

## TITLE 1

ADMINISTRATION, OFFICERS, AND PERSONNEL<sup>1</sup>

## CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. POLICE AND ARREST.
5. TOWN COURT.
6. WORKHOUSE.
7. SOCIAL SECURITY--TOWN PERSONNEL.
8. HOLIDAYS, VACATIONS AND SICK LEAVE--TOWN PERSONNEL.
9. MISCELLANEOUS REGULATIONS--TOWN PERSONNEL.
10. TRAVEL REIMBURSEMENT REGULATIONS.

## CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

## SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:30 p.m. on the last Monday of each month at the Gas Department Building.

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.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.

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<sup>1</sup>For 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.

- (4) Communications from the mayor.
- (5) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (6) Old business.
- (7) New business.
- (8) Grievances from citizens.
- (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.

## CHAPTER 2

MAYOR

## SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. To be bonded.

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.

1-203. To be bonded. The mayor shall post a bond in such sum may be fixed by the board of mayor and aldermen guaranteeing the faithful performance of his duties and the proper administration of all funds for which he is responsible. The bond shall be issued by a bonding or insurance company licensed to do business within the State of Tennessee. All costs of the bond shall be paid by the town. (as amended by ord. No. 10, sec. 1)

## CHAPTER 3

RECORDER

## SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall post a bond in such sum may be fixed by the board of mayor and aldermen guaranteeing the faithful performance of his duties and the proper administration of all funds that come within his hands. The bond shall be issued by a bonding or insurance company licensed to do business within the State of Tennessee. All costs of the bond shall be paid by the town. (as amended by ord. No. 10, sec. 2)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book.

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide.

## CHAPTER 4

POLICE AND ARREST<sup>1</sup>

## SECTION

- 1-401. Policemen subject to chief'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.

1-401. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief 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 town court during the trial of cases. Policemen shall also promptly serve any legal process issued by the town 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.<sup>1</sup> 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.

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<sup>1</sup>For 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 town court for immediate trial or allowed to post bond. When the town 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 permanent form, 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.

## CHAPTER 5

TOWN COURT

## SECTION

- 1-501. Town judge.
- 1-502. Term of office and compensation.
- 1-503. Absence or disability of the town judge.
- 1-504. Judge to have powers and functions provided by charter.
- 1-505. Maintenance of docket.
- 1-506. Issuance of arrest warrants.
- 1-507. Issuance of summonses.
- 1-508. Issuance of subpoenas.
- 1-509. Trial and disposition of cases.
- 1-510. Appearance bonds authorized.
- 1-511. Imposition of fines, penalties, and costs.
- 1-512. Appeals.
- 1-513. Bond amounts, conditions, and forms.
- 1-514. Disposition and report of fines, penalties, and costs.
- 1-515. Disturbance of proceedings.

1-501. Town judge. Pursuant to article X, section 1 of the charter, the mayor shall preside over the municipal court and shall be known as the town judge. (as replaced by ord. No. 6)

1-502. Term of office and compensation. The term of office of the town judge shall coincide with the term of office for the mayor. The board of mayor and aldermen shall fix the compensation of the town judge by ordinance passed one hundred twenty (120) days prior to the regular biennial town election. The salary shall not be altered during the term of office. (as replaced by ord. No. 6)

1-503. Absence or disability of the town judge. The board of mayor and aldermen shall designate a qualified person to serve in the absence or disability of the town judge. (as replaced by ord. No. 6)

1-504. Judge to have powers and functions provided by charter. The judge shall be vested with the powers and functions and shall be subject to the provisions provided in the town's charter. (as replaced by ord. No. 6)

1-505. Maintenance of docket. The town 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. (as replaced by ord. No. 6)

1-506. Issuance of arrest warrants.<sup>1</sup> The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (as replaced by ord. No. 6)

1-507. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town 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 town 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 town court as commanded in a summons lawfully 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. (as replaced by ord. No. 6)

1-508. Issuance of subpoenas. The town judge may subpoena as witnesses all person 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. (as replaced by ord. No. 6)

1-509. 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 town court is in session or the town 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. (as replaced by ord. No. 6)

1-510. Appearance bonds authorized. When the town 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 town

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



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. (as replaced by ord. No. 6)

1-511. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the town judge on the town court docket in open court. (as replaced by ord. No. 6)

1-512. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered,<sup>1</sup> appeal to the next term of the circuit court upon posting a proper appeal bond. (as replaced by ord. No. 6)

1-513. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred 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. (as replaced by ord. No. 6)

1-514. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body 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. (as replaced by ord. No. 6)

1-515. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (as replaced by ord. No. 6)

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<sup>1</sup>See Tennessee Code Annotated, section 27-5-101.

## 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.<sup>1</sup>

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<sup>1</sup>See section 40-3204, Tennessee Code Annotated.

## CHAPTER 7

SOCIAL SECURITY--TOWN PERSONNEL

## SECTION

- 1-701. Policy and purpose as to coverage.
- 1-702. Necessary agreements to be executed.
- 1-703. Withholdings from salaries or wages.
- 1-704. Appropriations for employer's contributions.
- 1-705. Records and reports.
- 1-706. Exclusions from coverage.

