

TITLE 1

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

CHAPTER

1. CITY COUNCIL.
2. PERSONNEL RULES AND REGULATIONS.
3. [DELETED.]
4. SOCIAL SECURITY--CITY PERSONNEL.
5. CITY MANAGER AND RECORDER.
6. CITY TREASURER.
7. POLICE AND ARREST.
8. WORKHOUSE.
9. SHELBYVILLE AIRPORT AUTHORITY.
10. PARK AND RECREATION ADVISORY BOARD.
11. PARKS AND RECREATIONAL DEPARTMENT.
12. WARDS.
13. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
14. PURCHASING DEPARTMENT--PURCHASING PROCEDURES.
15. TRAVEL REIMBURSEMENT REGULATIONS.
16. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL<sup>2</sup>

SECTION

1-101. Regular council meetings.

1-101. Regular council meetings. (a) Notice to the public for any meeting of the regular or called or study session and or any meeting being the subject

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<sup>1</sup>For other provisions relating to administration, officers and personnel, see the city's charter and/or the appropriate related title in this code. For example, for provisions relating to the building, plumbing, electrical, and gas inspectors, see title 4; for provisions relating to the fire department, see title 7 for provisions relating to the administration and control of utilities see title 13.

For provisions relating to elections, see the charter, particularly articles II and III.

For provisions relating to the city court, see article VIII.

For provisions relating to the city attorney, see article IX.

<sup>2</sup>See also the charter, particularly article III.

matter of Tennessee Code Annotated sections 8-44-101, et seq. and in compliance with Tennessee Code Annotated section 8-44-102 and 8-44-105, shall be published in a newspaper of general circulation in the City of Shelbyville, on such date as is calculated to give twenty-four (24) hours notice prior to any such meeting. Said notice shall be given also to any radio station(s) prior to 3:00 P.M. twenty-four (24) hours prior to the scheduled time of any meeting set forth in this section. In the event there is no newspaper of general circulation in the City of Shelbyville, a dated and timed public notice may be posted in lieu hereof at the Bedford County Court House, and City Hall of the City of Shelbyville and any other place which has a public notice facility in a conspicuous place twenty-four (24) hours prior to said meeting.

(b) The regular meetings of the city council shall be held at the city hall in Shelbyville at 6:00 P.M. on the second Thursday of each month. (Ords. No. 465 and 466, 1992, as amended by ords. No. 476, 479, and 507 (May 1994)

CHAPTER 2

PERSONNEL RULES AND REGULATIONS

SECTION

1-201. Adopted by reference.

1-202. [Deleted.]

1-203. [Deleted.]

1-204. [Deleted.]

1-205. [Deleted.]

1-206. [Deleted.]

1-207. [Deleted.]

1-201. Adopted by reference. Resolution No. 20-12 is adopted into this municipal code by reference as the city's personnel policies and procedures. The Shelbyville Personnel Policies and Procedures is available for review in the city recorder's office. (1979 Code, § 1-201, as replaced by Ord. #503, §§ 1 and 3, Dec. 1993, Ord. #630, Dec. 1999, and Ord. #914, Jan. 2013)

1-202. [Deleted.] (1979 Code, § 1-202, as replaced by Ord. #503, §§ 1 and 3, Dec. 1993, and Ord. #630, Dec. 1999, and deleted by Ord. #914, Jan. 2013)

1-203. [Deleted.] (1979 Code, § 1-203, as replaced by Ord. #503, §§ 1 and 3, Dec. 1993, and Ord. #630, Dec. 1999, and deleted by Ord. #914, Jan. 2013)

1-204. [Deleted.] (1979 Code, § 1-204, as replaced by Ord. #503, §§ 1 and 3, Dec. 1993, and Ord. #630, Dec. 1999, and deleted by Ord. #914, Jan. 2013)

1-205. [Deleted.] (1979 Code, § 1-205, as replaced by Ord. #503, §§ 1 and 3, Dec. 1993, and Ord. #630, Dec. 1999, and deleted by Ord. #914, Jan. 2013)

1-206. [Deleted.] (1979 Code, § 1-206, as replaced by Ord. #503, §§ 1 and 3, Dec. 1993, and Ord. #630, Dec. 1999, and deleted by Ord. #914, Jan. 2013)

1-207. [Deleted.] (1979 Code, § 1-207, as replaced by Ord. #503, §§ 1 and 3, Dec. 1993, and Ord. #630, Dec. 1999, and deleted by Ord. #914, Jan. 2013)

CHAPTER 3

[DELETED]

[This chapter was deleted by Ord. #503, sec. 2, Dec. 1993.]

## CHAPTER 4

SOCIAL SECURITY--CITY PERSONNEL

## SECTION

- 1-401. Policy and purpose as to coverage.
- 1-402. Necessary agreements to be executed.
- 1-403. Withholdings from salaries or wages.
- 1-404. Appropriations for employer's contributions.
- 1-405. Records and reports to be made.
- 1-406. Exclusions.

1-401. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the city to extend to the employees and officials thereof, not excluded by law or ordinance of the city, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old Age and Survivors' Insurance as authorized by the Federal Social Security Act and amendments thereto. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations. (1979 code, § 1-401)

1-402. Necessary agreements to be executed.<sup>1</sup> The mayor is hereby authorized and directed to execute all 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 of this chapter. (1979 code, § 1-402)

1-403. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose of complying with the federal act 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

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<sup>1</sup>By ordinance No. 251, section 2, the mayor "is hereby directed... to amend the agreement between the State Old Age and Survivors Insurance Agency so as to extend the System of Federal Old Age and Survivors Insurance to include services of elective legislative officials effective January 1, 1970, it being the purpose of this section to authorize social security coverage for all employees and officials of said city except those excluded by federal or state laws or regulations."

See Ordinance No. 526 (June 1995) of record in the office of the recorder for amendments to the Social Security Agreement by and between the City of Shelbyville, Tennessee, and the state Old Age Survivors Insurance Agency concerning election officials/workers.

shall be paid over to the state or federal agency designated by said laws or regulations. (1979 code, § 1-403)

1-404. 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 and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1979 code, § 1-404)

1-405. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws and regulations. (1979 code, § 1-405)

1-406. Exclusions. Effective October 1, 1951, there is hereby excluded from this chapter any authority to make any agreement with respect to services of any employee or official not authorized to be covered by applicable federal or state laws or regulations. (1979 code, § 1-406)

CHAPTER 5

CITY MANAGER AND RECORDER<sup>1</sup>

SECTION

1-501. City recorder; bond.

1-502. City manager; bond.

1-503. Guidelines for access to or reproduction of public records and schedule of charges for reproduction of public records.

1-504. Expenditures.

1-501. City recorder; bond. (1) The recorder shall perform all administrative duties for the city, as provided by the charter, this code or the city council which are not expressly assigned to another corporate officer.

(2) The recorder shall, before entering upon his or her duties, execute a fidelity bond in an amount consistent with the City of Shelbyville Charter with surety company authorized to do business in the State of Tennessee as surety. The cost of this bond shall be paid by the City of Shelbyville. (1979 code, § 1-501, as replaced by Ord. #571, § 1, Aug. 1997)

1-502. (1) The city manager shall possess all powers and qualifications, and all duties imposed on him or her by the charter or by ordinance.

(2) The city manager shall, before entering upon the duties of his or her office, execute a fidelity bond in an amount consistent with the City of Shelbyville Charter with a surety company authorized to do business in the State of Tennessee as surety. The cost of this bond shall be paid by the City of Shelbyville. (1979 code, § 1-502, as replaced by Ord. #571, § 1, Aug. 1997)

1-503. Guidelines for access to or reproduction of public records and schedule of charges for reproduction of public records. The Shelbyville City Recorder is the official records custodian for the City of Shelbyville as established by Article X of the Charter of the City of Shelbyville. All requests for inspection of or reproduction of public records other than those specifically set out in the charter or code of ordinances must be directed to the city recorder. All requests for inspection and/or copying of public records must be made by a citizen in writing and must be made on the form developed by the office of open records counsel "inspection/duplication of records request. All citizens requesting to view a public record or to obtain a copy of a public record may be

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<sup>1</sup>See also the charter, particularly articles VI, VII, VIII (2), and X.

