

CHARTER OF THE CITY OF ADAMSVILLE, TENNESSEE¹

CHAPTER NO. 32

HOUSE BILL NO. 2406

By Representatives Dennis, Tidwell

Substituted for: Senate Bill No. 2373

By Senator Gresham

AN ACT to amend Chapter 42 of the Private Acts of 1987; as amended by Chapter 132 of the Private Acts of 2002; and any other acts amendatory thereto, relative to the charter for the City of Adamsville.

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¹Priv. Acts 2009, ch. 32, is the current basic charter act for the City of Adamsville, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2017 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

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

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

SECTION 1. Chapter 42 of the Private Acts of 1987, as amended by Chapter 132 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by deleting the chapter in its entirety and by substituting instead the following:

ARTICLE I

CHARTER, DEFINITIONS, CITY LIMIT, AND CORPORATE POWERS

Section 1.01. Act constitutes city chapter. The City of Adamsville, in the County of McNairy, and the inhabitants thereof, are hereby constituted and declared a body politic and corporate by the name and style of Adamsville, Tennessee, and shall have perpetual succession and may have and use a common seal and change it at pleasure.

Section 1.02. Definitions. As used in this Charter the following words and terms shall have the following meanings:

- a. "At large" means the entire city, as distinguished from representation by wards or other districts;
- b. "City" means the city of Adamsville;
- c. "Commission" and "City Commission" means the legislative body of the city, which shall be composed of the Mayor and four (4)

commissioners elected as provided in this Charter, and any incumbent commissioner until the expiration of their current terms of office;

d. "Commissioners" and "member of Commission" means a person elected to the office of commissioner as provided in this Charter;

e. "Elector" means any person residing or owning real property within the corporate limits of the city of Adamsville, and who is qualified and entitled to vote for members of the general assembly of the state of Tennessee. No more than two (2) persons shall be entitled to vote based upon the ownership of an individual tract of property regardless of the number of property owners;

f. "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization; and

g. The masculine shall include the feminine and vice versa, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

Section 1.03. City limits. The boundaries of the city shall be those fixed by keeping Chapter 79 of the Private Acts of 1945, as amended by Chapter 71 of the Private Acts of 1961 and all acts amendatory thereof, and annexations made pursuant to general law.

Section 1.04. Corporate powers. The City shall have power:

1. To assess, levy, and collect taxes for all general and special purposes on all objects or taxation, polls, and privileges taxable by law for state, county or city purposes, to the extent authorized by general law.

2. To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

3. To make special assessments for local improvements.

4. To contract and be contracted with.

5. To incur debts by borrowing money or otherwise, and to give an appropriate evidence thereof, in the manner hereinafter provided.

6. To issue and give, sell, pledge or in any manner dispose of negotiable or non-negotiable, interest bearing or non-interest bearing

bonds, in accordance with the Local Government Public Obligations Law, codified as Tennessee Code Annotated, Title 9, Chapter 21, warrants, promissory notes or orders of the city, upon the credit of the city or solely upon the credit of specific property owned by the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits.

7. To expend the money of the city for all lawful purposes.

8. To 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 city or state.

9. To condemn property, real or personal or any easement, interest, or estate to use therein, either within or without the city, for present or future public use in accordance with Tennessee Code Annotated, Title 29, Chapters 16 and 17.

10. To take and hold property within or without the city or state upon trust; and to administer trust for the public benefit.

11. To acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility or service to the city, its inhabitants, or any part thereof.

12. To grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the city and those therein. Such power to grant franchises shall embrace the power expressly conferred, to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The city commission may prescribe in each grant of a franchise the rate, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

13. To make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those therein. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association, or corporation, but also as against the city itself. Such contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The city commission 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 city at the date of the contract, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that may thereafter be opened.

14. To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel, from time to time, reasonable extensions of facilities for such services, but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subsection 12 and 13 of this section.

15. To 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, and squares, bridges, viaducts, subways, tunnels, and sewers, and drains within or without the corporate limits and to regulate the use thereof, within the corporate limits; and property may be taken and appropriated therefor, or in such other manner as may be provided by general law.

