

TITLE 1

ADMINISTRATION, OFFICERS AND PERSONNEL¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. POLICE AND ARREST.
5. CITY COURT.
6. WORKHOUSE.
7. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
8. MISCELLANEOUS PERSONNEL REGULATIONS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of meetings.
 1-102. Order of business.

¹For other provisions relating to administration, officers, and personnel, see the charter, particularly article III, and/or the appropriate related title in this code. For example, for provisions relating to building, plumbing, electrical, and gas inspectors, see title 4; 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 provisions in the charter with respect particularly to the board of mayor and aldermen, see Article II. For other charter provisions with respect to the following, see the sections indicated:

Appointment and removal of officers: sec. 3.07.

Bonds of officers: sec. 3.10.

Budget--board's action on: sec. 4.05.

Immunities and liabilities of officers with regard to intergovernmental cooperation: sec. 5.03.

Oath of office: sec. 3.09

Salaries of employees: sec. 3.06.

For the time of regular meetings of the board, see sec. 2.03(c). See section 2.03 also for provisions regarding special meetings, quorum, etc., of the board.

1-103. General rules of order.

1-101. Time and place of meetings. The board of mayor and aldermen shall hold regular monthly meetings at the city hall at the time and date prescribed in the city's charter.¹ (1979 Code, sec. 1-101)

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.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees and officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1979 Code, sec. 1-102)

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. (1979 Code, sec. 1-103)

¹See sec. 2.03(c).

CHAPTER 2

MAYOR¹

SECTION

1-201. Executes city's contracts.

1-201. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1979 Code, sec. 1-201)

¹For additional provisions with respect to the mayor, see the charter, particularly the sections indicated:

Administrative duties of mayor: sec. 3.02.

Annual budget--mayor to submit: sec. 4.04.

Appointment, etc., of employees--mayor's powers: sec. 3.07.

Bond: sec. 3.10.

Countersignature of checks: sec. 4.18.

Election of mayor: sec. 2.01.

Oath of office: sec. 3.09.

Presiding officer of board, etc: sec. 2.04.

Salary of mayor and aldermen: sec. 2.03.

Vacancy in office of mayor: sec. 2.06.

Vice-mayor: sec. 2.05.

CHAPTER 3

RECORDER¹

SECTION

1-301. To perform general administrative duties, etc.

1-301. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the mayor, for the board of mayor and aldermen, and for the city which are not assigned by the charter, this code, or the board to another corporate officer. (1979 Code, sec. 1-301)

¹For the charter provision providing for the appointment and duties of the recorder, see section 3.03. For the recorder's bond, see section 3.10.

CHAPTER 4

POLICE AND ARREST¹

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 in making arrests.
- 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 chief may officially issue. (1979 Code, sec. 1-401)

1-402. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1979 Code, sec. 1-402)

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 at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1979 Code, sec. 1-403)

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. (1979 Code, sec. 1-404)

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

1-405. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1979 Code, sec. 1-405)

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 arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1979 Code, sec. 1-406)

1-407. Police department records. The police department shall keep a complete 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. (1979 Code, sec. 1-407)

CHAPTER 5

CITY COURT¹

SECTION

- 1-501. City judge.
- 1-502. Maintenance of docket.
- 1-503. Issuance of arrest warrants.
- 1-504. Issuance of subpoenas.
- 1-505. Trial and disposition of cases.
- 1-506. Imposition of fines, penalties, and costs.
- 1-507. Appeals.
- 1-508. Bond amounts, conditions, and forms.
- 1-509. Deposit of chauffeur's or operator's license in lieu of bond.
- 1-510. Disturbance of proceedings.

1-501. City judge. The city court shall be presided over by a city judge to be appointed by the board of mayor and aldermen. (1979 Code, sec. 1-501)

1-502. Maintenance of docket. The docket required to be kept by section 3.05(e) of the city's charter 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 that may be relevant. (1979 Code, sec. 1-502)

1-503. Issuance of arrest warrants.² The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1979 Code, sec. 1-503)

1-504. Issuance of subpoenas. The city 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. (1979 Code, sec. 1-504)

¹For a charter provision outlining the appointment and duties of the city judge, see section 3.05.

²See Tennessee Code Annotated, title 40, chapter 6, for authority to issue search warrants.

