

CHARTER OF THE CITY OF DYER, TENNESSEE¹

CHAPTER 66

HOUSE BILL NO. 3987

By Representative Halford

Substituted for: Senate Bill No. 3945

By Senator Finney

AN ACT to enact a new charter for the city of Dyer and repeal Chapter 267 of the Acts of 1899, and all acts amendatory thereto.

TABLE OF CONTENTS

ARTICLE I

CORPORATE NAME AND BOUNDARIES

SECTION	<u>PAGE</u>
1. Incorporation, name, and general powers	C-4
2. Corporate boundaries	C-4
3. Annexation	C-6
4. Acquisition and disposition of property	C-7

¹Acts 2010 ch. 66, is the current basic charter act for the City of Dyer, 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 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 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.

ARTICLE II

LEGISLATIVE DEPARTMENT

SECTION	<u>PAGE</u>
1. Legislative power vested in city council	C-7
2. Salary of mayor and aldermen	C-7
3. Council to determine rules of procedure	C-7
4. City recorder to keep minutes of council proceedings and votes . . .	C-8
5. City council meetings	C-8
6. Style of ordinances	C-8
7. Penalties for ordinance violations	C-8
8. Powers to be exercised by ordinance	C-8
9. Power of city council to enact ordinances	C-11
10. Power of city council to appoint and/or terminate city employees .	C-11
11. Limitation on duration of franchises	C-11
12. Power of the city council to appoint police chief and police officers	C-11
13. Elected municipal officials prohibited from city employment	C-12

ARTICLE III

EXECUTIVE DEPARTMENT

1. Executive power vested in the mayor	C-12
2. Mayor to make recommendations to city council; enforce laws, preside at council meetings, and participate in all business of the city	C-12
3. Mayor to have power to require officers to exhibit books and records	C-12
4. Mayor required to perform all required acts	C-12
5. Vice mayor; vacancy in the office of mayor	C-13
6. Mayor to execute all municipal documents and receive legal process	C-13
7. City recorder to receive and disburse money	C-13
8. Depository for municipal funds	C-13
9. City recorder to be bonded	C-14
10. City recorder's salary	C-14
11. General duties of the city recorder	C-14
12. City recorder to submit financial reports	C-14

ARTICLE IV

ELECTIONS AND APPOINTMENTS

SECTION	<u>PAGE</u>
1. Elections; terms of office	C-15
2. Elections to be conducted by county election commission	C-15
3. Qualifications required of voters	C-15
4. Application of state election laws	C-15
5. Tie votes	C-16
6. Vacancies in the office of alderman	C-16
7. Qualifications required of and method of electing or appointing city officers	C-16

ARTICLE V

OFFICIAL OATHS, PENALTIES AND BONDS

1. Oath required of elected officials	C-16
2. Bonds required of elected officials	C-17

ARTICLE VI

FINANCE AND TAXATION

1. Levy of taxes	C-17
2. Assessment of taxes	C-17
3. Collection of taxes	C-17
4. Power of council to borrow money and issue bonds	C-17
5. Power of the council to condemn property	C-18

ARTICLE VII

CITY COURT OF DYER

1. Appointment and compensation of city judge	C-18
2. Jurisdiction of the appointed city judge	C-18
3. Jurisdiction of an elected city judge	C-18
4. Appointment of temporary judge; docket to be kept	C-19
5. Appeals	C-19
6. Mayor's authority to employ counsel	C-19

ARTICLE VIII

POLICE DEPARTMENT

SECTION	<u>PAGE</u>
1. Appointment of chief of police and other police officers	C-19
2. Compensation of chief of police and police officers	C-20
3. Duties of chief of police and police officers	C-20
4. Chief of police and police officers to serve legal process; chief of police vested with powers of constable	C-20

ARTICLE IX

MISCELLANEOUS PROVISIONS

1. Notice required of persons making personal injury claims	C-20
2. Execution and attestation of municipal documents; repealing clause	C-21

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

SECTION 1. Chapter 267 of the Acts of 1899, and all acts amendatory thereto which contained the charter of the city of Dyer are repealed and a new charter is enacted for the city to read as follows:

ARTICLE I

CORPORATE NAME AND BOUNDARIES

Section 1. Incorporation, name, and general powers. The inhabitants of the City of Dyer, in the county of Gibson, State of Tennessee, be, and they are hereby, constituted a body politic and corporate by the name and style of the City of Dyer, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all the courts of law and equity, and may have and use a common seal, and alter the same at pleasure.

Section 2. Corporate boundaries. The corporate limits of the City of Dyer shall be as follows:

Beginning at an iron pipe in U. S. Highway 45-W 250 feet, more or less, from the south property line of the Poplar Grove

Road, said pipe being set 2.6 feet east of the east edge of the pavement of said U. S. Highway 45-W and 21.5 feet west of Browder's west property line; thence south 52 degrees and 55 minutes west across said U. S. Highway 45-W, a distance of 40.6 feet to a stake; said stake being set 29.1 feet west of the center line of U. S. Highway 45-W and 11 feet south of the G. W. Bailey south property line; thence north 86 degrees 35 minutes west, a distance of 1116 feet to a stake set in the fence, which is the north property line of the J. W. McFarland property, said stake being 15 feet west of the west property line of the road commonly known as Beech Grove Road; thence north 88 degrees 38 minutes west a distance of 1680 feet to a stake on the north side of the road known as the Curry Road; thence north 1 degree 36 minutes east measured parallel to the west street of Hillcrest Addition 1083 feet to a stake, said stake being set in the west property line of the Hillcrest Addition; thence north 85 degrees 10 minutes west 525.4 feet to a stake in the Ewell property; thence north 3 degrees east a distance of 982 feet to a stake in the Ewell property, said stake being 460 feet south of Broad Street; thence north 83 degrees 52 minutes west, a distance of 1927 feet to a stake, being 488 feet south of the south property line of Broad Street and 12 feet west of the east property line of Ransom Thornton; thence north 2 degrees 8 minutes east, a distance of 825 feet to a stake, said stake being 300 feet north of Broad Street on the property of W. B. Becton; thence north 45 degrees 14 minutes east a distance of 1661.3 feet to a point, said point being 15 feet southwest of the outlet of the City of Dyer sewer on the levee and approximately 20 feet south of the center line of the creek sometimes known as Sand Creek; thence north 32 degrees 54 minutes east a distance of 860 feet to a stake 334 feet west of the west property line of U. S. Highway 45-W and 3 feet north of the north property line of the gravel road leading west from U. S. Highway 45-W to the Mt Olive Church; thence north 14 degrees 46 minutes west along a line parallel with and 334 feet west of the west property line of U. S. Highway 45-W, a distance of 1371 feet to a stake in James Barron's north property line, Mrs. J. W. Perkins' south property line, 334 feet west of the west property line of U. S. Highway 45-W; thence east to a stake 50 feet east of the center line of the G. M. & O. Railroad on the east property line of said Railroad; thence south along a line 50 feet east of the center line of the G. M. & O. Railroad and parallel to the center line of said railroad to a stake, said stake being 20 feet south of the center line of the creek sometimes known as Sand Creek; thence in an easterly direction following the meanders of the creek and 20 feet south of the center of said creek a distance of

4000 feet, more or less, to a point, said point being 255 feet north of College Street in the property now owned by R. L. Ingram and 177 feet northwest of the northwest corner of R. L. Ingram's house and 33 feet west from a blazed box elder tree on R. L. Ingram's property; thence north 60 degrees 13 minutes east a distance of 700 feet to a stake, said stake being set on the property of Howard Baker; thence south 83 degrees 48 minutes east a distance of 846 feet to a stake, said stake being 200 feet north of College Street on the Howard Baker property; thence south 6 degrees 9 minutes west a distance of 469 feet to a stake, said stake being 50 feet east and 135 feet south of the southwest corner of the Clint Thompson residence; thence north 87 degrees 23 minutes west, a distance of 332 feet to a stake, said stake being 300 feet east of the east property line of the first street east of High Street and located on the property of Clint Thompson; thence south 5 degrees 26 minutes west along a line measured 300 feet from and parallel to the east property line of the first street east of High Street 1165 feet to a stake, said stake being 300 feet south of the south property line of Beech Avenue extended; thence north 86 degrees 5 minutes west a distance of 480 feet to a stake 330 feet south of the south property line of Beech Street and being 300 feet east of the east property line of High Street; thence south 6 degrees 53 minutes west a distance of 709 feet to a stake, said stake being on the J. E. Hall property 4 feet south of the south property line of East Walnut extended and 317 feet east of the east property line of High Street; thence south 8 degrees 17 minutes west a distance of 870 feet to a stake on the C. C. Berry property, said stake being 300 feet east of the east property line of High Street; thence south 13 degrees 15 minutes west along a line measured 300 feet from and parallel to the east property line of High Street, a distance of 1422 feet to a stake, said stake being set on the J. E. Hall property 239 feet south of the road known as Poplar Grove Road; thence north 87 degrees 3 minutes west a distance of 871 feet to an iron pipe, said pipe being the point of beginning.

Section 3. Annexation. Whenever any territory within, abutting upon, or near to the City of Dyer shall have been platted by the owner or owners thereof into streets, alleys, blocks and lots conforming to and corresponding with the adjacent streets, alleys, blocks, and lots, and a map thereof made showing also the adjoining blocks and lots in the city, and the connecting alleys of the city, and the detailed topography of the platted territory, accompanied by a properly certified abstract of title to said territory, showing the title to be in the party or parties represented to be the owners of land which it is desired to annex to the city, the city

council may, in accordance with the general law, upon the petition of all such owners of said platted territory, by ordinance, upon such terms and conditions as it may deem for the best interests of the city, declare the same to be an addition to the City of Dyer, and from thenceforth such territory shall be and become a part of the said city, and within the jurisdiction thereof, as effectually as though the same had been annexed by act of the legislature; provided, that this section shall not apply to any lands upon which any taxes assessed in any town or municipal corporation are due and unpaid, nor to the lands of any town or other municipal corporation having a funded debt

Section 4. Acquisition and disposition of property. The said city by the name and style foresaid is hereby authorized to acquire and hold all real and personal property necessary for the public uses of the inhabitants thereof, both within and beyond the limits of the city, and when the same is no longer required for the public use, to sell and convey the same, as may be provided by ordinance and in accordance with general law, and the city council shall, by ordinance, make all needful rules and regulations for the use of such property.

ARTICLE II

LEGISLATIVE DEPARTMENT

Section 1. Legislative power vested in City Council. The legislative power of the City of Dyer shall be vested in City Council, consisting of a Mayor and eight (8) Aldermen to be elected from the city at large in accordance with the provision of Article IV as hereinafter set out.

Section 2. Salary of Mayor and Aldermen. The salary of the Mayor and Aldermen shall be set by an ordinance of the Dyer City Council enacted at least one hundred eighty (180) days prior to a regular municipal election as provided in Article IV Section 1 of this charter. In no event shall the salaries of the Mayor and Aldermen be altered prior to the end of the term for which they were elected.

Section 3. Council to determine rules of procedure. The City Council shall have the authority to determine and fix the rules of its own proceedings and to punish its members for disorderly or other improper conduct at its meetings. A majority of the council members, less any vacancies, shall constitute a quorum for the purpose of conducting meetings of the council, but a smaller number may adjourn from time to time and compel the attendance of absent members.

Section 4. City Recorder to keep minutes of council proceedings and votes. A record of the proceedings of the city council shall be kept by the Recorder, hereinafter provided for, and in the event of the recorder's sickness or absence the Assistant Recorder or some member of the city council may act as recorder for the purpose of recording the proceedings of such City Council. All votes of the City Council shall be by "Aye or No" and no ordinance shall be binding unless the record of the vote on same shall show that a majority of the votes cast were for same.

Section 5. City Council meetings. The City Council shall meet in regular session at least one (1) time per month, such meetings to be fixed by a Resolution of the Council. Called or special meetings may be called upon the written demand of the Mayor, or on the written demand of at least five (5) Aldermen presented to the Mayor.

Section 6. Style of ordinances. The style of all ordinances shall be, "Be it enacted by the City Council of the City of Dyer."

Section 7. Penalties for ordinance violations. The City Council is hereby authorized to impose fines of not more than fifty dollars (\$50.00) on any person violating any provision of this charter or any ordinance. All fines and forfeitures collected for violations of this charter or against any ordinances, shall be paid into the city treasury by the officers collecting same on or before each stated monthly meeting of the City Council, and same shall be disposed of as a part of the general revenue of the city.

Section 8. Powers to be exercised by ordinance. The City Council shall have the control and management of the city finances, and of all property of the city, real, personal, and mixed, and shall have power by ordinance:

- (1) To establish and maintain a system of sewerage;
- (2) To appropriate money and provide for payment of the debts and expenses of the city;
- (3) To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, lanes, alleys, sidewalks, drains, and sewers, and to provide for the planting and protecting of shade trees upon the streets, avenues, and parks, or other public grounds, and to regulate the same, and to let out any of said work or any other public work they may have done to the lowest responsible bidder under written contract and bond for the performance of same;

- (4) To establish, build and keep in repair bridges;
- (5) To provide for lighting the streets and public grounds by gas, electricity, or other illuminating process or means, and to erect lamp posts, electric posts, or such other requirements and apparatus as may be necessary;
- (6) To privilege all needful building for the use of the city by building, lease, rental, or purchase as may be thought best;
- (7) To provide for inclosing, improving, and regulating all public grounds belonging to the city;
- (8) To license, regulate, and tax any and all lawful occupations, privileges, business places, amusements, and places of amusement, declared to be a privilege by the state laws in accordance with the general law;
- (9) To prohibit or regulate the use of firearms in accordance with the general law;
- (10) To regulate and to restrain the running at large, within the corporate limits, of stock of any and every kind and dogs, fowls, etc. and to authorize the summary sale of all such stock and animals found running at large within the corporate limits;
- (11) To provide for the enumeration of the inhabitants of the city subject to the special census restrictions established pursuant to general law;
- (12) To prevent the building or construction of dangerous houses or buildings within the corporate limits, and to condemn and destroy same, or have same done. To prevent the construction of dangerous chimneys, flues, fireplaces, hearths, stoves, or other apparatus, and to cause such as are so to be removed or made safe and secure from fire;
- (13) To prevent the deposit of ashes, cinders, garbage, or other refuse at any improper place;
- (14) To regulate and suppress the use of fireworks of any and every kind in accordance with general law;

(15) To remove all obstructions from, and prevent encroachment upon any and all streets, lanes, alleys, walks, drains, fire hydrants, or over or by sewer lines;

(16) To provide for the protection, improvement, keeping, and ornamenting, opening, laying out and controlling of a cemetery or cemeteries for the burial of the dead, and to provide and sell lots for same, in such way and manner as may be deemed best;

(17) To regulate or prevent the ringing of bells, blowing of horns, or whistles, and all other noises, performances, or devices tending to collect a crowd upon any of the streets, alleys, or walks of the city;

(18) To prevent and restrain riot, noise, disturbances, or disorderly assemblages, loud, indecent, or profane language, or behavior in any street, house, or place within the city, breaches of the peace, fighting or disorderly conduct;

(19) To prevent horse racing, fast riding or driving, in the streets, and to punish and stop the abuse of animals; to compel persons to securely hitch or fasten any animal attached to vehicles of any kind while standing or remaining in the street, all subject to and in accordance with the provisions of general law;

(20) To provide for sprinkling the streets, avenues, and public grounds;

(21) To control, regulate, or prevent the use of steam whistles;

(22) To provide the city or any part thereof with water and wastewater utilities; to erect, rent, lease, or buy and own water and wastewater utilities; to construct water and wastewater treatment plants; to install mains, hydrants, and pumps; to construct cisterns and reservoirs; to contract for the provision of expertise, labor and materials necessary to operate such water and wastewater facilities; to incur debt, including bonds, for water or wastewater system improvements; and to provide for the financing of such debt by the issuance of bonds or notes of the City of Dyer, or any other means authorized pursuant to the "Local Government Public Obligations Act of 1986", codified at Tennessee Code Annotated, Title 9, Chapter 21. The credit of the City of Dyer may be pledged by note or bonds or any other means as authorized in

accordance with the general law, and to issue bonds or notes, in the same way, manner, and amount, if deemed necessary, to own, operate, control, construct, or purchase a system of lighting for the City, either gas, electricity, or any other system, to be under the same restrictions as set out above for water and wastewater facilities; and to provide for the redemption of such bonds by creating a sinking fund or otherwise; and

(23) Subject to general law authority, to establish and enforce such regulations and restrictions as regards quarantine laws, the cleansing of the city and private property, erection of slaughter houses, nuisances, stables, privies, stockyards or pens, ponds, sawdust piles, mud holes, dairies, and any and all other things, businesses, and practices as may be regarded by the City Council as detrimental to the good health, pleasure or convenience of the city, and to abate or suppress same.

Section 9. Power of City Council to enact ordinances. The City Council shall have, and is hereby given, the power and authority to make all ordinances which it shall deem necessary and proper for carrying into execution the powers specified in this act, and to adequately and fully punish violations of said ordinances, and to make all ordinances it may deem necessary for the good order, health, good government, and general welfare of the city, and also for the protection and preservation of any city property, privileges, and franchises, and to enforce the same and all other ordinances by proper fine, or other penalty or penalties. All actions required to be by ordinance pursuant to Tennessee Code Annotated, Section 6-54-512, shall be by ordinance.

Section 10. Power of City Council to appoint and/or terminate city employees. The Mayor and Council shall have the authority and power to hire all city employees, including volunteer firefighters, part-time employees, and temporary employees. Such employees shall be appointed by the Mayor and City Council when an opening, vacancy, or termination occurs.

Section 11. Limitation on duration of franchises. All franchises and privileges granted by the City of Dyer, to corporations or individuals, shall be limited to twenty (20) years from the granting of the same.

Section 12. Power of the City Council to appoint Police Chief and police officers. The City Council shall have and is hereby given the authority and power to elect a Police Chief and police officers. Said officers shall be elected by the City Council when a vacancy or vacancies

occur. Said officers shall be subject to disciplinary action or removal from employment from the City of Dyer by use of personnel policies.

Section 13. Elected municipal officials prohibited from City employment. No elected officer of the City of Dyer shall receive any salary or other compensation for service in any other position with the City of Dyer, whether such position is full-time, part-time, seasonal, volunteer or contractual.

ARTICLE III

EXECUTIVE DEPARTMENT

Section 1. Executive power vested in the Mayor. The executive power of the city shall be vested in the Mayor. The mayor shall be the chief executive officer of the city and shall be the supervisor of all department heads.

Section 2. Mayor to make recommendations to City Council; enforce laws, preside at council meetings, and participate in all business of the City. The Mayor shall, from time to time, give the city council information relative to the condition of the corporation, and shall recommend to its consideration such measures as he may think expedient for the interest of the city. He shall take care that the laws of the state and the ordinances of the city are respected and enforced within the city, and may remit, either wholly or in part, fines, costs, forfeitures, and penalties imposed for the violation of any ordinance, but shall make a report of such remissions to the City Council at the next session thereof. He shall preside at all meetings of the City Council, and participate in all business coming before the same.

Section 3. Mayor to have power to require officers to exhibit books and records. The Mayor shall have power, whenever he shall deem it necessary, to require any officer of the city to exhibit his books and papers, and refusal by any officer when so required to exhibit the books and papers of his office shall be deemed a forfeiture and abandonment of said office.

Section 4. Mayor required to perform all required acts. The Mayor shall have power, and it is hereby made his duty, to perform all acts that may be required of him by any ordinance duly enacted and not otherwise inconsistent with the provisions of this Charter.

Section 5. Vice Mayor; vacancy in the office of Mayor.

(1) At the first regular City Council meeting immediately following the biennial municipal election, the Mayor shall nominate a member of the City Council to serve as Vice Mayor, such nomination subject to the approval of the City Council. The Vice Mayor shall serve a two-year term and may be re-appointed without limit.

(2) Immediately upon the Mayor's resignation, death, or removal from office, the Vice Mayor shall become the Mayor of Dyer and shall serve in that capacity for the remainder of the term of office or the next regular municipal election, whichever shall occur first. Should the next regular municipal election occur before the end of the mayor's term of office, the person elected to the office of Mayor shall serve in that capacity only until the end of the original term of office. When the Vice Mayor is promoted to fill a mayoral vacancy, said vice mayor's aldermanic seat shall be declared vacant upon taking the mayoral oath of office and the Council shall appoint a new aldermanic member to return the Council to full membership.

(3) The Vice Mayor shall temporarily assume the office of Mayor in the event the Mayor is not reasonably available or is incapacitated. The Vice Mayor shall preside at all meetings of the City Council when the Mayor is not present. The Vice Mayor shall immediately surrender administrative authority to the Mayor upon the Mayor's return from such temporary absence.

Section 6. Mayor to execute all municipal documents and receive legal process. All bonds, contracts, and other instruments requiring the assent of the city shall be signed by the Mayor or acting Mayor, and all legal process against the city shall be served upon the mayor.

Section 7. City Recorder to receive and disburse money. It shall be the duty of the Recorder to receive, receipt for, and keep the money of the city, and to deposit it in the depository selected by the city council as a depository for said funds, and pay out the same only on bank checks drawn by order of the City Council, signed by the Mayor under the seal of the corporation.

Section 8. Depository for municipal funds. The City Council 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 9. City Recorder to be bonded. The City Recorder shall give bond to the city in a sum fixed by the City Council, with sufficient sureties to be approved by the same, conditioned for the faithful performance of the duties of his office, and to pay over to his successor in office all such sums of money belonging to the city as shall be in his hands, and to account for and turn over to such successor all city property which may come into his hands.

Section 10. City Recorder's salary. The City Recorder shall receive such salary as shall be fixed by the City Council and all fees collected by the Recorder as authorized by law shall accrue to the benefit of the City of Dyer and placed in the General Fund for use and disposition as the Council may direct.

Section 11. General duties of the City Recorder. The City Recorder, in addition to the duties hereinbefore provided, shall attend all meetings of the city council, and keep a true, full and complete record of the proceedings of such meetings. The recorder shall have the custody of the corporate seal, the public records, the original rolls of ordinances of the City Council, all original contracts, deeds, and certificates relative to the title of any property of the city, all official, indemnity, or security bonds except his own bond, and such other records, papers, and documents of value as are not required to be deposited with any other officer; he shall attest all public instruments or official acts of the mayor by his signature, and the seal of the city, and shall also certify under his hand and the seal of the city all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals such fees for the use of the city as may be provided by ordinance.

Section 12. City Recorder to submit financial reports. The City Recorder and all officers charged with the collection and custody of money, shall make a full and detailed statement on at least a quarterly basis and under oath of all their accounts, which shall show all money received from whatever source, and from whom and what for, and all moneys paid out, to whom, and when, and for what purpose; and the recorder shall, in his regular quarterly report on the first Wednesday in June, each year, make a statement of all moneys received and expended, and from what sources received, and for what expended, for the year then ending, and a copy or summary of said report shall be published in a newspaper of the city which the city council may select.

ARTICLE IV

ELECTIONS AND APPOINTMENTS

Section 1. Elections; terms of office. It is the intention of this act that the aldermen on the Dyer City Council shall serve four (4) year terms of office and that half of the Council's aldermanic seats shall be up for election every two (2) years. To this end, the four (4) aldermanic positions that were elected at large in the regular municipal election in November of 2006 shall hold office until the regular municipal election in November of 2010 and every four (4) years thereafter. The four (4) aldermanic positions and the mayor that were elected at large in the regular municipal election of November of 2008 shall hold office until the regular municipal election in November of 2012 and every four (4) years thereafter.

Section 2. Elections to be conducted by county election commission. All regular municipal elections in the City of Dyer shall be conducted by the Gibson County Election Commission in accordance with applicable State laws and the provisions of this Charter.

Section 3. Qualifications required of voters. To be eligible to vote in Dyer municipal elections, a person must:

- (1) Be qualified to vote in the general elections of the State of Tennessee; and
- (2) Have legally resided within the corporate limits of the City of Dyer for the period of time authorized by general law to be a qualified voter in the municipal election for the City of Dyer immediately prior to the impending municipal election.

Additionally, a non-resident of the City of Dyer may vote in Dyer municipal elections provided such person is qualified to vote in the general elections of the State of Tennessee and owns not less than an undivided one-half (1/2) interest in taxable real estate located within the Dyer city limits.

Section 4. Application of State election laws. The general election laws of the State of Tennessee, together with all the requirements, restrictions, and punishments for violations of same shall apply and govern in all elections held in the City of Dyer.

Section 5. Tie votes. Should there be a tie vote for the candidates for any seat on the Dyer City Council, the winner shall be chosen by a simple majority vote of the City Council, such vote to be taken after all other newly elected officers have been sworn into office.

Section 6. Vacancies in the office of Alderman. In the event of an Alderman's death, resignation, removal from office, or relocation of his residence from the City of Dyer, the City Council shall declare his seat vacant. The City Council shall, after soliciting nominations from the community, vote to fill the vacancy with a qualified resident of the City.

Persons appointed to the office of Aldermen shall serve only until the next regular municipal election in the City of Dyer, whereupon an election will be held to fill the unexpired term of office for the position.

Section 7. Qualifications required of and method of electing or appointing city officers.

(1) That the Mayor and Aldermen shall have been residents of the City for ninety (90) days immediately prior to the election in which they may be voted for as such Mayor or Aldermen, and shall reside in the City during the term of office.

(2) The City Recorder of Dyer shall be appointed by the City Council of the City of Dyer.

ARTICLE V

OFFICIAL OATHS, PENALTIES AND BONDS

Section 1. Oath required of elected officials. Each officer elected or appointed shall before assuming the duties of the office, take and subscribe before a person authorized to administer the oath of office in the State of Tennessee, or Gibson county, an oath to support the constitution of the United States, and of the State of Tennessee, and to faithfully perform all the duties imposed upon him by law and by this charter and the ordinances of the City of Dyer, and the person taking said oath falsely, or violating the same, shall be guilty of perjury, and may be punished for same, as provided by the general laws of the state for the punishment of the crime of perjury. When a suitable person to administer the oath of office is not available, the oath of office for the City's elected and/or appointed officers may be administered by the City Recorder.

Section 2. Bonds required of elected officials. Each officer of the City of Dyer, except the Mayor, whose official bond is not prescribed by this act, may be required by the City Council to give such official bonds with such conditions, penalties, and sureties as the said council may deem necessary, and from time to time, declare by ordinance or resolution.

ARTICLE VI

FINANCE AND TAXATION

Section 1. Levy of taxes. The City Council shall have, and is hereby given, the power and authority to levy taxes for corporate purposes upon all taxable property, real, personal, and mixed, within the limits of the City for all general purposes, and the City Council shall have the authority to fix the tax rate.

Section 2. Assessment of taxes. The property within the limits of said city shall be assessed pursuant to general law. The City Council shall fix the rate of taxation for the various purposes, and prepare the tax roll.

Section 3. Collection of taxes. The recorder is hereby made the collector of city taxes, and for the purpose of collecting taxes levied by the City Council, the Recorder is hereby given all the powers and charged with all the duties of the County Trustee for the collection of state and county revenue, and all laws of this state for the assessment and collection of general taxes exceeding the laws for the sale of property for taxes and the redemption of same, shall apply to and have as full effect for the collection of taxes for and of the City of Dyer as for such general taxes, except as modified by this charter. The recorder shall also collect all privilege and license taxes, at such time and in such manner as may be fixed by the City Council. With the prior approval of the City Council, the City Recorder may contract with other agencies for tax collections.

Section 4. Power of council to borrow money and issue bonds. The City Council is hereby authorized to contract any indebtedness on behalf of the city, and upon the credit thereof, by borrowing money and issuing bonds or notes of the city at a rate of interest for the purpose of erecting public buildings, constructing sewers, sidewalks, streets, curbing, guttering, and other improvements, and keeping same in repair, and for any other improvement or convenience deemed necessary by said council. No bonds shall be issued except by ordinance passed by a majority of the City Council entitled to vote, and said ordinance shall not be repealed till

said bonds shall have been paid, and said ordinance shall specify the purpose for which said bonds were issued, and shall also provide for a levy upon the taxable property in the city sufficient to pay the annual interest thereon, and to pay the bonds within the time at which they become due. No ordinance shall be passed issuing bonds for individuals until there shall have been held an election by the qualified voters of the city, and after due notice by publication in a newspaper published in the city for thirty (30) days, and two-thirds (2/3) of those voting shall vote in favor of such issuance of bonds for said indebtedness. All bonds shall be issued in accordance with “Local Government Public Obligations Act of 1986” or as may be later amended by the general assembly, codified at Tennessee Code Annotated, Title 9, Chapter 21.

Section 5. Power of the council to condemn property. Whenever the City Council shall, by ordinance, establish, open, widen, or alter any street, lane, or alley, or sidewalk, or other public grounds, and it becomes necessary to take private property for same, the agreement can be made with the owner thereof, the City of Dyer shall make just compensation therefor to the person from whom such property is taken, the amount to be ascertained in the manner prescribed by general law.

ARTICLE VII

CITY COURT OF DYER

Section 1. Appointment and compensation of city judge. The Mayor and the City Council of the City of Dyer, Tennessee, shall have the authority to appoint a City Judge and to fix fees, salaries or compensation for such services by appropriate ordinances or resolution of the City Council.

Section 2. Jurisdiction of the appointed city judge. The City Judge shall have the power, and is hereby vested with full authority, to try all violations of the ordinances and by-laws of said City of Dyer and shall have the power to levy fines, penalties and forfeitures not exceed fifty dollars \$50.00 for each violation and to impose such costs as the Mayor and City Council may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt in accordance with Tennessee Code Annotated, Section 16-18-306.

Section 3. Jurisdiction of an elected city judge. If the Mayor and City Council vote to seek concurrent General Sessions jurisdiction pursuant to Tennessee Code Annotated, Section 16-18-311, and if the City Judge is elected in accordance with Article VI, Section 4 of the Tennessee

Constitution, the City Judge shall be vested with concurrent jurisdiction with Judges of the General Sessions Courts in all cases charging a violation of the criminal laws of the state of Tennessee which occur within the City of Dyer.

Section 4. Appointment of temporary judge; docket to be kept. In the event of disqualification or inability from whatever cases brought or to be brought before him, the City Council may appoint a qualified person to temporarily perform the judge's duties. The City Judge shall keep a suitable and well bound docket, such as is required by law to be kept by General Sessions Court, and shall truly and duly record in same all the cases tried by him, and his judgment therein, together with dates, parties, returns or proceeds, officers, and such other items as may be necessary to give a full history of the cause and its determination.

Section 5. Appeals. In all cases tried by the City Judge or other persons within the City of Dyer, either party shall have the right of appeal from the decision of said case or cases to a Court of appellate jurisdiction by perfecting his or her appeal by executing a bond with solvent security in such sum as is now fixed by the general law of the State in cases of appeal or such appellant may appeal on the pauper's oath.

Section 6. Mayor's authority to employ counsel. In all cases wherein the City of Dyer is a party in any of the Courts of the City, or of the State, or elsewhere, the mayor shall have the power, and he is hereby given the authority to employ counsel or lawyers to attend to the interests of the City, and any contract so made by the mayor shall be good and binding upon the corporation.

ARTICLE VIII

POLICE DEPARTMENT

Section 1. Appointment of Chief of Police and other police officers. The Police Department shall consist of a Chief of Police, and as many police officers as it is necessary to have from time to time to execute the ordinances of the City Council and to preserve the peace and health of the City. Said Chief of Police and police officers are to be employed by the City Council; however, the Mayor shall have the power to appoint other police officers when emergencies or occasions require the same, and who shall serve at the pleasure of the Mayor and whose compensation shall be fixed by the Mayor, but in no event in excess of that currently being paid to other policemen. The provisions of Tennessee Code Annotated, Title 38,

Chapter 8, shall be applicable to all police officers employed by the City Council.

Section 2. Compensation of Chief of Police and police officers. The salary of the Chief of Police and other police officers of the City of Dyer, in Gibson County, Tennessee, shall be regulated by a majority vote of the City Council of the City of Dyer, and neither the Chief of Police nor any other police officer shall be entitled to any other compensation for their services rendered the city during his employment on the police force.

Section 3. Duties of the Chief of Police and police officers. The duties of the Chief of Police and police officers, which shall be under the direction of the mayor, are to suppress all riots, disturbances, and breaches of the peace; to apprehend any and all persons in the act of committing an offense against the laws of the state and the ordinances of the city, and to arrest such party or parties and bring same before the recorder for examination, and said Chief of Police or policeman may upon view arrest any person or persons without warrant who may be guilty of a breach of the ordinances of the city or the laws of the state, and are hereby empowered to serve all process issued by the recorder or persons authorized by general law to serve process pursuant to general law in the limits of the city.

Section 4. Chief of Police and police officers to serve legal process; Chief of Police vested with powers of constable. The Chief of Police and all police officers are hereby authorized, either within or outside the City of Dyer, to serve any and all processes which may be issued by any court in any proceedings instituted for the enforcement of any city ordinance or punishment for violation thereof or for the collection of any fine or forfeiture which may be incurred under the provisions of this act or the city ordinances; and said Chief of Police shall be fully clothed with power and authority to perform all duties pertaining to his office, and he is hereby vested with all the power, authority, rights, privileges, and immunities of a constable of Gibson county, Tennessee, duly elected under the general laws of the state.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 1. Notice required of persons making personal injury claims. The City of Dyer shall not be liable to anyone for damages for personal injuries unless the person injured, or some one for him, shall, within thirty (30) days after receiving said injury, notify the Mayor in

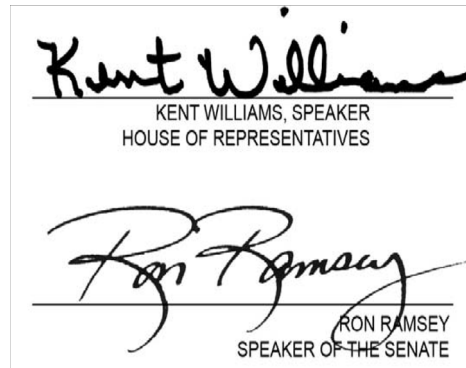
writing of such injury, when, how, and where said injury was received and occurred, and the extent of same.

Section 2. Execution and attestation of municipal documents; repealing clause. All bonds, contracts, and agreements of the corporation shall be signed by the Mayor, and attested by the recorder with the seal of the corporation, and shall be taken in all courts as a full compliance with the law in such cases. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Dyer City Council. Its approval or non-approval shall be proclaimed by the presiding officer of the City of Dyer and certified to the secretary of state.

SECTION 3. 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 as provided in Section 2.

PASSED: April 29, 2010



Kent Williams
KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

Ron Ramsey
RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 10th day of May 2010



Phil Bredesen
PHIL BREDESEN, GOVERNOR

ACTS COMPRISING THE CHARTER OF THE
CITY OF DYER, TENNESSEE

YEAR	CHAPTER	SUBJECT
2010	66	Basic charter act.