16. To construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, glittering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, or alleys.

17. To assess against abutting property within 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; the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies; in such manner as may be provided by general law or by ordinance.

18. To acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all market places, public buildings, bridges, sewers and other structures, works and improvements.

19. To collect and dispose of drainage, sewage, offal, ashes, garbage, and refuse or to license and regulate such collection and disposal in accordance with general law.

20. To license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law.

21. To impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law.

22. To define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, calling, trades, uses 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 city and to exercise general police powers.

23. To 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. To inspect, test, measure, and weigh any article for consumption or use within the city, and to charge reasonable fees therefore; and to provide standards of weights, tests, and measures in accordance with general law.

25. To establish, regulate, license, and inspect weights and measures in accordance with general law.

26. To regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and

require any alteration or charges necessary to make them healthful, clean, or safe.

27. To provide and maintain charitable, educational, recreative curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

28. To purchase or construct, maintain, and establish a correctional facility, for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep such persons in the correctional facility of the county.

29. To enforce any ordinance, rule, or regulation, by means of fines, forfeitures, and penalties, or by action of proceedings in any court of competent jurisdiction or by any one or more of such means and to impose costs as a part thereof, but no fine, forfeiture, or penalty shall exceed fifty dollars (\$50.00).

30. To regulate, tax, license or suppress the keeping or going at large of animals within the city; to impound the same and in default of redemption to sell or humanely destroy.

31. To call all municipal elections as herein provided.

32. To provide for the establishment and operation of all offices, boards, divisions and departments, not herein enumerated, which may be deemed necessary and expedient in the interest of the city.

33. To create a design review commission which shall have the authority to develop general guidelines and to develop procedures for the approval of such guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to non-residential developments within such municipality; provided that such authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to Tennessee Code Annotated, Title 13, Chapter 4. Any property owner affected by such guidelines may appeal a decision by the design review commission to such municipality's planning commission or if there is no planning commission to the entire municipal legislative body.

34. To exercise and have all other powers, functions, rights, privileges, and immunities granted by general laws or necessary or desirable to promote and protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the city and

its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers in this charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the state.

ARTICLE II

CITY COMMISSION

Section 2.01. Composition of the Commission. The mayor and four (4) commissioners elected under this Charter shall compose the city commission, in which is vested all corporate, legislative, and other powers of the city, except as otherwise provided in this Charter.

Section 2.02. Election of Mayor and Commissioners.

1. Any elector who is and has been a resident for the preceding twelve (12) months of the city may be qualified as a candidate for the position of mayor or commissioner.

2. Beginning in November 2012, a nonpartisan, at large, general municipal election shall be held every two (2) years to the end that the commissioners shall serve four (4) year staggered terms and the mayor shall serve a four (4) year term. Present incumbents in the positions of mayor and commissioners shall continue to serve for the terms to which they were elected and until such time as their successors are elected and qualified.

3. The terms of office for the mayor and the commissioners elected in 2009 and 2011 shall begin at 12:01 P.M. on the first Monday in November following the election. The terms of office for the mayor and commissioners elected in even numbered years shall begin at 12:01 P.M. on the first Monday in December following the election.

4. In the event that two (2) or more candidates for the same position receive the same number of votes at the city election, the outgoing city Commission shall cast the deciding vote for the office, or, in the alternative, the city commission by resolution may call for a run-off election between the tied candidates conducted by the county election commission for the purpose of voting again for a candidate to fill said position or positions. Only the candidates receiving the same number of

votes shall be eligible as candidates in the special election. The incumbent for said position shall serve until his/her successor has been elected in the special election and has been certified. [As amended by Priv. Acts 2016, ch. 63, § 1]

Section 2.03. Restrictions on candidates and their supporters. No candidate or their supporters shall give or promise to give to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate. Such action shall be deemed to be a violation of state law and any person convicted thereof shall be ineligible to hold an office or position of employment in the city government for a period of five (5) years.