1-505. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city 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. (1979 Code, sec. 1-505)

1-506. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace¹ for similar work in state cases. (1979 Code, sec. 1-506)

1-507. 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. (1979 Code, sec. 1-507)

1-508. Bond amounts, conditions, and forms.³ An appearance bond in any case before the city court shall be in such amount as the city judge shall 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 located within the county. No other type bond shall be acceptable. If bond is made in the form of a cash deposit, the person arrested must be given a receipt which shall explain the nature of the deposit. (1979 Code, sec. 1-508)

1-509. Deposit of chauffeur's or operator's license in lieu of bond. Pursuant to sections 55-7-401--55-7-405, Tennessee Code Annotated, whenever

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

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

³See section 3.05(c) of the charter.

any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, is issued a citation or arrested and charged with a violation of any city ordinance regulating traffic, except those ordinances which call for the mandatory revocation of the operator's or chauffeur's license for any period of time, said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before said court. In carrying out the provisions of this section, all city officers and employees shall comply fully with the requirements of sections 55-7-401--55-7-405, Tennessee Code Annotated, and any implementing orders of the Department of Safety, State of Tennessee. (1979 Code, sec. 1-509)

1-510. 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. (1979 Code, sec. 1-510)

CHAPTER 6

WORKHOUSE

SECTION

1-601. County jail to be used.

1-602. Inmates to be worked.

1-603. Compensation of inmates.

1-601. County jail to be used. The county jail is hereby designated as the municipal-workhouse, subject to such contractual arrangement as may be worked out with the county. (1979 Code, sec. 1-601)

1-602. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1979 Code, sec. 1-602)

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 (1979 Code, sec. 1-603)

¹See section 40-24-104, Tennessee Code Annotated.

CHAPTER 7

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 1-701. Creation and title.
- 1-702. Director designated; director's authority.
- 1-703. Elements of plan.
- 1-704. Approval and incorporation of plan.

1-701. Creation and title. There is hereby created a safety and health program for employees of the City of Moscow, as follows: This chapter shall be known as the "Occupational Safety and Health Program for the Employees of the City of Moscow." (1979 Code, sec. 1-701)

1-702. Director designated; director's authority. An officer designated by the mayor shall serve as the "Director" to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972, and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards. (1979 Code, sec. 1-702)

1-703. Elements of plan. This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

(1) The Director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, plant or other area, workplace, or environment where work is performed in the City of Moscow; and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.

(2) The Director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing his findings.

(3) The Director shall provide for education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary for said employees to recognize and report safety and health problems as defined in the applicable standards.

(4) All employees shall be informed of the policies and the standards set forth by the Tennessee Occupational Safety and Health Act.

(5) All employees of the city shall be informed of safety hazards, exposure to toxic or harmful materials, and imminent danger situations that may occur in their jobs.

(6) The Director or his authorized representative shall upon any allegation of imminent danger immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit.

(7) Any employee shall be given the right to participate in an investigation or inspection which involves a safety and/or health situation which concerns his work area.

(8) The Director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

(9) The Director shall contact the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work related accident. This notification will be done as soon after the fatality as possible but not to exceed 48 hours

(10) The Director shall set up a procedure for requesting a variance from the Tennessee Department of Labor in the event an operation within the city does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

(11) The Director shall establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act.

(12) The Director shall apply this program to employees of each administrative department, commission, board, division, or other agency of the City of Moscow.

(13) The Director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of Moscow in its Occupational Safety and Health Program.

(14) The Director shall provide a means whereby any employee may submit a report of what he feels is a safety and/or health hazard to his immediate supervisor and the Director without fear of jeopardizing his job or chances for future promotion. Such reports shall be preserved and the action thereon shall be noted on said reports and signed by the Director or his designees.

(15) In implementing the plan, the Director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, promulgated regulations and standards thereunder.

(16) The Director shall submit said plan to the Tennessee Department of Labor for approval on or before Dec. 20, 1974. (1979 Code, sec. 1-703)

1-704. Approval and incorporation of plan. Said plan upon its approval by the Tennessee Department of Labor shall become effective to the City of Moscow and at that time shall become a part of this chapter as fully and completely as if set out herein. (1979 Code, sec. 1-704)

CHAPTER 8

MISCELLANEOUS PERSONNEL REGULATIONS¹

SECTION

- 1-801. Acceptance of gratuities.
- 1-802. Outside employment.
- 1-803. Use of municipal time, facilities, etc.
- 1-804. Use of position.
- 1-805. Strikes and unions.

1-801. Acceptance of gratuities. No city officer or employee shall accept any money or other consideration or favor from anyone other than the city 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 city business. (1979 Code, sec. 1-801)

1-802. Outside employment. No full time officer or employee of the city 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 city. (1979 Code, sec. 1-802)

1-803. Use of municipal time, facilities, etc. No city officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or a 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 city is paid at such rates as are normally charged by private sources for comparable services. (1979 Code, sec. 1-803)

1-804. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1979 Code, sec. 1-804)

¹For charter provisions dealing with political activity of employees and personal financial interest of officers and employees, see sections 3.11 and 3.12.

1-805. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1979 Code, sec. 1-805)