

CHARTER OF THE CITY OF KENTON, TENNESSEE¹

CHAPTER NO. 87

HOUSE BILL NO. 1258

By Tanner

Substituted for: Senate Bill No. 1280

By Hamilton

AN ACT relative to the Charter for the City of Kenton; and to repeal Chapter 363 of the Acts of 1899, Chapter 168 of the Acts of 1903, Chapter 820 of the Private Acts of 1917, Chapter 875 of the Private Acts of 1933, Chapter 860 of the Private Acts of 1949 and Chapter 364 of the Private Acts of 1955.

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¹Priv. Acts 1981, ch. 87, is the current basic charter act for the City of Kenton, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2019 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

Note that the words "city" and "town" are used interchangeably throughout the charter to identify the City of Kenton.

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

ARTICLE I

CHARTER, DEFINITIONS, CITY LIMITS, CORPORATE POWERS

Section 1.01. Act constitutes Town Charter. BE IT FURTHER ENACTED, That this Act shall constitute the whole charter of the City of Kenton, Tennessee, repealing and replacing the Charter provided by Chapter 363 of the Acts of 1899, and subsequent amendments. The City of Kenton in the Counties of Gibson and Obion, and the inhabitants thereof shall continue, and are hereby constituted and declared a body politic and corporate by the name and style of Kenton, Tennessee, and by that name shall have perpetual successions, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Section 1.02. Definitions. BE IT FURTHER ENACTED, That as used in this Charter the following words and terms shall have the following meanings:

- (a) "City" shall mean the City of Kenton, Tennessee.
- (b) "Board" and "Board of Aldermen" shall mean the legislative body of the City, which shall be composed of the mayor and six (6) aldermen elected as provided in this Charter, and any incumbent aldermen until the expiration of their current terms of office.
- (c) "Alderman" and "member of Board" shall mean a person elected to the office as provided in this Charter and shall include the mayor.
- (d) Deleted by amendment.
- (e) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.
- (f) "At large" shall mean the entire city, as distinguished from representation by wards or other districts.
- (g) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as authority in its field of activity.
- (h) "Elector" shall mean a qualified voter residing within the city or a qualified voter who owns not less than an undivided one-half (1/2) interest in taxable real estate located within the city.
- (i) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is

manifest. [As amended by Priv. Acts 1998, ch. 180, § 1, and Priv. Acts 2019, ch. 9, § 1]

Section 1.03. Town limits.¹ BE IT FURTHER ENACTED, That the boundaries of the town shall be those fixed below, plus all annexations made pursuant to general law:

Beginning at a stake, Richard Johns' southwest corner, formerly Roy Carroll's southwest corner, and runs thence east 240 poles to a stake; runs thence north, 2 degrees west, 263 poles to a stake; runs thence north, 75 degrees west, 137 poles to a stake; runs thence north, 16 degrees west, 50.4 poles to a stake; runs thence south, 88 degrees west, 77.4 poles to a stake; runs thence south 72 degrees west, 111.6 poles to a stake; runs thence south, 2 degrees east, 39.6 poles to a stake; runs thence south, 62 degrees west, 61.2 poles to a stake; runs thence south, 86.4 poles to a stake; runs thence south, 78 degrees east, 169.2 poles to a stake; and runs thence south, 6 degrees west, 118.8 poles to a stake at the point of beginning.

Section 1.04. Corporate powers. BE IT FURTHER ENACTED, That the City shall have power:

(a) To assess property for taxation, and to levy and provide for the collection of taxes on all property subject to taxation.

(b) To levy and collect privilege taxes on businesses and privileges which are taxable under the general laws of the state, and to levy and collect any other kind of tax not prohibited to towns by the Constitution or general law. Collection fees therefor may be provided for by ordinance.

(c) To levy and collect registration fees on motor vehicles operated within the town. Such registration fees may be graduated according to the tonnage capacities, weight, or horsepower of motor vehicles.

(d) To appropriate and borrow money as authorized in this Charter, and to authorize the expenditure of money for any municipal purpose. The city shall have the power to engage in short term borrowing in anticipation of revenues for payment of current and necessary expenses.

(e) To acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift, or condemnation, for public use, for present or future use by the town, to reserve industrial sites, to provide open spaces, to encourage proper development of the community, or for the

¹The limits of the city have been expanded by annexation ordinances passed September 8, 1966, January 4, 1977, Ord. #1987-1, #1987-2, #1987-3, and #1991-8 which are of record in the office of the city recorder.

general welfare of the community. Such acquisitions may be within or outside the city.