Section 2.04. Salaries of Mayor and Commissioners. The salaries of the mayor and commissioners shall be set by ordinance. The salary ordinance shall be adopted at least thirty (30) days prior to the qualifying deadline preceding the regular city election and any change in salary shall take effect only with the start of a new term of office for the mayor or commissioners.

Section 2.05. Meeting schedule. The commission shall meet regularly at least once every month at the times and places prescribed by ordinance, unless the commission does not deem it necessary to meet based upon the agenda. The commission shall meet in special session on written notice of the mayor or three (3) commissioners, if in their opinion the welfare of the city demands it. Said written notice shall be served on the other members of the commission at least twelve (12) hours in advance of the meeting. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. [As amended by Priv. Acts 2016, ch. 63, § 2]

Section 2.06. Quorum of Commission. A majority of all the members of the commission shall constitute a quorum. Any form of board action shall be adopted by the affirmative vote of at least three (3) members of the commission. The commission may adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The commission may subpoena and examine witnesses and order the production of books and papers pertaining to internal operation of city affairs, and those of all boards and commissions.

Section 2.07. Mayor as presiding officer. The mayor shall preside at meetings of the city commission and have a seat, a voice and a vote, but no veto power. The Mayor shall be recognized as the ceremonial head of the city and shall be the officer to accept process against the city and shall perform other duties imposed by this Charter and by ordinance not inconsistent with this Charter.

Section 2.08. Vice-Mayor. The city commission at its first regular meeting after the regular biennial election shall elect from its membership a vicemayor for a term of two (2) years. The vice-mayor shall perform the duties of the mayor during the mayor's absence, inability to act, or refusal. The vice-mayor shall fill out any unexpired term in the office of mayor until the next following biennial election, at the time a mayor shall be elected for a full four (4) year term, and the vice-mayor shall revert to his regular term as a commissioner. The city commission shall select a commissioner to serve until the next regular election.

Section 2.09. Vacancy in office of Mayor or Commissioner. A vacancy shall exist if the mayor or a city commissioner resigns, dies, moves his residence from the city, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter or election laws of the state, or a crime involving moral turpitude, or fails to attend any meeting of the city commission for a period or ninety (90) days without being excused by the city commission. Provided, however, that no member of the city commission can resign his position for the purpose of being appointed to a longer term on the same body. The city commission shall declare a vacancy to exist for any of these reasons.

Any person convicted of malfeasance or misfeasance in office, a felony or a crime involving moral turpitude shall be prohibited from holding office with the city for a period of ten (10) years.

The remaining city commissioners shall appoint a qualified person to fill a vacancy in the city commission and the person so appointed shall serve until the next regular city election. Provided, however, that only one (1) vacancy shall be filled by appointment made by the commission; and, in the event of any additional vacancy after the first, the commission shall forthwith, by resolution, call upon the county election commission to call a special election for the purpose of filling any such additional vacancy. The county election commission, when thus called upon by the city commission, shall immediately call such special election and appoint the necessary officers therefore, and said special election shall be held in the same manner as provided in the Charter for general city elections. The commissioner elected at such special election shall hold office for the remainder of the unexpired term; provided, however, that the foregoing provision with reference to filling any additional vacancy after the first by a special election shall not apply to any additional vacancy in the commission occurring less than six (6) months prior to any general city election; and in the latter event such additional vacancy occurring less than six (6) months prior to the next general city election shall be filled by appointment made by the remaining members of the commission, and the commissioner so appointed shall serve until his successor elected at the next general city election is certified.

In the event of any vacancy on the commission which may, under the provisions of this section, be filled by the remaining commissioners, and such commissioners shall fail or neglect to fill such vacancy within forty-five (45) days of its occurrence, the mayor shall appoint a person to fill the vacancy within fifteen (15) days. At the next regular city election, vacancies shall be filled in the following manner: four (4) year terms shall accrue to the person or persons receiving the highest number of votes and two (2) year terms shall accrue to the person or persons receiving the next highest number of votes in order to continue the pattern of staggered terms.