See also title 6 in this code.

required to produce a photo identification issued by a governmental agency. The records custodian has up to seven (7) business days to determine whether the city can retrieve the records requested, whether the records are confidential or contain confidential information, and the estimated charge for reproducing the records. The records custodian shall within seven days produce the records requested, deny the records in writing, or provide in writing to the requestor the estimated time frame for production and the estimated charges for the duplication costs.

All requirements and charges included herein are as developed and recommended by the office of open records council, and established by the Tennessee Public Records Act and included in Tennessee Code Annotated, § 10-7-503, et seq.

(1) Definitions. (a) "Citizen/requestor" a resident citizen of the State of Tennessee. (Requests may be made by out-of-state attorneys upon proof by evidence that the request is made on behalf of their client who is a lawful resident of the State of Tennessee.)

(b) "Labor costs" are defined as time reasonably necessary to produce the requested records and includes the time spent researching, locating, retrieving, reviewing, redacting and reproducing the records.

(c) "Labor threshold" is defined as the labor of the employee(s) reasonably necessary to produce requested material for the first hour incurred by the records custodian in producing the material. No charge for the first hour required to produce the requested records.

(d) "Manner of request." All requests must be in writing on the required form. The request must describe the records sought with specificity to prevent disruptions of work, essential functions and duties of the employees of the City of Shelbyville.

(e) "Payment for requested records" shall be made prior to the production of the copies of the requested records based upon charges estimated by the records custodian within seven (7) days of the request. Full payment shall be made prior to the release of any records.

(f) "Public record" all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material made or received pursuant to law or ordinance or in connection with a transaction of official business by any governmental agency. Reference is here made to Tennessee Code Annotated, § 10-7-504. Confidential records--Exceptions (amended 2013) as a guideline to those records not open to public inspection or to certain information contained in the record which must be removed or redacted prior to inspection.

(2) Inspection of public records. Consistent with the Public Records Act of Tennessee, personnel of the City of Shelbyville shall provide full access and assistance in an efficient manner to Tennessee residents who request access to

public documents. Citizens may request to view a public record, not specifically exempt from disclosure, at no charge during the regular business hours of the Shelbyville City Hall. All inspections of records must be performed under the supervision of the records custodian or designee.

(3) Copies; standard sizes.

Black & White (8 1/2 x 11 or 8 1/2 x 14) documents . . . . .	\$ .15 per page
Color (8 1/2 x 11 or 8 1/2 x 14) documents . . . . .	\$ .50 per page
Certified copies . . . . .	\$ .50 per page
Accident reports (8 1.2 x 11 or 8 1/2 x 14) . . . . .	\$ .15 per page

Maps, plats, electronic data, audio discs, video discs and all other materials shall be duplicated at actual costs to the city

(Duplex copies shall be equivalent to two (2) separate pages)

In the event, actual costs of the records custodian are higher than those reflected above or if the requested records are being reproduced on a medium other than standard size paper, the records custodian will compute the actual costs of the reproduction and inform the requestor prior to the charges being incurred. All copying of records must be performed by employees of the city by an outside vendor designated by the records custodian.

(4) Large copies. The terms and conditions of Tennessee Code Annotated, § 10-7-506(c) are included herein by reference as fully and completely as though copied herein verbatim. The charge shall be two dollars (\$2.00) per square foot for copies of documents in sizes other than 8 1/2 x 11 or 8 1/2 x 14 such as maps, plats, or other large format documents. (Paper cost approximately \$.21/sq. ft.; ink-\$.75- \$1.00/ sq. ft.; plotter/GIS system-\$.80 \$1.00/sq. ft.)

(5) Labor costs. After the first hour, the cost of the employee's salary/wages for time spent producing the records will be charged. If participation by more than one employee is required to produce the requested records, the requestor shall not be invoiced for first hour of the highest paid employee. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

(6) Delivery of copies. Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to the custodian's office to retrieve the requested records. If the requestor chooses not to return to the custodian's office to retrieve the copies, the records custodian may deliver the copies through the United States Postal Service and the cost incurred in delivering the copies shall be assessed in addition to any other charge. Additionally, the costs of packing materials and necessary media required shall be added to the total charges.

(7) Outside vendor. If the records custodian utilizes an outside vendor to produce copies of requested records because the custodian is legitimately

unable to produce the copies in the office, the costs assessed by the vendor to the city shall be paid by the requestor in addition to any other allowable charges.

(8) CD-ROM. Reproduction of an existing CD-ROM shall be three dollars (\$3.00). (This does not apply to uploading information onto a CD-ROM.)

(9) DVD. Reproduction of an existing DVD shall be five dollars (\$5.00). (This does not apply to uploading information to a DVD.)

(10) Safe harbor policy. The safe harbor policy established by the office of open records counsel is adopted herein by reference as fully and completely as though copied herein verbatim. The City of Shelbyville is committed to adhering to the schedule of reasonable charges and the policy for frequent and multiple request as established by the office of open records counsel. This policy is reviewed annually by the OORC.

(a) Waiver of fees established. The records custodian is not required to impose charges for copies or duplications of public records. The City of Shelbyville shall waive fees for a single request totaling less than one dollar (\$1.00).

(b) Frequent requestor. When the total number of requests made by a requestor during a calendar month exceeds four (4), the requestor shall be charged a fee for all labor that is reasonable necessary to produce copies of the requested records. The requestor shall not be entitled to one (1) free hour of labor, and the requestor shall be notified accordingly.

(11) Aggregation policy for charges by multiple requestors. The records custodian may aggregate the total number of public records requests made by a requestor and by any other individual, if the records custodian reasonably believes the requestor to be acting in concert with or as the agent of another person, entity or organization. The records custodian must inform the requestors of the determination to aggregate and that they have the right to appeal the decision to aggregate to the office of open records counsel. The records custodian will file a notice of aggregation of multiple requestors with the office of open records counsel.

(12) Police department personnel records. The police chief shall maintain in his office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release the information requested. In the event that the police chief refuses to release the information, he shall provide a written explanation of his reasons for not releasing the information.

(13) Frail records. If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original

records, the requesting party may be required to make an appointment for inspection.

(14) Best practices guidelines for records custodians responding to requests for public records. The City of Shelbyville conforms to the Tennessee Public Records Act. The records custodian utilizes the standards and guidelines set out in the "Best Practices Guidelines for Records Custodians Responding to Requests for Public Records" developed by the office of open records council in conjunction with the advisory committee on open government. A copy of these guidelines is available on the city's website at [www.shelbyvilletn.org](http://www.shelbyvilletn.org).

(15) Forms. Inspection/duplication of records request form shall be used to make a request to inspect or for copies of public records. The form and instructions are available at the office of the city recorder, 201 N. Spring Street, Shelbyville, Tennessee, or available at the city's website at [www.shelbyvilletn.org](http://www.shelbyvilletn.org). (1979 code, § 1-503, as replaced by Ord. #2014-938, May 2014)

1-504. Expenditures.<sup>1</sup> (1) The city manager is authorized to make purchases on behalf of the city, in an amount not to exceed \$2,500.00, without requiring competitive bids thereon, and the city manager together, with the city treasurer, are authorized to expend a sum of money, not to exceed \$1,200.00 for the payment of any lawful account owed by the city, without the specific authority of the city council of the City of Shelbyville.

(2) That the city manager and the city treasurer are authorized to pay any account payable in the amount of \$250.00 upon receipt of invoice or upon satisfaction that the invoice is proper without the prior approval of the city council.