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty-five (25) years. Such franchises and contracts may provide for rates, fares, charges, regulations, standards, and conditions of service, subject to regulation by the Tennessee Public Service Commission or other state or federal agency having jurisdiction in such matters. Provided, however, this paragraph shall not affect existing contracts or franchises.

(g) To provide for the acquisition, construction, building, operation, and maintenance of: public ways; parks; public grounds; cemeteries; markets and market houses; public buildings; libraries; sewers; drains; sewage treatment plants; airports; hospitals; water works; docks; gas works; marinas; town forests; tree and shrub nurseries; heliports; terminals; parking garages and lots; industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to regulate the use thereof. Such property may be either acquired or taken pursuant to the general law for such purposes.

(h) To require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, including removal of snow, debris or other material.

(i) To make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances. The term "nuisances" shall include, but not be limited to, old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The city may require the cutting of grass. The city shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property by which the expenditure is made.

(j) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(k) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts. The Board by ordinance may prescribe penalties and interest for delinquency.

(l) To define, regulate, and prohibit any act, practice, conduct, or use of property, that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of inhabitants of the City.

(m) To provide regulations establishing standards of weights and measures and to enforce compliance with such standards.

(n) To regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift, or humane killing when not redeemed as provided by ordinance.

(o) To regulate and license vehicles operated for public transportation in the town, to limit the number of such vehicles, to license the operators, thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(p) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty, or forfeiture not to exceed \$50 and costs.

(q) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans.

(r) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the City and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the Constitution or general laws of the state.

(s) To dispatch fire equipment within and without the corporate limits, provided that the council shall prescribe by ordinance rules for dispatching and operation of fire equipment outside the corporate limits, and to establish, maintain and enforce fire prevention regulations therein.

(t) To own, either individually or with others, and provide for public schools for its citizens and residents, to enter into a cooperative agreement with the Kenton Special School District or others, for the financing, construction, operation, management and control of any school or schools providing educational opportunities to citizens and residents of the City, and to issue its bonds, notes, or other obligations to provide the financing for any such school or schools and make the proceeds thereof available to the Kenton Special School District in connection with such cooperative agreement. [As amended by Priv. Acts 1997, ch. 77, § 1]

Section 1.05. Repealer. BE IT FURTHER ENACTED, That the following acts are hereby repealed in their entirety:

Chapter 363 of the Acts of 1899

Chapter 168 of the Acts of 1903

Chapter 820 of the Private Acts of 1917

Chapter 875 of the Private Acts of 1933

Chapter 860 of the Private Acts of 1949

Chapter 364 of the Private Acts of 1955.

ARTICLE II

BOARD OF MAYOR AND ALDERMEN, CITY JUDGE ELECTIONS

Section 2.01. Election of Mayor and Aldermen, City Judge.¹

(a) On the first Thursday in June, 1981, a nonpartisan election shall be conducted by the County Commissioners of Elections, at the same hours and places for holding general elections and under the general election laws of the state, to elect a Mayor and six Aldermen, and a City Judge from the City at large. The current incumbent Mayor, Aldermen and City Judge shall serve until their successors are elected and qualified. At the General Election to be held in November, 2002, and every quadrennial election held thereafter, a Mayor, six (6) Aldermen and a City Judge shall be elected for terms of four (4) years. Any elector who is eighteen (18) years of age or over and has been a resident of the City for at least two (2) years may be qualified as a candidate for the Board of Mayor and Aldermen by a nominating petition submitted to the County Commissioners of Elections not less than forty (40) days prior to the election, signed by at least twenty-five (25) electors. Any elector who is twenty-one (21) years of age or over and has been a resident of the City for at least two (2) years may be qualified as a candidate for Mayor by a nominating petition submitted to the County Commissioners of Elections not less than forty (40) days prior to the election, signed by at least twenty-five (25) electors. Any elector who is twenty-five (25) years of age or over and has been a resident of the City for at least two (2) years may be qualified as a candidate for City Judge by a nominating petition submitted to the County Commissioners of Elections not less than forty (40) days prior to the election signed by at least twenty-five (25) electors.

(b) The nominating petition shall be prepared in substantially the following form:

We, the undersigned electors of the City of Kenton, hereby nominate _____, whose residence is _____, for the office of Aldermen (Mayor)

¹Sections 5 and 6 of Priv. Acts of 1998, ch. 177 provides:

"SECTION 5. The incumbent Mayor, Aldermen and City Judge serving in November, 2002, shall serve until their successors are elected and qualified."

