

CHARTER OF THE TOWN OF GREENEVILLE, TENNESSEE<sup>1</sup>

CHAPTER 563.

House Bill No. 598.

AN ACT to incorporate the town of Greeneville.

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<sup>1</sup>Acts 1903, ch. 563, is the current basic charter act for the Town of Greeneville, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2010 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 which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

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. Acts authorizing special assessments for various public improvements have also been left out because similar laws are now set out in the general laws of the state.

<sup>2</sup>See page C-22 for other acts affecting the Town of Greeneville not included in the charter.

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Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the inhabitants of the territory heretofore incorporated under the name of the town of Greeneville, situated in the Tenth Civil District of Greene County, said boundaries being as follows:

Beginning on a rock, formerly a stake, on the north side of the old Knoxville road, southwest of the Wesleyan M. E. church, colored; thence south 50 degrees, east 31.5 chains to a stake or planted rock 18 links east of a cedar on the top of Johnson hill, northeast of the Johnson monument; thence north 80 degrees, east 21 chains to a stake or planted rock in Mrs. R. L. Brown's field; thence north 34½ degrees, east 38½ chains to a stake in a line of lot belonging to the heirs of M. S. Brown, deceased; thence north 18½ degrees, east 37½ chains to a stake or planted rock near the northeast corner of Oak Grove Cemetery; thence north 34 degrees, west to a chestnut on the east side of the Ridge road; thence north 85 degrees, west 12.3 chains to a large poplar on the ridge west of J. H. Doughty's residence; thence south 70 degrees, west 25 chains to a small locust; thence south 41 degrees and 50 minutes, west 39¼ chains to a planted rock in L. T. Hughes' yard; thence south 15 degrees, west 29.56 chains to the beginning, containing an area of more than one-half of one square mile, a population of more than 100 persons, and real estate worth more than \$5,000, be and they are hereby constituted a municipal corporation and body politic under the name of the "Town of Greeneville," and by the same name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal within said boundaries and may sell, lease, or dispose of the same for the benefit of said town and may do all such other acts touching the same as natural persons. They shall have and use a common seal and change it at pleasure.

(1)

Corporate limits extended

Be it enacted by the General Assembly of the State of Tennessee, That Section 1 of the Act entitled an Act to incorporate the town of Greeneville, passed April 2, 1903, and approved April 10, 1903, being Chapter 563 of the published Acts of 1903, be, and the same is, hereby so amended as to extend and enlarge the boundaries included within the corporate limits of said town, as follows:

Beginning at the northwest corner of the Greeneville Orphanage property line and running thence south with said line to the center of the Southern Railway track at the crossing of the Warrensburg and Caney Branch road; thence east to the southeast corner of the National Cemetery; thence east to the west corner of the Barten road, southeast corner of H. A. Green's lot; thence with the west line of said road to the Buckingham road; thence north to the northeast corner of James Rush's front yard on the Tusculum road; thence west to the southeast corner of Alex Manuels' yard; thence southwest with Doughty's fence to a planted rock in the Baileyton road, opposite Overhulser's house; thence with the Baileyton road in a northwesterly direction to a planted rock at the forks of the road at the "White House;" thence in a southwesterly direction to a planted rock in the Davis field, west of the Colored Industrial College; thence south to the beginning. [Priv. Acts 1911, ch. 647, § 1]

(2)

Corporate limits extended

Be it enacted by the General Assembly of the State of Tennessee, That Section 1 of an Act entitled "An Act to incorporate the Town of Greeneville, Tennessee," passed April 2, 1903, and approved April 10, 1903, being Chapter 563 of the Public Acts of 1903, and the amendment to said Act, being Chapter 647 of the Private Acts of 1911, be and the same are hereby amended as to extend and enlarge the boundaries, included within the corporate limits of said town as follows:

Beginning at the most easterly corner of the Disposal Plant lot, in the Jones Bridge road; thence northeasterly to the most eastern corner of T. D. Leming yard; thence with the said yard and parallel with East Park Street to the right of way line of the Tennessee Electric Company; thence with the eastwardly right of way line of said company, crossing the Buckingham Road to where said transmission line makes an angle in Naff's field; thence the same course extended to the Tusculum old road and over and beyond same two hundred feet; thence westerly, parallel with the Tusculum old road and two hundred feet therefrom to the line between Park and Austin; thence with their line and the line between Bohannon and Smith and with such line extended along an alley or road to the center of the Ridge road; thence to the center of the small concrete bridge in the Rogersville road east of Dobson's spring; thence to the most westwardly corner of J. T. McDonald tract tn the right of way of the Southern Railway; thence with the McDonald-Reaves line to the center of the Newport road; thence eastwardly to the most southern corner of the Highlawn Addition; thence with Moore street to the most Eastern corner of the Highlawn Addition; thence to the center line extended, of Laurel street at a point two hundred feet southwardly from the center of Forest Street; thence to the white oak corner to the lands of Simpson, Vann and Nelson; thence to the corner of

Rush and Lamons in the Allen's Bridge road; thence with the lines of Rush, Lemos and Milligan to the corner of Milligan and Park and Richards; thence to the most southerly corner of the city lot; and with same to the beginning. [Priv. Acts 1925, ch. 787, § 1]

(3)

Corporate limits extended

Be it enacted by the General Assembly of the State of Tennessee, That Section 1 of an Act entitled an Act to incorporate the Town of Greeneville, Tennessee, passed April 2nd, 1903, and approved April 10th, 1903, being Chapter 563 of the Public Acts of 1903, and the amendment to said Act being Chanter 647 of the Private Acts of 1911, and Chapter 787 of Private Acts of 1925, be and the same are hereby amended so as to extend and enlarge the boundaries included within the corporate limits of said Town as follows:

Beginning at the most easterly corner of the Disposal Plant Lot in the Jones Bridge Road; thence Northeasterly to the most easterly corner of T.D. Leming's yard; thence with said yard and parallel with East Park Street, to the right-of-way line of the Tennessee Eastern Electric Company; thence eastwardly with the right-of-way line of said Company crossing the Buckingham Road to where said transmission line makes an angle in Naff Field; thence the same course extended to the center of the Andrew Johnson Highway; thence a direct line Westwardly to the center of the Ridge Pike opposite an alley between Bebbler and Myers; thence to the center of the small concrete bridge on the Rogersville Road East of Dobson's Spring; thence to the most westwardly corner of J.T. McDonald tract of land in the right-of-way of the Southern Railway; thence with the McDonald-Reaves line to the center of the Newport Road; thence Eastwardly to the Southwest corner of Tacoma Hospital Grounds; thence with the South line of said grounds to the Southeast corner of same; thence in a Northerly direction to the Northeast corner of Tacoma Hospital Lot; thence with the center line extended of Laurel Street at a point 200 feet Southwardly from the center of Forrest Street; thence to the white oak corner to the lands of Simpson, Vann and Nelson; thence to the corner of Rush and Lamos and Milligan to the corner of Milligan, Park and Richards; thence to the most Southerly corner of the city lot and with the same to the beginning. [Priv. Acts 1927, ch. 764, § 1]

(4)

Corporate limits extended<sup>1</sup>

Be it enacted by the General Assembly of the State of Tennessee, That Chapter 563 of the Acts of 1903, being an Act to incorporate the Town of Greeneville, Tennessee, together with all amendments to said Act, be, and the same are hereby amended so as to extend and enlarge the boundaries included within the corporate limits of said town as follows:

Beginning at the center of the Bridge over Holley's Creek near the residence of Wilson Britton, thence to where the Poor Farm road crosses the Southern Railroad; thence to the center of the Kingsport Highway where the road leading to Carter's intersects same; thence to the North East Corner of the Kingslea Addition; thence with the North Boundary of said Addition, to the center of the Rogersville Road; thence to the intersection of the Arnold Road with the Knoxville Highway; thence to the intersection of Myers Street and the Knoxville Pike; thence to the Northwest corner of Lot No. 93 of the Bird and Cutshall addition; thence with the West line of said Addition to the Newport Pike; thence with said Pike easterly to the intersection of the Road leading to Hoods; thence with said Road to its intersection with the Asheville Highway; thence to the center of the culvert on the Buckingham Pike, near F. A. Poe's residence; thence to the beginning. [Priv. Acts 1953, ch. 526]

Sec. 2. Be it further enacted, The governing Board of said Town of Greeneville as enlarged shall consist of a Mayor, to be elected by the whole town and four aldermen who shall be elected as the Aldermen of said town are now elected under the present charter of said town. The present Mayor and Aldermen of said town shall continue in office as Mayor and Aldermen respectively of said town as enlarged until their respective terms of office shall expire, at which time their successors shall be elected as said Mayor and

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<sup>1</sup>The corporate limits have been further extended by the following annexation ordinances of recorder in the recorder's office: 730, 748, 749, 786, 798, 813, 824, 843, 858, 863, 864, 865, 869, 879, 886, 888 (excluded an area), 899, 915-A, 947, 953, 965, 987, 998, 1005A, 1046, 1054, 1112, 1151, 1152, 1171, 1183, 1213A, 1219, 1229, 1230, 1237, 1244, 1253, 1254, 1255, 1256, 1257, 1262, 1270, 1274, 1278, 1279, 1290, 1291, 1300, 1303, 1310, 1317, 1326, (June 1995); 1329 and 1332 (July 1995); 1348 (Nov. 1996); 1354 (Feb. 1997) (Deannexation); 1364 (July 1997); 1367 (Oct. 1997); 1369 (Nov. 1997); 1378 (March 1998); 1383 (June 1998); 1402 (Jan. 1999); 1419 and 1421 (Nov. 1999); 1437 and 1438 (Aug. 2000); 1444, 1446, 1448, 1450, 1452, 1454, and 1456 (Nov. 2000); 1461 (Feb. 2001); 1474 (July 2001); 1477 and 1479 (Sept. 2001); 1482, 1484, and 1486 (Oct. 2001); 1488, 1490, 1491, and 1492 (Nov. 2001); 1497 (April 2002); 1503 (Aug. 2002); 1507 (Oct. 2002); 1520 (Jan. 2003); 1533 and 1535 (Dec. 2003); 1538 (April 2004), 1551 (May 2005); 1554 (June 2005); 1565 (May 2006); 1585 (Dec. 2007); 1587 (Feb. 2008); and 1589 (Feb. 2008)

Aldermen of said town are now elected under the present charter. No person shall be Mayor or Alderman unless he be a citizen of the State of Tennessee and county of Greene, and a bona fide resident within said town of Greeneville.

Each Alderman shall be resident of the ward from which he is elected and shall have resided within said ward for one year before his election, and any Alderman removing from the ward from which he is elected after his election shall thereby vacate his office. All vacancies in the office of Mayor or Alderman shall be filled by the vote of the majority of the remaining members of the board, cast by ballot. An election filling such vacancies shall be only for the unexpired term of the member causing the vacancy. Provided, that the Board of Mayor and Aldermen of said town until the first Thursday in June, 1904, shall consist of J. J. Mitchell, as Mayor; M. P. Reeves, W. P. Campbell, James Mahoney, and E. J. Bromley as Aldermen, at which time an election shall be held at which a Mayor shall be elected for the term of two years, and four Aldermen, one-half of the Aldermen to be elected for one year and the other half for two years and their successors annually thereafter. Such officers as may be necessary for the proper administration of municipal affairs will be elected by the Mayor and Aldermen.<sup>1</sup> After the election in June, 1904, when one-half the Aldermen shall be elected for one year, the term of office of all officers of said town elected by the qualified voters thereof shall be for two years, and until their successors are elected and qualified.

Said Town of Greeneville shall consist of only two Wards to be marked and divided by Church Street in said Town, the territory lying North of Church Street to constitute the First Ward, and the territory lying South of Church Street to constitute the Second Ward of said Town. [As amended by Acts 1907, ch. 64, § 1; Priv. Acts 1911, ch. 647, § 3; Priv. Acts 1915, ch. 158; and Priv. Acts 1961, ch. 119]

Sec. 3. All persons owning real estate of a taxable value of one hundred dollars or over within such corporation, all person living therein and who have been residents thereof for six months previous to said election and all persons owning personal property of a taxable value of one hundred dollars or over, taxable above exemptions in said corporation and who are entitled to vote for members of the General Assembly shall be entitled to vote in elections in said municipality.

Sec. 4. Be it further enacted, That the duties of Mayor are to wit: He shall by written communication, lay before the board any information needed, and recommend such measures as he may deem expedient. He shall have a general supervision of all officers of the municipality and see that all laws and

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<sup>1</sup>For applicable civil service provisions, see Priv. Acts 1953, ch. 179, as set out on pages C-34 to C-45 herein.

ordinances be enforced. He may make pro tem. appointments by and with the consent and approval of the board, to supply the place of ministerial city officers, in case of sickness, absence or other temporary disability, under such restrictions as the board may direct.<sup>1</sup> He may call special meetings of the board, and when called he shall state the reason for convening them by message, and the action of the board shall be limited to said matter and that only. He shall lay before the board statements of the financial condition of the municipality every three months, which shall be published, and special statements, when required by the board. He shall have power to suspend any city officer for misconduct or dereliction of duty in office, reporting such action, with his reasons therefor, in writing, to an immediate special meeting of the board.<sup>1</sup> He shall have all powers of a Justice of the Peace within the municipality for the purpose of keeping the peace and trying offenses against any ordinance or laws of the State. He shall countersign all warrants drawn upon the Treasurer by the Recorder or Secretary, and sign all contracts to which the municipality is a party. He shall have the veto power over any action of the board, giving his reasons therefor in writing, but the board may, by a three-fifths of the entire board, pass the same over his veto; or if he fail to return the same on or before the next regular meeting of the board, he shall be deemed to have approved the same, and the same shall become a law without further action of the board, and every law, ordinance, resolution or vote, except on question of adjournment, shall require the approval of the Mayor before it shall have effect, except as above provided.

Sec. 5. Be it further enacted, That the Mayor and Aldermen of the municipality shall have the power by ordinance or by resolution within the municipality:

1 and 2.<sup>2</sup> That the Board of Mayor and Aldermen shall have the power and authority to assess property located within said municipality and taxable thereby for taxation, and to levy and collect taxes, ad valorem, and privilege, for corporation purposes upon merchants, and all taxable privileges within said city and within one mile thereof, and upon polls and property, real, personal and mixed, located within the limits of said town of Greeneville, all such property to be taxed only for legitimate and lawful municipal purposes, but such property, privileges, and polls shall be taxed for corporation purposes by said town of

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<sup>1</sup>For applicable civil service provisions, see Priv. Acts 1953, ch. 179, as set out on pages C-34 to C-45 herein.

<sup>2</sup>Priv. Acts 1919, ch. 231, § 1, eliminated subsections 1 and 2 of § 5 and substituted therefor the paragraph which the compiler has numbered as subsection 1 and 2.

Greeneville at not exceeding the rate and limit fixed and provided by said Chapter 563 of the Acts of 1903 and the general law.<sup>1</sup>

3. To appropriate money and provide for the payment of all debts and current expenses of the city.

4. To make regulations necessary to preserve the health of the municipality; to prevent and remove nuisances within the same, and within one mile of same; to prevent the introduction of contagious diseases in the same; to make quarantine laws and enforce them within ten miles thereof; to establish and regulate hospitals; to regulate, prevent, or remove soap factories, slaughter pens, houses for curing green hides, and all houses of like character, and such other police powers as may be necessary for the general welfare.

5. To establish a system of free schools for studies prescribed by the State; and in case of establishing schools of a higher grade or for Normal school purposes, upon authority given by a vote of three-fourths of qualified voters.

<sup>2</sup>Be it enacted by the General Assembly of the State of Tennessee, That the Town of Greeneville in Greene County, through its Board of Mayor and Aldermen be and is hereby authorized and empowered to appropriate money for the purpose of building and furnishing jointly with Greene County, a High School building within the corporate limits of said town, to be used jointly by said town of Greeneville and Greene County.

<sup>3</sup>Be it enacted by the General Assembly of the State of Tennessee, That the City of Greeneville, Tennessee, be and is hereby authorized to retire from active service and to grant pensions to persons who have taught in the city schools for thirty-five years or more continuously. Such pensions shall not exceed in amount the compensation being received by such teachers at the date of their retirement. The city of Greeneville, through its school authorities, is authorized to impose upon such pensioners such duties in connection with the administration of school laws as may be appropriate, including work of supervision, part-time teaching, and other duties.

6. To regulate, license, and tax livery stables, auctions, groceries, saloons, tippling houses, beer gardens and exchange offices, forwarding and commission agents, or owners who sell by sample, goods, wares, and merchandise, confectioners, brokers, insurance offices, hotel keepers, peddlers, hawkers, shows, circuses, menageries, theatres, and all other places of public

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<sup>1</sup>For more comprehensive provisions with respect to taxes, tax assessor, etc., see Priv. Acts 1919, ch. 231, as amended and set out on pages C-26 to C-33 herein.

<sup>2</sup>This paragraph is taken from Priv. Acts 1917, ch. 463.

<sup>3</sup>This paragraph is taken from Priv. Acts 1937, ch. 304, as amended by Priv. Acts 1939, ch. 593.

amusement, all kinds or agencies for sale, and transportation of freight and passengers, billiard tables and bowling alleys and shooting galleries.

7. To regulate, license and tax drays, carts, hackneyed coaches and other vehicles used therein, coachmen, hackmen, omnibusmen, city expressmen, cabmen, and regulate their charges.

8. To establish and regulate fire companies,<sup>1</sup> designate fire limits within which wooden buildings shall not be erected; to prevent the erection of and remove buildings dangerous to life; or other improvements; to regulate and prescribe the manner and order of building partition walls, parapet walls, partition fences; to regulate fireworks, the sweeping of chimneys, the use of light, construction of flues, the manner of using stovepipes in shops, kitchens and other buildings, the keeping and storing of gunpowder and other combustible material and prevent the same from being stored within the municipality, or within one mile of the limits of the same.

Be it further enacted, That the fire fighting Department of said Municipality be and is hereby authorized to use its fire lighting equipment and personnel outside the corporate limits of the Municipality for the following purposes:

- (a) To assist neighboring towns in an emergency or disaster.
- (b) To protect schools and charitable institutions in the event of fire.
- (c) To protect industries and private residences within four (4) miles of the corporate limits of the Municipality in the event of fire.

Provided, however, all of the foregoing uses shall be limited to times when the fire fighting equipment and personnel are not needed within the corporate limits of the Town and can be so used outside the corporate limits without unduly imperiling property lying within the corporate limits.<sup>2</sup>

9. To regulate the laying of railroad tracks, the passage and speed of railroad cars, require all railroad companies to furnish such flagmen or watchmen at crossings and especially where there are sidings and switches, and where the public safety or convenience requires it.

10. To establish and regulate pumps, wells, cisterns, hydrants and fire plugs, the laying of gas pipes, water pipes<sup>3</sup> and sewers, and to establish and regulate markets, to prevent regrating and forestalling; provided, nothing herein contained shall prevent the sale of any product of the farm or soil by the

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<sup>1</sup>For applicable civil service provisions, see Priv. Acts 1953, ch. 179, as set out on pages C-34 to C-45 herein.

<sup>2</sup>All except the first paragraph of this subsection is taken from Priv. Acts 1955, ch. 264, § 4.

<sup>3</sup>Priv. Acts 1911, ch. 247, provides for a water and light commission. See pages C-23 to C-25 herein.

producer, or his immediate vendee, in any quantity or at any hour of the day at other places than the market house.

11. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clear and keep in repair, streets, alleys, avenues, and sidewalks, and have the same done; and close up, transfer or sell any street, avenue, alley or easements, with consent of abutting property owners; have complete control over the streets, alleys, avenues, sidewalks and easements and compel occupants of private lots or alleys to keep the same free from all nuisances, and to notify owner or occupant to pull down or destroy any house when the public health demands it, or it is necessary to keep the municipality free from contagion, and on failure to do so it may do so at such owner or occupant's expense.

12. To compel the owners of property upon any street, alley or avenue within the municipality to grade and pave the sidewalks the whole extent of the front along the same; the same to be done according to the grade furnished by the municipal engineer. If the grade of said sidewalk is thereafter changed the expense and material damages occasioned thereby shall be paid by the city and not the owner.

13. To provide for the erection and placing of electric lights and telephone poles and for lighting of streets and public buildings and elsewhere for strictly municipal purposes.

14. To provide for the erection of all buildings and improvements necessary for municipal purposes.

15. To provide the municipality with water by waterworks or otherwise within or beyond the boundaries thereof.<sup>1</sup>

16. To erect, establish, and keep in repair bridges, culverts, sewers, and gutters.

16A. Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this Act the Board of Mayor and Aldermen of the Town of Greeneville shall have authority by Ordinance duly passed by said Board to empower the Water and Light Commission of said Town,<sup>1</sup> now charged with the operation and maintenance of both the water and sewerage systems of said Town, to combine the charge to customers for water service and sewerage service into one bill, keeping separate in said bill the amount charged for water service and the amount charged for sewerage service.

Be it further enacted, That the Board of Mayor and Aldermen of said Town of Greeneville may establish by Ordinance the time limit within which said bills may be paid by those receiving such services, and the time limit when

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<sup>1</sup>Priv. Acts 1911, ch. 247, provided for a water and light commission. See pages C-23 to C-25 herein.

<sup>2</sup>The provisions in this subsection are taken from Priv. Acts 1941, ch. 234. The compiler arbitrarily inserted them at this point.

if such persons have not paid said bills a penalty may attach, and if the bill is not paid, or either item of said bill is not paid, that either or both of said services may be discontinued, and fixing a charge for reconnecting said services, the legislative view being that the two services are so related and each dependent on the other to the extent they in reality constitute one service.

Be it further enacted, That if any person receiving such service shall fail to pay either item of said bill, that is, for water service or sewerage service, upon failure so to do such failure shall justify and authorize the discontinuance of either or both services until the combined bill is paid in full together with such penalty as may have attached.

Be it further enacted, That nothing in this Act shall be construed to affect the security of any of the bonds issued for which the revenue of either the water system or the sewerage system is now or may be pledged.

16B. <sup>1</sup>Be it enacted by the General Assembly of the State of Tennessee:

(1) The Town of Greeneville is hereby authorized to cause to be paid from its water and sewer system revenues for each of its fiscal years an amount for payments in lieu of taxes on its water and sewer system and water and sewer operations which, in the judgment of the Board of Mayor and Aldermen of the municipality, after consultation with the Water and Light Commission of the municipality, shall represent the fair share of the cost of government properly to be borne thereby, subject, however to the conditions and limitations set forth herein.

(2) The total amount so paid in lieu of taxes for each such fiscal year shall not exceed the amount to be paid during such fiscal year from general funds of the municipality as debt service on bonds, notes, or other obligations payable from revenues of the water and sewer system issued pursuant to the mandates of the State of Tennessee and the United States Government, Environmental Protection Agency. The amount to be paid from the municipality's general funds as debt service on said bonds, notes or other obligations shall be determined by the Water and Light Commission at least forty-five (45) days before the commencement of each fiscal year and certified to the Board of Mayor and Aldermen. Amounts paid in lieu of taxes pursuant to the terms hereof shall be deemed and regarded as current expenses of operation of the water and sewer system, provided however, to the extent that revenues of said system are insufficient to pay current expenses of the system, including amounts in lieu of taxes, and debt service on all bonds enjoying a lien on said revenues prior to the lien on system revenues of any bonds being paid or to be paid from general funds of the municipality, the payment in

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<sup>1</sup>The provisions in this subsection are taken from Priv. Acts 1985, ch. 86. The compiler inserted them at this point. The act didn't specify where it should be placed in the charter.

lieu of taxes will not be made until revenues are sufficient to pay said expenses and prior lien bond debt service.

(3) The amounts to be paid for each fiscal year to the municipality shall be set forth in a resolution adopted by the Board of Mayor and Aldermen of the municipality after receipt of the certification of the Water and Light Commission as hereinabove required. The amount so determined shall be paid from water and sewer revenues not later than any debt service payment date on which debt service will be payable from the municipality's general funds. In the event the amount of in lieu of tax payments determined prior to the start of any fiscal year exceeds or is less than debt service payable during any such fiscal year, the amounts paid during such fiscal year shall be reduced by the amount of the overage or increased by the amount of shortage.

17. <sup>1</sup>To establish, support and regulate the policy of the same; provided, there shall not be more than one policeman to every three hundred inhabitants.

18. To provide for enclosing, improving and regulating all public grounds belonging to the same within or without the limits thereof.

19. To impose fines, forfeitures and penalties for the breach of any ordinance and punish by imprisonment within or without workhouses, in default of payment of fine and costs; provided, the imprisonment shall not be longer than three months and the expense of his conviction as fixed by law.

20. To cause the arrest, detention and trial of all vagrant and riotous persons, persons disorderly or drunk, and professional thieves and burglars, and punish said offenders by fine, imprisonment and labor within or without a workhouse.

21. To regulate, prohibit and suppress all houses of ill fame, bawdy houses, and disorderly houses.

22. To restrain, prohibit, and punish gaming.

23. To determine its own rules of proceeding (and in proper mode, punish its members for disorderly behavior, and by a concurrence of two-thirds, expel a member), and to judge of the qualifications of its own members, and to settle election cases.

24. To dismiss at discretion any officer or agent by them appointed, a two-third majority of the board concurring.

25. To regulate or suppress by force or otherwise, the going at large of dogs, hogs, and other animals, and to impound the same for a time fixed by

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<sup>1</sup>This subsection is taken from Priv. Acts 1947, ch. 154, § 1 and Priv. Acts 1953, ch. 248, § 1.

For applicable civil service provisions, see Priv. Acts 1953, ch. 179, as set out on pages C-34 to C-45 herein.

ordinance, until the owner redeems the same by payment of fine and costs, and in default of redemption, sell or kill the same.

26. To prevent and punish by pecuniary penalties, all broaches of the peace, noise, disturbance, Sabbath breaking, all disorderly assemblages in any street, house, or place in the municipality, by day or night, or in default of payment of penalties and costs thereof, imprisonment in jail or workhouse.

27. To remove all obstructions from the sidewalks and to provide for the construction and repair of all sidewalks and for cleaning the same at the expense of the owners or occupants of the ground fronting them.

28. To have and exercise any and all additional or different statutory powers of a municipality incorporated under the provisions of a Mayor-Aldermanic Charter as provided in Tennessee Code Annotated, Section 6-1-101, et seq.

29. To have and exercise, without the necessity of the issuance of any bond, note or other instrument of public indebtedness, any and all additional or different powers of municipalities issuing bonds or notes under the Local Government Public Obligations Act of 1986, as provided in Tennessee Code Annotated, Section 9-21-107.

30. To pass all laws and ordinances not contrary to the Constitution and laws of the State, necessary to carry out the full intent and meaning of this Act, and to accomplish the objects of their incorporation. [As amended by Priv. Acts 1911, ch. 647, § 4; Priv. Acts 1917, ch. 463; Priv. Acts 1919, ch. 231, § 1; Priv. Acts 1937, ch. 304; Priv. Acts 1939, ch. 593; Priv. Acts 1941, ch. 234; Priv. Acts 1947, ch. 154, § 1; Priv. Acts 1953, ch. 248, § 1; Priv. Acts 1955, ch. 264, § 4; Priv. Acts 1985, ch. 86, §§ 1--3; and Priv. Acts 1996, ch. 181]

Sec. 6. Be it further enacted, That the Board of Mayor and Aldermen of said Town shall elect a Recorder<sup>1</sup> and a City Judge, whose terms shall be for two years, and each shall be invested with concurrent jurisdiction with Justices of the Peace in all cases of violation of the criminal laws of the State, occurring within the corporate limits of said Town or of the ordinances of the Municipality, within the limits of said Municipality, but shall only receive the compensation fixed by ordinance, and pay all fees of office otherwise into the city treasury.

Be it further enacted, That the Town of Greeneville is authorized to have, in addition to the Recorder, an assistant Recorder whose term, duties, compensation, and method of employment shall be in accordance with provisions of law applicable to the position of Recorder. Said Assistant Recorder shall be immediately subject to the orders of the Recorder, and shall have full power to act in the same capacity as the Recorder either assisting or in the absence of the latter. The Town of Greeneville is authorized to have such clerical and

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<sup>1</sup>For provisions placing all personnel in the recorder's office under civil service, see Priv. Acts 1953, ch. 179, as set out on pages C-34 to C-45 herein.

administrative assistance<sup>1</sup> in the Recorder's Office as may be deemed necessary by the Board of Mayor and Aldermen for the proper conduct of said office.

That the corporate officers charged with the execution of process, civil or criminal, shall have power within said Municipality to execute State warrants and other process, as Constables have under the laws of the State.

That the Board of Mayor and Aldermen shall have prepared and published a digest of all the ordinances and resolutions of a public nature, once in every three years, and publish as passed all ordinances, and also upon direction of three-fifths of the municipal body, messages, reports, and statements.

Be it further enacted, That all penal ordinances enacted by the Town of Greeneville shall be published once in a paper of general circulation in said town and county, and that the caption and a summary of all other ordinances shall be published once, which publications shall be made promptly after enactment.<sup>1</sup> A copy of each ordinance enacted shall be posted on a bulletin board in the courthouse promptly after its enactment. [As amended by Priv. Acts 1925, ch. 787, § 4; Priv. Acts 1927, ch. 764, § 4; replaced by Priv. Acts 1947, ch. 154, § 1; and amended by Priv. Acts 1953, ch. 248]

Sec. 7. The municipality may purchase, receive and hold property both real and personal, beyond the limits of Municipality, to be used for the erection of waterworks, the erection of sewage disposal plants; for garbage disposal; for schools; for recreation purposes, for airports, and any and all public purposes, and may sell, lease, or dispose of such property for the benefit of the city for said purposes and do all other acts in connection with same as natural persons. [As replaced by Priv. Acts 1955, ch. 264, § 1]

Sec. 8. That the compensation of all officers and employees shall be fixed by ordinances approved by a majority of the Board of Mayor and Aldermen;<sup>2</sup> that the Mayor of the Municipality shall receive as a salary the sum of \$200.00 per month, and each Alderman shall receive as salary the sum of \$100.00 per month, provided however, that this section shall not become effective until July 1, 1956. [As replaced by Priv. Acts 1941, ch. 232, and Priv. Acts 1955, ch. 264, § 2]

Sec. 9. Be it further enacted, That no order or ordinance of the Board of Mayor and Aldermen shall be made involving the expenditure of money or involving the creation or contraction of a debt against the corporation, unless

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<sup>1</sup>For a later provision with respect to publication requirements for ordinances, see § 12 in this charter.

<sup>2</sup>For applicable civil service provisions, see Priv. Acts 1953, ch. 179, as set out on pages C-34 to C-45 herein.

money be actually in the city treasury to pay for same, or the same be within the amount of the current year's tax for such purposes, which shall be ascertained from the statement of the City Treasurer, who shall at every regular meeting of the Board of Mayor and Aldermen, report the condition of the city finances as shown by the books, and whenever an appropriation is made, the Treasurer shall retain and set apart for that specific purpose, an amount sufficient to satisfy the same, and the amount so set apart shall be used for no other purpose.

Sec. 10. That the Board of Mayor and Aldermen are expressly forbidden from making any appropriations of money or credit in the way of donations for festivities, pageants, excursions, or parades; nor shall said municipality be authorized to subscribe for stock in any railroad company, or in any other corporation, or give or lend any money, aid, or credit to any person, firm or corporation whatsoever, and said municipality is hereby prohibited from employing or appropriating the moneys and taxes in any other manner than for purposes strictly municipal according to the provisions of this charter. But said Town of Greeneville is hereby authorized and empowered to borrow money in anticipation of the collection of its current taxes, upon notes executed by the Town of Greeneville, signed by the Mayor and countersigned by the Recorder, and under the seal of the municipality, such notes to bear such rate of interest not exceeding the legal rate in this State, and to run for such time as the Board of Mayor and Aldermen may, in their judgment, find proper and necessary to meet the emergencies of the situation. Said notes, principal, and interest, to be paid and to be payable out of the general funds of said Town of Greeneville, and the Board of Mayor and Aldermen is authorized to designate the place of payment of said notes as may be found desirable or necessary to their advantageous negotiation, Provided, that no money shall be borrowed by said town of Greeneville as herein authorized except for legitimate and lawful municipal purposes, and that the sum borrowed at no time exceed 5% of the assessed valuation of the taxable property located within the corporate limits of said town as assessed for taxation for the year in which said sum of money may be borrowed, and that for the repayment of any sum or sums so borrowed as herein authorized the full faith and credit of the town of Greeneville shall be irrevocably pledged and bound.

Be it enacted by the General Assembly of the State of Tennessee, That the provisions of this Act authorizing the borrowing of money for legitimate and lawful municipal purposes and fixing the rate therefor, shall in no wise interfere with the issuance of bonds for public purposes, and any bonds so issued by said town for any public purposes shall not be considered as borrowed money within the purview and meaning of this Act. [As replaced by Priv. Acts 1917, ch. 3, § 1; amended by Priv. Acts 1919, ch. 23; and Priv. Acts 1925, ch. 567]

Sec. 11. Be it further enacted, That said Town of Greeneville, Tennessee, may levy a tax not exceeding \$3.00 on the \$100.00 of taxable property for all

purposes, and no tax in excess of this shall be levied on taxable property of the municipality.<sup>1</sup> [As amended by Acts 1907, ch. 64, § 2; Priv. Acts 1915, ch. 170; Priv. Acts 1917, ch. 3, § 2; Priv. Acts 1925, ch. 787, § 5; and Priv. Acts 1927, ch. 764, § 5]

Sec. 12. Be it further enacted, That each ordinance<sup>2</sup> enacted by the Board of Mayor and Aldermen shall be presented to said Board on two separate days and passed on the second presentation by a majority of the entire Board by calling the "ayes" and "noes"; that on each presentation the caption of the ordinance shall be read or its substance stated, and upon request of any member of the Board of Mayor and Aldermen, or upon the request of any taxpayers of said Municipality an ordinance shall be read in full before final passage; that no publication of an ordinance by the Municipality in a newspaper shall be made or required unless in the option of a majority of the Board of Mayor and Aldermen, publication is proper or necessary, and provided for in the body of such ordinance. [As replaced by Priv. Acts 1955, ch. 264, § 3]

Sec. 13. Be it further enacted, That no officer of said Municipality shall directly or indirectly be interested in any contract for work or purchase, or for any other purpose to which the city is a party, or speculate in her bonds or warrants or other evidences of indebtedness, nor in any contract shall any extra compensation be allowed, nor shall extra pay be granted to any officer, agents, or servants or allowances made for discharge of extra duties.

Sec. 14. Be it further enacted, That the public property of said Municipality of every character and description used for strictly municipal purposes shall be exempt from seizure by attachment, execution or other legal process; nor shall its funds in the hands of the Treasurer, or depository, be subject to garnishment or other legal process; provided, there shall be no priority, by pledge of property or taxes, given to creditors.

Sec. 15. Be it further enacted, That no levy of taxes<sup>3</sup> shall be made by said Municipality, unless a budget of estimates, itemizing the amount required for each municipal purpose, is first made and reported, and no levy shall be valid unless the same is made and reported.

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<sup>1</sup>For more comprehensive tax provisions, see Priv. Acts 1919, ch. 231, as amended and set out on pages C-26 to C-33 herein.

<sup>2</sup>See also § 6 in this charter.

<sup>3</sup>For more comprehensive tax provisions, see Priv. Acts 1919, ch. 231, as amended and set out on pages C-26 to C-33 herein.

Sec. 16. Be it further enacted, That no appropriation of moneys or revenues shall be made for any purpose contrary to the estimates.

Sec. 17. Be it further enacted, That every warrant for the payment of money, drawn upon the treasury, shall show upon its face for what purpose it is issued.

Sec. 18. Be it further enacted, That the Recorder in his reports to the Mayor and Aldermen, shall give an itemized statement of his receipts and disbursements, and shall have no head of miscellanies or sundries; and no statement of accounts presented by him shall be approved by the Board of Alderman or the Mayor in violation of the provisions hereof.

Sec. 19. Be it further enacted, That the Mayor and each Alderman approving or voting for a contract involving the payment of money, or for an appropriation of money beyond the amount of taxes for the current year, and cash on hand, except as herein provided, shall be individually liable to the parties in interest.

Sec. 20. Be it further enacted, That all necessary civil and criminal jurisdiction for the enforcement of the laws and ordinances passed by the Board of Mayor and Aldermen of said Municipality shall be and the same are hereby conferred upon the Recorder and the City Judge of said Town, either of whom shall have power to hear and determine all cases that may arise under such laws and ordinances, and in the absence of both the Recorder and the City Judge the Mayor may hear and determine such cases as fully as the Recorder or the City Judge, but neither shall receive any compensation except as fixed by ordinance. [As replaced by Priv. Acts 1947, ch. 154, § 1]

Sec. 21. Be it further enacted, That an appeal shall lie from the decision of the Mayor, Recorder, or City Judge upon any such cause heard and determined by them to the next term of the Circuit Court for Greene County; provided, that the defendant shall give an appeal bond in the sum of \$250.00 with food and solvent sureties and shall, upon such appeal, be entitled to a trial de novo. And, if upon the trial, the judgment of the Mayor, Recorder, or City Judge is affirmed, the Circuit Judge shall give judgment against the defendant and his sureties for the fine and costs, and also as a part of said judgment the defendant shall be remanded to the custody of the Chief of Police until the fine is satisfied, and a writ of *capias ad satisfaciendum* shall issue to enforce the judgment. No writ of *certiorari* and *supersedeas* shall be granted to remove any cause pending before said Recorder or City Judge, except upon and for refusal to certify and send up the record upon appeal as aforesaid, when demanded. [As replaced by Priv. Acts 1947, ch. 154, § 1]

Sec. 22. Be it further enacted, That said Circuit Court is authorized to hear and determine cases brought to it by persons tried and convicted before the Recorder or Mayor of said town for offenses arising under the charter or ordinances of the city or for any misdemeanor. Any person so convicted may demand of the Recorder to have the evidence when introduced in said cause, taken down in writing and certified under the hand and seal of the Recorder, who shall transmit the same, upon the defendant entering into bond with approved security in double the amount of fine and costs, conditioned that if the fine be not paid, the defendant will surrender himself to the police authorities to be dealt with as other offenders whose fines are not paid. For taking said bond and making up and certifying the record, two dollars and fifty cents shall be taxed in the bill of costs. Said costs when collected shall be paid into the city treasury.

Sec. 23. Be it further enacted, That the Board of Mayor and Aldermen may collect all taxes levied in said corporation and jurisdiction is vested in either the Mayor or Recorder to issue warrants, render judgments, issue executions, issue distress warrants and such other process as may be necessary for the enforcement of fines, forfeitures, and penalties for the violation of the ordinance of said corporation or for the collection of its taxes.<sup>1</sup>

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<sup>1</sup>For more comprehensive provisions, with respect to taxes, see Priv. Acts 1919, ch. 231, as amended and set out on pages C-26 to C-33 herein.

Sec. 24. Be it further enacted, That all ordinances<sup>1</sup> and resolutions heretofore enacted by the Mayor and Aldermen of the former town of Greeneville and in force March 1, 1903, shall be and remain in full force until altered, modified or repealed under this Act.

Sec. 25. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

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<sup>1</sup>Acts 1903, ch. 596, provides as follows:

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the present town of Greeneville, in Greene County, Tennessee, is hereby vested with all the right, title, and estate, which the town of Greeneville, which surrendered its charter by vote, upon the 19th of December, 1901, and the town of Greeneville, which was incorporated under the general law and whose charter was repealed by the present session of the General Assembly, had in and to the streets, alleys, highways, and public buildings of said town and in all other property, real and personal, owned by either of said municipal corporations be and the same is hereby vested in the present municipality of Greeneville, and said present municipality is authorized to collect and dispose of taxes levied by either of said former municipalities in as full a manner as it is authorized to collect its own.

Sec. 2. Be it further enacted, That all valid liabilities outstanding against either of said former municipal corporations shall be and become liabilities of the present town as fully as same rested upon said former municipal corporations, or either of them, and said municipality shall be liable for the bonds issued by said first named town of Greeneville, under the provision of an Act passed March 4, 1890, being Chapter 7 of the Acts of extra sessions of the General Assembly of Tennessee for 1890, and all the privilege and powers conferred by said Act are hereby conferred upon present town of Greeneville and its Board of Mayor and Aldermen for the purpose of paying said bonds.

Acts 1903, ch. 597, provides as follows:

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the town of Greeneville, incorporated under the general laws on the 19th day of March, 1902, be and the same is hereby repealed, and said municipal corporation is abolished; and that the office of Justice of the Peace for said corporation be and the same is hereby abolished.

PASSED: April 2, 1903.

L. D. Tyson,  
Speaker of the House of Representatives.

Ed T. Seay,  
Speaker of the Senate.

APPROVED: April 10, 1903.

James B. Frazier,  
Governor.

RELATED ACTS

	PAGE
Priv. Acts 1911, ch. 247, "Water and Light Commission, Etc." .....	C-23
Priv. Acts 1919, ch. 231, "Taxes, Tax Assessor, Etc." .....	C-26
Priv. Acts 1953, ch. 179, "Civil Service System, Etc." .....	C-34

## CHAPTER 247.

House Bill No. 339.

(By Mr. Burbage.)

AN ACT to be entitled an Act to amend Chapter 187 of the Acts of 1907, the same being entitled an Act to authorize the town of Greeneville, Tenn., to issue bonds for the purchase or installation of an electric light plant, for the purchase or installation of waterworks, for the installation of sewers, and for street improvements, and to provide interest thereon, and for a sinking fund for the payment of same, and for submitting the issuance of said bonds to a vote of the people, and for condemning any necessary water rights or land for sewer purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Section 2 of said Chapter 187<sup>1</sup> of said Act be amended as follows: That after the word "State" at the close of said section, there be added the following: "That the Mayor and Aldermen of the town of Greeneville, in Greene County, Tennessee, be, and the same are, hereby authorized for the purpose of installing or buting its water system and electric lighting plant, to acquire either by purchase or condemnation all real estate necessary or proper, and spring or springs of water, pump station, rights of way to and from such springs or pump stations, and for necessary pipe lines for conveying water either outside or within the corporate limits of said town, and it may take and appropriate such lands and grounds upon which are located springs of water, together with such quantity of land surrounding such watering places, as may be necessary or proper for the proper protection of such springs of water and for the location of pump stations and for rights of way for water mains, pipes, and other devices that may be necessary or proper for conveying currents of water in the operation of said waterworks system; and the Mayor and Aldermen of the town of Greeneville is hereby vested with full power and authority to acquire by purchase or condemnation proceedings the riparian rights of lower land owners along any stream, the spring or upper portion of which is acquired, or the water from which is used under the provisions of this Act.

Sec. 2. Be it further enacted, That if it shall become necessary to condemn any private property for the uses set out in Section 1 of this Act, the Board of Mayor and Aldermen of said municipality shall first, by ordinance,

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<sup>1</sup>Since Acts 1907, ch. 187, was primarily only a bond authorization act it has not been set out in this compilation.

determine the property necessary or proper for such uses, and shall direct the Mayor or some other officer designated in the ordinance to proceed in the name of the Mayor and Aldermen of the town of Greeneville to have said property or right of ways appropriated as provided for taking private property for works of internal improvements, or by right of eminent domain by Sections 1325 to 1347 of Code of Tennessee, being Sections 1844 to 1866 of Shannon's Code.

Sec. 3. Be it further enacted, That for the purpose of carrying out the provision of this Act there shall be elected by a majority of the popular vote of said town, simultaneously with the election held under this Act for the purpose of issuing bonds, three Commissioners, no more than two of whom shall be of any one political party, to be known as the "Water and Light Commission," who shall be clothed with full power and authority to contract or build said public improvements, and to superintend the expenditure of said funds, and to operate said plant or plants when completed. The term of office of the said Commissioners shall be as follows: One Commissioner shall be elected for a term of two years, one for four years, and one for six years, and one shall be elected biannually thereafter for a term of six years. At said first election the one receiving the largest number of votes shall be elected for a term of six years, the one receiving the next largest number of votes for a term of four years, and the one receiving the smallest number of votes for a term of two years. Said Water and Light Commissioners are to hold office until their successors shall be elected and qualified. Before entering upon their duties said Commissioners shall give bond in such sum as the Board of Mayor and Aldermen may require. All contracts let by said Commission shall give bond in such sum as the Board of Mayor and Aldermen may require. All contracts let by said Commission shall be in writing, and all contractors shall be required to give bond in sufficient amount conditioned upon the faithful performance of their contract. Said Commission shall be authorized to employ such engineers and expert service as they may deem necessary. The proceeds of said bonds when sold shall be turned over to said Commissioners, and they shall be required at the call of the Board of Mayor and Aldermen to make in writing a statement of all expenditures made by them, producing vouchers therefor. When said water and electric light systems shall have been completed and are in operation, said Water and Light Commissioners shall make quarterly reports to the Board of Mayor and Aldermen of said town, showing all receipts and disbursements for the preceding quarter. The compensation to be paid to said Commissioners for their services shall be fixed by the Board of Mayor and Aldermen, the aggregate compensation of the three Commissioners in no event to exceed the sum of three hundred dollars per annum. Said Commissioners shall not be permitted to have any interest in any contract under which any of said improvements shall be made.

Sec. 4. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

PASSED: March 30, 1911.

A. M. Leach,  
Speaker of the House of Representatives.

N. Baxter, Jr.,  
Speaker of the Senate.

APPROVED: April 5, 1911.

Ben W. Hooper,  
Governor.

## CHAPTER NO. 231.

Senate Bill No. 282.

(By Mr. Collins.)

AN ACT to amend Chapter 563 of the published Acts of the General Assembly of Tennessee for the year 1903, entitled "An act to incorporate the town of Greeneville" so as to provide that said town of Greeneville may elect a Tax Assessor whose duty it shall be to assess all property taxable by law located within the corporate limits of the town of Greeneville for municipal taxes; to provide revenue for the municipal expenses of said town of Greeneville.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Chapter 563 of the published Acts of the General Assembly of Tennessee for the year 1903, entitled "An Act to incorporate the town of Greeneville," be amended by eliminating therefrom subsections Nos. 1 and 2 of Sec. 5 of said Act and substituting therefor the following:

That the Board of Mayor and Aldermen shall have the power and authority to assess property located within said municipality, and taxable thereby for taxation, and to levy and collect taxes, ad valorem, and privilege, for corporation purposes upon merchants, and all taxable privileges within said city and within one mile thereof, and upon polls and property, real, personal, and mixed, located within the limits of said town of Greeneville, all such property to be taxed only for legitimate and lawful municipal purposes, but such property, privileges, and polls shall be taxed for corporation purposes by said town of Greeneville at not exceeding the rate and limit fixed and provided by said Chapter 563 of the Acts of 1903 and the general law.

Sec. 2. Be it further enacted, That for the purpose of assessing for taxation for municipal purposes by the town of Greeneville of property, privileges and polls properly taxable thereby the Board of Mayor and Aldermen shall have the authority to elect a competent and proper person who shall be known as assessor for taxation of the town of Greeneville, whose duty it shall be and who shall have the power to upon his election and qualification, assess for taxation for municipal purposes all property located within the town of Greeneville and taxable by law.<sup>1</sup> Said assessor shall fairly and equally assess

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<sup>1</sup>However, Priv. Acts 1927, ch. 764, §§ 6 and 7 provide as follows:

Sec. 6. Be it further enacted, That all farm lands located within the corporate limits of the Town of Greeneville, shall be valued for taxation, according to the value placed for taxation upon said land by the state and  
(continued...)

for taxation all property located within said Municipality, and shall record his assessments so made in a suitable and proper permanent record to show the names and addresses of the persons owning taxable property in said Town of Greeneville, a description of the real property by adjoining owners, streets, etc., and of the personal property by character, investment, etc. When said assessor shall have completed the assessment of property as herein directed, and shall have completed the record thereof in the permanent record provided for, he shall deliver the same to the Recorder of the Town of Greeneville. Before said assessor shall enter upon his duties he shall take and subscribe to an oath, binding him to fairly, equally, and impartially value and assess for taxation all property located within and taxable by said Municipality according to law. Such assessor shall be paid for his services out of the general funds of the town of Greeneville such sum as the Board of Mayor and Aldermen may fix and he agree to. Provided, the Board of Mayor and Aldermen may adopt the assessment of property located within the town of Greeneville made for State and County purposes in which event said Board of Mayor and Aldermen shall cause a transcript to be made under the direction of the Recorder of the book or books of the regular County Tax Assessor, so far as the same may apply to the taxable property located within the town of Greeneville, and such transcript shall be made as early as practicable, after the adjournment of the County Equalization Board. Such transcript, when certified to be true and correct by the Recorder, shall be the assessment of valuation for taxes by said town of Greeneville, but the Recorder of said town may assess any property for taxation found to be omitted by the County Tax Assessor.

The Tax Assessor herein provided for shall have prepared printed blanks for the listing thereon of personal property owned by the taxpayers, similar in form to the blanks now provided for and used by the County Tax Assessors for the scheduling of personal property by taxpayers. Said Tax Assessor shall furnish one of these blanks to each taxpayer owning personal property taxable by the town of Greeneville under the provisions of this Act and under the general law, and it is hereby made the duty of every such person and taxpayer to promptly list and schedule upon said printed blank a full and accurate statement and disclosure of all personal property owned by him or her of every kind and character taxable by law. This statement or schedule such taxpayer shall sign on the line in said blank provided for that purpose, and shall take and subscribe to an oath that such statement and schedule of personal property so made out and signed by him is a true, full, and accurate statement of all the

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(...continued)  
county.

Sec. 7. Be it further enacted, That under this Act, city property shall be defined as all property actually used as city property or land cut up or subdivided and laid off in blocks along streets or alleys. All other land shall be deemed as farm land.

personal property of every kind and character owned by him or her and taxable by law. Such taxpayer may subscribe to said oath to said schedule before the Tax Assessor herein provided for, and for that purpose said Tax Assessor is hereto vested with the power to administer such oath, or he may subscribe to the oath before any person authorized by law to administer oaths. It is hereby declared to be a misdemeanor for any person and taxpayer owning personal property taxable for municipal purposes by the town of Greeneville to fail and refuse to promptly make out, sign, swear to, and return to said Tax Assessor the statement or schedule of his or her personal property as herein provided, and upon conviction of such misdemeanor, before the Recorder of the town of Greeneville such person and taxpayer so offending shall be subject to a fine of not less than \$25.00 nor more than \$50.00. The foregoing provisions shall apply in all respects to all trustees, guardians, administrators, etc., having on their hands personal property belonging to other persons which is subject to taxation for municipal purposes by said Town of Greeneville. [As amended by Priv. Acts 1919, ch. 397 and Priv. Acts 1965, ch. 278, § 1]

Sec. 3. Be it further enacted, That it shall be the duty of the Recorder, as soon as such assessment roll in each year is ready for the extension of taxes, to produce the same or a true copy thereof before the Board of Mayor and Aldermen, and to certify the total amount of valuation or assessment of the taxable property within the limits of the Municipality. Whereupon said Board shall immediately proceed to make the proper levy as of January 10th of each year, upon the \$100.00 valuation basis to meet the expenses of said town of Greeneville, according to the budget of the municipal expenses, and cause the said levy to be entered upon the tax list of the current year, showing the tax rate for all purposes, both the general tax rate and the special levies and assessments made under any enabling act providing therefor. The poll tax assessments, if any be made, and the aggregate of all taxes thereon levied for all purposes.

Sec. 4. Be it further enacted, That in connection with the assessment for taxation by the Board of Mayor and Aldermen of property located within said town it shall elect five competent and reputable taxpayers and property owners living in said town of Greeneville, who shall be known as the Assessment Equalization Board of the town of Greeneville. Such persons shall be elected for a period of two years from date of their election and qualification, and shall hold their office until their successors are elected and qualified. In case of the death, removal or resignation of any member so elected to said Equalization Board during his term of office the Board of Mayor and Alderman shall elect a successor for the unexpired term. It shall be the duty of, and said Equalization Board shall have the power to review the assessment of valuation of property within said municipality as made by the Tax Assessor provided for in Section 2 of this Act, but only upon specific complaint made to it by any property owner.

Said Board of Equalization shall sit in the office of the Recorder, after the certification by the Recorder to the Board of Mayor and Aldermen of the assessment roll made by the Town Assessor, and upon such date or dates as said Board of Equalization shall announce by publication in a newspaper published in the town of Greeneville. At such sitting or sittings of the Board of Equalization any property owner and taxpayer may appear and present his objection to the assessment for taxation of his or her property, and said Board shall have the power to change or modify the assessment of any property so as to make it fair, reasonable, and equal, if the facts shown to the Board justify such action. No formality shall be required in the presentation of objection by the property owners, but he may do so verbally in person or by attorney. The action of said Board of Equalization in any given case shall be final, except that the objecting property owner may appeal from the decision of said Board to the State Board of Equalization within the time and in the manner now allowed by law for prosecuting an appeal from the County Equalization Board to the State Board. Before entering upon its duties as herein defined the members of said Equalization Board shall take an oath to fairly and impartially act upon all objections to assessment for valuation that may be made to them by any taxpayer. Said Board shall receive as compensation for their services, to be paid out of the general funds of the town of Greeneville, the sum of \$10.00 for each sitting, providing that they shall not sit or receive pay for more than four sittings in any one year. [As amended by Priv. Acts 1965, ch. 278, § 2]

Sec. 5. Be it further enacted, That said tax so assessed and levied as herein provided shall be due and payable on the 1st day of October of each year and shall become delinquent on the 1st day of March following, on and after which time said tax shall be subject to all the penalties and interest provided for by law. The list or the tax book as made out, certified and adopted as herein provided, shall in the hands of the Recorder, after the date upon which the taxes become delinquent, have the force and effect of a judgment of a court of record, and the Recorder shall have the power to issue distress warrants, and alias and pluries distress warrants, in the name of the town of Greeneville to enforce the collection of said taxes against the property and persons owing property assessed as of January 10 of the year for which said taxes are paid, and also for poll tax, by levy upon the personalty of such taxpayer, and such distress warrant shall be executed by the Chief of Police or by any policeman of the town of Greeneville by levy upon and sale of the goods and chattels of such taxpayer under the same provisions as prescribed by law for the execution of such process from Justices of the Peace or County Trustees. [As amended by Priv. Acts 1965, ch. 278, § 3]

Sec. 6. Be it further enacted, That all municipal taxes on real estate in the town of Greeneville, and all interest, penalties, and cost accruing thereon are hereby declared to be a lien on said realty from and after the 10th of

January of the year for which the taxes are assessed and levied, superior to all other liens except that of the State of Tennessee and the County of Greene for taxes legally assessed thereon, with which the taxes assessed by the town of Greeneville shall be a co-ordinate lien. No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land has not been properly made, or the amount of the valuation or tax not correctly given, nor because the same was assessed to unknown owners, nor because the property has been assessed in the name of a person who did not own the same, nor on account of any objection or informality merely technical.

Sec. 7. Be it further enacted, That the proceedings under the provisions of this Act against any realty in the town of Greeneville for municipal taxes, interest, penalties, and cost due thereon, shall be an action in rem, and it shall not be necessary in order to vest a good and valid title in the purchasers at any sale made hereunder to proceed personally against the person owning the same, but it shall be necessary only that the advertisement of sale herein provided shall contain a sufficient description of the property to identify the same, provided, that such a description as would be sufficient to pass title by conveyance under the existing laws of this State shall be sufficient for said advertisement.

Sec. 8. Be it further enacted, That as soon as practicable after the first Monday in March in each year the Recorder shall prepare an accurate description as provided in the foregoing section of each tract or parcel of realty upon which any municipal taxes, interest, penalties, and cost are due, delinquent and unpaid. The Recorder shall proceed to advertise the sale of such delinquent property in some newspaper published in the town of Greeneville, once a week for four consecutive weeks. Such advertisement shall be in the alphabetical order in which the names of the owners of said delinquent lands appear on the tax book, but failure to observe this order of the advertisement shall not invalidate the same, nor shall the sale be invalid if any realty is advertised as the property of or assessed to a person not the owner thereof, but the title of the purchaser shall be good as against all claimants. The newspaper publishing said notices of sale shall be allowed the same fees as are now allowed for advertisements of the sale of property for State and County taxes, which fee shall be paid out of the proceeds of the sale of the specific realty. [As amended by Priv. Acts 1965, ch. 278, § 4]

Sec. 9. Be it further enacted, That at the place and between the hours of 9 a.m. and 4 p.m. on the day named in the advertisements the Recorder shall sell said advertised property at public outcry for cash to the highest and best bidder, and out of the proceeds of said sale shall be paid all municipal taxes, interest, penalties, and cost then accrued and due against said delinquent

realty. The Recorder shall before offering any tract or parcel of land for sale announce the total amount of taxes, interest, penalties, and cost due thereon, but no bid shall be accepted for an amount less than the sum of such taxes, interest, penalties, and cost. Said sales will be made at the Court House door in the town of Greeneville and may be continued from day to day if necessary. That after such sales have been made the Recorder shall execute and deliver to the purchaser of each tract or parcel of land a certificate reciting that such purchaser was the highest and best bidder, giving a description of the land, the date of the sale, the amount of taxes, penalties, interest, and cost, respectively, for which the land was sold, and the amount bid by said purchaser. A fee of 50 cents shall be taxed against each tract or parcel advertised for sale for the preparation of said advertisement, and a fee of 50 cents for making sale and executing said certificate, which shall be taxed as a part of the cost against each tract sold.

Sec. 10. Be it further enacted, That after two years from the date of said sale, unless the property shall have been redeemed as hereinafter provided, the Recorder shall have power to and shall upon demand execute to each purchaser or his assignee or legal representative as the case may be, a deed to the land bought by such purchaser, but the said purchasers or their representatives shall in each case pay the legal fees therefor, and the fees demanded by the clerk or other official before whom the Recorder shall authenticate the deed for registration. Such deeds shall describe the property conveyed, recite the name of the newspaper in which said land was advertised for sale, the total amount for which said land was sold, with the years for which the property was assessed, and the amount paid by said purchaser, and said deeds when duly authenticated for registration and recorded in the office of the Register for Greene County shall be prima facie evidence of the recitals therein.

Sec. 11. Be it further enacted, That at any time within two years from date of sale of any property as herein provided the owner or owners of such property, or a judgment creditor of such owner or owners, or the legal representatives of such owners, shall have the right to redeem the same by the payment to the Recorder of the total amount of taxes, interest, penalties, fees, and costs for which said property was sold, with interest at the rate of 6% per annum from the date of sale upon the amount paid by the purchaser at such sale, and in addition a penalty of 12% per annum of said purchase price, and the purchaser, his assignee or legal representatives, shall be repaid the amount paid by him with the interest and penalty above provided for. It shall be the duty of the purchaser at the tax sale provided herein to pay all municipal taxes assessed against the property bought by him during the period allowed for redemption, and the persons redeeming shall also be required to repay the amount of such intervening taxes with 6% per annum interest and 12% penalty per annum thereon from the date of such payments. If the taxes accruing subsequent to the

sale have not been paid and are delinquent no person shall have the right to redeem without paying such taxes and any interest, penalties and cost accrued thereon, in addition to the amount hereinbefore provided for.

Sec. 12. Be it further enacted, That in all cases where no bid is received at the sale hereinbefore provided for sufficient to discharge all municipal taxes, interest, penalties, fees and cost from said property the Recorder shall bid the full amount of such taxes, interest, penalties, fees and cost on such property for the town of Greeneville, and he is hereby authorized to subsequently transfer the bid of the town of Greeneville to any person desiring to acquire the right of the town of Greeneville under such bid, but this is to be done subject to redemption as in other cases, but the time of redemption to run from the date of public sale, as aforesaid.

Sec. 13. Be it further enacted, That in event sales of such property bid in by the town of Greeneville shall not have been effected after the expiration of two years from the date of said public sale, the Recorder shall advertise and resell the same in the same manner and form as the former sale, but for cash in hand and in bar of redemption, to the highest and best bidder, and he shall execute deeds to the purchasers as provided in Section 10 hereinbefore.

Sec. 14. Be it further enacted, That the first sale hereunder shall be made for municipal taxes due for the year 1919, and shall include all municipal taxes remaining due and unpaid for any year prior to the year 1919.

Sec. 15. Be it further enacted, That the Board of Mayor and Aldermen of said town of Greeneville shall levy and collect a poll tax for school purposes equal in amount to that levied by the State and county, and shall levy and collect for municipal purposes a merchants' tax, a privilege tax on merchants, insurance agents soliciting or writing insurance in said town, either life, accident, casualty, or fire, and shall levy and collect a tax on all privileges taxed by the general laws of the State that are exercised within the limits of said Municipality, and within one mile thereof. The Recorder shall issue all privilege license and collect all privilege and ad valorem taxes arising therefrom, and for each license so issued he may collect a fee of \$1.00. The Recorder shall collect all taxes and money due said town of Greeneville and shall place the same in the treasury of the municipality.

Sec. 16. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

PASSED: February 11, 1919.

Andrew L. Todd,  
Speaker of the Senate.

Seth M. Walker,  
Speaker of the House of Representatives.

APPROVED: February 21, 1919.

A. H. Roberts,  
Governor,

## CHAPTER NO. 179

## House Bill No. 149

(By James N. Hardin, M. H. Tipton)

AN ACT to amend the Charter of the town of Greeneville, being Chapter 563 of the Private Acts of Tennessee, 1903, the caption of which reads "AN ACT to incorporate the town of Greeneville," and amendments thereto, so as to establish for the town of Greeneville a merit basis for the appointment of City employees, to create a Civil Service Board and to provide for appointment and removal of members thereof; to prescribe the powers and duties of such Board; to authorize the adoption of rules by such Board; to provide for classified and unclassified service; to provide means for promotion, suspension, demotion and removal of City employees in the classified service; to provide for penalties for violation hereof; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That there is hereby created a system of Civil Service for the Town of Greeneville. A Civil Service Board, hereafter referred to as "the Board" to consist of three members is hereby created to administer the said system of Civil Service. One member of the Board shall be selected by the governing body of the Town of Greeneville; one member shall be selected by the members of the classified service, i.e. members of the Fire Department, members of the Police Department, and the Recorder and members of his staff, in a joint election, and the person receiving a majority of the votes of the members of the classified service shall become one member of the Board. The person selected by the governing body of the town of Greeneville and the person selected by majority vote of the classified service shall then select a third person within ten days after their appointment and selection and the person agreed upon by these two so appointed and elected shall constitute the third member of the Board. Provided, that if the two members appointed and selected shall fail to agree within ten days after their appointment, then and in that event the governing body of the town of Greeneville shall appoint four citizens to meet and confer with four other citizens appointed by the members of the classified service. This joint committee of eight shall meet within ten days and appoint a person who shall constitute the third member of the Board.

The three members thus appointed to the Board shall serve as Board members for a period of three years, or until their successors are appointed and qualified. On or before the expiration of the term of each Board member, his successor shall be selected in the same manner as the prior selection of the said Board member whose term thus expires, to the end that the successor to the member appointed by the Town governing body shall likewise be appointed by

said body, the successor to the member elected by the classified service shall likewise be elected by said classified service, and the successor to the member appointed by the two other Board members shall likewise be appointed by the two other Board members.

The members of this Board shall receive for their services the sum of twenty-five dollars (\$25.00) per diem for each day's attendance upon sessions of the Board, to be paid out of the general fund of the town of Greeneville. No person shall be appointed a member of such Board who is not at least twenty-one (21) years of age and a citizen of the United States, a resident of the town of Greeneville, Tennessee, for at least one year immediately preceding such appointment, and elector of Greene County. No member of the classified service, or of the governing body of Greeneville, may be a member of the Board.

Any member of the Board may be removed from office by the governing body of Greeneville for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the Board shall be removed until charges shall have been preferred in writing, due notice and a full public hearing had before the governing body of the town of Greeneville; provided further, that such removal shall be for a period of ten days, during which time any member so removed shall have the right of appeal to the Chancery Court of Greene County, Tennessee, which court shall thereupon proceed to hear and determine such appeal; provided, however, that such hearing shall be confined to the determination of whether the order of removal made by the governing body of the town of Greeneville was or was not made in good faith for proper cause, and no appeal to such Court shall be taken except upon such grounds, and the decision of such Court shall be final.

The members of the Board shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by the Act. Two members of this Board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Board under and by virtue of the provisions of the Act. Provided, however, that due notice of all meetings shall be given so that all three Board members may have an opportunity to be present. Provided, further, that the Board shall transact no business and make no decisions until and except while all three Board members shall have taken office and remain qualified to act. Confirmation of original or succeeding Board members by the legislature shall not be required. [As amended by Priv. Acts 2004, ch. 100, § 1(a), (b), and (c)]

Section 2. Be it further enacted, Those Subject to Civil Service: The provisions of this Act shall apply to all member personnel working on a paid full-time basis in the Fire Department, Police Department and Recorder's Office in the Town of Greeneville, including also the Recorder and the chief of each department. Provided, however, that initial employment shall be subject to successful completion by the employee of an introductory period ending and

signified by majority vote of the town's governing body at its first regularly scheduled meeting held after the expiration of six (6) months of employment. During the introductory period the employment of such employee shall be at will and may be terminated by majority vote of the town's governing body. Said introductory period may be extended with the approval of the board. A vote of the governing body to discharge the employee during the introductory period (which vote may also occur prior to the expiration of six (6) months of employment) shall not be subject to review by the board. All these persons together shall be known as the classified service. All other city employees shall be known as the unclassified service. [As amended by Priv. Acts 2004, ch. 100, § 1(e)]

Section 3. Be it further enacted, Appointments, Promotions, Discharges, Etc., How Made: All future appointments to and promotions in said departments, except as otherwise provided in this Act, shall be determined by the following method:

Subject to the other job descriptions set forth in this Act, the Chief of Police, the Recorder and the Chief of the Fire Department shall meet with the Board as soon after the enactment of this Act as may be possible and shall give assistance to the Board in preparing job descriptions outlining the necessary mental ability, physical condition, experience, education, personality, and specialized training for each job-classification in their respective departments. Such job descriptions when set shall remain in effect until altered by action of the Board. However, for the positions of recorder, assistant recorder, chief of police, assistant chief of police, chief of the fire department, or assistant chief of the fire department, the governing body or its designee, and the respective department heads of the classified service shall meet with the board and give assistance to the board in preparing job descriptions outlining the necessary mental ability, physical condition, experience, education, personality, and specialized training for each position. Such job descriptions when set shall remain in effect until altered by action of the board and governing body. After the enunciation of said job descriptions, a roster shall be kept by the Board of all full-time personnel in the classified service indicating what job classifications within their respective departments such personnel are eligible to fill. A roster shall also be kept of all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After the enunciation of said standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the vacancy shall be filled using the criteria outlined in Section 10. No person shall be reinstated in, or transferred, suspended, or discharged from any place,

position, or employment in the classified service contrary to the provisions of this act.

If the governing body of the Town of Greeneville, in the case of a vacancy in the office of Chief of Police, Assistant Chief of Police, Chief of the Fire Department, Assistant Chief of the Fire Department, Recorder, or Assistant Recorder, believes by a majority vote that there is a more qualified individual, without regard to seniority or membership within the classified service, then the governing body, at its discretion, may employ or appoint such person. [As amended by Priv. Acts 1984, ch. 235, § 1; Priv. Acts 1996, ch. 182, § 1; Priv. Acts 2001, ch. 8, § 1; and Priv. Acts 2004, ch. 100, § 1(f), (g), (h), (i), (j), (k), and (l)]

Section 4. Be it further enacted, Functions and Duties of the Civil Service Board: The Board shall organize by forthwith electing one of its members as Chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties, not to exceed two (2) days in any one month.

The Board shall appoint a Secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the Board may prescribe.

It shall be the duty of the Board:

(a) To make suitable rules and regulations not inconsistent with the provisions of this Act. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job classification in the classified service. These rules and regulations may be changed from time to time by the Board and shall be printed for free public distribution. The respective department heads of the classified service shall meet with the board from time to time and give assistance in drawing up job descriptions for members of the classified service and shall concur with the board with respect to the job descriptions for each job classification. However, for the positions of recorder, assistant recorder, chief of police, assistant chief of police, chief of the fire department, assistant chief of the fire department, the governing body or its designee, and the respective department heads of the classified service shall meet with the board from time to time and give assistance in drawing up job descriptions for the afore mentioned positions. The governing body shall concur with the board in respect to the job descriptions for each job classification.

(b) The rules and regulations shall include provisions so that seniority may not be lost by any person holding a position in the classified service, if such person leaves the classified service to enter into the Military Service of the United States, provided that such person returns to the classified service within six months following his honorable discharge from such service. In such cases

the period of Military Service shall be included in the period of seniority of such person.

(c) The Board shall make investigations and report upon all matter touching the enforcement and effect of the provisions of this Act, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this Act, and ascertain whether the Act and all such rules and regulations are being obeyed. Such investigations shall be made by the Board on its own motion or on petition of any citizen duly certified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the Board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any person to comply with such subpoena or demand shall be deemed a violation of this Act and be punishable as such.

(d) All hearings and investigations before the Board shall be governed by this Act and by the rules of practice of the Tennessee Uniform Administrative Procedures Act adopted by the Board. The Board, or its designated hearing officer, shall not be bound by technical rules of evidence. No informality in any procedure or hearing, shall invalidate any order, decision, rule or regulation made or approved by the Board; provided, however, that no decision shall be binding unless concurred in by at least two of the Board members.

(e) To hear and determine appeals or complaints relative to promotions the allocation of positions, the determination of job changes, the furnishing of rosters and the position of members of the classified service, and of applicants on such rosters, and such other matters relating to the administration of this Act as may be referred to the Board.

(f) Deleted.

(g) To see that the job classifications, the standard for filing said classifications and the roster of eligible appointees for each classification are kept continuously up to date, and posted in the respective departments of the classified service. Said rosters shall show name, rank, and number in their proper order in descending order of ranking on the applicable certified list. Terms of leaves of absence granted by the Board hereby created upon recommendation of the chief of each department shall not forfeit the rights of the member granted leave under this Act nor be charged against such member in his order of seniority.

(h) To make provisions that men laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last man, or men, including those in the introductory period, that have been appointed to the respective departments of the classified service. Rules and regulations shall provide that men so laid off shall be reinstated before any new appointments to said department shall be made.

(i) To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur.

(j) To keep such records as may be necessary for the proper administration of this Act. [As amended by Priv. Acts 1984, ch. 235, §§ 2, 3, and 4; and Priv. Acts 2004, ch. 100, § 1(m), (n), (o), (p), (q), (r), (s), and (t)]

Section 5. Be it further enacted, Adoption and Induction of Incumbents into Civil Service: All persons holding positions in the Police Department, Fire Department, or Recorder's Office, including the chiefs thereof upon the effective date of this Act, who shall have served in such position for a period of at least six months previous thereto, are hereby inducted into Civil Service in the office, position or employment which such persons respectively held at the time of the enactment of this Act, subject, however to removal, demotion, or suspension upon the same terms as any other person inducted permanently into Civil Service following the effective date of this Act.

Section 6. Be it further enacted, Applicants:

(a) Citizenship. An applicant for a Civil Service position of any kind under the classified service must be a citizen of the United States who can read and write the English language.

(b) Character and Fitness. Every applicant for a position in the classified service must, in addition to the criteria outlined in the job descriptions as adopted by the Board, also be able to perform the essential functions of the job with or without reasonable accommodation, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the Board may deem advisable. [As amended by Priv. Acts 2004, ch. 100, § 1(u) and (v)]

Section 7. Be it further enacted, Tenure of Office in the Classified Service: The tenure of everyone holding office, place, position or employment under the provisions of this Act shall be for and only during good behavior. Specific terms of office stated in Chapter 563 of the Acts of 1903, as amended, or elsewhere are repealed to the extent that they do not conform to the present enactment. Any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

(a) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to conduct himself properly; or any willful violation of the provisions of this Act or the rules and regulations to be adopted hereunder:

(b) Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.

(c) Any other act or failure to act which, in the judgment of the Board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service.

Section 8. Be it further enacted, Removal: No person in the classified Civil Service who shall have been permanently appointed or inducted into Civil Service under the provisions of this Act shall be removed, demoted, suspended or discharged except for cause, and only upon the written accusation of the appointing power or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a duplicate filed with the Board. The Chief of the Fire Department or the Chief the Police Department or the Recorder may suspend a member of the department pending the subsequent confirmation of the suspension by the regular appointing power under this Act which must be within ten days. Any person so removed, demoted, suspended or discharged may within twenty days from the time of his removal, suspension or discharge, file with the Board a written demand for an investigation, whereupon the Board shall conduct such investigation. The investigation shall be confined to the determination of whether such removal, demotion, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation the Board may affirm the action, or if it shall find that the action was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of said person in the office, place, position, or employment from which such person was removed, demoted, suspended or discharged, which reinstatement shall, if the Board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The Board in its discretion in lieu of affirming or reversing the action may modify the order by directing a suspension without pay for a given period and subsequent restoration of duty, grade, or pay; and the findings of the Board shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.

All investigations made by the Board pursuant to the provisions of this Section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting his defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record made of all proceedings. From any order adverse to the accused, the latter may appeal to the Chancery Court of Greene County, Tennessee. Such appeal shall be taken by serving the Board, within ten days after the entry of such order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the Board affecting or relating to such order be filed by the Board in such court. The Board shall within twenty days after the filing of such notice, make, certify and file such transcript with such court. The Chancery

Court shall thereupon proceed to hear and determine such appeal; provided, however, that such hearing shall be confined to the determination of whether the action of the Board was or was not made in good faint for cause, and no appeal to such court shall be taken except upon such ground, or grounds, and the decision of said court shall be final. [As amended by Priv. Acts 2004, ch. 100, § 1(w), (x), (y), (z), (aa), (bb), (cc), and (dd)]

Section 9. Be it further enacted, Duties of all Officers and Employees to Assist the Board: It shall be the duty of all officers and employees of the town of Greeneville to aid in all proper ways in carrying out the provisions of this Act, and such rules and regulations as may, from time to time, be prescribed by the Board thereunder and to afford the Board, its members and employees, all reasonable facilities and assistance in the inspection of all books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the Board, and to attend and testify whenever required to do so by the Board or any member thereof.

Section 10. Be it further enacted, Appointment to Vacate Positions: Certification from Lists.

Entry-level Positions: Whenever an entry-level position in the classified service becomes vacant, the department head through the governing body of the town of Greeneville, shall make a requisition upon the civil service board. The list certified by the civil service board to the governing body shall be made up of the top applicants and shall always include the number of positions to be filled in the classified service plus one name. The head of the respective department, with the approval of the governing body, shall appoint from the civil service board certified list the number of individuals requisitioned.

An applicant's refusal or lack of response upon job offer will cause the name of the applicant to be removed from the entry-level position list. The removed applicant may complete for an entry-level position again at the regular scheduled test administered by the civil service board on the first Thursday of November in an even numbered year.

The entry-level certified list issued by the civil service board to an appointing officer shall be valid for a period of thirty (30) days from the date of its issuance. After the expiration of such thirty-day period, the appointing officer shall request a new certification list.

Promotions: Whenever a position involving a promotion in the classified service becomes vacant, the department head through the governing body of the town of Greeneville shall make a requisition upon the civil service board to

determine the person highest on the eligible list who is willing to accept the vacant position. The civil service board shall certify that name to the governing body. If more than one promotion is to be filled the next name on the appropriate certified list shall be certified to the governing body.

A refusal or lack of response from an employee upon job offer will cause the name of the employee to be moved to the bottom of the promotion list. The employee may compete for higher ranking on the promotion list again when the promotion test is administered by the civil service board.

The promotion certified list issued by the civil service board to an appointing officer shall be valid for a period of thirty (30) days from the date of its issuance. After the expiration of such thirty-day period, the appointing officer shall request a new certification.

**Specific Supervisory Positions:** When a vacancy occurs in the office of recorder, assistant recorder, chief of police, assistant chief of police, chief of the fire department, or assistant chief of the fire department, the governing body of the town of Greeneville by majority vote may consider any applicant believed by the majority of the governing body to be qualified to fill such vacancy.

The civil service board shall certify to the governing body all names from the classified services who are qualified to fill such vacancy as per the criteria outlined in the job description for the position. All employees in the classified services who do not meet the criteria in the job description as set forth by the civil service board are ineligible for the position.

The civil service board shall also certify to the governing body all names of all other applicants not in the classified services of the town of Greeneville that the governing body has determined to be qualified to fill such vacancy. Applicants not in the classified service must submit to the same interview and/or evaluation process using the criteria in the job description for the position to be filled.

The civil service board shall not rank the applicants on the certified list for specific supervisory positions. The governing body shall fill such vacancy from the certified list by majority vote with the person it determines to be the most qualified to fill the vacancy.

All external advertising and collections of applications for vacant positions of recorder, assistant recorder, chief of police, assistant chief of police, chief of the fire department, or assistant chief of the fire department, shall be at the request of the governing body and will be administered by the civil service board.

The specific-supervisory certified list issued by the civil service board to an appointing officer shall be valid for a period of thirty (30) days from the date of its issuance. After the expiration of such thirty-day period, the appointing officer shall request a new certification. [As amended by Priv. Acts 1996, ch. 182, § 2; and Priv. Acts 2001, ch. 8, § 2; and replaced by Priv. Acts 2004, ch. 100, § 1(ee)]

Section 11. Be it further enacted, Leave of Absence: Leave of absence, without pay, may be granted by the Board upon the recommendation of the Chief of the Fire Department, the Chief of the Police Department, or the Recorder, and the Board shall give notice of such leave to the governing body. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service of the department concerned.

Section 12. Be it further enacted, False Marking, Grading, Etc., Prohibited: No board member or any person, shall, by himself or in cooperation with one or more persons, defeat or deceive any person in respect of his right of examination or registration according to the rules and regulations of this Act, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this Act, or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other persons, or permit or aid in any manner any person to personate any other person, in connection with any examination or registration or application or request to be examined or registered.

Section 13. Be it further enacted, Political Activities Prohibited: (a) No person shall be appointed or promoted to, or demoted or dismissed from any position in the classified service or in any way favored or discriminated against with respect to the employment in the classified service because of his/her political or religious opinions. All employees must take an oath to support the Constitution of the United States.

(b) No person shall seek or attempt to use any political endorsement in connection with an appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or any increase in pay or other advantages in employment in any such position, whether for the purpose of influencing the vote or political action of any person, or for any consideration, or otherwise.

(d) Employees are urged to exercise their rights to vote and privately express political views as citizens. However, employees shall not solicit political

campaign contributions or engage in political activities while on duty. Employees are prohibited from running for the office of mayor or alderman of the town of Greeneville while employed by the town of Greeneville. [As replaced by Priv. Acts 2004, ch. 100, § 1 (ff)]

Section 14. Deleted. [As deleted by Priv. Acts 2004, ch. 100, § 1(gg)]

Section 15. Be it further enacted, Authority of Board to Obtain Assistance: The Board shall be authorized to employ such clerical or administrative help as is necessary in carrying out the duties assigned to it, and shall also be authorized to retain legal counsel and engage actuarial experts to the extent necessary in carrying out the functions assigned to the Board.

Section 16. Be it further enacted, The failure on the part of the Board, or any member thereof, or on the part of the governing body of the town of Greeneville, or any member thereof, to comply with the terms of this Act shall be considered a violation of this Act and shall be punishable as such.

Section 17. Be it further enacted, The governing body of the town of Greeneville shall provide the Board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the Board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial, and legal assistance as may be employed by the Board under the provisions of Section 15 of this Act; and the failure on the part of the governing body to do so shall be considered a violation of the Act and shall be punishable as such.

Section 18. Be it further enacted, The governing of the Town of Greeneville shall have authority to appropriate from the general funds of said Town a sum sufficient to carry out the purposes of this Act, and shall make such appropriation. Within thirty days after the effective date of this Act it shall be the duty of the governing body of the Town of Greeneville, subject to the provisions of this Act, to appoint and create the Board as provided in Section 1, hereof, and the failure upon the part of said governing body, or any member of it so to do, shall be deemed a violation of this Act and shall be punishable as such.

Section 19. Be it further enacted, It shall be the duty of the Board appointed subject to the provisions of this Act to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable rules and regulations to effect said purposes; and the failure upon the part of said Board, or any individual member thereof to do so, shall be deemed a violation of this Act, and shall be punishable as such.

Section 20. Be it further enacted, Penalty. Any person who willfully violates any provision of this act shall upon conviction of the same in the city court for the town of Greeneville be fined not more than fifty dollars (\$50.00) for each offense, with any continuing violation treated as a separate offense for each calendar day such offense continues. [As replaced by Priv. Acts 2004, ch. 100, § 1(hh)]

Section 21. Be it further enacted, That all laws or parts of laws in conflict with this Act, be and the same are hereby repealed.

Section 22. Be it further enacted, That the provisions of this Act are hereby declared to be joint and severable and the invalidating of any section shall not affect the validity of the remaining sections, which shall remain in force and effect.

Section 23. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: March 19, 1953.

James L. Bomar,  
Speaker of the House of Representatives.

Jared Maddux,  
Speaker of the Senate.

APPROVED: March 24, 1953.

Frank G. Clement,  
Governor.

CHARTER AND RELATED ACTS FOR THE TOWN OF  
GREENEVILLE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1903	563	Basic charter act.
1903	596	Provided for winding up affairs of town under old charter.
1903	597	Repealed old charter and abolished office of justice of the peace for the town.
1905	469 <sup>1</sup>	Authorized \$5,000 bond issued for streets, schools, and funding.
1907	64	Amended §§ 2, relative to election date, and 11, relative to tax rate.
1907	187 <sup>1</sup>	Authorized \$65,000 bond issue for electricity, water, sewers, and streets.
1911	54 <sup>1</sup>	Authorized \$10,000 bond issue for refunding.
1911	247	Amended Acts 1907, ch. 187, so as to provide for acquisition of real estate, springs, riparian rights, etc.; also set up a "Water and Light Commission." (See Related Acts at the end of the Charter.)

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<sup>1</sup>This act has not been included in the foregoing compilation because its purpose and effect are temporary.

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YEAR	CHAPTER	SUBJECT
1911	647	Amended §§ 1, relative to corporate limits, 2, relative to governing body, and 5, relative to miscellaneous powers of Board.
1915	158	Amended Priv. Acts 1911, ch. 647, § 3 (a related act at the end of the charter).
1915	170	Amended § 11, relative to tax rate.
1915	298 <sup>1</sup>	Abutting property law (Authorized special assessments against abutting property owners for 2/3rd of costs of certain improvements).
1917	3	Replaced § 10, relative to appropriations and expenditures, and amended § 11, relative to tax rate.
1917	4 <sup>2</sup>	Validated \$15,000 expenditure and authorized note therefor.
1917	275 <sup>2</sup>	Authorized \$20,000 bond issue for high school.
1917	463	Authorized appropriation for joint city-county high school.

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<sup>1</sup>Abutting property laws have not been included in the foregoing compilation because they are now general laws with substantially the same provisions available for use by all municipalities.

<sup>2</sup>This act has not been included in the foregoing compilation because its purpose and effect are temporary.

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YEAR	CHAPTER	SUBJECT
1917	516 <sup>1</sup>	Authorized \$25,000 bond issue for general improvements.
1919	23	Amended § 10, relative to appropriations and expenditures.
1919	231	Amended § 5, relative to miscellaneous powers of Board, and provided for a Tax Assessor, annual tax levies, assessment equalization Board, tax due dates, poll tax, etc. (See Related Acts at the end of the Charter.)
1919	397	Amended Priv. Acts 1919, ch. 231, § 2 (a related act at the end of the charter).
1920(ES)	103 <sup>1</sup>	Authorized \$250,000 bond issue for water.
1921	210 <sup>2</sup>	Amended Priv. Acts 1915, ch. 298 (Abutting property law).
1925	567	Amended Priv. Acts 1919, ch. 23.

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<sup>1</sup>This act has not been included in the foregoing compilation because its purpose and effect are temporary.

<sup>2</sup>Abutting property laws have not been included in the foregoing compilation because they are now general laws with substantially the same provisions available for use by all municipalities.

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YEAR	CHAPTER	SUBJECT
1925	787	Amended §§ 1, relative to corporate limits, 6, relative to Recorder, and 11, relative to tax rate.
1927	764	Amended §§ 1, relative to corporate limits, 6, relative to Recorder, and 11, relative to tax rate. Also distinguished between "city property" and "farm lands" for tax purposes.
1929(ES)	6 <sup>1</sup>	Validated \$98,000 bond issue for funding.
1935(ES)	85 <sup>1</sup>	Authorized \$100,000 bond issue for schools.
1937	304	Authorized pensions for certain school teachers.
1939	593	Amended Priv. Acts 1937, ch. 304.
1941	41 <sup>1</sup>	Validated \$100,000 bond issue for funding.
1941	232	Replaced § 8, relative to compensation of employees and Board.

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<sup>1</sup>This act has not been included in the foregoing compilation because its purpose and effect are temporary.

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YEAR	CHAPTER	SUBJECT
1941	234	Authorized combining charges for water and sewer service; authorized penalty and discontinuance of service for nonpayment of bill; etc.
1947	104 <sup>1</sup>	Authorized \$150,000 bond issue for water and sewers.
1947	154	Amended § 5(17), relative to miscellaneous powers of Board, replaced § 6, relative to Recorder, § 20, relative to jurisdiction to enforce laws, and § 21, relative to appeals to circuit court.
1947	669 <sup>1</sup>	Authorized \$200,000 bond issue for schools.
1951	204 <sup>1</sup>	Authorized \$100,000 bond issue for streets and refunding outstanding notes.
1953	179	Civil service act. (See Related Acts at the end of the Charter.)
1953	248	Limited number of policemen; authorized an assistant Recorder and clerical and administrative personnel in the Recorder's office; and, provided for publication of ordinances.

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<sup>1</sup>This act has not been included in the foregoing compilation because its purpose and effect are temporary.

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YEAR	CHAPTER	SUBJECT
1953	526	Amended § 1, relative to corporate limits.
1955	264	Amended §§ 7, relative to purchase of property outside corporate limits, 8, relative to compensation of Board, and 12, relative to ordinances. Also provided for fighting certain fires outside corporate limits.
1961	119	Divided town into two (2) wards.
1965	278	Amended Priv. Acts 1919, ch. 231 (a related act at the end of the charter).
1971	4 <sup>1</sup>	Authorized election relative to Sunday sales in town.
1984	235	Amended Priv. Acts 1953, ch. 179 (a related act at the end of the charter).
1985	86	Authorized payment in lieu of taxes from water and sewer system.
1996	181	Amended § 5, relative to powers of mayor and aldermen.
1996	182	Amended Priv. Acts 1953, ch. 179 (a related act at the end of the charter).

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<sup>1</sup>This act has not been included in the foregoing compilation because its purpose and effect are temporary.

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YEAR	CHAPTER	SUBJECT
2001	8	Amended Priv. Acts 1953, ch. 179 (a related act at the end of the charter).
2004	100	Amended Priv. Acts 1953, ch. 179 (a related act at the end of the charter).