(3) Said accounts payable so paid prior to the regular sessions of the city council shall be listed specially in the treasurer's report to the council. (As added by ord. No. 303; amended by ords. No 437, 467, 475 and 516 (Oct. 1994)

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<sup>1</sup>See also this title, chapter 14 for reference to an ordinance establishing a purchasing department for the City of Shelbyville and procedures pertaining thereto.

## CHAPTER 6

CITY TREASURER<sup>1</sup>

## SECTION

## 1-601. Bond.

1-601. Bond. Before entering upon the discharge of his duties the city treasurer shall enter into a bond in the penal sum of fifty thousand dollars (\$50,000.00) with approved corporate surety, in such form as approved by the council and city attorney. The bond shall be conditioned upon the faithful performance and discharge of his duties as city treasurer and shall indemnify the city against all loss or damage by reason of his failure to do so. The expense of such bond shall be borne by the city. (1979 code, § 1-601 as amended by ord. No. 408)

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<sup>1</sup>See also the charter, particularly articles VI and XI.

See also title 6 in this code.

See also this title chapter 14 for reference to an ordinance establishing a purchasing department for the City of Shelbyville and procedures pertaining thereto.

## CHAPTER 7

POLICE<sup>1</sup> AND ARREST<sup>2</sup>

## SECTION

- 1-701. Creation, duties, etc., of division of police.
- 1-702. Bonds of policemen.
- 1-703. Duties of the chief.
- 1-704. Authority of policemen to summon aid.
- 1-705. When policemen to issue receipts; disposition of fees.
- 1-706. Police uniforms and deportment.
- 1-707. Arrests.
- 1-708. Authority of policemen to summons witnesses.
- 1-709. Disposition of persons arrested, continuances, etc.
- 1-710. Bureau of identification.
- 1-711. Disciplinary action against policemen.
- 1-712. Police personnel policies.
- 1-713. Disposition of weapons found on persons arrested.

1-701. Creation, duties, etc., of division of police. There is hereby created a division of police which shall be under the direct supervision of a chief of police to be appointed by the city manager. It shall be the duty of this division to preserve order in the city; to protect the inhabitants and property owners therein from violence, crime, and all criminal acts; to prevent the commission of crime and violations of law and city ordinances; to perform a general police duty; to execute and return all process, notices, and orders of the mayor, city manager, city attorney, recorder, and city judge; and to execute and return such other processes, notices, and orders, as the charter or ordinances of the city may provide.

The police force shall be comprised of the chief of police and such officers, patrolmen, and other employees as the city manager may determine. No person shall act as a special policeman or other special officer for any purposes whatsoever except upon authority of the chief of police, approved by the director of public safety. Such authority shall be exercised only under the direction of the chief of police and for a specified time only. (1979 code, § 1-701)

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<sup>1</sup>See also the charter, particularly articles XIII and XVI.

<sup>2</sup>For provisions relating to traffic citations, etc., see title 9, chapter 6, in this code.

1-702. Bonds of policemen. The chief of police shall give a bond in the penal sum of twenty-five hundred dollars (\$2,500.00) conditioned upon the faithful performance of his duties. Each policeman who handles funds of the city shall give a bond in the penal sum of five hundred dollars (\$500.00). All such bonds shall be approved as to their sufficiency by the city manager and as to their form by the city attorney. (1979 code, § 1-702)

1-703. Duties of the chief. The chief of police shall devote his entire time to the maintenance and preservation of the peace, order, and cleanliness of the city. He shall aid in the enforcement of special laws relating to the city and the ordinances thereof, and shall enforce all orders of the council relating to the business and duties of his division. In the event that a city workhouse is established by ordinance, he shall have general charge of said, workhouse and the prisoners therein. He shall keep an account of the duties performed by each member of the force; note all absentees from duty and the cause of the same; report all violations of the rules and regulations of the division of police to the city manager, together with the names of witnesses to the facts; assist in the investigation of any charges against police officers; and render a monthly report to the city manager showing in detail the workings of his division. (1979 code, § 1-703)

1-704. Authority of policemen to summon aid. The chief of police or any member of the police force is hereby empowered to call to his assistance as many inhabitants of the city as may be necessary to aid in making arrests or in preventing or quelling any riot, unlawful assembly, or breach of the peace. All persons so called shall be subject to the orders of the chief of police or any member of the police force on the duty for which they are called. It shall be unlawful for any person to refuse or fail to obey orders of any such policeman when so called. (1979 code, § 1-704)

1-705. When policemen to issue receipts; disposition of fees. It shall be the duty of the chief of police and of every policeman to obtain, from the city manager, and use a book containing receipts printed in duplicate and numbered by the printer, and to issue one of these receipts to each person from whom money or valuables are received by such officer. These receipts shall be written in ink or by indelible pencil or ball point pen and a legible carbon copy retained by the officer in his book. The receipt shall show whether it is for funds which are deposited as a cash bond, or to apply on a fine, or to cover valuables removed from persons confined in the city prison. The carbon copy thereof shall be presented to the city judge on the morning of the day or night following the receipt of such funds or valuables, together with such funds or valuables, and the receipt of the city judge taken therefor. In accepting cash bonds to secure the appearance of persons cited, such officer shall be governed by the schedule of appearance bonds established in writing by the city judge.

No officer shall collect money to apply on fines without the written authorization of the city judge and city manager. Property believed to be stolen or lost coming into the possession of an officer shall be covered by a similar receipt and handled as in the case of valuables taken from prisoners. All fees for services rendered by any police officer shall be turned into the city treasurer. (1979 code, § 1-705)

1-706. Police uniforms and deportment. All policemen, when on duty, shall wear such uniforms, hats, and badges as the city manager shall determine and shall deport themselves in keeping with their position. (1979 code, § 1-706)

1-707. Arrests.<sup>1</sup> Arrests may be made by any member of the police force in the following cases: (1) Whenever he shall have in his possession a warrant duly issued by the proper officer; (2) whenever an offense shall be committed or a breach of the peace is threatened in his presence; (3) whenever a felony has in fact been committed and he has reasonable cause to believe that the arrested party committed it; and (4) with or without a warrant under the same circumstances and conditions as provided by statute for arrests by state officers. (1979 code, § 1-707)

1-708. Authority of policemen to summons witnesses. Whenever an arrest is made by any officer, it shall be lawful for him to summons any bystanders as witnesses, and such summons shall be as binding as though made by virtue of a subpoena issued by competent authorities. (1979 code, § 1-708)

1-709. Disposition of persons arrested, continuances, etc. When an arrest has been made, the prisoner shall be carried before the city court for arraignment at its next session, except when the prisoner is not in physical or mental condition to be tried, and at that time the cause shall be set for trial at some definite date.

When for the safekeeping of the party arrested, or for any other sufficient reason, imprisonment until trial is necessary, the prisoner shall be committed to the city workhouse, or such other place as designated by the council, unless he gives proper bond for his appearance in court. Upon his appearance, and upon any proper and legal showing, the city judge may continue his case at the request of the plaintiff or defendant, but for not more than three (3) days without the defendant's consent, and may require bond to

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

be given for the defendant's appearance, and in default of same, may commit him to the city workhouse or such other place designated by the council. (1979 code, § 1-709)

1-710. Bureau of identification. There is hereby created within the division of police, a bureau of identification to be administered by the chief of police. Any person under arrest and charged with, or convicted of violating any ordinance of the city, shall, upon request of a police officer, submit to the officer a description of himself, or herself, which said description shall include name, age, height, and fingerprint impressions of said person. Such information shall be retained permanently on file in the bureau of identification. (1979 code, § 1-710)

1-711. Disciplinary action against policemen. The city manager may provide, by rules or regulations, the method and manner in which charges may be brought against members of the police force. He may also provide for hearings on such charges and may take such disciplinary action as he may deem proper. Any member of the police force may be suspended or discharged for any of the following reasons: (1) Any act of insubordination or disrespect toward a superior officer; (2) acts of oppression and tyranny over any prisoner or person under his control; (3) neglect of duty; (4) violation of rules and regulations governing the division of police; (5) absence without leave; (6) immoral conduct, drinking on duty, drunkenness, gambling, or conduct unbecoming an officer and a gentleman; (7) any conduct injurious to the peace or welfare of the public; and (8) incapacity, either mental or physical. (1979 code, § 1-711)

1-712. Police personnel policies. (1) The city manager and the chief of police are hereby authorized and directed to: (a) classify by rank or grade all police department personnel and prescribe minimum qualifications for all employees within the respective classifications so established; (b) to promulgate and recommend minimum and maximum salaries within each classification and promotion policies for employees within the minimum and maximum salary schedules suggested; (c) to promulgate rules and regulations with respect to hours of work and annual and sick leave for all such employees; and (d) to promulgate rules and regulations with respect to employment policies discipline, and discharge of all such employees.