"SECTION 6. Nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected."

(City Judge), to be voted for at the election to be held on the _____ day of __ , 19 __; and we individually certify that we are registered voters.

Date of _____

Name _____

Address _____

Signing _____

(c) Persons nominated may withdraw their nominations by written notice to the county commissioners of elections not later than 33 days before the election. Names of candidates shall be listed alphabetically on the ballot; the residence addresses of candidates having the same or substantially similar surnames shall also be printed on the ballot.

(d) Each elector shall be entitled to vote for one (1) candidate for Mayor in the first election and in each election held at four-year intervals thereafter. Each elector shall be entitled to vote for six (6) candidates for Alderman in the first election and in subsequent quadrennial elections. Each elector shall be entitled to vote for one (1) candidate for City Judge in the first election and in subsequent quadrennial elections. In the first election the six (6) candidates for Aldermen and City Judge receiving the highest number of votes and the Mayor shall be elected for terms of two (2) years. Beginning with the State General Election to be held in November, 2002, elections shall be held every four (4) years with the State General Election in November to elect in the same manner a Mayor and six (6) Aldermen, and City Judge for four-year terms. The terms of office of the Mayor and Aldermen and City Judge shall begin at 7:00 p.m. the first Tuesday of December following their election, and they shall serve until their successors have been elected and qualified. No informality shall invalidate such an election, provided it is conducted fairly and in substantial conformity with the requirements of this Charter and the general election laws of the State. [As amended by Priv. Acts 1998, ch. 177, §§ 1 and 2]

Section 2.02. City Board--composition; salaries of mayor and aldermen; meeting; quorum. BE IT FURTHER ENACTED, That:

(a) The mayor and six aldermen elected under this Charter, and the incumbent aldermen, until the expiration of their current terms of office, shall compose the Board, in which is vested all corporate, legislative and other powers of the City, except as otherwise provided in the Charter.

(b) The salary of the Mayor and each alderman shall be set by ordinance. Salaries may be changed at any time by ordinance; provided, however, any changes shall not become effective until after the next quadrennial election of City officials. The Mayor, aldermen, and employees or agents of the City shall be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

(c) The Board shall meet regularly at least once every month at the times and places prescribed by ordinance. The Board may meet in special session on written notice of the Mayor or any four aldermen and served on the other members of the Board personally at least 24 hours in advance of the meeting. The Board may meet in emergency session on oral notice of the Mayor or any four aldermen. The Board shall have the authority in public assembled session with a quorum present, either regular or special, to exercise all expressly granted or implied powers.

(d) Four aldermen and the Mayor shall constitute a quorum; however, during the absence of the Mayor, the Vice-Mayor shall preside over the deliberations, in which event one more than a quorum shall be present. The Board may by ordinance adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers. [As amended by Priv. Acts 1998, ch. 177, § 3, and Priv. Acts 2019, ch. 9, § 2]

Section 2.03. Mayor as presiding officer; Mayor's veto; Mayor to sign ordinances and resolutions; passage over veto; duties of Mayor. BE IT FURTHER ENACTED, That the Mayor shall preside at the meetings of the Board, but shall vote only in case of a tie. The Mayor shall be recognized as the ceremonial head of the City. He shall be the officer to accept process against the City, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter.

Section 2.04. Vice-Mayor--election, duties. BE IT FURTHER ENACTED, That the Board at the first regular meeting after the newly elected aldermen have taken office following each quadrennial election, shall appoint from its membership a Vice-Mayor. The Vice-Mayor shall perform the duties of the Mayor during his absence or inability to act, and shall fill out any unexpired term in the office of Mayor, in which case an Aldermen shall be selected by majority vote of the Board to serve the unexpired term as Vice-Mayor. [As amended by Priv. Acts 1998, ch. 177 § 4]

Section 2.05. BE IT FURTHER ENACTED, that a vacancy shall exist if the Mayor, Aldermen, or City Judge resigns, dies, moves his residence from the City or is convicted in the ordinary sense of the word of malfeasance or misfeasance in office or a felony and after an affirmative court order is entered in any ouster proceeding brought under the state general law. If a vacancy occurs in the office of the Mayor, the Vice Mayor shall assume the duties of the Mayor. Any person who is ousted from the office shall be prohibited from holding office or employment with the City for a period of ten years thereafter. The remaining Aldermen shall appoint a qualified person to fill a vacancy in the office of Aldermen or City Judge for the remainder of the unexpired term. If a

vacancy occurs within six months, or less, prior to a regular election the board shall leave the position vacant until the next regular election, except the position of City Judge which shall be filled as stated in the previous section. [As replaced by Priv. Acts 2019, ch. 9, § 3]

Section 2.06. City legislation--when ordinances necessary; required wording; readings required; emergency ordinances; official code; standard codes; publication. BE IT FURTHER ENACTED, That: (a) Any action of the Board having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises, authorizing the borrowing of money, conveying or leasing or authorizing conveyance or lease of any lands of the town, or required to be done by ordinance under this Charter or the general laws of the state, shall be done only by ordinance. Other actions of the Board may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of the Board in advance of the meeting at which introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the City of Kenton". No action of the Board of Aldermen shall be valid or binding unless approved by the affirmative vote of at least a majority of the Board. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or as amended. Every ordinance except an emergency ordinance must be approved on three readings not less than one week apart, and shall become effective after final approval unless its terms provide a later effective date. Every ordinance, except codes adopted by reference as provided in subsection (c) below, shall be read in full on the first reading; the second reading may be by title only except that any amended provisions shall be read in full. Each resolution shall be read in full one time and shall become effective when adopted unless its terms provide otherwise. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on two readings on separate days and become effective immediately, by the affirmative votes of four members of the Board, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only 90 days.

(b) The Board shall have the general and continuing ordinances of the City assembled into an official code of the City, a copy of which shall be kept currently up to date by the City Recorder and shall be available to the public. After adoption of the official code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes, as defined in Section 1.02(g), may be adopted by ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the council may deem desirable. Procedure prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the council.

(d) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the City Recorder. [As amended by Priv. Acts 2019, ch. 9, § 4]

ARTICLE III

ORGANIZATION AND PERSONNEL

Section 3.01. Organization of City government. BE IT FURTHER ENACTED, That there are hereby established the following Departments with the following duties and powers:

(a) The Department of Finance and Budget is hereby established and shall be responsible to the Mayor. This Department shall be responsible for all matters pertaining to the accounts, finances, and revenues. The City Recorder shall be responsible for submitting an annual budget each fiscal year to the Board. A copy of the budget in full shall be filed with the City Recorder for public inspection and a copy shall be furnished to each Board member.

(b) The Department of Police is hereby established and shall be responsible to the Mayor. This Department shall be responsible for all matters pertaining to such department and law enforcement in the City. The Police Chief shall be the head of and have supervision of the Police Department and all matters pertaining thereto.

(c) The Department of Fire is hereby established and shall be responsible to the Mayor. This Department shall be responsible for all matters pertaining to fire prevention. The Fire Chief shall be the head of and have supervision of the Department.

(d) The Department of Streets, Sanitation and Building Permits is hereby established and shall be responsible to the Mayor. This Department shall embrace all matters pertaining to streets, including sidewalks, sewers, bridges, and drainage; garbage collection and disposal; and buildings and code enforcement. The Streets, Sanitation and Building Permit Superintendent shall be the head of and have supervision of the Department of Streets, Sanitation and Building Permits and all matters pertaining thereto.

(e) The Department of Water and Sewer is hereby established and shall be responsible to the Mayor. This Department shall embrace all matters pertaining to the water and sewer enterprises of the City. The Water and Sewer Superintendent shall be the head of and have supervision of the Department and all matters pertaining thereto.

(f) The Department of Parks and Recreation is hereby established and shall be responsible to the Mayor. This Department shall embrace all matters pertaining to parks, playgrounds, recreation and public grounds. The Parks and Recreation Director shall be the head of and have supervision of the Department and all matters pertaining thereto.

(g) The Board by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the City, including, but not limited to, Directors for said departments or Chiefs for the Fire and Police Department; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function and duties of offices, positions of employment, department, and agencies of the City; provided, however, that the number of members of the Board shall not be changed, the office of the Mayor shall not be abolished and that the City Recorder shall also be director of the Department of Finance and Budget. [As replaced by Priv. Acts 2019, ch. 9, § 5]

Section 3.02. Administrative duties of Mayor. BE IT FURTHER ENACTED, That the Mayor shall be the executive head of the City government and shall appoint the Department Heads of the City's departments with Board approval, and shall, with the Department Heads, be responsible for the efficient and orderly administration of the affairs of the City. The Mayor shall appoint from the Board, Liaisons, to various Departments to assist in budgetary matters or represent the Department during Board meetings or disciplinary action involving said Department. He shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the City. The City attorney shall take such legal action as the Mayor and Board may direct for such purposes. The Mayor may conduct inquiries and investigations into the affairs of the city and shall have such other powers and duties as may be provided by ordinance not inconsistent with this Charter. [As amended by Priv. Acts 2019, ch. 9, § 6]

Section 3.03. City recorder--appointment and duties. BE IT FURTHER ENACTED, That the Board shall appoint a city recorder who shall have the following powers and duties, or such other powers and duties as may be provided by ordinance not inconsistent with this Charter:

(a) To keep and preserve the city's seal and all official records not required by law or ordinance to be filed elsewhere.

(b) To attend all meetings of the Board and to maintain a journal showing the proceedings of all such meetings, the Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered, and the vote of each Alderman on each question. This journal shall be open to the public during regular office hours of the city subject to reasonable restrictions exercised by the city recorder.

(c) To prepare and certify copies of official records in his office. Fees for such services may be established by ordinances, to be deposited into the city treasury.

(d) To serve as head of the department of finance and budget.

Section 3.04. City Attorney--appointment and duties. BE IT FURTHER ENACTED, That the Board shall appoint a City Attorney, and such Assistant City Attorneys as may be authorized by ordinance. The City Attorney, or an Assistant City Attorney designated by the Board shall be responsible for representing and defending the City in all litigation in which the City is a party; prosecuting cases in the City court; attending meetings of the Board as required by the Board; advising the Board, Mayor, and other officers and employees of the City concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board or Mayor.

Section 3.05. City court. BE IT FURTHER ENACTED, That:

(a) City Judge-term. A City Judge who shall constitute the City court shall be elected by the people as provided in Section 2.01. A vacancy in the office of City Judge shall be filled as provided in Section 2.05.

(b) Jurisdiction, powers, compensation. The jurisdiction of the City Judge shall extend to the trial of all offenses against the ordinances of the City, or other jurisdiction as may be granted to the municipality by the state and costs in such trials shall be fixed by ordinance subject to approval of the Board. The City Judge shall have power to levy fines, penalties, forfeitures, and costs, to issue all necessary process, to administer oaths, and to maintain order including the power to punish for contempt of court. The sole compensation for serving as City Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the City and shall be paid into the City treasury, with a portion of the amount of municipal court costs collected to be allocated in accordance with Tennessee Code Annotated, Section 16-18-304.

(c) Docket. The City Judge shall keep a docket of all cases handled by him.

(d) Separation of powers. The City Judge shall be the exclusive judge of the law and facts in every case before him, and no officer or employee of the town shall attempt to influence his decision except through pertinent facts presented in open court. [As replaced by Priv. Acts 2019, ch. 9, § 7]

Section 3.06. Officers and employees--salaries. BE IT FURTHER ENACTED, That only the offices and positions of employment provided for in the annual budget, or as specifically approved by the Board shall be filled. Salaries for all positions shall be in accordance with a pay plan adopted by ordinance at the beginning of the fiscal year. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

Section 3.07. Employees--appointment and promotion; removal or suspension; appeal and hearing. BE IT FURTHER ENACTED, That the appointment and promotion of employees of the city shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications. Unless otherwise provided by this Charter, the Mayor along with the Department Head for each department shall have authority to make appointments, promotions and transfers, and to make demotions, suspensions and removals of employees for reasonable cause, and may delegate such authority to department heads, as may be provided for by ordinance, with all actions subject to the approval of the Board. Before removal or suspension, an employee shall be given a written notice of intention to suspend or remove him, containing a clear statement of the grounds for such proposed action and notification that he may appeal to the Board by filing, within 10 days, with the City Recorder written notice of his intention to do so. After receipt of such notice the Board shall set a time and place for a public hearing on the matter, to be held within 20 days thereafter. The votes of four Aldermen shall be required to override the suspension or removal, and the action of the Board shall be final determination of the matter. A suspension may be with partial or entire loss of salary, but if the suspension is overruled by the Board any loss of salary shall be paid to the employee. [As amended by Priv. Acts 2019, ch. 9, § 8]

Section 3.08. Personnel rules. BE IT FURTHER ENACTED, That the Board shall by ordinance adopt supplementary rules and regulations governing employment by the City, not inconsistent with the provisions of this Charter.

Section 3.09. Oath of office. BE IT FURTHER ENACTED, That before a person takes any office in the City government, he shall subscribe to the following oath or affirmation, administered by any magistrate.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will in all respects, observe the provisions of the Charter and ordinances of the City of Kenton, and that I will faithfully discharge the duties of the office of"

Section 3.10. Official bonds. BE IT FURTHER ENACTED, That the Mayor and every officer, agent, and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board, with some surety company authorized to do business in the State of Tennessee as surety, in such amounts as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board. The cost of such bond shall

be paid by the city. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

Section 3.11. Political activity prohibited. BE IT FURTHER ENACTED, That no employee of the city shall continue in the employment of the city after becoming a candidate for nomination or election to any public office, but this provision shall not apply to the Mayor, Aldermen, members of boards or commissioners, or the city attorney. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with employment by the city government. No person shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee of the city in connection with any city election. Any person who by himself or with others willfully or corruptly violates any provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof he shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or position of employment in the city government for a period of five years thereafter.

ARTICLE IV

FISCAL ADMINISTRATION

Section 4.01. Fiscal year. BE IT FURTHER ENACTED, That the fiscal year of the city government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year, unless otherwise provided by ordinance.

Section 4.02. Mayor to submit annual budget. BE IT FURTHER ENACTED, That not later than 45 days prior to the beginning of each fiscal year, the Mayor and the City Recorder shall submit to the Board a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following:

- (a) Revenue and expenditures during the preceding year;
- (b) Estimated revenue and expenditures for the current fiscal year;
- (c) Estimated revenue and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue;
- (d) A comparative statement of the cash surplus (or deficit) at the end of the current fiscal year; and
- (e) Any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the Mayor and City Recorder or requested by the Board. They may recommend and estimate receipts from additional revenue measures, providing

such estimates are separated clearly from normal revenue estimates. A copy of the budget in full shall be filed with the City Recorder for public inspection and a copy shall be furnished to each Alderman. [As replaced by Priv. Acts 2019, ch. 9, § 9, and Priv. Acts 2019, ch. 9, § 9]

Section 4.03. Capital improvement budget. BE IT FURTHER ENACTED, That a capital improvement budget may also be prepared to include a description of projects recommended for the ensuing year. The capital improvement budget shall be reviewed by the local planning commission, and the recommendations of the planning commission shall be submitted by the Mayor to the Board concurrently with the annual budget. The Board may accept, reject or revise the capital improvement budget as it deems desirable.

Section 4.04. Public hearing. BE IT FURTHER ENACTED, That after receiving the proposed budget, the Board shall fix a time and place for a public hearing thereon, and shall cause a public notice thereof and an announcement of where and when the full budget may be examined to be published two times in a newspaper of general circulation in the city, the last such publication to be at least 10 days in advance of the date of the hearing. The public hearing shall be held before the Board at the stated time and place, and all persons present shall be given a reasonable opportunity to be heard.

Section 4.05. Action by Board on budget--emergencies; amendments; reallocations; monthly reports by Mayor. BE IT FURTHER ENACTED, That after the public hearing and before the beginning of the ensuing fiscal year the board shall adopt an appropriation ordinance, based on the Mayor's proposed budget with such modifications as the Board considers necessary or desirable. The Board shall not make an appropriation in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the City declared by a vote of all members of the Board. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year, subject to amendment as provided in this section. Amendments may be made to the original appropriation ordinance at any time during a current fiscal year. Appropriations, except emergency appropriations as provided above, may be increased during the year only after the Mayor certifies in writing that a sufficient amount of unappropriated fund balance will be available. Any portion of an annual budget remaining unexpended and unencumbered at the close of the fiscal year shall lapse and be subject to appropriation for the following year. Any balance remaining in any fund other than the general fund at the end of the fiscal year may remain to the credit of such fund and be subject to further appropriation. At the end of each month the City Recorder shall submit to the Board a budget report showing revenue receipts, encumbrances and

expenditures for the month and for the fiscal year to the end of that month. [As replaced by Priv. Acts 2019, ch. 9, § 10]

Section 4.06. Control of expenditures. BE IT FURTHER ENACTED, That the City Recorder, subject to the approval of the Board, shall be responsible for controlling expenditures of the various agencies of the City government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations. [As replaced by Priv. Acts 2019, ch. 9, § 11]