1-701. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Maury City, Tennessee, to extend at the earliest date, to the employees and officials thereof, not excluded by law or ordinance, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734-81st Congress. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state or federal laws or regulations. (Emergency ordinance, passed November 17, 1952)

1-702. Necessary agreements to be executed. The Mayor of the Town of Maury City, Tennessee is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the State Executive Director of Old Age Insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (Emergency ordinance passed, November 17, 1952)

1-703. Withholdings from salaries or wages. Withholdings from salaries or wages of employees and officials for the purpose provided in Section 1-701, hereof, are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (Emergency ordinance, passed November 17, 1952)

1-704. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, which shall be paid over to the state or federal agency designated by said laws or regulations. (Emergency ordinance, passed November 17, 1952)

1-705. Records and reports. The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (Emergency ordinance, passed November 17, 1952)

1-706. Exclusions from coverage.<sup>1</sup> There is hereby excluded from this chapter any authority to make any agreement with respect to emergency, part-time and fee based employees and elective legislative, executive and judicial officials, or any employee or official now covered or authorized to be covered by any other provision creating any retirement system for any employee or official of said town.

However, the mayor is hereby directed to amend the social security agreement with an effective date of July 1, 1952, so as to extend the benefits of the System of Federal Old Age and Survivors Insurance to include emergency, part-time and fee based employees and elective judicial officials as of October 1, 1962, and elective executive officials as of January 1, 1958. (Emergency ordinance, passed November 17, 1952, as amended by ordinance passed February 26, 1963)

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<sup>1</sup>See Ord. No. 22 (April 1995) of record in the office of the recorder for amendments to the Social Security Agreement by and between the City of Maury City, Tennessee, and the State Old Age and Survivors Insurance Agency.

CHAPTER 8

HOLIDAYS, VACATIONS AND SICK LEAVE--TOWN PERSONNEL

SECTION

- 1-801. Applicability of chapter.
- 1-802. Holidays.
- 1-803. Vacation leave.
- 1-804. Sick leave.
- 1-805. Leave records.

1-801. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission.

1-802. Holidays. The following days shall be observed as legal holidays by the town's employees: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and following day, Christmas Eve, and Christmas Day, and such other days as may be designated by the board of mayor and aldermen. When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be observed as the official holiday for town employees.

Where possible, every town employee shall be given approved holidays as set out in this section, and all employees will be paid for eight hours at their respective rate of pay even if the official holiday coincides with their regularly scheduled day off. Those employees who are regularly scheduled to work on the official holiday will receive payment for the holiday plus their respective rate of pay for their time worked. For those employees who are scheduled to take the holiday, but then are required to work, they will receive payment for the holiday plus one and one-half times the time worked.

1-803. Vacation leave. All officers and employees who have been continuously employed for a period of one (1) year or longer shall be credited with earned vacation leave in accordance with the following schedule:

<u>Completed Service</u>	<u>Vacation Credit-Per Year</u>
After 1 year	5 working days
After 3 years	10 working days

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. Employees shall accrue vacation leave from their employment date, but shall not be entitled to take

vacation until they have completed one (1) year of service. Vacation leave shall be taken as earned subject to the approval of the department head who shall schedule vacations so as to meet the operational requirements of the department. At no time shall a person's total credit for accrued vacation exceed their appropriate one year's vacation credit.

1-804. Sick leave. All officers and employees shall be given credit for one (1) working day of sick leave with pay for each month of employment hereafter served. All officers and employees employed as of the date of the passage of this ordinance shall be given credit retroactively for one (1) working day of sick leave with pay for each month of employment with a retroactive limit of five years.

Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. Immediate family shall be limited to spouse, children, grandchildren, and brother, sister, mother, father, aunt, uncle, and grandparents of both employee and spouse. Sick leave shall not be considered as a right which an officer or employee may use at his discretion, but rather as a privilege.

When an officer or employee is absent due to reasons as provided in this section, in order to be granted sick leave with pay, he shall notify his immediate supervisor prior to the beginning of the scheduled work day, of the reason for his absence. The mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave.

The maximum credit for accrued sick leave under the provisions of this section shall be sixty (60) days. (as replaced by ord. No. 8)

1-805. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter.

CHAPTER 9

MISCELLANEOUS REGULATIONS--TOWN PERSONNEL

SECTION

1-901. Business dealings.

1-902. Acceptance of gratuities.

1-903. Outside employment.

1-904. Political activity.

1-905. Use of municipal time, facilities, etc.

1-906. Use of position.

1-901. 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.

1-902. 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.

1-903. Outside employment. No full-time officer or employee of the town shall accept any outside employment without written authorization from the mayor after approval by the board of mayor and aldermen. 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.

1-904. 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.

1-905. 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.

1-906. 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.



CHAPTER 10

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

1-1001. Purpose.

1-1002. Enforcement.

1-1003. Travel policy.

1-1004. Travel reimbursement rate schedules.

1-1005. Administrative procedures.

1-1001. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (as added by ord. #17, July 1993)

1-1002. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (as added by ord. #17, July 1993)

1-1003. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of the municipal boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

- (6) To qualify for reimbursement, travel expenses must be:
- directly related to the conduct of the city business for which travel was authorized, and
  - actual, reasonable, and necessary under the circumstances.
- The CAO may make exceptions for unusual circumstances. Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the city or misuse city travel funds its subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (as added by ord. #17, July 1993)

1-1003. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates.

The city's travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences conventions, seminars, and other education programs. (as added by ord. #17, July 1993)

1-1004. Administrative procedures. The city adopts and incorporates by reference -- as if fully set out herein -- the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedure is on file in the office of the city recorder. (as added by ord. #17, July 1993)