(2) The recommendations of the city manager in cooperation with the chief of police shall be submitted from time to time to the council for its approval, and upon approval by the council shall constitute, to the extent that such recommendations are applicable, the administrative policy of the department. (1979 code, § 1-712)

1-713. Disposition of weapons found on persons arrested. All pistols, knives, and other weapons, the carrying of which is unlawful, which may be

found upon any person arrested by a policeman, shall be seized by the chief of police and shall be retained by him and forfeited to the city, and shall in no case be returned to the individual from whom the same was taken or to anyone claiming the same. (1979 code, § 1-713)

## CHAPTER 8

WORKHOUSE

## SECTION

- 1-801. Who to be committed and when to be released.  
1-802. Unpaid fines, etc., may be combined for one commitment or bond.  
1-803. Rearrests for defaults on workhouse bonds.  
1-804. Itemized statement of fines to accompany each mittimus.  
1-805. Designation of workhouse.

1-801. Who to be committed and when to be released. Any person owing any fine, forfeiture, or penalty assessed against him in the city court for the violation of any ordinance, rule, or regulation of the city, shall immediately pay the same or be committed to the workhouse. Such commitment shall be in form similar to the commitment used by the courts in state cases and shall be signed by the city judge. When any person shall have been committed to the workhouse, he shall remain there until he has fully paid the fine, forfeiture, or penalty assessed against him, by the proceeds of his labor at the rate fixed by state law for each day of imprisonment; provided, however, that at any time after his commitment, he may pay the remainder of such assessments and, thereupon, be discharged; and provided, further, that he may be bailed out of said workhouse upon the execution and filing of a workhouse bond with good and sufficient security thereon to be approved by the city judge, which said bond shall be in form and content substantially as provided in state cases under section 41-2-126(a), Tennessee Code Annotated. (1979 code, § 1-801)

1-802. Unpaid fines, etc., may be combined for one commitment or bond. It shall be lawful for the total of the unpaid fines, penalties, and forfeitures, at any time assessed against a defendant, to be included in one commitment to the workhouse and one workhouse bond, whether or not any or all of said assessments have theretofore been included in a commitment or workhouse bond or bonds previously executed. (1979 code, § 1-802)

1-803. Rearrests for defaults on workhouse bonds. When any person has been bailed out of the workhouse and shall fail to pay any installment according to the terms of his bond, he shall forthwith be apprehended and returned to the workhouse. Then he shall either work out the remainder of his assessment or assessments or pay the remainder of the assessment in cash. He shall not be permitted to be bailed out again for the remainder of the unpaid fine, forfeiture, or penalty. (1979 code, § 1-803)

1-804. Itemized statement of fines to accompany each mittimus. At the time the city judge shall commit any person to the workhouse, he shall make out an itemized statement of fines, forfeitures, and penalties against such defendant. The statement shall accompany the mittimus for the use and guidance of the keeper of the workhouse. When any prisoner has worked out the assessment against him as provided in this chapter, the keeper of the workhouse shall so certify and shall accompany his certificate with a statement showing the disposition made of the prisoner while in the workhouse, which said certificate and statement shall be in such detail as the city judge may require and shall be filed with him. (1979 code, § 1-805)

1-805. Designation of workhouse. The workhouse shall be such place as the council shall designate by motion or resolution. The mayor and city manager are hereby authorized to make and execute a contract or contracts with Bedford County, or the workhouse commissioners of the county or such other persons or agencies as may be necessary to carry into effect the provisions of this chapter, dealing with the detention of prisoners in the workhouse for failure to pay fines, forfeitures, and penalties owing the city, for the purpose of boarding, keeping, working, and accounting for the services of any prisoner owing fines, forfeitures, and penalties assessed against him in the city court. The contract or contracts shall adequately provide for and assure the orderly and economical commitment, detention, care, working of, accounting for time worked, and disposition of, city prisoners by the city and county workhouse authorities and shall provide that such reports and accounts of said prisoners as necessary shall be certified to the city judge by the keeper of the workhouse. (1979 code, § 1-806)

CHAPTER 9

SHELBYVILLE MUNICIPAL AIRPORT AUTHORITY<sup>1</sup>

SECTION

- 1-901. General law of state adopted by reference.
- 1-902. Creation and membership.
- 1-903. Organization and bylaws.
- 1-904. Definitions.
- 1-905. Purposes, powers, and duties, etc.
- 1-906. Meetings.
- 1-907. Rules and regulations.

1-901. General law of state adopted by reference. The terms and provisions of the general law regarding airport authorities as set forth in Tennessee Code Annotated, §§ 42-3-101 through 42-3-103, and Tennessee Code Annotated, §§ 42-5-101 through 42-5-205, and all amendments thereof, and all applicable municipal airport authority statutes, be and are hereby adopted and ratified, the same as if copied verbatim into this chapter, together with all future amendments of state law, and are made a part hereof fully by reference. (1979 code, § 1-1001, as replaced by Ord. #2014-934, March 2014)

1-902. Creation and membership. There is hereby created and established the Shelbyville Municipal Airport Authority, five (5) members of which shall be appointed by the Mayor of the City of Shelbyville and confirmed by the city council. In addition, the city council shall appoint a member of the Shelbyville City Council to assume representation to serve on the airport authority. This shall be for a two (2) year term. All members shall serve without compensation. Newly appointed members shall be sworn in by the city recorder. (1979 code, § 1-1002, as replaced by Ord. #2014-934, March 2014)

1-903. Organization and bylaws. The airport authority shall elect a chairman and a vice-chairman and shall adopt suitable bylaws for the management of its affairs. (as added by Ord. #2014-934, March 2014)

1-904. Definitions. All definitions, including the establishment of airports, and air navigation facilities, land acquisition, limitation on design and operation of air navigation facilities, public purposes of airports, acquisition of existing airports, eminent domain, disposal of airport property, the operation and use and privileges, liens, regulations and jurisdiction, appropriations, and

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<sup>1</sup>For the airport zoning ordinance, see title 11, chapter 3.

taxation, and all other matters pertaining to airports shall be as defined by the statutes of the State of Tennessee together with all future amendments thereof, which are hereby expressly adopted and made a part of this chapter by reference for all purposes. (as added by Ord. #2014-934, March 2014)

1-905. Purposes, powers, and duties, etc. The purposes of the Shelbyville Municipal Airport Authority are:

(1) To plan and promote the orderly development of air terminals and aviation facilities to service the City of Shelbyville.

(2) To promote the use of the air terminals serving the City of Shelbyville for air commerce, trade, industry, and other purposes.

(3) To protect the competitive position of the City of Shelbyville against other air terminals, municipalities, or localities in any suit, action, or proceeding affecting the trade or commerce thereof.

(4) To make contracts and leases with persons operating airlines for the use of the Shelbyville Airport and its facilities, for space in buildings and hangars, and for services; to make contracts and leases with the State of Tennessee in regard to facilities for the Shelbyville Airport squadrons and units; to make contracts and leases with the federal government or any agency thereof.

(5) To make contracts and leases for the sale of gasoline, oil or other products for the operation of airplanes.