Section 4.07. Centralized purchasing. BE IT FURTHER ENACTED, That: (a) Purchases or contracts of more than \$500 shall require prior approval of the Board, and except for minor items used infrequently or items which must be obtained immediately to avoid disruption of services, shall be subject to competitive bid, subject to such regulations as may be provided by ordinance. Any expenditure or contract for more than \$10,000 shall be made only after sealed bids have been invited. Purchases and contracts shall be awarded to the lowest responsible bidder, but all invitations to bid shall state that the city reserves the right to reject any and all bids. The Board may waive the requirements to obtain bids when there is only one source of supply or when such action is in the best interest of the town, providing the reasons for any such waiver are made a matter of record. Bid records shall be preserved for a period of not less than two years. Bids need not be taken for professional services and services for which the rates or prices are regulated by public authority, nor shall competitive bidding be required for purchases from other governmental agencies. [as amended by Priv. Acts 2017, ch. 9, § 1]

Section 4.08. Unauthorized contract or expenditure. BE IT FURTHER ENACTED, That any contract or agreement made in violation of the provisions of this Charter or ordinances of the city shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the city for the full amount so paid or received. A violation of this section by any officer or employee shall be cause of his removal.

Section 4.09. Sale of town property. BE IT FURTHER ENACTED, That the Mayor may sell City property which is obsolete, surplus or unusable, after advertisement in a local newspaper, by sealed bids or a public auction; provided, however, that any sale for more than \$500 or any sale of real estate shall be subject to approval by the Board. [As replaced by Priv. Acts 2019, ch. 9, § 12]

Section 4.10. Annual audit. BE IT FURTHER ENACTED, That within 30 days after the beginning of each fiscal year the Board shall employ an

independent, certified public accountant to make an audit of all financial records of the city for that year. The auditor shall perform adequate sampling to determine validity of the records. Each such audit shall include determination of legality of transactions, mathematical accuracy of records, complete accountability, and application of accepted municipal accounting principles. It shall be made in accordance with generally accepted auditing standards and in conformity with generally accepted accounting principles and any applicable state and/or federal audit guidelines. The audit shall be completed and a report, including a summary for publication, shall be submitted to the Board within 90 days after the end of the fiscal year.

Section 4.11. Bonds for public works contracts. BE IT FURTHER ENACTED, That each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bonds in the amount of five percent of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to 100 percent of the contract price. The Board may waive these requirements for contracts under \$5,000.

Section 4.12. Property taxes. BE IT FURTHER ENACTED, That all property subject to taxation shall be subject to the property tax levied by the county. The Board shall use county assessments and assess all property subject to taxation except property assessed by the State Public Service Commission.

Section 4.13. Omitted property. BE IT FURTHER ENACTED, That if county assessments are used the city recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the city.

Section 4.14. Tax levy. BE IT FURTHER ENACTED, That the Board shall make a tax levy, expressed as a fixed rate per \$100 of assessed valuation, not later than 90 days prior to the tax due date. In event of Board's failure to do so, the prior year's rate shall continue in effect.

Section 4.15. Tax due dates and tax bills. BE IT FURTHER ENACTED, That the due dates of property tax shall be fixed by ordinance and provisions may be made for equal or semi-annual installments. The city shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax, penalty, or interest thereon. Property taxes shall become delinquent 30 days after a due date, at which time a penalty of five percent shall be added and thereafter such taxes

shall be subject to interest at the rate of one percent (1%) for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the town shall have the force and effect of a judgment of a court of record.

Section 4.16. Delinquent taxes. BE IT FURTHER ENACTED, That the Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Mayor for the sale of goods and chattels to be executed by any police officer of the city under the laws governing execution of such process from a magistrate; or by the county trustee as provided by general law; or by the city attorney acting in accordance with general laws providing for the collection of delinquent city or county taxes; by garnishment; by suits in chancery; or by any two or more of the foregoing methods, or by the use of any other available legal processes and remedies. If not otherwise collected, the city attorney or other attorney designated by the Board, shall file suit for collection of all delinquent taxes not later than 18 months following date of delinquency.

Section 4.17. Taxes not to be excused. BE IT FURTHER ENACTED, That no officer or employee of the city shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the town, but errors may be corrected when authorized by the Board.

Section 4.18. Disbursements by checks. BE IT FURTHER ENACTED, That all disbursements, except for any agency of the city administered by a board or commission, shall be made by checks signed by the city recorder and countersigned by the Mayor and/or the Finance and Budget Commissioner. The Board may by resolution designate other officers to sign such checks in the absence or disability of the Mayor or city recorder.

