

TITLE 1

ADMINISTRATION, OFFICERS, AND PERSONNEL¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. SECRETARY.
4. POLICE AND ARREST.
5. CITY COURT.
6. WORKHOUSE.
7. MISCELLANEOUS REGULATIONS--TOWN PERSONNEL.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Passage of ordinances.
- 1-105. Quorum.
- 1-106. Salary of aldermen and mayor.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 p.m. on the second Monday of each month at the city hall.

1-102. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.

¹For other provisions relating to administration, officers, and personnel, see the charter and/or the appropriate related title in this code. For example, for provisions relating to the organization of the fire department, see title 7; for provisions relating to the administration of utilities, see title 13.

²For charter provisions dealing with the board of mayor and aldermen, see particularly §§ 4--6.

- (2) Roll call by the mayor.
- (3) Reading of minutes of the previous meeting by the mayor and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment.

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code.

1-104. Passage of ordinances. All ordinances shall be introduced in written form and shall be passed on two (2) readings before becoming effective in accordance with their terms.

1-105. Quorum. Four (4) members of the board of mayor and aldermen -- three (3) aldermen and the mayor or four (4) aldermen without the mayor -- shall constitute a quorum for the transaction of business.

1-106. Salary of aldermen and mayor. Aldermen shall serve as such without compensation. The mayor shall receive such salary as may be set from time to time by the board of mayor and aldermen.

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities.

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen.

¹For duties of the mayor as outlined in the charter, see § 7.

CHAPTER 3

SECRETARY

SECTION

1-301. Appointment and duties.

1-301. Appointment and duties. At the first meeting after each municipal election, the board of mayor and aldermen shall appoint one of its members as secretary to serve until the next election. The secretary shall assist the mayor in keeping the minutes of the board of mayor and aldermen and shall attest the mayor's signature on all official town documents.

CHAPTER 4

POLICE AND ARREST¹

SECTION

- 1-401. Policemen subject to mayor's orders.
- 1-402. Policemen to preserve law and order, etc.
- 1-403. Policemen to wear uniforms and be armed.
- 1-404. When policemen to make arrests.
- 1-405. Policemen may require assistance.
- 1-406. Disposition of persons arrested.
- 1-407. Police department records.
- 1-408. Salaries.

1-401. Policemen subject to mayor's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the mayor may officially issue.

1-402. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court.

1-403. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment.

1-404. When policemen to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it.

¹For provisions relating to traffic citations, etc., see title 9, chapter 6, in this code.

1-405. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary.

1-406. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the municipal judge is not immediately available or the alleged offender does not post the required bond, he shall be confined.

1-407. Police department records. The police department shall keep a comprehensive and detailed daily record, in perform, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department.

1-408. Salaries. Police officers of the town shall receive such compensation as may be set from time to time by the board of mayor and aldermen.

CHAPTER 5

CITY COURT

SECTION

- 1-501. Office of municipal judge created.
- 1-502. Qualifications.
- 1-503. Appointment and term.
- 1-504. Vacancies.
- 1-505. Oath and bond.
- 1-506. Salary.
- 1-507. Maintenance of docket.
- 1-508. Issuance of arrest warrants.
- 1-509. Issuance of summonses.
- 1-510. Issuance of subpoenas.
- 1-511. Trial and disposition of cases.
- 1-512. Appearance bonds authorized.
- 1-513. Imposition of fines, penalties, and costs.
- 1-514. Appeals.
- 1-515. Bond amounts, conditions, and forms.
- 1-516. Disposition and report of fines, penalties, and costs.
- 1-517. Disturbance of proceedings.

1-501. Office of municipal judge created. Pursuant to §§ 17-1-501 and 17-1-502, Tennessee Code Annotated, the office of municipal judge is hereby created, and the holder of said office is hereby vested with all the judicial powers and functions heretofore vested in the mayor subject to the provisions of law and the charter and by-laws of the Town of Gibson governing the municipal court heretofore presided over by the mayor. [Ord. of Nov. 29, 1973, § 1]

1-501. Qualifications. The person appointed to the office of municipal judge shall be a resident within the corporate limits of the town and a legally qualified voter in the elections of the town. [Ord. of Nov. 29, 1973, § 2]

1-502. Appointment and term. The municipal judge shall be appointed by the board of mayor and aldermen of the Town of Gibson on majority vote to serve at the pleasure of the board of mayor and aldermen. [Ord. of Nov. 29, 1973, § 3]

1-503. Vacancies. Vacancies in the office of municipal judge shall be filled for the unexpired term by the board of mayor and aldermen. In the event the municipal judge is absent or disabled or unable to perform the functions of

office, the board of mayor and aldermen shall appoint an interim municipal judge to perform all functions and duties of the office during the time said officer is absent, disabled, or unable to perform said functions and duties. [Ord. of Nov. 29, 1973, § 4]

1-505. Oath and bond. The municipal judge, before he shall enter upon the duties of office, shall take an oath faithfully to carry out his duties and shall give bond and security for the faithful discharge of his duties in such sum as the board and mayor and aldermen may deem proper, payable to the mayor and board of aldermen or their successors in office. Provided, however, the cost of making said bond of the municipal judge shall be paid by the Town of Gibson out of its general funds. [Ord. of Nov. 29, 1973, § 5]

1-506. Salary. The salary of the municipal judge shall be fixed by the board of mayor and aldermen before the appointment of said office and shall not be altered during the term for which said municipal judge is appointed. Said salary will be in lieu of all other fees or other compensation provided for by the charter or by-laws of the town. [Ord. of Nov. 29, 1973, § 6]

1-507. Maintenance of docket. The municipal judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant.

1-508. Issuance of arrest warrants.¹ The municipal judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

1-509. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the municipal judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully

¹See the Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal.

1-510. Issuance of subpoenas. The municipal judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith.

1-511. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the municipal judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court.

1-512. Appearance bonds authorized. When the municipal judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the municipal judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody.

1-513. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the municipal judge on the city court docket in open court.

In all cases heard or determined by him, the municipal judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases.

1-514. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days² next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

1-515. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the municipal judge shall

¹See § 8-21-401, Tennessee Code Annotated.

²See § 27-5-101, Tennessee Code Annotated.

prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable.

1-516. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the municipal judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over as soon as possible to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

1-517. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

CHAPTER 6

WORKHOUSE

SECTION

1-601. County workhouse to be used.

1-602. Inmates to be worked.

1-603. Compensation of inmates.

1-601. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county.

1-602. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners.

1-603. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.¹

¹See § 40-3204, Tennessee Code Annotated.

CHAPTER 7

MISCELLANEOUS REGULATIONS--TOWN PERSONNEL

SECTION

- 1-701. Business dealings.
- 1-702. Acceptance of gratuities.
- 1-703. Outside employment.
- 1-704. Political activity.
- 1-705. Use of municipal time, facilities, etc.
- 1-706. Use of position.
- 1-707. Strikes and unions.

1-701. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the town.

1-702. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business.

1-703. Outside employment. No full-time officer or employee of the town shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the town.

1-704. Political activity. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials.

1-705. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment,

or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services.

1-706. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

1-707. Strikes and unions. No municipal officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees.