

CHARTER OF THE CITY OF HARRIMAN, TENNESSEE¹

CHAPTER NO. 165

Senate Bill No. 423

AN ACT to compile the several Acts and amendments thereto, incorporating the City of Harriman and amending the charter of said city into one Act and to amend an Act passed March 2, 1891, and approved March 4, 1891, being chapter 49 of the Acts of 1891 and entitled "An Act to incorporate the City of Harriman, Roane County, Tennessee, and to establish a school district therein and to support the same by taxation and to provide for an election of officers for said city and school district and to provide when the Act shall go into effect and for other purposes," and also to amend all amendatory Acts thereto.

¹The basic charter act of the City of Harriman is chapter 49, acts of 1891. However, that act and all acts amending it were compiled, revised, and reenacted as chapter 165, private acts of 1917. Chapter 165 is set out herein with all its general and permanent amendments incorporated through the 2009 session of the Tennessee General Assembly. Bond authorization or validation acts, since of a temporary nature, have not been included. Also, certain acts authorizing special assessments for public improvements have not been included because similar general laws are contained in the Tennessee Code Annotated. However, all acts, temporary and permanent, which relate to the city and which have been passed since 1917, are listed at the end of this compilation.

Where a section of the charter has been amended or added, the citation of the official act or acts making such change is carried at the end of the section so amended or added.

No changes have been made in the charter as set out herein, except that its amendments have been incorporated, section catchlines have been added, and a table of contents has been included to facilitate the use of the charter.

Reference should be made to all footnotes because they generally reflect important information, including problems, that have a bearing either upon the organization or the interpretation 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."

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

¹See page C-52 for other acts affecting the City of Harriman not included in the charter.

ARTICLE I

CORPORATE NAME AND BOUNDARIES

SECTION

1. Charter acts compiled, codified, and amended.
2. Incorporation, name, and general powers.
3. Corporate limits; acceptance of plat of the city.
4. Annexation of territory by ordinance.
5. Wards; election of aldermen at large.
6. Authority to acquire, hold, and dispose of property.

Section 1. Charter acts, compiled, codified, and amended. That the several Acts and parts of the same heretofore passed incorporating the City of Harriman in the County of Roane, State of Tennessee, and amending the charter of said city, as herein compiled and codified and amended, shall be and are hereby declared and designated the charter of the City of Harriman.

Section 2. Incorporation, name, and general powers. That the inhabitants of the City of Harriman, in the County of Roane, as the same stands and is herein laid out, are hereby constituted a body politic and corporate under the name and style of "The City of Harriman," and by that 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 whatever, and may have and use a common seal and alter the same at pleasure.

Section 3. Corporate limits; acceptance of plat of the city. That the corporate limits of the City of Harriman shall be and continue, until otherwise provided, as follows, to-wit:

Beginning at a stake on the old line between Roane and Morgan Counties, situate at low water mark on the North side of Emory River and forty feet distant in a southerly direction from a black oak on said old county line, which is the southwest corner of the Carter property and near the mouth of Wolf's Branch; thence following the meanderings of Emory River to the mouth of Bullard's Branch to a stake at low water mark; thence north thirty feet to a birch witnessed by a red oak and river birch; thence north thirty-eight degrees and thirty minutes west five hundred forty-five feet to a walnut stump, old corner Mayberry heirs; thence west five thousand two hundred eighty feet to a corner-stone mounted on top of Walden's Ridge witnessed by a black oak, chestnut and hickory (this corner is situated on what was the old county line between Roane and Morgan Counties); thence following said old county line south two thousand nine hundred twenty feet to a stake on the south side of the ridge; thence south eighty-five degrees west five hundred ninety-eight feet; thence south seventy degrees west nine hundred fifty-two feet to a stone

monument corner on Wolf's Branch, and one hundred ninety-seven feet from the Southern Railway Company's trestle; thence due west to a stake at a point from which a line due south to the Emory River will cross the line of the Cincinnati-New Orleans and Texas Pacific Railway one hundred feet west of the present depot building of said Railway Company at Harriman Junction; thence due south to the north bank Emory River at low water mark; thence down Emory River at low water mark as the same meanders to the place of beginning¹ near the mouth of Wolf's Branch, and the parks, public grounds, streets, avenues, alleys, and other highways designated upon the plat of said city, filed by the East Tennessee Land Company in the Register's office of Roane County on the eleventh day of February, A.D. 1891, are hereby accepted on behalf of said city upon the terms, conditions, and limitations named in the dedications and reservations written upon said plat so filed as aforesaid; provided that nothing in said dedication or reservations, or in this section contained, shall be so construed as to prevent the City of Harriman from constructing in the streets, lanes, avenues, and alleys of the city its own waterworks, gas works, and electric light plants, or from acquiring by purchase or condemnation, for the use of the city, and such works and plants as are now or hereafter may be constructed in the said streets, lanes, avenues, and alleys, by any person or corporation.

Section 4. Annexation of territory by ordinance.² Whenever any territory within, abutting upon or near to the City of Harriman shall have been platted by the owner or owners thereof into streets, alleys, blocks, and lots, conforming to and corresponding with the adjacent streets, alleys, blocks, and lots, and a map thereof, made showing also the adjoining blocks and lots in the city, and the connecting streets and alleys of the city, and the detailed topography of the platted territory, accompanied by a properly certified abstract of title to said territory, showing the title to be in the party or parties represented to be the owners of the land which it is desired to annex to the city, the City Council may, upon the petition of all such owners of said platted territory, by ordinance, upon such terms and conditions as it may deem for the best interest of the city, declare the same to be an addition to the City of Harriman, and from thence

¹The corporate boundaries as set out here have been extended by annexation ordinances of record in the city clerk's office. See ordinances 644-650, 655, 706, 711, 726, 730, 742 was repealed by 748, 760, 965 was repealed by 996, 967, 981 was repealed by 984, 982 was repealed by 985, 994, 1071 (Jan. 1998) was repealed by 99-10 (Nov. 1999), 98-0004 (March 1998), and 07-04-01 (April 2007).

²Chapter 118, pr. acts of 1939, substituted a new section 5 which divided the city into two (2) wards. However, this 1939 act was repealed by ch. 360, pr. acts of 1941. Therefore, sec. 5 is set out herein as originally enacted in ch. 165, pr. acts of 1917.

forth such territory shall be and become a part of the said city and within the jurisdiction thereof as effectually as though the same had been annexed by Act of the Legislature; provided that this section shall not apply to any lands upon which any taxes assessed in any town or municipal corporations are due and unpaid, nor to the lands of any town or other municipal corporation having a funded debt.

Section 5. Wards; election of aldermen at large. The City Council may divide the city into wards, not exceeding thirteen in number and to define their boundaries by ordinance and may from time to time alter the same, provided that no ward shall be changed within one year preceding the election hereinafter provided for; and provided, further, that until said city is divided into wards, six aldermen shall be elected from the city at large.

Section 6. Authority to acquire, hold, and dispose of property. The said city by the name and style aforesaid is hereby authorized to acquire and hold all real and personal property necessary for the public uses of the inhabitants thereof, both within and beyond the limits of the city, and when the same is no longer required for the public use to sell and convey the same, as may be provided by ordinance, and the City Council shall, by ordinance, make all needful rules and regulations for the use of such property.

ARTICLE II

LEGISLATIVE DEPARTMENT

SECTION

1. City council.
2. Terms, qualifications, and salary of council members.
3. Mayor pro tem; board of aldermen to be judge of qualifications, etc. of members; rules of the board; quorum, etc.
4. Journal of council proceedings; votes required for action.
5. Regular and special council meetings.
6. Absence of council members from meetings.
7. Style of ordinances.
8. Publication of ordinances.
9. Passage of ordinances.
10. Reconsideration of defeated ordinances.
11. Revival or reenactment of ordinances.
12. Mayor to approve or disapprove of resolutions, certain contracts, and bills; passage over mayor's veto.
13. Special sessions.
14. Authority for improvements, etc., along Emory River.
15. Defilement of Emory River prohibited.

16. Authority to provide for punishment of ordinance violators.
17. Removal of dangerous or unlawful structures.
18. Miscellaneous ordinance powers enumerated.
19. General police power.
20. Authority to employ clerks, etc.
21. Franchises.
22. Authority to sell waterworks and/or light plant.

Section 1. City council. The legislative power of the City of Harriman shall be vested in a city council, consisting of a board of aldermen, with the mayor as presiding officer; the aldermen to be elected one from each ward, provided said city is laid out in wards; if not, then six aldermen to be elected from the city at large.

Section 2. Terms, qualifications, and salary of council members. The six aldermen constituting the city council shall be elected for terms of four (4) years, except that at the June, 1983, election of aldermen of the six (6) candidates elected as aldermen, the three (3) elected candidates who receive the greater number of votes shall serve for terms of four (4) years and the three (3) elected candidates who receive the lesser number of votes shall serve for initial terms of two (2) years. Thereafter, all aldermen shall be elected for terms of four (4) years.

No person not a citizen of the United States and an inhabitant of the city or ward for which he is (or)¹ will be elected, and for at least one year a citizen of the State of Tennessee, and one year a resident of the City of Harriman, and at least twenty-one years of age, shall be eligible to the office of Aldermen; provided, that no person who has any direct personal interest in any contract with the city or any department or institution thereof, or who is indebted to the city or county for any taxes, or who shall have been convicted of any malfeasance in office, bribery, or any other corrupt practice, or who shall be under charge of indictment therefor, made or procured by or under direction of the Attorney-General of Roane County, shall be qualified to be elected to or shall hold the office of aldermen.

The salary of the members of the city council shall be fixed by ordinance by the city council, immediately preceding the term of office for which the salary is fixed. [As amended by Priv. Acts 1983, ch. 112, § 1]

Section 3. Mayor pro tem; board of aldermen to be judge of qualifications, etc., of members; rules of the board; quorum, etc. The board of aldermen shall appoint one of its members to preside in the absence of the mayor. The official designation of such member so appointed shall be mayor pro tem, and shall hold

¹Added by compiler.

his office for a term of two years, and shall perform the duties of the mayor when he shall be absent, or otherwise unable to perform the duties of his office.

The board of aldermen shall be the sole judge of the qualification, election and return of its own members, and shall have power to determine the rules of its own proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of all members elect, expel a member. A majority of the board shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as the board may provide.

Section 4. Journal of council proceedings; votes required for action. A journal of the proceedings of the city council shall be kept by the city clerk, upon which shall be entered the vote taken in the city council by yeas and nays, and no action, except to adjourn, shall have any force or validity, unless a majority of all the members-elect shall have voted in favor thereof.

Section 5. Regular and special council meetings. The city council shall hold two regular meetings each month at the city hall. Special meetings of the city council may be held upon call of the mayor; or upon application of a majority of the board of aldermen, by causing proper notice in writing to be served upon the members thereof.

Section 6. Absence of council members from meetings. If a member of the board of aldermen shall be absent from any regular meeting without leave, he shall forfeit and pay such sums as the city council shall direct for every such absence, and the journal record of the roll call shall be conclusive upon the question of presence or absence.

Section 7. Style of ordinances. The style of the city ordinance shall be: "Be it enacted by the City Council of the City of Harriman."

Section 8. Publication of ordinances. All ordinances shall, within ten days after they have been passed by the city council, be published, in some newspaper printed in the City of Harriman, and of general circulation, and no ordinance shall be enforced until such publication has been made.

Section 9. Passage of ordinances. No ordinance shall be passed except by bill. Every bill shall be read at least twice before a vote is taken upon its final passage, and at least three days must intervene between its first and second reading. [As amended by Priv. Acts 2003, ch. 14, § 1]

Section 10. Reconsideration of defeated ordinances. When a bill is put upon its final passage, and fails to pass, if a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be

immediately taken, and the subject finally disposed of before the city council proceeds to any other business.

Section 11. Revival or reenactment of ordinances. No ordinances shall be revived or reenacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance.

Section 12. Mayor to approve or disapprove of resolutions, certain contracts, and bills; passage over mayor's veto. Every resolution adopted or contract approved by the city council appropriating or involving the expenditure of money and every bill passed, shall, within twenty-four hours after the action of the city council, be presented to the mayor for his approval. If he approves the resolution, contract, or bill, as the case may be, he shall sign the same; if not, he shall return it with his objections in writing to the city clerk, who shall present the same to the city council at the next regular meeting thereof. The city council shall cause the objections of the mayor to be entered at large upon the journal, and proceed forth with to consider the questions pending, which shall be in this form: "Shall the bill, contract, or resolution as the case may be, pass, notwithstanding the objections of the mayor thereto?" If three-fourths of the members elected vote in the affirmative, the bill or resolution shall be deposited in the office of the city clerk, as an authentic act, and shall be valid or become an ordinance in the same manner and with like effect as if it had received the approval of the mayor. If the mayor shall fail for ten days to return to the city council any bill, contract, or resolution presented to him for his approval, as aforesaid, and in case he fails to approve same in said time, it shall be equivalent to his veto.

Section 13. Special sessions. The mayor may call, or upon application of a majority of the board of aldermen shall call, special sessions of the city council by causing proper notice in writing to be served upon the members thereof. A copy of the notice thus served upon the members shall be entered upon the journal of the city council, said notice shall state the object for which said session is called, and the action at said session shall be confined to that object only.

Section 14. Authority for improvements, etc., along Emory River. For the purpose of protecting the bridges and thoroughfares of the city and lessening the danger of disastrous destruction of property by reason of floods and high water, the city council is hereby authorized to cause the banks and channels of the Emory River to be improved, and to cause docks, embankments, levees, or breakwaters to be constructed, so as to confine the waters of said stream between the banks, and may prevent and remove obstructions therefrom, and to this end the city may acquire the title to any lands in the channel of said

stream or upon the banks thereof, either by purchase or condemnation proceedings.

Section 15. Defilement of Emory River prohibited. It shall be unlawful for any person to deposit in the channel of the Emory River, within or opposite the city, any unwholesome matter or substance whatever tending to the defilement of the waters of said stream, and the city council is hereby authorized to provide by ordinance for the patrol of said Emory River within said city and for the punishment of offenders against the provisions of this section.

Section 16. Authority to provide for punishment of ordinance violators. The city council is hereby authorized to provide for the punishment of all offenders against the ordinances of the city by imprisonment, not exceeding ninety days, in cases where said offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them; and also to provide by ordinance for all persons so fined to work out said fines and costs on the streets of the city, or in such other way and manner as it may prescribe. All fines and forfeitures collected for offenses committed or penalties incurred against said ordinances shall be paid into the treasury of the city by the officers collecting the same and be disposed of as a part of the general revenue of the city.

Section 17. Removal of dangerous or unlawful structures. Whenever, in the opinion of the city council, any building, fence, or other structure of any kind, or any part thereof, is liable to fall down and endanger persons or property, or where any building or other structure has been erected or allowed to remain in any locality contrary to ordinance, it may, by resolution of the city council order any owner or occupant of the premises on which said building, or other structure stands to take down or remove the same within the time prescribed by such resolution. A copy of which resolution shall be served upon said owner or occupant, and if such owner or occupant shall neglect or refuse to take down or remove the same within the time prescribed by such resolution, then the city council shall cause such building, fence, or other structure to be taken down or removed by and under the direction of the city marshal, and assess the expenses thereof on the land on which it stood. Which expenses shall be declared a lien on said land and may be collected by writ of attachment or by suit against the owner in any court of competent jurisdiction.

Section 18. Miscellaneous ordinance powers enumerated. The city council shall have the management and control of the city finances and all property of the corporation, real, personal, and mixed, and shall have power by ordinance:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation and privileges taxable by law for state, county or municipal purposes;

- (2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;
- (3) Make special assessments for local improvements;
- (4) Contract and be contracted with;
- (5) Incur debts by borrowing money or otherwise and give any appropriate evidence thereof in the manner hereinafter provided;
- (6) Issue and give, sell, pledge or in any manner dispose of negotiable or non-negotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality in accordance with state law;
- (7) Expend the money of the municipality for all lawful purposes;
- (8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein within or without the municipality or state;
- (9) Condemn property, real or personal, or any easement, interest or estate or use therein, either within or without the municipality, for present or future public use in accordance with the terms and provisions of state law;
- (10) Take and hold property within or without the municipality or state upon trust and administer trusts for the public benefit;
- (11) Acquire, construct, extend, own, operate, regulate and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities and telecommunications systems or any estate or interest therein, or any other utility or service to the municipality, its inhabitants or any part thereof; and, further, may issue debt for these purposes under the Local Government Public Obligations Act or other pertinent state law;
- (12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to grant franchises embraces the power to grant exclusive franchises to the extent not prohibited by federal or state law. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation but also against the municipality itself. Franchises may be granted for a period of time to be fixed by the city council, but not to exceed twenty (20) years. The council may prescribe in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing and future streets, alleys and thoroughfares;
- (13) Make contracts with any person, firm, association or corporation for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to make contracts embraces the power to make exclusive contracts to the extent permitted by state or federal law. When an exclusive contract is entered

into, it shall be exclusive not only against any other person, firm, association or corporation but also against the municipality itself. These contracts may be entered into for a period of twenty (20) years or less, but not longer. The council may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing and future streets, alleys and thoroughfares;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and telecommunications systems, compel reasonable extensions of facilities for these services, and assess fees for the use of, or impact upon, these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms of provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries, squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within or without the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions provided by the general laws of the state;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within and without the corporate limits, and assess the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, state law;

(17) Assess against abutting property within and without the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements inside and outside the municipality;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal inside and outside the municipality, and the cost of collection, regulation, or disposal may

be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(25) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(26) Purchase or construct, maintain and establish a workhouse for the confinement and detention of persons who violate laws within the corporate limits of the city, or contract with the county to keep these persons in the workhouse of the county;

(27) (A) Enforce any ordinance by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction; and

(B) No fine, forfeiture or penalty may exceed five hundred dollars (\$500) or the maximum allowable under general state law for violation of municipal ordinances;

(28) Establish, maintain and operate a complete educational system within the municipality, establish and determine the membership of a board of education and endow that board with all authority to operate the school system pursuant to state statute and this charter, review annually the operating budget of the school system and appropriate revenue to support the approved budget, purchase or otherwise acquire land for school buildings, playgrounds and other purposes necessary to the operation of the school system, purchase or erect all buildings, and do all other acts necessary for the establishment of such educational system;

(29) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(30) Call elections as herein provided;

(31) By ordinance, assess, impose, levy and collect impact fees from new land developments within the municipal limits, provided that the impact fees are limited to the reasonably anticipated costs of public improvements generated by such developments, and provided that the impact fee system and formula are prescribed by ordinance;

(32) Establish, maintain and operate a city hospital and any other general health facility deemed to be necessary and in the best interests of the health of the city inhabitants; and

(33) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated. [As amended by Priv. Acts 1923, ch. 30; Priv. Acts 1992, ch. 139; and replaced by Priv. Acts 2003, ch. 14, § 2]

Section 19. General police power. The city council shall have power to make all ordinance which shall be necessary and proper for carrying into execution the powers specified in this Act, and to make all ordinances which it may deem necessary or requisite for the good order, health, good government, and general preservation of any city property, privileges, and franchises, and to enforce the same by a proper fine, imprisonment, or other penalties.

Section 20. Authority to employ clerks, etc. The city council shall have power to provide for the employment of such clerks and other persons in any of the departments of the city government as the exigencies of the public service may demand.

Section 21. Franchises. All franchises or privileges granted by the City of Harriman to corporations or individuals shall be limited to twenty years from the granting of the same, and such franchises or privileges so granted shall plainly specify on what particular street, streets, alleys, or avenues the same shall apply, and no franchise or privilege shall be granted by the City of Harriman in general terms, or to apply to the city generally, provided, however, that no franchise granted by the city council shall become a law where twenty (20) percent of the legal voters of said city, based on the last city election, petition the city council within twenty days after the ordinance is published granting same to submit the proposition of granting the franchise in question to the qualified voters of said city, it shall be the duty of said council to submit said question to a vote, and in an election called for that purpose, should three-fifths of the votes cast be in favor of the granting of the franchise, it shall ratify the action of the city council but in case the proposition fails to receive three-

fifths of the votes cast, it shall annul the action of the city council in the premises; provided further, that as a condition precedent to the action by the city council on any application for a franchise, the person or persons or corporations applying for same shall deposit with the city treasurer one hundred dollars (\$100) to defray the expenses of the election herein provided for in case one is held; otherwise to be returned to the parties depositing it or any part of the one hundred dollars (\$100) not used for expenses.

Section 22. Authority to sell waterworks and/or light plant. Be it further enacted, That the city council is hereby authorized and empowered, by ordinance, to sell the waterworks and light plant, or either of them, and either separately or together, of the City of Harriman; provided, that said ordinance providing for such sale shall set forth the name of the proposed purchaser of said plant or plants, and the terms of sale, and further, that before said ordinance shall be effective it shall be submitted to a vote of the qualified voters of the City of Harriman, at a special election to be held at a date fixed in said ordinance, not less than 90 nor more than 120 days from the passage thereof, notice of which election, stating the date on which said election will be held and the question or questions to be submitted to a vote of the qualified voters of the City of Harriman, and published in a newspaper of general circulation in the City of Harriman, not less than 60 nor more than 90 days before the date thereof; and upon the passage of said ordinance and publication of said notice it shall be the duty of the commissioners of election of Roane County to call an election as provided in said ordinance, which election shall be held under the general election laws then in force and applicable to Roane County, and said Town of Harriman and on the ballots to be used in said election, the commissioners of election of Roane County shall cause to be printed the question or questions as set out in said published notice of said election; and it shall be the duty of the city clerk of the City of Harriman to certify to the commissioners of election of Roane County, at least 30 days before the election is to be held, a copy of the ordinance providing for the sale of said property, and of the published notice of said election, and the filing of said certified copies with said commissioners of election shall be notice to said commissioners of election to call said special election; and in the event three-fifths of the electors voting at said election shall be in favor of selling the said waterworks and/or light plant of the City of Harriman, then, and only in that event, the ordinance of the city council of the City of Harriman authorizing the said sale shall become effective and it shall be and is hereby made the duty of the proper executive officers of the City of Harriman to execute the proper deed of deeds for the transfer of the said waterworks and/or light plant, and upon the terms set out in said ordinance; provided, further, that the proposed purchaser or purchasers shall deposit with the city treasurer, one hundred dollars (\$100) to defray the expenses of the special election herein provided for, in case one is held, otherwise to be returned

to the parties depositing it, or any part of the one hundred dollars (\$100) not used for expenses.

Be it further enacted, That in the event a three-fifths majority of the electors voting in said election shall be in favor of selling the waterworks and/or light plant of the City of Harriman, it shall be and is hereby made the duty of the city council of said City of Harriman to carry out the will of said majority by the transfer of the property upon the payment by the purchaser of the sum offered in the contract or agreement, and the mayor of said city shall appoint by and with the consent of two-thirds of all members of the city council, three sinking fund commissioners who shall be citizens of said city and at least twenty-one years of age and the entire proceeds of the sale of the waterworks and/or light plant shall be paid by said purchaser to said sinking fund commissioners whose duty it shall be to use the proceeds of said waterworks and/or light plant in retiring as fast as possible the outstanding bonded indebtedness of the City of Harriman, provided that said commissioners may use the interest on the funds in their hands to pay interest on the outstanding bonded indebtedness of the City of Harriman but the principal of said fund shall be used only in retiring valid bonded indebtedness of the City of Harriman existing at the time the election herein authorized is held. Said commissioners shall have the power and are hereby authorized to invest and reinvest said funds to the best possible advantage to the end that it may earn as much as possible and they shall have exclusive control and custody of said funds until all of the same shall have been used in the payment of the indebtedness of said City of Harriman. Said sinking fund commissioners shall report semi-annually in writing to the city council of the City of Harriman on the first Monday in April and October, showing in detail the amount of funds in their hands, the amount received as interest, or from any other source, the amount expended, the balance on hand, and an itemized statement showing how this balance on hand is invested, and the rate of interest to be paid on each investment, and the city clerk shall cause said report to be published in full in some newspaper of general circulation published in the City of Harriman within thirty days after it is filed.

That the term of office of said sinking fund commissioners and their salary, if any shall be fixed by the city council of the City of Harriman, and the city council of said city shall have power to require that each of said sinking fund commissioners shall give bond of the faithful performance of their duties, in such sum and so conditioned, as the city council may determine and required by ordinance and any of said sinking fund commissioners shall be subject to removal by ouster or other proper proceedings under the general laws of Tennessee or charter of the City of Harriman for neglect of duty and for misfeasance in office or malfeasance.

That the city council of the City of Harriman, Tennessee, shall have no power or authority to sell the waterworks and/or light plant owned by the city except by complying with this Act, and any sale or attempted sale of said

properties not made in conformity with this act shall be null and void. [As added by Priv. Acts 1925, ch. 468]

ARTICLE III

EXECUTIVE DEPARTMENT

SECTION

1. Executive officers named; election or appointment; combination of offices; compensation.
2. Mayor to be chief executive officer; qualifications.
3. Mayor's general powers and duties.
4. Removal of officers and employees by the council; mayor's power to administer oaths, subpoena witnesses, etc.
5. Mayor's authority to require exhibition of officer's books and papers.
6. Mayor's power and duty to perform acts required by ordinance.
7. Mayor's veto power with respect to appropriation ordinances, etc.
8. Removal of appointed officers; filling of vacancies.
9. Vacancy in office of mayor.
10. "Officer" defined.
11. Mayor to sign bonds, contracts, etc., and accept service of legal process against the city.
12. Salary of mayor.
13. Treasurer to make purchases for city; when bids to be advertised for, etc.
14. Handling of city money by the treasurer.
15. All city funds to be paid over to the treasurer.
16. Issuance of licenses and permits.
17. Depositories for city funds.
18. Treasurer to make monthly and annual reports.
19. Treasurer to be bonded.
20. Treasurer to be custodian of city property and to make annual reports thereof.
21. How funds are paid out.
22. Treasurer's salary.
23. City clerk's general accounting powers and duties.
24. City clerk to keep minutes of council meetings and be custodian of city seal, papers, etc.; to attest public instruments, etc.
25. Certified copies of papers and records as evidence.
26. Cancellation of paid bonds and coupons.
27. Verification of bills against city.
28. All claims against city to be audited by auditing committee.
29. Annual financial statements required of city treasurer and other officers.
30. City clerk's salary.

31. Deleted.
32. Deleted.
33. City attorney's duties.
34. City attorney's compensation.

Section 1. Executive officers named; election or appointment; combination of offices; compensation. The executive power of the city shall be vested in a mayor, together with a city treasurer, city judge, marshal, city clerk, city assessor, city engineer, and city attorney, each of whom except the clerk, city assessor, marshal, and city engineer shall be elected by the qualified electors of said city, and hold their office for a term of four (4) years. The city clerk, city assessor, and city engineer shall be elected by a majority vote of the aldermen, and in case of a tie vote in the election of either of said officers, the mayor shall have the deciding vote. The marshal shall be chosen as hereinafter provided. The city council shall have power, in its discretion, to combine any two or more of the above offices in ne person, except the offices of city clerk and city treasurer, which shall not be held by the same person, and shall fix their compensation at any time and previous to their election. The city clerk, city engineer, and city assessor shall be elected at the first regular meeting of the city council after the biennial election herein provided for, or in any adjourned meeting thereof. [As amended by Priv. Acts 1983, ch. 112, § 2]

Section 2. Mayor to be chief executive officer; qualifications. The mayor shall be the chief executive officer of the city; shall be at least twenty-five years of age, a citizen of the United States and of the State of Tennessee, and a qualified voter at the time of his election, and an inhabitant and citizen of the city for at least one year next before the day of his election.

Section 3. Mayor's general powers and duties. The mayor shall be the presiding officer of the city council, but shall have no vote, except in case of a tie vote in the election of officers; the mayor shall from time to time, give the city council information relative to the condition of the corporation, and shall recommend to its consideration such measures as he may deem expedient for the interests of the city. He shall take care that the laws of the State and ordinances of the city are respected and enforced within the city, and he may remit either wholly or in part fines, costs, forfeitures, and penalties imposed for the violation of any ordinance, but shall make a report of such remission to the city council at the next session thereof, together with his reasons therefor.

Section 4. Removal of officers and employees by the council; mayor's power to administer oaths, subpoena witnesses, etc. The city council shall have power for cause to remove any person elected to fill an office in said city, and in all cases of examination of charges against any officer or employee of the city, or at the trial of any officer before the city council, the mayor shall have the

power to administer oaths, to subpoena and compel the attendance of witnesses, and the production of books and papers. It shall require a majority vote of the City Council to remove any appointed officer or employee of the city. The State Ouster procedures compiled in Tennessee Code Annotated, Title 8, Chapter 47, Part 1 govern the removal of any elected officer. [As amended by Priv. Acts 2009, ch. 23, § 1]

Section 5. Mayor's authority to require exhibition of officer's books and papers. The mayor shall have power whenever he shall deem it necessary, to require any officer of the city to exhibit his books and papers, and refusal by any officer when so required to exhibit the books and papers of his office shall be deemed a forfeiture and abandonment of said office.

Section 6. Mayor's power and duty to perform acts required by ordinance. The mayor shall have power and it is hereby made his duty, to perform all acts that may be required of him by any ordinance duly enacted.

Section 7. Mayor's veto power with respect to appropriation ordinances, etc. In the exercise of the veto power herein conferred by this Act upon the mayor, he may veto the entire annual appropriation ordinance, or any separate appropriation in the same, or he may veto the entire monthly budget resolution provided for the payment of the running expenses of the city for any month, or any separate items of the same. If only certain items of the appropriation or monthly budget are vetoed, before said items can become a valid appropriation or valid part of the budget, as the case may be, the like proceedings shall be held in the city council as are described in Article II, Section 12.

Section 8. Removal of appointed officers; filling of vacancies. Any appointed officer may be removed for cause by vote of two-thirds of all members-elect of the city council. whenever a vacancy shall occur in any appointed office, the mayor shall, with the consent of a majority of the city council, appoint a person to fill in the city council, appoint a person to fill such vacancy, and in all other vacancies except vacancies in the city council, the city council shall elect persons to fill such vacancies.

Section 9. Vacancy in office of mayor. In case of a vacancy in the office of mayor, or in case the mayor shall, for any reason, be unable to perform the duties of the office, the mayor pro tem shall act as mayor, and in case the latter shall be absent from the city, or for any reason, cannot act as mayor, then the city council shall elect one of its members, who shall act as mayor of said city during the time of the absence or disability of said mayor or mayor pro tem, and such acting mayor shall receive compensation for the time he serves, equal to that provided for the mayor, provided he render actual service for fifteen

consecutive days at any one time, but shall receive no pay as aldermen during such period.

Section 10. "Officer" defined. The term officer of officers whenever used in this Act shall include any persons holding any situation in or under the city government or its departments for a prescribed and defined term.

Section 11. Mayor to sign bonds, contracts, etc., and accept service of legal process against the city. All bonds, contracts, and other instruments requiring the assent of the city shall be signed by the mayor or acting mayor, and all legal process against the city shall be served upon the mayor or acting mayor.

Section 12. Salary of mayor. The mayor shall receive such salary as the city council shall fix by ordinance. In case of a vacancy in the office of mayor, the acting mayor shall be entitled to salary for the time he serves, at the same rate as the mayor would have received, but shall receive no salary as a member of the city council while he serves a mayor.

Section 13. Treasurer to make purchases for city; when bids to be advertised for, etc. The treasurer shall, for and on behalf of the city, purchase all furniture, books, stationery, tools, materials, and supplies and all things necessary for the use of the several departments, offices, and employees of the city. In order to effect such purchases said city treasurer, shall as often as once in each year, advertise in one of the papers of the city, for a period of two weeks, for sealed proposals to be made at the time specified in said notice, and said bids shall be opened by the city treasurer in the presence of the mayor and the city clerk, and the contracts for the furnishing of the furniture, books, stationery, tools, materials and supplies shall be awarded to the lowest responsible bidders, estimating the bids in detail, and awarding to the respective bidders, a contract for the articles only whereon the bid is lower than all other bids offered upon the same articles. The aforesaid purchase shall be made only upon a requisition signed by the head of the department of the office requiring the article to be purchased, particularly specifying the article required and approved by the mayor. It shall be the duty of the city treasurer to make monthly reports in detail to the city council of all purchases made by him, for what price, and upon whose requisition; provided, however, that when it may be practicable to advertise for supplies, books, furniture, tools, stationery, materials, or labor, then sealed proposals for the same shall be invited from three responsible parties dealing in such materials, supplies, or labor, and the bids shall be opened and the contracts awarded in the same manner as hereinbefore provided in this section. All bids shall be in duplicate, one copy filed with the treasurer and one with the clerk, and provided, further, that said officers may reject any and all bids so made if they deem them unreasonable and too high. Provided,

the city council may provide, by ordinance, for the purchase of small supplies, and repairs without asking for the sealed proposals or making publication.

Section 14. Handling of city money by the treasurer. It shall be the duty of the city treasurer to receive, receipt for, and keep the money of the city, and pay out the same by order of the city council, signed by the mayor, registered and attested by the city clerk under the seal of the corporation. [As amended by Priv. Acts 2009, ch. 23, § 2]

Section 15. All city funds to be paid over to the treasurer. Every officer or agent of the city, or other person who shall receive or having his hands any money belonging to the city, shall immediately pay the same over to the city treasurer and take his receipt therefor in duplicate, one of which receipts shall be delivered to the city clerk by the party paying over the money. For every failure to pay over moneys to the city treasurer, or to deliver the treasurer's receipt therefor to the city clerk, for more than forty-eight hours after the moneys shall have been received by such officer, agent, or other person, or as provided by city ordinance, such officer, agent, or other person shall forfeit to the city double the amount of money not paid over as herein specified.

Section 16. Issuance of licenses and permits. The city treasurer is hereby authorized to issue all license and permits which may be granted by the city council, in pursuance of this Act, upon payment to him of the amount of the license or permit fee, or tax, as fixed by law or ordinance. Upon the receipt by the treasurer of any such license or permit he shall issue duplicate receipts for the money, specifying the amount and date of payment, the person by whom paid, and what the sum was paid for, one of which the said person shall deposit with the city clerk; and no license or permit issued by the treasurer shall be valid or of any effect until the said receipt shall have been delivered to the city clerk, who shall receipt for the same on the back of said license.

Section 17. Depositories for the city fund. The city treasurer shall annually invite the banks of the City of Harriman to submit bids for the city's current account for the year, and, by and with the approval of the mayor and city council shall award the account to the bank making the best bid for the same. In deciding which bid is best for the city, consideration shall be given to the interest rate offered on the daily balance of the account, and to the rate at which money for current purposes will be loaned to the city, provided, however, that before any deposit shall be made by the city treasurer in any such bank or banking institution, the said bank or banking institution shall give a bond in the sum of ten thousand dollars or in such greater sum as the city council may require, payable to the City of Harriman, with good and sufficient sureties, to be approved by the mayor and city clerk, for the safe keeping and prompt payment of said funds or any part thereof when demanded by the city treasurer;

and no amount which may be due any such bank on account of any warrant, bond, bill, or other evidence of city indebtedness shall be accepted by the treasurer as an offset against such deposit with such bank; and provided, further, that a quarterly statement under oath shall be made to the city council by the president or cashier of such bank, showing the amount of interest, money, or other consideration paid or to be paid by said bank for the use of the city funds in such bank, together with the name or names of the party or parties to whom it has been or is to be paid. If said president or cashier, after demand so to do upon him in writing made, shall fail to report as provided by this section, he shall forfeit and pay to the city the sum of five hundred dollars for each failure.

Section 18. Treasurer to make monthly and annual reports. At the beginning of each calendar month the city treasurer shall report to the city council the transaction of the treasurer's office during the previous month, which shall show the amount of money received and from whom and on what account, and also a list of bonds, and orders which have been redeemed by him or paid into the treasury as money due the city, which said bonds, and orders shall accompany the report for cancellation. He shall also make an annual report of the transactions of his office on the thirtieth day of June in each year, and from time to time such other reports as may be required by the city council. If the city treasurer shall fail to report as provided by this section he shall forfeit and pay to the city the sum of five hundred dollars for each such failure. [As amended by Priv. Acts 2009, ch. 23, § 3]

Section 19. Treasurer to be bonded. The city treasurer shall give bond to the city, with sufficient sureties, to be approved by the city council, in the sum of ten thousand dollars, or for such additional sum s the city council shall require, conditioned for the faithful performance of the duties of his office, and to pay over to his successor in office all such sums of money belonging to the city as shall be in his hands, and to account for and turn over to such successor all city property which may come into his hands.

Section 20. Treasurer to be custodian of city property and to make annual reports thereof. The city treasurer shall be the custodian of all property, both real and personal, belonging to the city. He shall render to the city clerk a complete list of same on or before the first day of January of each year.

Section 21. How funds are paid out. No money shall be paid out by the City Treasurer unless signed by the Mayor and countersigned and registered and attested by the Clerk. [As replaced by Priv. Acts 2009, ch. 23, § 4]

Section 22. Treasurer's salary. The city treasurer shall receive such salary as shall be fixed by the city council by ordinance.

Section 23. City clerk's general accounting powers and duties. The city clerk shall be the general accountant of the city, and as such, it shall be his duty to receive and preserve in his office all accounts, books, vouchers, documents, and papers relating to the accounts and contracts of the city, its debts, revenues, and other fiscal affairs. It shall be his duty to prescribe the mode of keeping, dating, and rendering all accounts, unless otherwise provided in this Act between the city and any person or body corporate; he shall countersign for all appropriations and moneys ordered paid by the city council; he shall keep a true and accurate account of the revenues, receipts, and expenditures of the city, and with the city treasurer, and the different funds of the city, he shall from the tax rolls compute the revenue due the duty for each year, and shall make such reports, estimates, and statements as may be from time to time required of him by the city council, he shall see that all proper rules and regulations are prescribed and observed in relation to all accounts, settlements, and reports regulating the fiscal affairs of the city; that no appropriations or funds are overdrawn or misapplied; that no liability is incurred, or money or property of the city disbursed or disposed of contrary to law or ordinance; he is especially charged with the preservation of the credit and faith of the city in relation to its debt; he shall, at the first meeting of the city council each year, certify to the mayor the amount of money to be raised by taxation for the payment of the bonds and coupons maturing during that year, discriminating between the general bonds of the city and the coupons thereon, and each series and class of bonds and the coupons thereon; he shall publish quarterly in brief, the financial condition of the city, and shall make semi-annual reports on the first Monday of January and July of the financial condition of the city; he shall provide and keep in his office reliable and complete tables of the finances, assets, and liabilities of the city, of all contracts, names of contractors, names of employees, in such manner as to show the departments in which they are employed, and their respective salaries, powers, and duties, and how appointed; he shall administer oaths and require all claims, settlements, returns, and reports made to him to be verified; he shall countersign and register all licenses and contracts; he shall furnish all officers and clerks with blank licenses, permits, and receipts and they shall account to him for the same, and the clerks shall compare and check their proper issue once each month. [As amended by Priv. Acts 2009, ch. 23, § 5]

Section 24. City clerk to keep minutes of council meetings and be custodian of city seal, papers, etc.; to attest public instruments, etc. The city clerk, in addition to the duties hereinbefore provided, shall attend all meetings of the city council, and keep a true, full, and complete record of all the proceedings of such meetings. The city clerk shall have the custody of the city seal, the public records, the original rolls of ordinances of the city council, and original contracts, deeds, and certificates, relative to the title of any property of the city, all official indemnity or security bonds, except his own bond, and such

other records, papers, and other documents of value as are not required to be deposited with any other officer; he shall attest all public instruments or official acts of the mayor by his signature and the seal of the city, and shall also certify under his hands and the seal of the city all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals such fees for the use of the city as may be provided by ordinance.

Section 25. Certified copies of papers and records as evidence. Copies of all papers filed in the office of the city clerk, and transcripts of the records of the city council, duly certified by him, under the seal of the city, shall be received as evidence in all the courts of the State. The city clerk shall perform such other duties not inconsistent with the duties imposed by this Act, as the city council may by ordinance, direct.

Section 26. Cancellation of paid bonds and coupons. When any of the bonds shall be paid off and redeemed, and after such redemption of payment shall have been reported to the City Council, it shall be the duty of the Clerk to certify the same, with the number and amounts thereof, to the Mayor whereupon the Mayor and City Clerk shall together examine said bonds so redeemed or paid, and, if found to be genuine and correct, shall take the numbers, dates, series, and amounts thereof, and then, having made an abstract thereof, shall mark on the face of each the word "cancelled" or "paid", and shall deposit the same with the city clerk and make certificate thereof to the city council, which shall be spread at length upon the journals thereof. The same officers shall, in the same manner, annually or semi-annually, as by ordinance may be required, examine, mark, deposit, and certify all coupons paid by the city. [As amended by Priv. Acts 2009, ch. 23, § 6]

Section 27. Verification of bills against city. The city clerk shall require all bills against the city to be rendered in items and verified by the oath of the claimant of some person in his behalf. [As amended by Priv. Acts 2009, ch. 23, § 7]

Section 28. All claims against city to be audited by auditing committee. There shall be an auditing committee composed of the city clerk and two members of the city council, and every claim against the city shall be audited by said committee before the same shall be ordered paid.

Section 29. Annual financial statements required of city treasurer and other officers. The city treasurer and all officers charged with the collection or custody of money, shall on the thirtieth of June each year and at such other times as the city council may direct, make to the city council and clerk a full and detailed statement, under oath, of all their accounts, which shall show all money

received from whatever source and from whom and what for; and all moneys paid, to whom and when, and for what purpose. The city clerk shall at the first meeting of the city council in the month of July each year, make a like statement of all receipts and expenditures, a summary of which statement shall be published when so ordered by the city council, in the newspaper at that time doing the city printing, and if there be no newspaper designated for that purpose, then in such paper published within the city as the mayor may direct. The statement made by the city clerk shall exhibit in full the resources and liabilities of the city, together with the amount of revenue collected from all sources during the preceding twelve months, the amount expended by the city on all accounts during the same period, and such further particulars as shall be prescribed by ordinance; and for any refusal, neglect or failure to make the report or publish a summary thereof at the time and in the manner herein prescribed, such officer so failing or refusing, and the sureties on the official bond, shall forfeit and pay to the City of Harriman a sum not exceeding five hundred dollars and the mayor shall cause to be instituted and prosecute to final judgement, an action in the name of the city, against such delinquent officer or officers, and his or their sureties for the same, but such recovery shall not be construed as a bar against other recoveries on such official bond for any other default, neglect, or delinquency of such officer.

Section 30. City clerk's salary. The city clerk shall receive such salary as may be provided by ordinance.

Section 31. Deleted. [As deleted by Priv. Acts 2003, ch. 14, § 3]

Section 32. Deleted. [As deleted by Priv. Acts 2003, ch. 14, § 4]

Section 33. City attorney's duties. It shall be the duty of the city attorney to attend to all cases in any court in this State wherein the city may be a party, plaintiff, or defendant, or a party in interest, to advise the city council or any committee thereof in writing, when required, as to all legal questions that may arise before them; to advise the mayor and through him all other officers, in relation to their duties and from time to time to make such reports in relation to the suits in which the city is interested, as may be required by the mayor or the city council, and perform such other duties not inconsistent with the duties imposed by this Act, as the city council may, by ordinance direct.

Section 34. City attorney's compensation. The city attorney shall receive such salary or fees, or both as may be provided by ordinance.

ARTICLE IV

ELECTIONS AND APPOINTMENTS

SECTION

1. Elections and terms of office for the mayor, city treasurer, city judge, city attorney, and aldermen.
2. Aldermen may be elected by wards.
3. How elections are held.
4. Qualifications for voting.
5. State election laws applicable generally.
6. City council to break tie votes.
7. Election contests.
8. Vacancies in the city council.
9. Residence requirements for officers.

Section 1. Elections and terms of office for the mayor, city treasurer, city judge, city attorney, and aldermen. On the first Tuesday after the first Monday in June of every odd-numbered year a city election shall be held at which the qualified voters of the City of Harriman shall elect successors to those elected city officers whose terms are due to expire. The officers so elected shall hold their offices from the first day of July next following their election and until their respective successors have been elected and qualified. [As amended by Priv. Acts 1983, ch. 112, § 3)

Section 2. Aldermen may be elected by wards. The city council may at any time after the first election provide for the election of aldermen by wards and for that purpose may divide the city into wards, subject to the limitation contained in Article I, Section 5.

Section 3. How elections are held. The elections herein provided for to be held within the City of Harriman and all other elections which may be ordered in said city either by statute or by the city council in pursuance of any statute, shall be called and held by the regularly appointed and qualified election commissioners for Roane County, or such other officers as the law shall from time to time prescribe for the holding of elections in Roane County, who shall conduct said elections as shall be prescribed by law for the holding of elections for state officers as far as the same is applicable, and the judges of said election shall canvass the vote immediately after said elections and file the returns with the election commissions as required by law in regular State elections. The election commissioners for Roane County or other officers prescribed by law for holding said elections, shall meet on the first Monday succeeding any election of city officers held under pursuance of this Act and

canvass said returns and declare the result thereof and shall cause a certificate of election signed by their chairman, secretary or by such other proper officer as the law may direct, to be issued to the persons having been elected.

Section 4. Qualifications for voting. All persons who are qualified voters under the general municipal corporation laws of the State, shall be qualified to vote under this Act.

Section 5. State election laws applicable generally. The election laws of the State in relation to election precincts in cities, registration, the punishment of election frauds, shall apply to the elections held under this Act, and all such elections shall be by ballot and be conducted as nearly as may be in conformity with the statutes regulating general elections applicable to cities having a population of over nine thousand inhabitants, and the city council shall prescribe by ordinance all regulations necessary to carry into effect the provisions of this section.

¹Provided, however, that in order to vote in all city elections in the City of Harriman it shall not be necessary that the voter shall have paid a poll tax. [As amended by Priv. Acts 1943, ch. 148]

Section 6. City council to break tie votes. If the election of any officer shall fail in consequence of an equal number of votes having been cast for two or more persons for the same office, the city council shall cast lots among the persons so voted for and in such manner as the city council may prescribe by resolution and the person who shall be successful according to the terms of such resolution in the casting of lots shall be declared elected.

Section 7. Election contests. If the election of any city officer shall be contested the contest shall be heard and determined by the city council under such rules as the said council shall have previously established for such hearing.

Section 8. Vacancies in the city council. If there shall occur a vacancy in the city council the mayor may, by and with the consent of a majority of the remaining members of the aldermen, fill such vacancy by appointment, and the person so appointed shall hold said office until the next general election.

¹Chapter 148, pr. acts of 1943, provided that the following paragraph should be added to ch. 49, art. IV, sec. 5 of the acts of 1891.

The compiler has simply used his judgement as to where to put it in ch. 165, pr. acts of 1917, which reenacted and revised the 1891 act together with its amendments.

Section 9. Residence requirements for officers. With the exception of the City Clerk and City Department Heads, every city officer, both elected and appointed, shall have been a resident within said city for twelve months previous to his election or appointment and shall reside within the city during his term of office. In case any such officer shall be found to have been ineligible at the time of his election or appointment or shall cease to reside in the city, his office shall thereupon and thereby become vacant. The City Clerk and City Department heads shall be residents of Roane County within six (6) months of appointment or election. [As amended by Priv. Acts 2009, ch. 23, §§ 8 and 9]

ARTICLE V

OFFICIAL OATHS, PENALTIES AND BONDS

SECTION

1. Oath for officers.
2. Officers not to have personal interests in city contracts.
3. Officers not to buy or deal in warrants, etc., drawn on the city.
4. Preceding sections applicable to clerks, etc.
5. Penalty for violating preceding sections.
6. Acceptance of bribes prohibited.
7. Illegal contracts, etc., to be null and void.
8. Council to provide punishments for certain violations.
9. Council may require bonds of personnel.

Section 1. Oath of officers. Every officer elected or appointed under the provisions of this Act shall, before entering upon the duties of his office, take, subscribe, and file in the office of the city clerk, and oath in the following form: "I, _____, do solemnly swear that I am a citizen of the United States and of the State of Tennessee; that I will support the Constitution of the United States and of the State of Tennessee, and will faithfully and honestly perform the duties of the office of _____ to the best of my ability; that I have not and while holding said office will not have any direct personal interest in any contract with the city or any department or institution thereof, that I am nor indebted to the State, the County of Roane, or the City of Harriman, on account of any lawful tax against me now due and unpaid, and that I do not owe the City of Harriman any past due and unpaid indebtedness; that I have not been convicted at any time of malfeasance in office, bribery, or other corrupt practices or crimes, and do not stand charged by the attorney-general of Roane County or indicted on account of alleged offense against the law. So help me, God."

And every such officer or person who shall take and subscribe such oath, shall be guilty of perjury in case the oath shall be false or shall be violated, and shall be liable to indictment for perjury by any grand jury of Roane County, and upon conviction thereof shall be punished as now provided by law in case of

perjury. If any person elected or appointed to office shall fail to qualify within the time herein provided, his election or appointment shall fail and the office be deemed vacant.

Section 2. Officers not to have personal interests in city contracts. It shall be unlawful for any member of the city council or other officer to have any direct personal interest in any contract with the City of Harriman, or any of its departments or institutions, and any such contract wherein any such officer of the City of Harriman shall have any interest as aforesaid, adverse to the interests of the said City of Harriman, shall, at the option of the mayor or of the city council, be void, and each officer and every contractor under any contract so declared void, shall severally forfeit to the city a sum not exceeding one thousand dollars to be recovered in a civil action.

Section 3. Officers not to buy or deal in warrants, etc., drawn on the city. It shall be unlawful for any member of the city council, or any other officer to purchase or deal in warrants drawn upon the city treasurer, or to purchase any bill, account, or claim against the city other than negotiable city bonds which shall have been issued previous to their election or appointment to office.

Section 4. Preceding sections applicable to clerk, etc. The provisions of the preceding sections shall be construed to apply to and include every clerk or other person whose employment in or about the city hall or the offices of such city officers, shall have been authorized by the city authorities.

Section 5. Penalty for violating preceding sections. Every city officer, clerk, or employee who shall violate the provisions of Section 2, 3, or 4 of this Article, shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200) for each such offense.

Section 6. Acceptance of bribes prohibited. Every alderman, or other officer, clerk, or employee of the city, who shall, before or after his election, appointment, or employment contract agree for or receive any money or other thing of value from any contractor with the city or from any person whatsoever as a consideration in whole or in part, for any official or public act already done or to be done by any alderman, officer, clerk, or employee of the city, or for his influence in any matter requiring the action of any alderman, officer, clerk, or employee, shall be deemed guilty of bribery and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars or imprisonment in the State penitentiary for a term not exceeding three years, or by both fine and imprisonment in the discretion of the court.

Section 7. Illegal contracts, etc., to be null and void. Any contract or agreement or any other act of the city council, or other officers, clerks, or employees of the City of Harriman, of every name or nature, done or caused to be done and punishable under the provisions of the preceding section, shall be taken and held to be null and void ab initio.

Section 8. Council to provide punishments for certain violations. The city council shall have power, and it is hereby made their duty to provide by ordinance for the punishment of every officer, clerk, or employee of the city for every violation of the provisions of this Act which is not especially provided for by law.

Section 9. Council may require bonds of personnel. Every officer and employee of the city except the mayor whose official bond is not prescribed by this Act may be required by the city council to give such official bonds, with such conditions, penalties, and sureties as said council may deem necessary, and from time to time declare by ordinance or resolution.

The bond of the city clerk shall be deposited with the city treasurer and kept by him.

ARTICLE VI

FINANCE AND TAXATION

SECTION

1. General power to levy property taxes.
- 1-A. General power to levy privilege tax on the occupancy of hotels and motels; to regulate collection of the tax, and provide for the application of the tax revenue.
2. City assessor's powers, duties, and compensation; lien for property taxes.
3. When taxes due and delinquent; penalty and interest; collection; distress warrants, etc.
4. In rem actions against realty.
5. Advertisement of property for sale for delinquent taxes.
6. Sufficiency of the advertisement.
7. Advertising fee.
8. Tax sales.
9. Certificates of sale; fees for preparing advertisements and certificates.
10. Deeds for property sold at tax sales.
11. Redemption of property sold at tax sales.
12. Authority of city to buy property at tax sales.
13. Board of equalization.
14. Mayor to report annually on revenue needs; council to pass annual appropriation ordinance; disposition of unexpended funds.

15. Authority of council to borrow money and issue bonds.
16. Expenditures not to exceed appropriations; contracts must be supported by appropriations to be binding.
17. Street grades.
18. Sidewalk grades.
19. Taking of private property for street purposes.
20. Use of payments in lien of taxes on the electric system.

Section 1. General power to levy property taxes. The city council shall have power and authority to levy taxes for city purposes upon all taxable property, real, personal, and mixed, within the limits of the city, not exceeding in the total levy, for all general purposes, in any year two (2) percent, of the total assessment of said property for city purposes for that year.

Section 1-A. General Power to levy privilege tax on the occupancy of hotels and motels, to regulate collection of the tax, and provide for the application of the tax revenue.¹

SECTION 1. As used in this Act unless the context otherwise requires:

(a) "person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit;

(b) "hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration;

(c) "occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel;

(d) "transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days;

(e) "consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever; provided, however, nothing in this

¹Private Acts 1983, ch. 7, did not specify which section of the charter that ch. 7 private acts, 1983, should be inserted. The compiler created section 1-A to accomplish this.

definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person; and

(f) "operator" means the person operating the hotel whether as owner, lessee or otherwise.

SECTION 2. The legislative body of the City of Harriman is authorized to levy and collect a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed two percent (2%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this Act.

SECTION 3. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the city.

When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator a refund or credit for the tax previously collected from a charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the City of Harriman.

SECTION 4. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the city to the treasurer, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the city entitled to such tax shall be that of the operator.

SECTION 5. The treasurer shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the treasurer by the operator with such number of copies thereof as the treasurer may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the treasurer and approved by the legislative body prior to use. The treasurer shall audit each operator in the city at least once per year and shall report on the audits made on a quarterly basis to the legislative body. The legislative body is hereby authorized to adopt ordinances to provide reasonable rules and regulations for the implementation of the provisions of this Act.

SECTION 6. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be

assumed or absorbed by the operator or that it will not be added to the rent, or that if added, and part will be refundable.

SECTION 7. Taxes collected by an operator which are not remitted to the treasurer on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50).

SECTION 8. It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this Act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of the payment to the city which records the treasurer shall have the right to inspect at all reasonable times.

SECTION 9. The treasurer in administrating and enforcing the provisions of this Act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, Title 67, or otherwise provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Title 67, Chapter 23, it being the intent of this Act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this Act. The treasurer shall also possess those powers and duties s provided in Tennessee Code Annotated, Section 67-2301, for the county clerks with respect to the adjustment and settlement with taxpayers all errors of taxes collected by him under authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the treasurer and the ordinance authorizing levy of the tax shall designate an officer against whom suit may be brought for recovery.

SECTION 10. The treasurer is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in such fund as the legislative body may specify by ordinance.

SECTION 11. The taxes collected hereunder shall be distributed by the legislative body, provided at least ten percent (10%) of the taxes collected shall be applied to promote tourism in the area.

SECTION 12. The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of the act shall continue to be in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 13. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Harriman, not more than ninety (90) days subsequent to its approval by the Governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and shall be certified by him to the Secretary of State.

SECTION 14. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this Act shall take effect upon being approved as provided in Section 13. [As amended by Priv. Acts 1983, ch. 7]

Section 2. City assessor's powers, duties, and compensation; lien for property taxes. That all the municipal taxes assessed on real estate in the City of Harriman, both before and after the passage of this Act, and all interests, penalties, and costs accruing thereon, are hereby declared to be a lien on said realty, from and after the 10th day of January of the year for which they are assessed, superior to all other liens, except of the State of Tennessee and the County of Roane, for taxes legally assessed thereon, with which it shall be a co-ordinate lien. [As amended by Priv. Acts 2009, ch. 23, § 10]

Section 3. When taxes due and delinquent; penalty and interest; collection; distress warrants, etc. That all the taxes due the City of Harriman, except privileges and merchants' ad valorem taxes, shall be due and payable on the first Monday in October of the year for which the taxes are assessed, and shall bear interest at six percent (6%) per annum from the last day of February following.

The treasurer shall be the custodian of the tax books, and tax collector of the city.

A penalty of five percent (5%), on all taxes remaining unpaid on and after the last day in February shall be added, and after the last day in February aforesaid, the tax books in the hands of the treasurer shall have the force and effect of a judgment of a court of record and the tax statements issued therefrom the force and effect of an execution, and the treasurer shall have the power to levy same upon and sell any property other than real estate belonging to the party against whom the tax is assessed.

He shall also have the power to issue distress warrants and alias and pluries distress warrants in the name of the City of Harriman, to enforce the collection of taxes.

Such distress warrants, when issued by the treasurer, shall be executed by the marshal of the city or any assistant marshal or police, or any lawful officer of the state, by a levy upon an sale of the goods and chattels under the same provisions as prescribed by law for the execution of such process from justice of the peace. [As amended by Priv. Acts 2003, ch. 14, §§ 5 and 6]

Section 4. In rem actions against realty. That the proceedings under the provisions of this Act against any realty in the City of Harriman for municipal taxes, interests, penalties, and costs 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 purchase at any sale made hereunder to proceed personally against the person or persons owning the same, but it shall be necessary, only that the advertisement of sale hereinafter provided for shall contain a sufficient description of the property to identify same; provided, that such a description would be sufficient to pass title by deed of conveyance under the existing laws of the State of Tennessee.

Section 5. Advertisement of property for sale for delinquent taxes. That as soon as practicable after the first Tuesday in June of the succeeding year after the taxes have been assessed, the treasurer shall prepare an accurate description of each tract, lot, or parcel of land upon which any municipal taxes, interests, or costs are unpaid, and he shall proceed to advertise the sale of said delinquent property in some newspaper published in the City of Harriman, once each week, for four consecutive weeks.

If no newspaper is published in the City of Harriman or if the newspaper shall decline to publish same for the legal fees, then such advertisement shall be made by not less than five notices posted in public places in the said City of Harriman.

Said advertisements shall be made in the alphabetical order in which the names of the said owners of said delinquent land appear on he tax books; but it shall not in any wise invalidate any advertisement or sale under same if such alphabetical order is departed from in the making of said advertisement.

Section 6. Sufficiency of the advertisement. That said sales shall be advertised as near the same time as practicable, but need not all be made at the same time in order to render the sale thereunder good and valid.

One general description or heading, stating the time, place, and terms of sale, shall be sufficient in all the delinquencies advertised in any one of the papers, or upon any one notice, posted under the provisions hereof.

Section 7. Advertising fee. That the newspaper publishing the said notice of sale shall be allowed not exceeding a fee of forty cents of the first

insertion, and twenty cents each for each additional insertion, and twenty cents each for each additional insertion, making one dollar for the entire four weeks, for each lot, tract, or parcel of land advertised; provided, that where there are two or more contiguous lots or parcels of land, assessed together as one assessment, they shall be advertised in the same manner, and but one fee allowed for such advertisement.

Such advertising fee shall be paid by the delinquent taxpayer if paid before the day of sale; if not so paid it shall be paid out of the proceeds of the sale of the particular lot or tract of land advertised under the conditions hereinafter provided.

Section 8. Tax sales. That at the place and between the hours of nine A.M. and four P.M. on the day named in said advertisement, the treasurer shall sell the advertised property at public auction for cash, to the highest and best bidder, and out of the proceeds of the sale shall be paid all municipal taxes, interest, penalties, fees, and costs accrued thereon, then due and delinquent on said land.

The treasurer shall before offering any tract, lot or parcel of land for sale announce the total amount of taxes, interest, penalties, fees, and costs due thereon, and shall offer to receive bids upon the smallest subdivision thereof, which will produce the amount of said taxes, interest, penalties, fees, and costs, and sell the smallest subdivision of the land which will produce a sufficient amount as aforesaid.

But if no bid for a sufficient amount, as aforesaid, is received for the subdivision of said land, then the treasurer shall sell the whole tract, lot, or parcel, but no bid shall be accepted for a less sum than the total of the taxes, interests, penalties, fees, and costs accrued thereon.

Said sale may continue from day to day, if necessary, or deemed expedient by the treasurer.

Should such property sell for more than the amount of the taxes, interest, costs, etc., such excess shall be paid to the owner.

Section 9. Certificates of sale; fees for preparing advertisements and certificates. that after said sale has been made by the treasurer, he shall execute and deliver to the purchaser of each tract, lot, or parcel of land, a certificate, reciting that said purchaser was the highest and best bidder, giving the description of the land, date of sale, and the amount of taxes, interest, penalties, and costs respectively, for which the land was sold, the total amount thereof, and the amount paid by the purchaser.

A fee of fifty cents shall be taxed against each tract or parcel of land advertised for sale for the preparation of said advertisement and a fee of fifty cents for making sale and executing certificate shall be taxed as a part of the costs against each tract or parcel of land sold, said fees to be turned into the treasury in the same manner as taxes.

Section 10. Deeds for property sold at tax sales. That after two years from the date of such sales unless the property shall have been redeemed, as hereinafter provided, the treasurer shall, upon demand, execute to said purchaser, or his assigns, or legal representatives, a deed for the lands bought by said purchaser or purchasers; provided, that said purchaser shall pay the necessary fees made and provided for the execution of deeds by the law of the state, said fees to be turned into the treasury in the same manner as taxes.

Section 11. Redemption of property sold at tax sale. That at any time within two years from the date of sale of any property, as hereinbefore provided, the owner or owners of such property, or a judgment creditor of said owner or owners, or his, her, or their assigns, shall have the right to redeem the same by the payment to the treasurer of the total amount of taxes, interest, penalties, fees, and costs, and such excess over and above this sum for which said property was sold, with interest at six percent (6%), per annum from date of sale, which amount shall be by the treasurer paid over to the purchaser of the property, or such amount of same as will refund to the purchaser the amount paid by him, with interest, provided, however, that said party or judgment creditor, as the case may be, desiring to redeem his property sold, shall pay all taxes assessed against same from the date of the first sale up to the time he desires to redeem same.

Section 12. Authority of city to buy property at tax sales. That in all cases where no bid is received at the sales, hereinbefore provided for sufficient to discharge all municipal taxes, interest penalties, fees, and costs upon said property, the treasurer shall bid the amount of said taxes, interest, penalties, fees, and costs upon said property for the City of Harriman, striking the same off to the mayor, to be held by him and his successors in office, in trust for the use of the city and he (the mayor) is hereby authorized to subsequently sell said property, by and with the consent of a majority of the aldermen-elect, at private sale, at the amount of such bid, or more, subject to redemption as in other cases, but the time of redemption to run from said public sale aforesaid.

But the City of Harriman shall not be required to pay any advertising fees unless the title shall be vested in the mayor for the use and benefit of the city after the expiration of said two years, as herein before provided.

And after the expiration of said time for the redemption of said property, and same, has not been redeemed, the mayor, by, and with the consent of a majority of the aldermen, is authorized to sell said property in bar of the equity of redemption, at either public or private sale, making deed to the purchaser.

Section 13. Board of equalization. The city council shall constitute a board of equalization for the City of Harriman to equalize tax assessments, and shall have the powers and perform all the duties of the county board of equalization so far as same may apply to city taxes, provided, that notice shall

be given in some newspaper published in the City of Harriman, for at least one week previous thereto, of the time when said council will sit as a board of equalization.

Section 14. Mayor to report annually on revenue needs; council to pass annual appropriation ordinance; disposition of unexpended funds. During the last quarter of the calendar year, the mayor shall present to the city council a detailed statement of the money necessary to defray the expenses of the city government for the next year, and for this purpose shall require from the officers at the head of the different departments of the city government, and the chairman of the city council committee, detailed statements of the probable expenses to be incurred in their departments.

As soon thereafter as possible the city council shall pass an annual appropriation ordinance for the next calendar year, providing for the appropriation of certain definite sums of money to defray the expenses incident to each department of the city government, based upon the estimate of the mayor but not necessarily governed by it.

The total amount appropriated by such appropriation ordinance shall in no case exceed the probable amount of money that will be received during the year by taxation or other sources of revenue.

At the end of the year for which such appropriation shall have been made, the balance remaining unexpended to the credit of the different funds, shall be converted into the general fund and become subject to appropriation for general city purposes.

Section 15. Authority of council to borrow money and issue bonds. The city council is hereby authorized to contract indebtedness on behalf of the city and upon the credit thereof by borrowing money and issuing bonds of the City of Harriman at a rate of interest not exceeding six percent (6%) per annum for the purpose of erecting public buildings for city and public school use, for the purpose of constructing and maintaining public sewers for the city; for the purpose of grading and paving public streets and alleys and constructing and reconstructing sidewalks, curbing, and guttering and for other improvements; for the purpose of building and constructing viaducts for the city or aiding in the construction thereof; for the purpose of constructing bridges and their approaches; for the construction, erection, or purchase of water works and lighting plants and the necessary machinery, pipes, and conduits and appurtenances for their operation; for the purpose of paying any and all floating indebtedness of the city, or for any other specific purpose for the improvement of the streets of the city or lighting the same.

Provided always, that no loan shall be made and no bonds shall be issued for any purpose except by ordinance, which shall be irrevocable until the indebtedness therein provided for and bonds issued in pursuance thereof shall have been fully paid, and such ordinance shall specify the purpose for which the

sums to be raised shall be applied, and shall also provide for a levy upon the taxable property in the city sufficient to pay the annual interest thereon and extinguish the principal of such debts and bonds within the time limited for same, which shall not be less than five years nor more than forty years, and provided, further, that such taxes when collected shall only be applied to that purpose in said ordinance specified until the indebtedness and bonds have been paid and discharged, but no such debt shall be created or bonds issued unless the question of incurring the same and the issuing the bonds therefor, shall be submitted to a vote of the qualified electors of the city, and a majority of such voters voting upon the question by ballot shall vote in favor of creating such indebtedness and issuing such bonds, but when the proposed bond issue is for the purpose of paying the city's floating indebtedness the question whether or not the people originally voted to create said indebtedness shall not affect the validity of the bonds so issued.

Provided, further, that the amount of the issue and maturity of said bonds hereunder may be determined by ordinance of the City of Harriman within the above limitations.

Section 16. Expenditures not to exceed appropriations; contracts must be supported by appropriations to be binding. The city council shall not order the payment of any money for any purpose whatever in excess of the amount appropriated for the current year, and, at the time of said order, remaining unexpended in the appropriation of the particular class or department to which such expenditures belong.

Neither the city council nor any officer of the city shall have the authority to make any contract or do anything binding the city or imposing upon the city any liability to pay money, until a definite amount of money shall have been appropriated by the annual appropriation ordinance herein before provided for, for the liquidation of all the pecuniary liability under said contract or in consequence thereof, and the amount of said appropriation shall be the maximum limit of the liability of the city under such contract or in consequence thereof; said contract to be ab initio null and void as to the city for any other or further liability; provided that nothing herein contained shall prevent the city council from paying any expense, the necessity of which is caused by any casualty, accident, or unforeseen contingency happening after the passage of the annual appropriation ordinance; and provided, further, that the provisions of this section shall not apply to or limit the authority of the city council to contract for a longer period than one year for water, gas, or electric lights; provided, however, that no contract be entered into for a longer period than thirty years.

Section 17. Street grades. The city council shall have the power to establish the grade of the streets, roads, and alleys of the City of Harriman, and when the grade of any street shall have been established, it shall not thereafter be changed, unless, the owners of two-thirds of the frontage in feet, of lots

fronting and abutting upon the grade proposed to be changed, shall petition the city council for such change.

Section 18. Sidewalk grades. the city council may by ordinance order the construction or reconstruction of any sidewalk or sidewalks upon the official grade in the City of Harriman.

Section 19. Taking of private property for street purposes. Whenever the city council shall, by ordinance, establish, open, widen, or alter any street, lane, alley, or public square, and it becomes necessary for the purpose to take private property, and no agreement can be made with the owner thereof, the City of Harriman shall make a just compensation therefor to the person whose property is so taken; the amount thereof shall be ascertained in the manner prescribed by the general law. No action shall be taken to acquire title for the purpose contemplated in this section, unless ordered by a two-thirds vote of all the members elect of the city council.

Section 20.¹ Use of payments in lieu of taxes on the electric system.

(1) In the interpretation of this Act (section), the following definitions of terms shall apply:

(a) Electric System. The Electric System of the City of Harriman, Tennessee, including all tangible and intangible property and resources of every kind and description used or held for use in the purchase, transmission, distribution and sale, but not the generation, of electric energy.

(b) Tax Equivalent. The amount transferred to the general fund of, or otherwise provided, the City of Harriman from the revenues of its Electric System as payments in lieu of taxes or other charges on the Electric System and electric operations.

(2) Any and all tax equivalents paid by the Electric System shall be placed in the general fund of the City of Harriman and expended for such municipal purposes as may be determined by the governing body of the City. [Priv. Acts 1969, ch. 178]

¹This section is unofficial. Chapter 178, private acts of 1969, did not provide where its provisions should be added to the charter. Therefore, they have been arbitrarily added at this point by the compiler.

ARTICLE VII

CITY COURT OF HARRIMAN

SECTION

1. City court established.
2. Qualifications of city judge.
3. Jurisdiction of city court.
4. Practice and procedure before the court.
5. City court to also be a juvenile court.
6. Probation officer for juvenile court.
7. Clerk of juvenile court.
8. Power of city judge to grant extraordinary process.
9. Absence or inability of city judge.

Section. 1. City court established. There is hereby created and established within and for the City of Harriman a city court, to be presided over by a city judge, who shall be elected in the manner and at the times provided for in this Act.

Section 2. Qualifications of city judge. The qualifications of the city judge to preside over the city court, created in the preceding section of this Act shall be that he or she must be a person licensed to practice law in the state of Tennessee, a citizen of the United States, and of the state of Tennessee, and must have resided in the city of Harriman for at least twelve (12) months next preceding the time of his or her election. [As amended by Priv. Acts 1987, ch. 59]

Section 3. Jurisdiction of city court. City court of Harriman shall have full power and authority to try all offenses for violation of the ordinances and by-laws of the city, and shall have concurrent jurisdiction with the General Sessions Court of Roane County in all criminal cases under the laws of the State of Tennessee where the offense is committed in the City of Harriman and shall be entitled to the same fees as are now allowed to the General Sessions Court of Roane County for like services in criminal cases arising under the laws of the State of Tennessee, and the judge of such court shall be paid such salary as the city council may, by ordinance, provide for the services rendered by him, as city judge, for the city. [As amended by Priv. Acts 1976, ch. 250]

Section 4. Practice and procedure before the court. The practice and proceedings before said city court in civil and criminal cases arising under the laws of the state shall be those prescribed by law for justices of the peace, and all actions and proceedings arising under the ordinances of the city, the said court may make and establish such rules of practice and procedure as it may see

fit, not inconsistent with the constitution or laws of the state or ordinances of the city.

Section 5. City court to also be a juvenile court. That the city court of Harriman shall be a juvenile court for and within the City of Harriman, and said court shall have within and for said City of Harriman all powers, jurisdiction, and authority that the county courts have under the juvenile court laws, being Chapter 58, Public Acts of 1911, approved July 3rd, 1911, or as may by law hereafter be conferred upon county courts, county judges, or the county judge of Roane County.

Section 6. Probation officer for juvenile court. That the chief of police or city marshal of the City of Harriman is hereby declared to be probation officer of the City of Harriman with all the power and authority that the county probation officers have under the juvenile court law, being Chapter 58, Public Acts of 1911, approved July 3rd, 1911, or, as may hereafter be by law conferred upon county probation officers or the county probation officer of Roane County.

Section 7. Clerk of juvenile court. That the city clerk of the City of Harriman shall be clerk of the juvenile court of said City of Harriman, as provided under Sections 5 and 6 of Article VII of this Act, and shall keep a docket known as the juvenile docket, on which he shall docket all cases and shall keep the records of the juvenile court of the City of Harriman in the same manner as provided for the records to be kept by county court clerks by Chapter 58 of the Public Acts of 1911, approved July 3rd, 1911, or as may be hereafter provided by law for said records to be kept by county court clerks or by the county court clerk of Roane County, and shall do and perform all duties required by law of the county court clerks when acting as clerk of a juvenile court.

Section 8. Power of city judge to grant extraordinary process. That the city judge of the city court of the City of Harriman, shall have full power and authority to grant writs or injunction, attachment, habeas corpus, and other extraordinary process, and appoint receivers in the same manner that this power is exercised by chancellors and circuit judges.

Section 9. Absence inability of city judge. In the event the city judge shall either from absence or inability to act, be disqualified from sitting in any particular case, the mayor is hereby authorized to appoint a temporary judge for a definite term or for a particular case, who shall possess the same qualifications required for the regular judge and such person shall have all the powers of the city judge for the time and the purposes appointed. Which appointment must be made by the mayor in writing in duplicate, one copy to be filed with the city clerk and the other to be delivered to the judge so appointed. Before entering upon his duties as such special judge, he shall take and

subscribe to the same oath before the city clerk, as required of the regular city judge.

ARTICLE VIII

POLICE DEPARTMENT

SECTION

1. Composition of police department and board of police; term of chief of police.
2. Board of police chairman and clerk.
3. Powers and duties of the board of police.
4. Marshal's appointment, duties, term, removal, etc.; appointment and discharge of policemen; special policemen.
5. Number and compensation of policemen.
6. Impersonation of policemen.
7. Powers and duties of policemen; disposition of persons arrested.
8. Service of process by policemen.

Section 1. Composition of police department and board of police; term of chief of police. There shall be a police department in the City of Harriman composed of a marshal, who shall be ex-officio chief of police, and who shall be appointed by the mayor with the consent of a majority of the board of aldermen, and such policemen as shall be appointed by the mayor and board of police, which board shall consist of the mayor and two aldermen, the aldermen to be appointed by the mayor. [As amended by Priv. Acts 2009, ch. 23, § 11]

Section 2. Board of police chairman and clerk. The mayor shall be chairman of the board of police, and shall have power to call said board together for the transaction of the business of the said department whenever necessary. The city clerk shall attend all meetings of said board and keep a complete record of their proceedings.

Section 3. Powers and duties of the board of police. The board of police may divide the city into police districts, and from time to time make necessary changes therein; shall make rules and regulations for the government of the police force, and prescribe and inflict penalties for the violation thereof; shall investigate charges which may be made against any member of the police force and decide upon the truth or falsity thereof and declare the punishment in the case the charge shall be established. The board of police shall have power to suspend any policeman from the force for a period not exceeding thirty days, and no suspended policeman shall be entitled to receive pay during the period of his suspension; and in case a reduction of the force shall at any time be ordered by

the city council, the board of police shall designate which policeman shall be discharged.

Section 4. Marshal's appointment, duties, term, removal, etc.; appointment and discharge of policeman; special policemen. The mayor shall as soon as practicable after his election, call a session of the city council and shall at said session nominate and with due consent and approval of a majority of the aldermen-elect, appoint a marshal, who shall be ex-officio chief of police.

The marshal may be removed like any other officer as herein provided, and the mayor may also remove from office the marshal for cause, with the concurrence of a majority of the board of aldermen. The mayor, by virtue of his office is the head of the police; the policemen shall be appointed by the police board without confirmation, and they shall make all discharges of the policemen, and in any case of appointment or discharge they shall immediately notify the marshal and city clerk in writing, and the marshal shall forthwith notify such policeman of his appointment or discharge. In case of an emergency, when the mayor may deem it necessary to the peace, good order, and health of the city, he may appoint special policemen for a specified time. [As amended by Priv. Acts 2009, ch. 23, § 12]

Section 5. Number and compensation of policemen. The number of policemen, the salary to which they shall be entitled, and the salary of the marshal or chief of police, shall be regulated by ordinance, and neither the marshal, or any of the policemen shall be entitled to any other compensation for services rendered the city during their employment on the police force; provided, however, that the city council by ordinance, may direct in lieu of salary to such marshal or policeman, the fees allowed sheriffs and constables by the state law for the service and execution of process; provided, further, that in case salary is given, said fees shall be collected and turned into the city treasury.

Section 6. Impersonation of policeman. Any policeman who shall have been discharged, and any suspended policeman, or any person not a duly appointed policeman, who shall falsely assume to act in the character or capacity of a policeman, or shall falsely hold himself out and represent himself to be such policeman of the City of Harriman shall be deemed guilty of a misdemeanor and on conviction thereof by a court of competent jurisdiction, shall be fined in a sum not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both, such fine and imprisonment in the discretion of the court.

Section 7. Powers and duties of policemen; disposition of persons arrested. The duties of the marshal or chief of police and each member of the police force which shall be under the direction of the mayor, and in conformity with the ordinances of the city, are to suppress all riots, disturbances and

breaches of the peace, to apprehend any and all persons in the act of committing any offense against the laws of the state or ordinances of the city, and forthwith bring such persons before the city court, or other competent authority, for examination, and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the city council shall enact, and may upon view arrest any person or persons who may be guilty of a breach of the ordinances of the city or crime against the laws of the state, and are hereby empowered to serve all process issued by or out of the city court, or by any justice of the peace in all matters within the limits of the city. It shall be the duty of every police officer making arrest, with or without process, of any offender against the laws of the state, to bring the offender before the city court, if such be in session, if not, to confine said offender in the city jail until such time as he can be brought before such court, and then deliver him up for trial or examination; provided, that in case of any such arrest, if said city court shall not have jurisdiction to hear, try, and determine the matter with which the parties arrested may be charged such officer or officers shall surrender such person or persons to the sheriff, deputy sheriff, or constable as soon as an information or complaint shall be made in any court of competent jurisdiction.

Section 8. Service of process by policemen. The marshal and all policemen are hereby authorized either within or outside of the City of Harriman, to serve any and all process which may be issued by any court in any proceeding instituted for the enforcement of any city ordinance or punishment for violation thereof, or for the collection of any fine or forfeiture which may be incurred under the provisions of this Act or the city ordinance.

ARTICLE IX

FIRE DEPARTMENT¹

SECTION

1. Board of fire commissioners; creation; composition; etc.
2. Board's chairman and clerk; meetings; power to fill vacancies in fire department.
3. Fire department; composition; compensation; removal or reduction of officers.
4. Investigation of fires.
5. Chief's powers and duties.
6. Chief to make reports to mayor and city treasurer.
7. Rules and regulations for the department.
8. Charges against members of the department.

Section 1. Board of fire commissioners; creation; composition; etc. Be it further enacted, That there is hereby created the board of fire commissioners for the City of Harriman, Tennessee. The board shall consist of three (3) members of which one (1) shall be the mayor who shall serve as chairman, and two (2) shall be appointed by the mayor and be approved by the city council. The appointed members shall serve until July 1, 1973, at which time their successors shall be appointed for two (2) year terms. Each member shall be a citizen and resident of the City of Harriman and otherwise qualified to hold office. Any vacancy shall be filled by the mayor subject to the approval of the city council. The appointed members shall receive such compensation as fixed or determined by the city council. Any appointed member may be removed by the city council for cause provided that such member is afforded a public hearing and written notice is given to him at least five (5) days prior to such hearing. [Priv. Acts 1931, ch. 546, § 2, as amended by Priv. Acts 1972, ch. 350]

Section 2. Board's chairman and clerk; meetings; power to fill vacancies in fire department. Said board of fire department commissioners shall choose from among its members a chairman. The city clerk shall act as clerk of said

¹Chapter 546, sec. 1, pr. acts of 1931, provided that ch. 165, pr. acts of 1917, "is amended by striking out and repealing all of Article IX of said Act and by substituting therefor the provisions hereinafter set forth and creating a Board of Fire Department Commissioners for the City of Harriman, Tennessee, providing for the appointment and qualifications of members of said Board and defining the rights, powers, and duties of said Board."

Therefore, sections 2-9, ch. 546, pr. acts of 1931, have been renumbered as sections 1-8 and substituted for the former sections 1-4 in this article.

board without additional compensation. Meetings of said board shall be held in the city hall in such room as may be provided there for them and the city clerk shall keep a record of all meetings, which record shall be full and accurate, and the minute book or other books of the board shall be kept in his office as public records. Said board of fire department commissioners shall act without partisan distinction or control. Upon a vacancy or vacancies occurring in the fire department the board of fire department commissioners of the City of Harriman shall hold an examination for the purpose of determining the qualifications of all applicants for positions in the fire department and from the number of applicants who pass a satisfactory examination the said board shall appoint a sufficient number of persons to fill said vacancies in the fire department; provided, however, that if a vacancy should occur in the fire department of the City of Harriman and some applicant for a position in said fire department should have previously passed a satisfactory examination such person may be appointed without further examination. The examination to be made by said fire department shall cover the physical, mental, and moral qualifications of the applicants, and a record shall be kept of all applicants who pass a satisfactory examination and become eligible to appointment in the fire department of the City of Harriman. Upon the appointment by said board of any person or persons to fill vacancies in the fire department the said board shall certify said appointment to the city council and said certificate shall be entered upon the minutes of the city council of the City of Harriman at the first meeting after such certificate is received and filed. [Priv. Acts 1931, ch. 546, § 3]

Section 3. Fire department; composition; compensation; removal or reduction of officers. The fire department of the City of Harriman shall consist of a chief of the fire department and such assistants and firemen as are now provided by ordinance or may from time to time be provided by ordinance, and their compensation shall be fixed by the city council. [Priv. Acts 1931, ch. 546, § 4, as amended by Priv. Acts 2009, ch. 23, § 13]

Section 4. Investigation of fires. It shall be the duty of said chief of the fire department and his assistants to inquire into and investigate the cause of all fires which may occur in said city, and to keep a record of their proceedings and the evidence in each case. They shall have power to compel the attendance of any person in said city to testify upon oath concerning any fire in said city, under such penalty as the council may provide, and they or either of them are authorized to administer oaths to all such witnesses. They are required to use their utmost exertions for the discovery, arrest, and conviction of all incendiaries, and to perform such other duties as may be prescribed by ordinance. [Priv. Acts 1931, ch. 546, § 5]

Section 5. Chief's powers and duties. The duties of the Fire Chief and each member of the Fire Department shall be under the direction of the Mayor

subject to such rules and regulations of the Board of Fire Department Commissioners, and the Fire Chief shall have the control, custody, care, and management of the engine houses, hook, and ladder houses, engines, hose carts, trucks, ladders, telegraph and telephone lines, fire alarms and all other public property and equipments belonging to the fire department. He shall maintain prompt order and discipline among the subordinate officers and employees of the Fire Department. [Priv. Acts 1931, ch. 546, § 6, as replaced by Priv. Acts 2009, ch. 23, § 14]

Section 6. Chief to make reports to mayor and city treasurer. The chief of the fire department of the city shall make an annual report to the mayor in June of each year, and at such other times as required by ordinance or by the mayor, as to the state of efficiency of the apparatus, and also give as nearly as possible the number of fire alarms, extent of property destroyed, the origin of fires, together with such other information and recommendations concerning his department as he may deem to the public interest. He shall at the same time report to the city treasurer the public property in his custody, and in case any shall have been lost or destroyed after his receipt thereof, or since his preceding report, an account of such loss or destruction. [Priv. Acts 1931, ch. 546, § 7]

Section 7. Rules and regulations for the department. The said board of fire department commissioners shall make such rules and regulations for the conduct and operation of the fire department of the City of Harriman as said board may deem proper and shall furnish each member of the fire department of said city with a copy of such rules and regulations. [Priv. Acts 1931, ch. 546, § 8]

Section 8. Charges against members of the department. Upon charges preferred by the chief of the fire department, or by five or more citizens and taxpayers of the City of Harriman, charging said member or members with insubordination, with failure to discharge or neglect of duty, with violation of the rules of said department, or with drunkenness or disorderly conduct, which charges shall be in writing, said board of fire department commissioners shall try the member or members against whom such charges have been preferred and if found guilty said member or members shall be removed and discharged from said fire department; provided, however, that upon said charges being preferred the chief of fire department may suspend the member or members so charged for a period of not more than ten days and trial upon the charges preferred shall be had within the period of such suspension, and no trial shall be had within less than five days from the date such member or members have been furnished with a copy of the charges preferred. [Priv. Acts 1931, ch. 546, § 9]

ARTICLE X

DELETED

[As deleted by Priv. Acts 2003, ch. 14, § 7]

ARTICLE XI

SCHOOLS

SECTION

1. School district; board of school directors.
2. Taxes to provide funds for teachers' wages and payment of current expenses.
3. Raising funds for building or improving schools, etc.
4. General school laws to be applicable.

Section 1. School district; board of school directors. The City of Harriman is hereby created a separate school district. The common schools in said city shall be managed and controlled by a board of school directors composed of six persons, who shall possess the same qualifications as required under the school laws of the State of Tennessee for members of the county board of education, and whose term of office shall be six years, two of whom shall be elected at the regular election herein provided for in June, 1917, and two every two years thereafter, thus making one-third of said board elected every two years. In case a vacancy shall occur in said board from removal or other cause, the remaining member of said board shall appoint a properly qualified person to fill the said vacancy until the next election, at which time a member shall be elected to fill out the unexpired term. The said board of school directors shall at their first meeting organize as a board and shall appoint one of their number chairman of said board, who shall hold the office of chairman of said board for one year and until his successor is appointed. The said board shall at their said first meeting appoint one of their number to be clerk of said board, who shall hold his office for one year and until his successor is appointed. He shall keep a record of all the proceedings of said board. All papers and proceedings emanating from said board shall be signed by the chairman and clerk thereof, and they shall sign all orders drawn upon the treasurer. All process against said school district shall be served upon the chairman of said board, and the city treasurer shall be treasurer of said board, and shall have power to receive from the state and county officers all school moneys to which the district may from time to time become entitled. The said board shall have all the powers and perform all the duties now or hereafter required by the laws of the state, of members of the county board of education. The said board by the name and style of "The Board of Directors of the City of Harriman School District" shall

be a body corporate with power to sue and be sued, contract and be contracted with, and to take and hold real and personal property for school purposes, and sell and convey the same when for the best advantage of the schools of the city.

Section 2. Taxes to provide funds for teachers' wages and payment of current expenses. Whenever the public school funds, payable to "The City of Harriman School District," shall be insufficient to provide funds applicable to the payment of teachers' wages and the current expenses for maintaining the public schools in said city, the board for school directors may certify that fact to the city council, together with an estimate of what amount will be necessary to meet the deficiency therein for the ensuing year if said sum will not require a tax exceeding the rate levied by the state for state purposes for the same year, then the city council shall levy and collect the amount of such estimate in the same manner as is provided for the levy and collection of other taxes for city purposes.

Section 3. Raising funds for building or improving schools, etc. Whenever the board for school directors of the City of Harriman shall desire to raise money for the building of schoolhouses, or improving or repairing the same, they shall report to the city council the amount of money required and the purpose for which it is wanted, and the city council shall then, by ordinance, provide for submitting the question of whether or not such sums shall be raised, to the qualified voters for the city, and if a majority of the qualified voters of the city voting at such election shall vote to raise such sum, then it shall be raised. The council will also submit to the qualified voters in the same election the question of whether, if said sum is to be raised, it shall be raised by a tax levy or by the issuance of bonds, and shall cause to be printed on the ballots appropriate wording for the submitting of both of these questions to the voters. If in said election it is voted to raise said sum by a majority vote as above provided, and a majority of those voting shall vote to raise it by taxation; then said sum shall be raised by taxation by a proper levy; but if on said second proposition the majority of those voting shall vote to raise said sum by the issuance of bonds, then the bonds shall be issued as provided under Section 15 of Article 6 of this Act. [As amended by Priv. Acts 1919, ch. 389]

Section 4. General school laws to be applicable. The general laws of the state in regard to common schools shall apply to the City of Harriman, so far as the same are not modified herein, and the said district shall be entitled to all sums of money from the public school funds that it would be entitled to receive if the district was organized under the general laws of the state.

ARTICLE XII

DELETED

[As deleted by Priv. Acts 2003, ch. 14, § 8]

ARTICLE XIII

DELETED

[As deleted by Priv. Acts 2003, ch. 14, § 9]

ARTICLE XIV

DELETED

[As deleted by Priv. Acts 2003, ch. 14, § 10]

ARTICLE XV

MISCELLANEOUS PROVISIONS

SECTION

1. Deleted.
2. Deleted.
3. Deleted.
4. Charter as evidence.
5. Borrowing in anticipation of revenue.
6. Officers, ordinances, etc., under prior acts.
7. Severability clause.
8. Conflicting laws repealed.
9. Date of effect.

Section 1. Deleted. [As deleted by Priv. Acts 2003, ch. 14, § 11]

Section 2. Deleted. [As deleted by Priv. Acts 2003, ch. 14, § 11]

Section 3. Deleted. [As deleted by Priv. Acts 2003, ch. 14, § 11]

Section 4. Charter as evidence. This Act is hereby declared to be a public Act, and may be read in evidence in all the courts of law and equity within this state without proof.

Section 5. Borrowing in anticipation of revenue. That the board of mayor and aldermen shall have power to anticipate the annual revenue by borrowing money to meet the payments of interest and sinking fund on the bonded debt of the city and other current expenses; provided, the amount borrowed shall not exceed forty percent of the tax levy for the year in which said money is borrowed; provided the members of the board of mayor and aldermen shall be individually liable for any sum borrowed in excess of that amount.

Section 6. Officers, ordinances, etc., under prior acts. That all persons holding office in the City of Harriman under and by virtue of an Act passed March 2, 1891, being Chapter 49 of the Acts of 1891 and entitled "An Act to incorporate the City of Harriman, Roane County, Tennessee, and to establish a school district therein and support the same by taxation and to provide for an election of officers for said city and school district and to provide when the Act shall go into effect, and for other purposes," and under any amendment thereto shall continue to hold office under their present election or appointment until the term of said office shall expire, as fixed by the original Acts as amended by this Act, and all ordinances and by-laws of the City of Harriman existing immediately before the passage of this Act, not inconsistent herewith, shall be and remain in full force and virtue, and all legal and subsisting obligations, liabilities, actions, claims, contracts, and prosecutions arising under said Act shall remain and continue as if this Act had not been passed.

Section 7. Severability clause. That should the courts declare any section of this Act unconstitutional, or unauthorized by law, or in conflict with any other section or provisions of this Act, then such decision shall effect only the section or provisions so declared to be unconstitutional or unauthorized and shall not affect any other section or provisions or part of this Act.

Section 8. Conflicting laws repealed. That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Section 9. Date of effect. That this Act shall take effect and be enforced from and after its passage, the public welfare requiring it.

PASSED: March 7, 1917

W. R. Crabtree,
Speaker of the Senate.

Clyde Shropshire,
Speaker of the House of Representatives.

APPROVED: March 15, 1917

Tom C. Rye,
Governor.

RELATED ACTS

PAGE

Priv. Acts 1995, ch. 115, "Privilege tax on hotels, motels, etc."	C-53
Priv. Acts 2000, ch. 152, "Roane Medical Center Authority"	C-58

CHAPTER NO. 115

SENATE BILL NO. 1843

By O'Brien

Substituted for: House Bill No. 1854

By Cantrell

AN ACT To authorize the City of Harriman to levy a privilege tax on the occupancy of any rooms, lodgings or accommodations furnished to transients by any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration within the City of Harriman; to regulate collection of the tax; and to provide for the application of the tax revenue.

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

SECTION 1. As used in this act unless the context otherwise requires:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever; provided, however, nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(2) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(3) "Occupancy" means the use or possession, or the right to use or possession, of any room, lodgings or accommodations in any hotel.

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(6) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.

SECTION 2. The legislative body of the City of Harriman is authorized to levy and collect a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this act.

SECTION 3. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the city.

When a person has maintained occupancy for ninety (90) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the City of Harriman.

SECTION 4. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the city to the treasurer, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the city entitled to such tax shall be that of the operator.

SECTION 5. The treasurer shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the treasurer by the operator with such number of copies thereof as the treasurer may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the treasurer and approved by the legislative body prior to use. The treasurer shall audit each operator in the city at least once per year and shall report on the audits made on a quarterly basis to the legislative body. The legislative body is hereby

authorized to adopt ordinances to provide reasonable rules and regulations for the implementation of the provisions of this act.

SECTION 6. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 7. Taxes collected by an operator which are not remitted to the treasurer on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

SECTION 8. It is the duty of every operator liable for the collection and payment to the city of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of the payment to the city, which records the treasurer shall have the right to inspect at all reasonable times.

