shall preside over city court. The recorder shall also preside over the city court until a city judge has been appointed and qualified as provided for in this charter.

Section 8. Shall perform any other duties imposed. The recorder shall also perform any other duties imposed upon him by this charter or by ordinance.

Section 9. Appointment of recorder pro tempore. In event of the temporary absence or disability of the recorder, the city manager may by an instrument in writing appoint a recorder pro tempore who shall have and exercise all the powers of the regular recorder.

## ARTICLE VII

### CITY ATTORNEY

#### SECTION

1. Qualifications.
2. Appointment, duties, and compensation.

Section 1. Qualifications. The city attorney shall be an attorney at law entitled to practice in the courts of the State of Tennessee.

Section 2. Appointment, duties, and compensation. The city attorney shall be appointed by the city council and shall direct the management of all

litigation in which the city is a party, including the function of prosecuting attorney in the city court; 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 is officially interested; attend all meetings of the council; advise the council, 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 interests; and 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. His compensation shall be as fixed by the council and he shall serve at the will of city council.

## ARTICLE VIII

### ADMINISTRATION

#### SECTION

1. Departments, offices, and agencies generally.
2. Direction and supervision of departments, offices, and agencies.
3. Personnel rules.
4. Officers, employees, etc., who handle money shall be bonded.
5. Oath of office required.

Section 1. Departments, offices, and agencies generally. The council may establish city departments, offices or agencies in addition to those created by this charter, and may prescribe the functions of all departments, offices and agencies not inconsistent with this charter. Departments, offices and agencies created by the council may be abolished or combined.

Section 2. Direction and supervision of departments, offices, or agencies. All departments, offices and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the city manager. The city manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

Section 3. Personnel rules. The council shall adopt personnel rules which shall include but not be limited to:

- (1) A job classification plan;
- (2) A pay plan;

(3) The hours of work, attendance regulations and provisions for sick and vacation leave.

Section 4. Officers, employees, etc., who handle money shall be bonded. The city manager and every officer, agent and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon his duties, execute a surety bond with some surety company authorized to do business in the State of Tennessee, as surety, in such amount as shall be prescribed by ordinance or this charter. All such bonds and sureties shall be subject to the approval of the council, and the council may provide for blanket bonds. The cost of all bonds shall be an expense of the city.

Section 5. Oath of office required. The city manager and every appointive officer shall before taking office take and subscribe to the same oath of office required of the mayor and councilmen.

## ARTICLE IX

### FINANCE

#### SECTION

1. Fiscal year.
2. Annual departmental budgets required.
3. Manager required to prepare and submit annual budget and explanatory message.
4. Required content and organization of budget.
5. Amendments to budget, when budget must be adopted, and effect of adoption.
6. Supplemental appropriations.
7. Emergency appropriations.
8. Deficits.
9. Transfer of unencumbered appropriations.
10. Lapsing of appropriations.
11. Incurrence and discharge of obligations.
12. Borrowing.
13. Accounting records and audits.
14. Competitive bidding and purchasing procedures.

Section 1. Fiscal year. The fiscal year of the city shall be set by ordinance.

Section 2. Annual departmental budgets required. The adoption of an annual budget for all departments shall be prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

Section 3. Manager required to prepare and submit annual budget and explanatory message. At least 60 days before the beginning of the fiscal year the manager shall prepare and submit to the council a budget for the ensuing fiscal year and an accompanying message. The manager's message shall explain the budget both in fiscal terms and in term of work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the manager deems desirable.

Section 4. Required content and organization of budget. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require.

Section 5. Amendments to budget, when budget must be adopted, and effect of adoption. After the first reading the council may adopt the budget with or without amendment, but no amendment shall decrease expenditures required by law for debt service. The budget shall be adopted for the ensuing fiscal year before the end of the current fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 6. Supplemental appropriations. If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

Section 7. Emergency appropriations. Upon a declaration by the council that there exists a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations by ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations council is authorized to borrow funds sufficient to meet said emergency by issuing negotiable notes. Provision shall be made in the budget for the succeeding fiscal year for the payment of such notes.