Section 4.19. Official depository. BE IT FURTHER ENACTED, That the Board shall designate an official depository or depositories for deposit and safekeeping of funds of the city with such collateral security as may be deemed necessary by the Board.

Section 4.20. Accounting. BE IT FURTHER ENACTED, That the financial records of the city will be established and maintained in general conformity with the accounts and procedures recommended by the office of the Comptroller, State of Tennessee, the Municipal Finance Officers Association, or other nationally recognized authority on municipal accounting.

ARTICLE V

INTERGOVERNMENTAL COOPERATION AND CONTRACTING

Section 5.01. Intergovernmental cooperation and contracts. BE IT FURTHER ENACTED, That in addition to other powers granted in this Charter, the city Board shall have power to contract and cooperate with any other municipality or other political subdivision of the state, or with an elective or appointive official thereof; or with any duly authorized agency of the federal or state government, for the exercise of any power or function which the town is authorized to undertake by this Charter.

Section 5.02. Execution of such powers. BE IT FURTHER ENACTED, That the Board may exercise the powers conferred in this article by ordinance or resolution setting out the terms to be included in any such contract or cooperative action, and any of them may acquire, by gift or purchase, or by power of eminent domain exercised by one or more of the parties, the lands, buildings, and other property necessary or useful for the purpose of the contract or cooperative action, either within or without the corporate limits of one or more of the contracting parties, and shall have the power to hold or acquire such property jointly. The city may provide for the financing of its share or portion of the cost or expenses of such a contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

Such a contract also may provide for the establishment and selection of a joint commission, officer or officers to supervise, manage, and have charge of joint service or project and may provide for the powers and duties, terms of office, compensation, if any, and other provisions relating to the members of such joint commission, officer or officers. Such contract may include and specify terms and provisions relative to the termination or cancellation of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. Such cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share of the cost or expense incurred prior to the effective date of any such cancellation or termination.

Section 5.03. Immunity and liabilities of officers. BE IT FURTHER ENACTED, That all public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this article shall enjoy the same immunities and be subject to the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

Section 5.04. Handling of funds. BE IT FURTHER ENACTED, That all money received pursuant to any such contract or cooperative action, under the provisions of this article, unless otherwise provided by law, shall be deposited

and disbursed in accordance with the provisions of such contract or cooperative action.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.01. Other general laws may be used by city. BE IT FURTHER ENACTED, That notwithstanding any provisions of this Charter, the Board may elect to operate or adopt any general law or public act available to municipalities of the state in lieu or in addition to provisions of this Charter.

Section 6.02. Penalties. BE IT FURTHER ENACTED, That the violation of any provision of this Charter, for which a penalty is not specifically provided herein, is hereby declared to be a misdemeanor, and persons guilty of such violations shall be fined not more than fifty dollars (\$50). Any person failing to pay a fine and costs shall be committed to the workhouse to work out the fine and costs at the rate of five dollars (\$5) per day.

Section 6.03. To be approved by Board. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of the City of Kenton before May 6, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board and certified by him to the Secretary of State.

Section 6.04. Effective date. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.03.

PASSED: April 9, 1981

Ned R. McWherter,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

John S. Wilder,
SPEAKER OF THE SENATE

APPROVED: April 16, 1981

Lamar Alexander,
GOVERNOR

This is to certify that according to the official records in this office, House Bill No. 1258, which is Chapter No. 87 of the Private Acts of 1981, was properly

ratified and approved and is therefore operative and in effect in accordance with its provisions.

GENTRY CROWELL
Secretary of State

PRIVATE ACTS COMPRISING THE CHARTER OF THE
CITY OF KENTON, TENNESSEE

YEAR	CHAPTER	SUBJECT
1981	87	Basic charter act; repealed 1899 charter.
2017	9	Amended § 4.07, centralized purchasing.
2019	9	Amended § 1.02, Definitions; amended § 2.02, City board--salary of mayor; amended § 2.06, City legislation; replaced § 3.01, Organization of city government; amended § 3.02, Administrative duties of mayor; replaced § 3.05, City court; amended § 3.07, Employees; replaced § 4.02, Mayor to submit annual budget; replaced § 4.05, Action by board on budget; replaced § 4.06, Control of expenditures; and replaced § 4.09, Sale of town property.