SECTION 9. The treasurer in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, Title 67 or otherwise provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67, Chapter 23, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The treasurer shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707, for the county clerks with respect to the adjustment and refunds of such tax.

With respect to the adjustment and settlement with taxpayers all errors of taxes collected by him under authority of this act shall be refunded by the city. The treasurer shall have the authority to direct the refunding of same. Notice of any tax paid under protest shall be given to the treasurer and the ordinance authorizing levy of the tax shall designate an officer against whom suit may be brought for recovery.

SECTION 10. The treasurer is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in such fund as the legislative body may specify by ordinance.

SECTION 11. The taxes collected hereunder shall be distributed by the legislative body, provided at least ten percent (10%) of the taxes collected shall be applied to promote tourism in the area.

SECTION 12. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 13. The provisions of this act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of the act shall continue to be in full force and effect, if being the legislative intent now hereby declared, that this act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 14. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Harriman, not more than ninety (90) days subsequent to its approval by the Governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and shall be certified by him to the Secretary of State.

SECTION 15. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 14.

PASSED: May 17, 1995

s/John Wilder
JOHN S. WILDER
SPEAKER OF THE SENATE

s/Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this ____ day of _____ 1995

DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had Senate Bill No. 1843 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.

CHAPTER NO. 152

HOUSE BILL NO. 3357

By Representative Ferguson

Substituted for: Senate Bill No. 3343

By Senator Davis

AN ACT to establish the Roane Medical Center Hospital Authority.

WHEREAS, the hospital facility known as Roane Medical Center was created under the auspices of the City of Harriman pursuant to the City of Harriman Ordinance Number 525; and

WHEREAS, significant changes in the delivery of health care have occurred since the Harriman Hospital Association was created by the City of Harriman, Ordinance 525; and

WHEREAS, the operation and control of Roane Medical Center as part of the City of Harriman creates constraints on the ability of the hospital to respond to the changes and the delivery of health care; and

WHEREAS, the General Assembly finds that the operations of Roane Medical Center and related facilities will be enhanced if its governing body is reconstituted as a private act hospital authority as that term is used in the Private Act Hospital Authority Act of 1996, as codified in Tennessee Code Annotated, Title 7, Chapter 57, Part 6; and

WHEREAS the purpose of this act is to reconstitute the governing body of Roane Medical Center as the Board of Trustees of Roane Medical Center Hospital Authority, such to have the powers granted to Private Act Hospitals under the Private Act Hospital Authority Act of 1996; now, therefore,

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

SECTION 1. There is hereby created the Roane Medical Center Hospital Authority established for the purpose of operating Roane Medical Center and all other hospital, clinical, and health care facilities related thereto.

SECTION 2. Roane Medical Center Hospital Authority is a private act hospital authority as that term is used in the Private Act Hospital Authority Act

of 1996, as codified in Tennessee Code Annotated, Title 7, Chapter 57, Part 6. All hospital, clinical and health care facilities operated as part of, or in conjunction with, Roane Medical Center, shall hereafter be operated and controlled by the Board of Trustees of Roane Medical Center Hospital Authority. The Roane Medical Center Hospital Authority shall have the right to use the name of Roane Medical Center and any other names adopted by its Board of Trustees.

SECTION 3. The current Board of Trustees of Roane Medical Center shall serve until their respective terms expire. The Board of Trustees of Roane Medical Center Hospital Authority shall be composed of seven (7) individuals elected or confirmed by the Harriman City Council as provided here. Except as otherwise provided below, the term of office of members of the Board of Trustees shall be four (4) years. Five (5) of the trustees shall be nominated by the Board of Trustees of Roane Medical Center Hospital Authority and confirmed by the Harriman City Council. One (1) of the trustees shall be nominated and confirmed by the Harriman City Council. One (1) of the trustees shall be nominated by the Mayor of the City of Harriman and confirmed by the Harriman City Council; however, this trustee must be a member of the City Council at all times and should such trustee cease to be a member of the Council after election as trustee, the trustee's term of office as trustee shall automatically expire at the same time such trustee ceases to be a member of the Council, and the Mayor shall then nominate another council member to serve as trustee, it being mandatory that at least one (1) of the trustees shall at all times also be a member of the Harriman City Council. Two (2) of the trustees shall at all times be members of the active medical staff of Roane Medical Center.

SECTION 4. Notwithstanding the preceding section, the initial Board of Trustees of the Roane Medical Center Hospital Authority shall be those individuals who, as of the effective date of this act, are on the Board of Trustees of the Harriman Hospital Association pursuant to the City of Harriman Ordinance Number 525. These individuals shall continue to serve on the Board of Trustees of Roane Medical Center Hospital Authority until the dates their respective terms of office would have expired under the City of Harriman Ordinance Number 525.

SECTION 5. As soon as practicable after the effective date of this act, and annually thereafter, the Board of Trustees of Roane Medical Center Hospital Authority shall elect the following officers: a chairman or president; a vice president; a secretary; and a treasurer.

SECTION 6. A member of the Board of Trustees of Roane Medical Center Authority may be removed for cause by a two-thirds (2/3) vote of the Harriman City Council.

SECTION 7. The Board of Trustees shall hold regular meetings on the date or dates it shall establish. Five (5) members of the Board of Trustees shall constitute a quorum for the transaction of business, and any action taken at a meeting of the Board shall be by majority vote, a quorum being present. As soon as practicable after the effective date of this act, the Board of Trustees shall promulgate the rules under which it will operate.

SECTION 8. The Board of Trustees shall have the responsibility and the authority to control and operate the hospital, clinical and health care facility known as Roane Medical Center and as otherwise described herein; to receive all revenues derived from such facilities, and any donations or grants; to disburse all such monies to discharge the financial obligations related to the facilities described in this act and otherwise as determined by the Board of Trustees; to determine the compensation and employee benefits for persons employed at facilities operated by the Roane Medical Center Hospital Authority; to exercise the powers granted to private act hospital authorities under the Private Act Hospital Authority Act; to make contracts for goods and services; to establish policies, rules and regulations governing the operation of such hospital, its uses and management; to regulate admissions to such hospital, clinical, and health care facilities and establish reasonable rates and charges for the services rendered by such facilities; and to collect and receive the same. Unless and until they are subsequently amended by the Board of Trustees of Roane Medical Center Hospital Authority, the rules and regulations existing on the effective date of this act relating to the operation of Roane Medical Center, including, without limitation, medical staff bylaws, shall continue with full force and effect.

SECTION 9. The Roane Medical Center Hospital Authority created by this act is a quasi-municipal corporation, independent of the City of Harriman, and it is not an arm or agent of the City of Harriman. As of the effective date of this act, the Roane Medical Center Hospital Authority shall have sole and complete authority to operate and control the facilities of Roane Medical Center, including hospital, clinical and health care facilities associated therewith. The ownership of Roane Medical Center Hospital Authority, its real estate and improvements shall remain the property of the City of Harriman, provided that the City of Harriman and Roane Medical Center Hospital Authority may subsequently determine by mutual agreement that ownership of some or all of such property should be transferred to the Roane Medical Center Hospital Authority. As of the effective date of this act, subject to the approval of any applicable licensing or other regulatory authority and upon obtaining the

appropriate licenses pursuant to such approval, all tangible personal property, licenses, permits, provider numbers and working capital, including cash, accounts receivable and the future revenues of Roane Medical Center are the sole property of Roane Medical Center Hospital Authority, except to the extent that such funds/revenues of Roane Medical Center are pledged and required to fund bond obligations of the City of Harriman in existence as of the effective date of this act, which bond obligations are directly related to the improvement of the real estate, and improvements thereon, of Roane Medical Center.

SECTION 10. All individuals employed at Roane Medical Center shall continue to be employees of the City of Harriman, unless the City of Harriman and Roane Medical Center Hospital Authority determine by mutual agreement that such individuals should become employees of Roane Medical Center Hospital Authority. In the event that persons employed at Roane Medical Center become employees of Roane Medical Center Hospital Authority, then the Roane Medical Center Hospital Authority is authorized to take action necessary to ensure that persons who the Authority employs do not incur any diminution of vested retirement benefits.

SECTION 11. The Board of Trustees of Roane Medical Center Hospital Authority shall prepare and submit to the Harriman City Council financial statements and other reports as may be required by the Council. The Harriman City Council shall have the authority to inquire into the operation of the hospital facilities and to have access to and examine the business records of Roane Medical Center during regular business hours.

SECTION 12. Prior to any sale or lease, or other transfer of assets, either real or personal, such transactions shall require the approval of the Board of Trustees and the Harriman City Council. However, excluded from such sales or leases, are those such transactions that occur in the normal course of business as is currently being pursued at Roane Medical Center at the time of this act. Such transfers or leases consist of, but are not limited to, sale of surplus property, and/or the leasing of hospital facilities to physicians, therapists or other medically-related fields.

SECTION 13. Upon the effective date of this act, Ordinance Number 525 of the City of Harriman shall be null and void.

SECTION 14. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of the City of Harriman. Its approval or nonapproval shall be proclaimed by the presiding officer of the Legislative Body and certified to the Secretary of State.

SECTION 15. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 14.

PASSED: June 6, 2000

s/ Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

s/ John. S. Wilder
JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 14th day of June 2000

s/ Don Sundquist
DON SUNDQUIST, GOVERNOR

CHARTER AND RELATED ACTS FOR THE
CITY OF HARRIMAN, TENNESSEE

Year	Chapter	Subject
1917	165	An act to codify and revise prior acts comprising the city's charter (ch. 49, acts of 1891, etc.)
1917	712*	Authorized \$30,000 bond issued to finance contribution to railroad for a depot, etc.
1919	389	Amended art. XI, sec. 3 of ch. 165 pr. acts of 1917.
1921	294**	Amended abutting property law (ch. 18, acts of 1913 E. S.).
1921	526**	Amended abutting property law (ch. 18, acts of 1913 E. S.).
1921	861**	Amended abutting property law (ch. 18, acts of 1913 E. S.).
1921	941**	Amended abutting property law (ch. 18, acts of 1913 E. S.).

*Acts which do not have a continuing application, such as acts authorizing or validating special bond issues for particular purposes, etc., were not included in the foregoing unofficial compilation.

**This act has not been codified with the charter acts as set out hereinbefore because ch. 18, acts of 1913, 1st Extra Session, has now been codified in the general law applicable to all cities as chapter 11, title 6, in the Tennessee Code Annotated.

Year	Chapter	Subject
1923	30	Amended art. II, sec. 18, subsecs. 7 and 43, of ch. 165, pr. acts of 1917.
1925	187*	Authorized \$100,000 refunding bond issue.
1925	468	Added a sec. 22 to art. II of ch. 165, pr. acts of 1917.
1931	546	Amended art. IX of ch. 165, pr. acts of 1917.
1937	232*	Authorized \$70,000 funding bond issue.
1937	233*	Authorized \$314,000 refunding bond issue.
1937	387*	Validated \$35,000 school bond issue.
1937	472*	Validated contract for refinancing outstanding bonds.
1939	118	Amended art. I, sec. 5 of ch. 165, pr. acts of 1917. (Repealed by ch. 360, pr. acts of 1941.)
1939	506*	Validated \$10,000 hospital bond issue.

* Acts which do not have a continuing application, such as acts authorizing or validating special bond issues for particular purposes, etc., were not included in the foregoing unofficial compilation.

Year	Chapter	Subject
1941	360	Repealed ch. 118, pr. acts 1939.
1943	148	Amended art. IV, sec. 5, ch. 49, acts of 1891.
1943	446	Created and provided for the "Harriman Utility Board." (Repealed by. ch. 821, pr. acts of 1947.)
1947	821	Repealed ch. 446, pr. acts of 1943.
1959	109*	Validated \$150,000 corporate purpose bond issue.
1965	135	(Not effective because rejected or not approved locally).
1969	178	Provided for use of payments in lieu of taxes on the electric system.
1972	350	Amended art. IX, sec. 1, of ch. 165, pr. acts of 1917, as amended.
1975	19	(Not effective because rejected or not approved locally.)
1975	25	(Not effective because rejected or not approved locally.)

* Acts which do not have a continuing application, such as acts authorizing or validating special bond issues for particular purposes, etc., were not included in the foregoing unofficial compilation.

Year	Chapter	Subject
1976	250	Amended art. VII, sec. 3, of ch. 165, pr. acts of 1917.
1983	7	Amended art. VI, of ch. 165, pr. acts of 1917, to allow a privilege tax on the occupancy of hotels and motels.
1983	112	Amended ch. 165, of pr. acts 1917, by increasing term of office for certain elected officials.
1995	115	Authorized a privilege tax on hotels, motels, etc. (See Related Acts following the charter.)
1997	33	(Not effective because rejected or not approved locally.)
2000	152	Establishes the Roane Medical Center Hospital Authority. (See Related Acts following the charter.)
2003	14	Amended art. II, § 9, replaced art. II, § 18; deleted Art. III, §§ 31 and 32; amended art. VI, § 3; deleted arts. X, XII, XIII, and XIV; and deleted art. XV, §§ 1, 2, and 3.
2003	15	(Not effective because rejected or not approved locally.)

Year	Chapter	Subject
2009	23	Amended art. III, § 4; amended art. III, § 14; amended art. III, § 18; replaced art. III, § 21; amended art. III, § 23; amended art. III, § 26; amended art. III, § 27; amended art. IV, § 9; amended art. VI, § 2; amended art. VIII, § 1; amended art. VIII, § 4; amended art. IX, § 3; and replaced art. IX, § 5.