Section 8. Deficits. If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating

the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce appropriations.

Section 9. Transfer of unencumbered appropriations. At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

Section 10. Lapsing of appropriations. Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered.

Section 11. Incurrence and discharge of obligations. No payment shall be made or obligation incurred against any appropriation unless the manager or an officer designated by him first certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 12. Borrowing. The council, for the sole purpose of meeting the necessary expenses within appropriations, is authorized to borrow money in the amount not to exceed 50 per cent of the anticipated revenues for the current fiscal year. Such notes shall mature during the current fiscal year and shall be paid from budgeted revenues.

Section 13. Accounting records and audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. The same account titles shall be used throughout the accounting records, the budget and financial statements. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the city shall be required by action of city council and same be made after the end of each fiscal year by a public accountant skilled in such work. Any taxpayer may file a bill in chancery court to compel the council to have the audit made if such accountant has not been employed within one month after the end of the fiscal year.

Section 14. Competitive bidding and purchasing procedures. The manager shall be responsible for all city purchasing, but he may delegate his duty to any subordinate appointed by him. Competitive prices for all purchases and public improvements shall be obtained whenever practicable and in accordance with regulations established by ordinance, and the purchases made from or the contract awarded to the lowest and best bidder, provided that the city shall have the power to reject any and all bids. Formal sealed bids shall be obtained in all transactions involving the expenditure of ten thousand dollars (\$10,000.00) or more, and the transaction shall be submitted to and approved by the council; provided, that in cases where the council indicates by formal 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. Purchasing and contract procedures not prescribed by this charter or other law may be established by ordinance. [As amended by Priv. Acts 2003, ch. 6]

## ARTICLE X

### TAXATION

#### SECTION

1. Assessment and levy.
2. Due and delinquent dates; penalties and interest.
3. Collection of delinquent taxes.
4. Publication of notice to taxpayers.
5. Statutory lien.

Section 1. Assessment and levy. All property within the city not exempt by general law shall be assessed for taxation upon the same principles established in regard to state and county taxation. Assessments made by the county tax assessor may be adopted by the city.

Section 2. Due and delinquent dates; penalties and interest. Property taxes shall be payable on and after October 1 in the year for which assessed and shall become delinquent on March 1 following. The council by ordinance shall fix penalties and interest on delinquent taxes.

Section 3. Collection of delinquent taxes. The city council may provide by ordinance for the collection of delinquent taxes by distress warrants issued and executed in accordance with general law. If not otherwise collected, the city attorney, or other attorney designated by the council, shall, at the council's



direction, file suit for collection of all delinquent taxes not later than 18 months following date of delinquency.

Section 4. Publication of notice to taxpayers. In February of each year there shall be published once a week for two consecutive weeks a notice to taxpayers informing them the date after which penalties and interest on property taxes will be due.

Section 5. Statutory lien. All municipal taxes on real estate in Jefferson City, and all penalties and cost accruing thereon are hereby declared to be a lien on said real estate from and after February 28 after the year for which the same are assessed.

## ARTICLE XI

### CITY COURT

#### SECTION

1. Appointment, oath, compensation, and restrictions on office of city judge.
2. Absence or disability of city judge.
3. Duties and powers of city judge.
4. Imposition of bail, fines, costs, and sentences.
5. Maintenance of docket and other court rules.
6. Rehearings.
7. City judge to be exclusive judge of law and facts.

Section 1. Appointment, oath, compensation, and restrictions on office of city judge. A city judge who shall constitute the city court shall be appointed by the council for a term of two (2) years. He shall take the same oath required of the mayor and councilmen and shall be licensed to practice law in the State of Tennessee. He shall receive such compensation as may be provided by ordinance. The city judge may be removed for cause by the city council.

Section 2. Absence or disability of city judge. The council shall designate a qualified person to serve as interim judge in the absence or disability of the city judge.

Section 3. Duties and powers of city judge. The city judge shall try all persons charged with violation of the ordinances of the city. He shall have the power to levy fines, penalties and forfeitures not exceeding \$50, or maximum set by state law, for each offense and to impose such costs as the council may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt by fine.

Section 4. Imposition of bail, fines, costs, and sentences. The bail of persons arrested and awaiting trial and persons appealing the decision of the city judge shall be fixed by the city judge and upon such security as in his discretion he deems necessary or as otherwise provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officials other than the city judge as provided by ordinance, but no officer shall accept cash bail unless the person arrested shall be given a receipt which shall explain the nature of the deposit. The receipt shall be in duplicate and a copy with the money deposited shall be filed with the city judge. Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon failure to pay fines or to furnish security, the city judge shall commit the offender to the jail or workhouse until such fines have been paid. For each day's confinement there shall be credited \$5.00 toward the fine.

Section 5. Maintenance of docket and other court rules. The city judge shall keep a docket. The council may by ordinance require such other records, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the court as deemed necessary.

Section 6. Rehearings. Whenever any person convicted of the violation of an ordinance of the city shall show to the satisfaction of the city judge that new evidence of his innocence not available to him at the trial which evidence, if true, could result in acquittal, the city judge may grant a rehearing if petitioned within nine days of the trial.

Section 7. City judge to be exclusive judge of law and facts. The city judge shall be the exclusive judge of the law and facts in every case before him, and no official or employee of the city shall attempt to influence his decision except through pertinent facts presented in court.

## ARTICLE XII

### MISCELLANEOUS AND TRANSITIONAL PROVISIONS

#### SECTION

1. Corporate existence; existing ordinances and resolutions.
2. Expiration of terms of elected officers.
3. Legal effect of this act.

Section 1. Corporate existence; existing ordinances and resolutions. The corporate existence of Jefferson City is continued. All existing ordinances, resolutions or other actions of the board of mayor and aldermen not inconsistent

with this charter shall remain in full force and effect until amended or repealed in the manner herein provided.

Section 2. Expiration of terms of elected officers. The board of mayor and aldermen in office when this act is effective shall continue in office as the mayor and councilmen, constituting the city council with all powers provided by this charter, until their successors are elected and qualified.

Section 3. Legal effect of this act. This act is declared to be a public act, and may be read in evidence in all courts of law and equity. All ordinances and resolutions and proceedings of the city council created by this charter may be proven by the seal of said corporation, attested by the recorder, and, when printed and published by the authority of said corporation and certified by the recorder, shall be received in evidence in all courts and places without proof.

SECTION 2. Conflicting acts. All acts and parts of acts in conflict with this act be and the same are hereby repealed from and after the effective date of this act as hereinafter provided.

SECTION 3. Invalidity or unconstitutionality. If any section or part of a section of this act shall be finally adjudged by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this act, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

SECTION 4. Local approval required. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the city voting in an election on the question of whether or not the act should be approved. The ballots used in the regular election to be held on May 3, 1979 shall have printed on them the caption of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commission and certified by it to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 5. Effective date. For the purpose of approving or rejecting the provisions of this act, as provided in Section 4, it shall be effective upon becoming a law, but for all other purposes the provisions of this act shall take effect sixty (60) days after it is approved as provided in Section 4.

PASSED: March 1, 1979

John S. Wilder,  
SPEAKER OF THE SENATE.

Ned R. McWherter,  
SPEAKER OF THE HOUSE OF REPRESENTATIVES.

APPROVED this 8th day of March 1979.

Lamar Alexander,  
GOVERNOR.

PRIVATE ACTS CONSTITUTING THE CHARTER OF  
JEFFERSON CITY, TENNESSEE

YEAR	CHAPTER	SUBJECT
1979	11	Basic charter act.
1981	36	Amended § 4, art. 3.
1981	37	Amended § 4, art. 3.
2003	6	Amended § 14, art. 9.
2003	7	Replaced §§ 1 and 4, art. 3 and § 2, art. 4
2006	96	Amended § 12, art. 4
2006	97	Amended § 4, art. 3
2006	98	Amended § 6, art. 4
2006	99	Amended § 4, art. 3