(6) To make any and all necessary contracts and leases for the use of the airports and appurtenances thereto. However, any and all lease agreements entered into by the Shelbyville Airport Authority for services or facilities at the Shelbyville Airport shall be subject to approval by the City Council of the City of Shelbyville; and, provided further, whenever any real estate under the jurisdiction of the Shelbyville Airport Authority is sold or any real estate is acquired, the same shall require the approval of the Shelbyville City Council. Otherwise it is the intention of this chapter to confer upon the Shelbyville Airport Authority all those duties, powers, and limitations conferred upon the City of Shelbyville, in Tennessee Code Annotated, §§ 42-3-101 through 42-3-119. (as added by Ord. #2014-934, March 2014)

1-906. Meetings. The Shelbyville Airport Authority shall meet in a public place and shall keep a minute record of its meetings. The city recorder shall be responsible for keeping such records. All meetings shall comply with state law on open meetings. (as added by Ord. #2014-934, March 2014)

1-907. Rules and regulations. (1) The rules and regulations, adopted by the Shelbyville Municipal Airport Authority, shall be adopted by the City Council of the City of Shelbyville.

(2) All persons, firms, association or corporations using any portion of Shelbyville Municipal Airport whether as passenger, pilot, operator, lessee,

invitee, tenant, or licensee are hereby charged and required to comply with the terms of those regulations.

(3) A violation of any rule or regulation shall be a violation of this chapter.

(4) The airport manager is primarily responsible for the operation, maintenance, security, and protection at the airport, and he is hereby designated as such individual by the City Council of the City of Shelbyville.

(5) The airport manager shall work closely and in conjunction with the Shelbyville Police Department, and any and all violations of the rules and regulations are hereby declared to be misdemeanors, and punishable in the city court of the City of Shelbyville. Any violation of the rules and regulations adopted herein, or of any ordinance of the City of Shelbyville, shall be prosecuted upon a warrant duly issued by the city judge, with the airport manager or a member of the police department as prosecutors upon said warrant.

(6) The airport manager is also designated by the city council as the proper official to maintain peace, harmony and tranquility at said airport, to enforce the rules and regulations of the Shelbyville Municipal Airport Authority, and to enforce the ordinances of the City of Shelbyville. (as added by Ord. #2014-934, March 2014)

CHAPTER 10

PARK AND RECREATION ADVISORY BOARD

SECTION

- 1-1001. Creation and membership.
- 1-1002. Compensation and vacancies.
- 1-1003. Organization; rules and regulations; quorum.
- 1-1004. Duties
- 1-1005. [Deleted.]
- 1-1006. [Deleted.]

1-1001. Creation and membership. There is hereby created a park and recreation advisory board consisting of ten (10) persons, one of whom shall be a member of the council, and one shall be a high school student who is a resident of Shelbyville. All members shall be appointed by the mayor for a term of two (2) years or until their successors are appointed and qualified, and all said appointments shall be made upon the expiration of the ordinance No. 462, it being the intention that the terms of office of one-half (½) of said members shall expire annually thereafter. (Ord. No. 462, as replaced by Ord. #851, June 2008)

1-1002. Compensation and vacancies. All members of the board shall serve without remuneration and any vacancies occurring other than by expiration of a term of office shall be filled by the mayor for the unexpired term only. (Ord. No. 462, as replaced by Ord. #851, June 2008)

1-1003. Organization; rules and regulations; quorum. The board shall meet and organize by selecting a chairman and a secretary who shall serve at the pleasure of the board for respective terms of one (1) year. The board shall designate the time and place for its meetings and shall adopt such rules and regulations as it may deem necessary for the proper conduct of its affairs. A majority of the members of said board shall constitute a quorum, and a majority of the board shall be required to transact the business of the board. Any number may adjourn any meeting in the absence of a quorum or a required majority to transact business. (Ord. No. 462, as replaced by Ord. #851, June 2008)

1-1004. Duties. The board shall serve as a vehicle for receiving public opinion and providing general guidance to the city manager and the city council on park and recreation matters, including without limitation, the establishment, operation, and maintenance of parks, recreation facilities, and recreational programs. (Ord. No. 462, as replaced by Ord. #851, June 2008)

1-1005. [Deleted.] (Ord. No. 462, as deleted by Ord. #851, June 2008)

1-1006. [Deleted.] (Ord. No. 462, as deleted by Ord. #851, June 2008)

CHAPTER 11

PARKS AND RECREATION DEPARTMENT

SECTION

1-1101. Creation and duties

1-1102. General responsibilities and duties of the director

1-1103. To administer work of department.

1-1104. To conduct studies of local conditions and needs.

1-1105. To assist with acquisition, design, construction, etc., of recreation facilities.

1-1106. Purpose of this chapter.

1-1101. Creation and duties. There is hereby created a parks and recreation department which shall be under the direct supervision of a director of the department who shall be appointed by the city manager. The duties of the department shall be to develop immediate and long-range plans to meet the recreational needs of the citizens of Shelbyville; to recommend the acquisition, design, construction and operation of recreation facilities; to develop an overall recreation program for people of all ages; to establish, operate and maintain the parks and recreational facilities and programs of the City of Shelbyville. (Ord. No. 463, as replaced by Ord. #852, June 2008)

1-1102. General responsibilities and duties of the director. The director shall have full charge of the recreational program as promulgated by the city council; he or she shall serve as technical advisor to the parks and recreation advisory board and council; and he or she shall promote recreational opportunities for all of the people of the City of Shelbyville. (Ord. No. 463, as replaced by Ord. #852, June 2008)

1-1103. To administer work of department. The director will administer the work of the department; create and supervise an efficient administrative organization for the department; and establish administrative procedures to the end that maximum service may be provided at reasonable cost. (Ord. No. 463, as replaced by Ord. #852, June 2008)

1-1104. To conduct studies of local conditions and needs. The director will conduct studies of local conditions and needs affecting recreation for the purpose of developing immediate and long range plans to meet these needs; to check the effectiveness of the department's services; and to keep informed as to developments in the recreation field. (Ord. No. 463, as replaced by Ord. #852, June 2008)

1-1105. To assist with acquisition, design, construction, etc., of recreation facilities. The director will recommend the acquisition, design, construction and operation of recreation facilities and areas under the control of the department, and arrange for their proper maintenance and operation. (Ord. No. 463, as replaced by Ord. #852, June 2008)

1-1106. Purpose of this chapter. It is the intention of the city council by the enactment of this chapter to create recreational facilities for the citizens of the City of Shelbyville and to create a program for the benefit and welfare of the citizens. (Ord. No. 463, as replaced by Ord. #852, June 2008)

1-1107. [Deleted.] (Ord. No. 463, as deleted by Ord. #852, June 2008)

1-1108. [Deleted.] (Ord. No. 463, as deleted by Ord. #852, June 2008)

1-1109. [Deleted.] (Ord. No. 463, as deleted by Ord. #852, June 2008)

1-1110. [Deleted.] (Ord. No. 463, as deleted by Ord. #852, June 2008)

1-1111. [Deleted.] (Ord. No. 463, as deleted by Ord. #852, June 2008)

1-1112. [Deleted.] (Ord. No. 463, as deleted by Ord. #852, June 2008)

1-1113. [Deleted.] (Ord. No. 463, as deleted by Ord. #852, June 2008)

## CHAPTER 12

WARDS<sup>1</sup>

## SECTION

## 1-1201. Wards described.

1-1201. Wards described. Pursuant to the terms and provisions of the charter, the territory embraced within the boundaries of the city is hereby divided into six (6) wards numbered 1 through 6, inclusive, the boundaries of which wards shall be as follows:

**WARD NO. 1** shall comprise all that portion of the City of Shelbyville situated within the following boundaries: Beginning at the southwest corner of the Public Square at the intersection of Depot Street and Spring Street and proceeding in a westerly direction along Depot Street to Mill Street; then proceeding in a northerly direction on Mill Street to Holland Street; then proceeding in a westerly direction along Holland Street to Cannon Boulevard; then proceeding in a southerly direction on Cannon Boulevard to the center of Bedford Veteran's Memorial Bridge; then proceeding in a southerly direction along the Duck River to the corporate boundary of Shelbyville, Tennessee as shown on the U.S. Bureau of the Census Maps prepared for the 1990 Federal decennial census; then proceeding in a north and generally east direction along said corporate boundary as shown on said census maps to a point approximately 120 feet west of Treemont Drive which is beneath the TVA power lines; then proceeding east beneath said TVA power lines to Treemont Drive; then proceeding north along Treemont Drive to Birch Street; then proceeding west along Birch Street to Neely Avenue; then proceeding in a southerly direction along Neely Avenue to Depot Street; then proceeding west on Depot Street to Bethany Lane; then proceeding north on Bethany Lane to Maplewood Drive; then proceeding west along Maplewood Drive to Thompson Street; then southerly along Thompson Street to Belmont Avenue; then proceeding north along Belmont Avenue to Dunnaway Street; then proceeding southwesterly along Dunnaway Street to South Main Street; then proceeding in a northerly direction along South Main Street to McGrew Street; then proceeding west along McGrew Street to Spring Street; then north along Spring Street to the point of the beginning.

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<sup>1</sup>See the charter, article I, section 3.

**WARD NO. 2** shall comprise all that portion of the City of Shelbyville situated within the following boundaries: Beginning at the intersection of Maplewood Drive and Thompson Street proceeding in a northerly direction to Lane Parkway; then proceeding in a northeasterly direction along Lane Parkway to Whitthorne Street; then proceeding in a northerly direction along Whitthorne Street to Madison Street; then proceeding westerly along Madison Street to Evans Street; then proceeding northerly along Evans Street to Calhoun Street; then proceeding easterly along Calhoun Street to Whitthorne Street; then proceeding along Whitthorne Street in a northeasterly direction to Blue Ribbon Parkway; then proceeding in a north and easterly direction along Horse Mountain Road to Eaton Drive; then proceeding along Eaton Drive in a southerly direction to Hillcrest Drive and proceeding along Hillcrest Drive in a southerly direction to Madison Street; then proceeding in a easterly direction along Madison Street to Richland Drive; then proceeding in a northeasterly direction along Richland Drive to Ledbetter Road; then proceeding in an easterly direction on Ledbetter Road to the corporate boundary of Shelbyville, Tennessee as shown on the U.S. Bureau of the Census Maps prepared for the 1990 Federal decennial census; then proceeding generally in a south and westward direction along said corporate boundary as shown on said census maps to a point approximately 120 feet west of Treemont Drive which is beneath the TVA power lines; then proceeding easterly below the TVA power lines to Treemont Drive; then proceeding northerly along Treemont Drive to Birch Street; then proceeding in a westerly direction along Birch Street to Neely Avenue; then proceeding in a southerly direction along Neely Street to Depot Street; then proceeding along Depot Street to Bethany Lane; then proceeding north along Bethany Lane to Maplewood Drive; then proceeding along Maplewood Drive to the point of the beginning.

**WARD NO. 3** shall comprise all that portion of the City of Shelbyville situated within the following boundaries: Beginning at the intersection of Deery Street and Greenwood Avenue proceeding east to Evans Street; then proceeding south along Evans Street to Calhoun Street; then east along Calhoun Street to Witthorne Street; then proceeding northeast along Witthorne Street to Horse Mountain Road; then proceeding along Horse Mountain Road in a northeasterly direction to Eaton Drive; then south along Eaton Drive to Hillcrest Drive; then proceeding south along Hillcrest Drive to Madison Street; then proceeding east along Madison Street to Richland Drive; then proceeding north along Richland Drive to Ledbetter Road; then proceeding east along Ledbetter Road to the corporate boundary of Shelbyville, Tennessee as shown on the U.S. Bureau of the Census Maps prepared for the 1990 Federal decennial census; then proceeding generally in a north and westerly direction along said corporate boundary as shown on said census maps to Fairfield Pike; then proceeding south along Fairfield Pike to Deery Street; then proceeding south on Deery Street to the point of the beginning.

**WARD NO. 4** shall comprise all that portion of the City of Shelbyville situated within the following boundaries: Beginning at the intersection of Scotland Heights Street and North Main Street; proceeding south along North Main Street to Elm Street; then proceeding westward along Elm Street and Union Street to the corporate boundary of Shelbyville, Tennessee as shown on the U.S. Bureau of Census Maps prepared for the 1990 Federal decennial census; then proceeding generally in a east and northerly direction along said corporate boundary as shown on said census maps to Fairfield Pike; then proceeding south along Fairfield Pike to Scotland Heights Street; then proceeding westward along Scotland Heights Street to the point of the beginning.

**WARD NO. 5<sup>1</sup>** shall comprise all that portion of the City of Shelbyville situated within the following boundaries: Beginning at the intersection of North Main Street and Elm Street proceeding in a west, northwesterly direction along Elm Street and Union Street to the corporate boundary as shown on the U.S. Bureau of the Census Maps prepared for the 1990 Federal decennial census; then proceeding generally in a south and easterly direction along said corporate boundary as shown on said census maps to West Lane Street; then proceeding eastward to Central Avenue; then proceeding south on Central Avenue to River Road; then proceeding east on River Road and Jackson Street to Cannon Boulevard; then proceeding north on Cannon Boulevard to Walking Horse and Eastern Railroad Line tracks; then proceeding east along the railroad tracks to North Main Street; then proceeding south along North Main Street to Depot Street; then proceeding east along Depot Street to the Walking Horse and Eastern Railroad Line tracks; then proceeding in a southwest direction along the railroad tracks to Elliott Street; then proceeding southeast along Elliott Street to Lentz Street; then proceeding south along Lentz Street to Dunnaway Street; then proceeding along Dunnaway Street in a northeast direction to Belmont Avenue; then proceeding along Belmont Avenue in a southeastern direction to Thompson Street; then proceeding north along Thompson Street to Lane Parkway; then proceeding along Lane Parkway to Witthorne Street; then proceeding northeast along Witthorne Street to Madison Street; then proceeding west along Madison Street to Evans Street; then proceeding north along Evans Street to Greenwood Avenue; then proceeding west along Greenwood Avenue to Deery Street; then proceeding north on Deery Street to Fairfield Pike and continuing north on Fairfield Pike to Scotland Heights Drive; then proceeding west on Scotland Heights Drive to Main Street; then south along Main Street to the point of the beginning.

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<sup>1</sup>**WARD NO. 5** has had territory added to it by the following annexation ordinances of record in the recorder's office: ordinance No. 478.

**WARD NO. 6** shall comprise all that portion of the City of Shelbyville situated within the following boundaries: Beginning at the intersection of South Main Street and Dunnaway Street proceeding in a north easterly direction along Dunnaway Street to Lentz Street; then proceeding north along Lentz Street to Elliott Street; then proceeding northwest along Elliott Street to the Walking Horse and Eastern Railroad Line tracks; then proceeding along the railroad tracks in a northerly direction to Depot Street; then proceeding west along Depot Street to Main Street then proceeding north along Main Street to Walking Horse and Eastern Railroad Line tracks; then proceeding west along the railroad tracks to Cannon Boulevard; then proceeding south on Cannon Boulevard to Jackson Street; then proceeding west on Jackson Street to River Road and continuing west on River Road to Central Avenue; then proceeding north along Central Avenue to West Lane Street; then proceeding westerly on West Lane Street to the corporate boundary as shown on the U.S. Bureau of the Census Maps prepared for the 1990 Federal decennial census; then proceeding generally in a southerly then northerly direction along the corporate boundary to the Duck River east of Cannon Boulevard; then proceeding north along the Duck River to Cannon Boulevard; then proceeding north on Cannon Boulevard to Holland Street; then proceeding east on Holland Street to Mill Street; then proceeding south on Mill Street to Depot Street; then proceeding east on Depot Street to Spring Street; then proceeding south on Spring Street to McGrew Street; then proceeding east on McGrew Street to South Main Street; then proceeding south on South Main Street to the point of the beginning. (1979 code, § 1-1301, as replaced by ord. No. 482)

CHAPTER 13

OCCUPATIONAL SAFETY AND HEALTH PROGRAM<sup>1</sup>

SECTION

1-1301. Program created.

1-1302. Title.

1-1303. Purpose.

1-1304. Coverage.

1-1305. Standards authorized.

1-1306. Variances from standards authorized.

1-1307. Administration.

1-1308. Funding the program.

1-1301. Program created. There is hereby created a safety and health program for the employees of the City of Shelbyville, as follows. (1979 code, § 1-1501)

1-1302. Title. This chapter shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Shelbyville. (1979 code, § 1-1502, as amended by Ord. #2013-928, Nov. 2013)

1-1303. Purpose. The City of Shelbyville in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

(1) Provide a safe and healthful place and condition of employment that includes:

- (a) Top management commitment and employee involvement;
- (b) Continually analyze the worksite to identify all hazards and potential hazards;

(c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and

(d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

(3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibility have been delegated, adequate records of all occupational accidents and illnesses and

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<sup>1</sup>See the Tennessee Code Annotated, title 50, chapter 3.

personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (1979 code, § 1-1503, as amended by Ord. #656, Jan. 2001, and Ord. #2013-928, Nov. 2013)

1-1304. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Shelbyville shall apply to all employees of each administrative department, commission, board, division or other agency whether part-time or full-time, seasonal or permanent. (1979 code, § 1-1504, as amended by Ord. #656, Jan. 2001, and Ord. #2013-928, Nov. 2013)

1-1305. Standards authorized. The occupational safety and health standards adopted by the City of Shelbyville are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, Title 50, Chapter 3). (1979 code, § 1-1505, as amended by Ord. #656, Jan. 2001, and Ord. #2013-928, Nov. 2013)

1-1306. Variations from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety and Health, Variations from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.

(1979 code, § 1-1506, as amended by Ord. #656, Jan. 2001, and Ord. #2013-928, Nov. 2013)

1-1307. Administration. For the purposes of this chapter, the city manager is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. The city recorder is designated as the administrative safety secretary for the purpose of keeping all records associated with the program plan. The administrative assistant fire chief aka deputy fire chief is designated as the safety inspector/compliance inspector for the purpose of all duties as contained in the "plan of operation." (1979 code, § 1-1507, as amended by Ord. #656, Jan. 2001, and Ord. #2013-928, Nov. 2013)

1-1308. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of Shelbyville. (1979 code, § 1-1508, as amended by Ord. #656, Jan. 2001, and Ord. #2013-928, Nov. 2013)

CHAPTER 14

PURCHASING DEPARTMENT--PURCHASING PROCEDURES

SECTION

1-1401. Purchasing policies and procedures.

1-1401. Purchasing policies and procedures. Available in the office of the recorder is Ordinance No. 915, January 25, 2013, which is an ordinance to adopt Resolution No. 28-12, as the city's purchasing policies and procedures for the procurement of equipment, services, materials, and supplies for the operation of the City of Shelbyville. (as replaced by Ord. #915, Jan. 2013)

## CHAPTER 15

TRAVEL REIMBURSEMENT REGULATIONS

## SECTION

- 1-1501. Travel policy.
- 1-1502. Travel requests.
- 1-1503. Travel documentation.
- 1-1504. Transportation.
- 1-1505. Lodging; meals; miscellaneous expenses; entertainment.
- 1-1506. Non-reimbursable items.
- 1-1507. Travel reconciliation.
- 1-1508. Special circumstances.
- 1-1509. Disciplinary action.

1-1501. Travel policy. 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 mayor and city council and committees appointed by the mayor or the city council, the employees of such boards and committees and all other municipal employees who are traveling on official municipal business and whose travel was authorized in accordance with this policy. Members of advisory boards and commissions desiring to travel on city business shall file a written request to travel with the city manager. (Ord. #496, Sept. 1993, as replaced by Ord. #582, Oct. 1997, and Ord. #2013-931, Dec. 2013)

1-1502. Travel requests. To ensure reimbursement for official travel, an approved travel authorization form is required. Lack of pre-approval does not prohibit reimbursement, but it does assure reimbursement within the limits of the city travel policy. All costs associated with the travel should be reasonably estimated and shown on the travel authorization form. The authorized traveler also shall indicate:

- (1) That the proposed travel is approved in the present budget; and
- (2) The line item that will be used to pay for the travel.

Any travel advance must be approved by the city manager. An approved authorization form is needed before advanced expenses are paid or travel advances are authorized. A copy of the conference program, if applicable, should be attached to the form. If the program is not available prior to the travel, submit it with the reimbursement form.

The municipality may pay directly to provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #496, Sept. 1993, as replaced by Ord. #582, Oct. 1997, and Ord. #2013-931, Dec. 2013)

1-1503. Travel documentation. To qualify for reimbursement, travel expenses must be:

- (1) Directly related to the conduct of the city business for which the travel was authorized; and
- (2) Actual, reasonable, and necessary under the circumstances. The city manager may make exceptions for unusual circumstances.
- (3) It is the responsibility of the authorized traveler to:
  - (a) Prepare and accurately describe the travel;
  - (b) Certify the accuracy of the reimbursement request;
  - (c) Note on the reimbursement form all direct payments and travel advances made by the city; and
  - (d) File the completed reimbursement form with the necessary supporting documents and original receipts.
- (4) The reimbursement form must include director's signature and should be filed with the purchasing office within ten (10) days of return or at the end of the month, whichever is more practical. (Ord. #496, Sept. 1993, as replaced by Ord. #582, Oct. 1997, amended by Ord. #785, Nov. 2005, and replaced by Ord. #2013-931, Dec. 2013)

1-1504. Transportation. (1) All potential costs should be considered when selecting the modes of transportation. For example, airline travel may be cheaper than automobile when time away from work and increased meal and lodging costs are considered. When time is important, or when the trip is so long that other modes of transportation are not cost beneficial, air travel is encouraged.

If the traveler goes outside the state by means other than air, the reimbursement will be limited to air fare at tourist or economy class, mileage to and from the nearest airport, ordinary expenses during the meeting dates, and one day's meals and motel before and after the meeting. The traveler will be required to take annual leave for any additional time taken beyond the day before and after the meeting dates.

(2) Exceptions. When the traveler extends the trip with personal time to take advantage of discount fares, the reimbursement will be limited to the less of:

- (a) The actual expenses incurred; or
- (b) The amount that would have been incurred for the business portion only.

The calculations for the business portion of the trip must be made using the least expensive rates available. All expenses and savings associated with extending the trip must be submitted with the expense reimbursement form.

- (i) Air. When possible, the traveler should make full use of discounts for advance airline reservations and advance registration. The traveler should request conference, government,

or weekend rates, whichever is cheaper, when making lodging or rental car reservations. The city will pay for tourist or economy class air travel. The traveler should get the cheapest reasonable fare and take advantage of "super saver" or other discount fares. Airline travel can be paid by direct billing to the city.

Mileage credits for frequent flyer programs accrue to the individual traveler. However, the city won't reimburse additional expenses, such as circuitous routing, extended stays, layovers to schedule a particular carrier, upgrading from economy to first class for travelers to accumulate additional mileage or for other personal reasons.

The city won't reimburse travel by private aircraft unless authorized advance by the city manager.

(ii) Rail or bus. The city will pay for actual cost of ticket.

(iii) Vehicles. Automobile transportation may be used when a common carrier cannot be scheduled, when it is more economical, when a common carrier is not practical, or when expenses can be reduced by two (2) or more city employees traveling together.

(A) Personal vehicles. Employees must use city vehicles when possible. Use of a private vehicle must be approved in advance by the city manager. The city will pay a mileage rate equal to the current milage rate paid by the State of Tennessee. The miles for reimbursement shall be paid from origin to destination and back by most direct route. Necessary vicinity travel related to official city business will be reimbursed. However, mileage in excess of the Rand-McNally mileage must be documented as necessary and business-related. If an indirect route is taken, the Rand-McNally milage table will be used to determine the mileage to be reimbursed.

If a privately owned automobile is used by two or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It is the responsibility of the traveler to provide adequate insurance to hold harmless the city for any liability from the use of the private vehicle.

In no event will mileage reimbursement, plus vicinity travel and associated automobile costs, exceed the lowest reasonable available airfare and associated air fare travel costs.

Travelers will not be reimbursed for automobile repair or breakdowns when using their personal vehicle.

(B) City vehicle. The city will require the employee to drive a city vehicle if available. If a city vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided. Out-of-town repair cost to the city vehicle in excess of one hundred dollars (\$100.00) must be cleared with the proper city officials before the repair is authorized. Anyone driving a city vehicle must have a valid driver's license in his or her name.

(C) Rental cars. Use of a rental car is not permitted unless it is less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the city manager. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor. In nearly all cases, an intermediate size automobile is the most appropriate vehicle to rent.

Fines for traffic or parking violations will not be reimbursed by the city.

Reasonable tolls will be allowed when the most direct travel route requires them.

(D) Taxi, limousine, and other transportation fares. When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The city will reimburse mileage for travel to and from the local airport and parking fees, provided such costs do not exceed normal taxi/limousine fares to and from the airport. Receipts are required.

For travel between lodging quarters and meetings, conferences, or meals, reasonable taxi fares will be allowed. Original receipts are required for claims of five dollars (\$5.00) or more. Transportation to and from shopping, entertainment, or other personal trips is the choice of the traveler and not reimbursable.

Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense reimbursement form, claiming the destination and amount of each fare. (Ord. #496, Sept. 1993, as replaced by Ord. #582, Oct. 1997, amended by Ord. #636, March 2000,

and Ord. #785, Nov. 2005, and replaced by Ord. #2013-931, Dec. 2013).

1-1505. Lodging; meals; miscellaneous expenses; entertainment.

(1) Lodging. The amount allocated for lodging shall be the lowest possible attainable.

(a) Original lodging receipts must be submitted with the reimbursement form. Photocopies are not acceptable.

(b) Moderately priced accommodations must be requested whenever possible. It will be the traveler's responsibility to provide documentation of the "officially designated meeting site" room rates.

(c) If two (2) or more city employees travel together and share a room, the lodging reimbursement rate will be the maximum of two (2) single rooms.

(2) Meals. Authorized travelers shall be reimbursed for the actual, reasonable and necessary expenses for meals consumed while on official city travel. The city will only pay reasonable and customary amount for meal expenses. This is subject to a maximum amount depending on the location of the travel. ("Washington, DC" for example). On any authorized travel involving an overnight stay, expenditures for meals documented by proper receipts will be reimbursed to authorized travelers according to the following schedule. The reimbursement schedule may be changed by motion of the city council. Calculation is based upon: Breakfast ten dollars (\$10.00), lunch twelve dollars (\$12.00), and dinner eighteen dollars (\$18.00).

Full day	\$40.00
Day of departure, depart before 7:00 A.M.	\$40.00
Day of departure, depart after 7:00 A.M./before 11:00 A.M.	\$30.00
Day of departure, depart after 11:00 A.M.	\$18.00
Day of return, return after 8:00 A.M.	\$10.00
Day of return, return after 1:30 P.M.	\$22.00
Day of return, return after 6:00 P.M.	\$40.00

(3) Miscellaneous expenses. (a) Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and generally include the cost of official banquets, meals, lodging, and registration fees. Registration fees should be specified on the original travel authorization form and can include a request for pre-registration fee payment.

(b) A four dollar (\$4.00) allowance in any one (1) day will be reimbursable for hotel/motel check-in and check-out baggage handling expenses.

(c) Laundry services are considered personal expenses and are not reimbursable.

(d) For travel outside the United States, all expenses claimed must be converted to U.S. dollars. The conversion rate and computation should be shown on each receipt.

(4) Entertainment. (a) The city may pay for certain entertainment expenses provided that:

(i) The entertainment is appropriate in the conduct of the city business;

(ii) The entertainment is approved by the city manager;

(iii) The group or individuals involved are identified; and

(iv) Documentation is attached to the expense form to support the entertainment expense claims.

(b) To request reimbursement for authorized entertainment expenses, be sure to include with the expense reimbursement form:

(i) Required receipts. All requests must be supported by original; receipts from the vendor (restaurant, caterer, ticket office, etc.). Reasonable tips and gratuities are reimbursable.

(ii) A disclosure and explanation statement explaining the purpose of the entertainment and identifying the group and the number of people entertained (or individual names listed if not a recognized group). (Ord. #496, Sept. 1993, as replaced by Ord. #582, Oct. 1997, and Ord. #2013-931, Dec. 2013)

1-1506. Non-reimbursable items. The following items are only given as a guideline and not necessarily a complete list of things for which the city will not provide reimbursement: airline or other travel insurance, barbers and hairdressers, spa/salon services, kennel costs for pets, golf fees, alcoholic beverages, car washes for employee-owned vehicles, traffic fines and parking tickets, or accidents and breakdowns in employee-owned vehicles. (Ord. 496, Sept. 1993, as replaced by Ord. #582, Oct. 1997, and Ord. #2013-931, Dec. 2013)

1-1507. Travel reconciliation. (1) Within ten (10) days of return from travel, or by the end of the month, the traveler is expected to complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is true and accurate. Reimbursement form must be signed by employee's supervisor, travel reimbursement shall be approved by the city manager. Original lodging, travel, taxi, parking, and other receipts must be attached.

If the city provided a travel advance or made advanced payment, the traveler should include that information on the expense form. In the case of advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances and city pre-payments indicated. The balance due the traveler or the refund due the city should be clearly shown--below the total claim on the form or in a cover memo attached to the front of the form.

(2) If the traveler received a travel advance and spent less than the advance, the traveler should attach a check made payable to the city for that difference. (as added by Ord. #2013-931, Dec. 2013)

1-1508. Special circumstances. The city manager will address special circumstances and issues not covered in this travel policy on a case-by-case basis. (as added by Ord. #2013-931, Dec. 2013)

1-1509. Disciplinary action. Violation of the travel rules will result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees. (as added by Ord. #2013-931, Dec. 2013)

CHAPTER 16

CODE OF ETHICS<sup>1</sup>

SECTION

- 1-1601. Applicability.
- 1-1602. Definition of "personal interest."
- 1-1603. Disclosure of personal interest by official with vote.
- 1-1604. Disclosure of personal interest in non-voting matters.
- 1-1605. Acceptance of gratuities, etc.
- 1-1606. Use of information.
- 1-1607. Use of municipal time, facilities, etc.
- 1-1608. Use of position or authority.
- 1-1609. Outside employment.
- 1-1610. Ethics complaints.
- 1-1611. Violations.

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<sup>1</sup>State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

1-1601. Applicability. This chapter constitutes the code of ethics for officials and personnel of the City of Shelbyville. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #806, Dec. 2006)

1-1602. Definition of "personal interest." (1) For purposes of §§ 1-1603 and 1-1604, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #806, Dec. 2006)

1-1603. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure. (as added by Ord. #806, Dec. 2006)

1-1604. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or

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<sup>1</sup>Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #806, Dec. 2006)

1-1605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #806, Dec. 2006)

1-1606. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #806, Dec. 2006)

1-1607. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the city council to be in the best interests of the city. (as added by Ord. #806, Dec. 2006)

1-1608. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (as added by Ord. #806, Dec. 2006)

1-1609. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the city's charter or any ordinance or policy. (as added by Ord. #806, Dec. 2006)

1-1610. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request the city council to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city council, the city council shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the city council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #806, Dec. 2006)

1-1611. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #806, Dec. 2006)