Section 2.10. Restrictions on Commissioners. The commissioners shall act on all matters as a body, and no commissioner shall seek individually to influence the official acts or to interfere in any way with the performance of the duties of any officer or employee. The commissioners shall deal with the various agencies, officers, and employees of the city, solely through the city administrator, and shall not give orders, either publicly or privately, to any officer or employee. Nothing herein contained shall prevent the commission from conducting such inquiries into the operation of the city government and the conduct of the city's affairs as it may deem necessary.

Section 2.11. City legislation.

1. The enacting clause of ordinances shall read: "Be it ordained by the city of Adamsville, Tennessee".

2. An ordinance may be introduced by the mayor or any member of the commission. Every ordinance, except an emergency ordinance, must be approved on two (2) readings not less than fourteen (14) days apart, at least one of which must be a regular meeting, and shall become effective fourteen (14) days after final approval unless its terms provide a later effective date. Captions of all ordinances, except an emergency ordinance, shall be published at least once in the officially designated newspaper of the city or county before its final passage. Provided, however, the failure to publish the caption and/or ordinance shall in no way affect the validity of any ordinance otherwise properly adopted.

3. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on one reading, and become effective immediately, if the ordinance contains a full statement declaring an emergency and detailing the facts creating the emergency, and is passed unanimously by the city commission. Appropriations, revenues, franchises, contracts, levy of taxes, borrowing money, or special privileges shall not be passed as emergency ordinances.

4. All ordinances after final passage shall be signed by the mayor and the mayor's signature shall be attested by the city recorder.

ARTICLE III

ORGANIZATION AND PERSONNEL

Section 3.01. Organization of City Government. The commission shall determine by ordinance the functions and duties of all departments and offices. The commission shall establish, abolish, merge or consolidate offices, positions or employment and departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment and departments. The city commission by this charter designates the city administrator as the head of the operating functions of the city of Adamsville. [As amended by Priv. Acts 2016, ch. 63, § 3]

Section 3.02. Appointment of officers. The city commission shall appoint the city administrator by vote and only the city administrator. The city administrator shall be responsible for the appointment of all department heads.

All officers shall be appointed with due regard to their qualifications and fitness and for the good of the public service and without reference to race, age, color, creed, sex, or political party affiliation.

It shall be unlawful for any candidate for office or any candidate for appointed office, directly or indirectly, to give or promise any person any office, position, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person. [As amended by Priv. Acts 2016, ch. 63, § 4]

Section 3.03. Duties of the Mayor. The mayor shall communicate any information needed, and recommend measures the mayor deems expedient to the commission. The Mayor shall countersign checks and drafts drawn upon the treasury and sign all contracts to which the municipality is a party. The Mayor shall make appointments to boards and commissions as authorized by law.

Section 3.04. City Attorney. The city attorney shall be appointed by the city commission and shall be an attorney-at-law entitled to practice in the courts of the state of Tennessee. The city attorney shall direct management of all litigation in which the city is a party, including the function of prosecuting attorney in the city court; represent the city in all legal matters and proceedings in which any of its officers are officially interested; attend all meetings of the city commission, as requested; advise the city commission and committees and members thereof, and heads of all departments as to legal questions affecting

the city; and approve as to form, all documents, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of the city.

Section 3.05. City Court.

1. City Judge appointment, oath, compensation and restrictions on office of city Judge. A city judge who shall constitute the city court shall be appointed by the city commission to serve at the will of the commission. The Judge shall take the same oath required of the city commission and shall receive such compensation as may be provided by ordinance.

2. Absence or disability of City Judge. The city commission shall designate a qualified person to serve in the absence or disability of the city judge.

3. Duties and powers of City Judge. The city judge shall try all persons charged with violations of the ordinances of the city. In accordance with the Municipal Court Reform Act of 2004, codified as Tennessee Code Annotated, Title 16, Chapter 18, Part 3, the Judge shall have the power to levy fines, penalties and forfeitures not exceeding fifty dollars (\$50.00) for each violation and to impose such cost as the city commission may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt by fine not exceeding ten dollars (\$10.00).

4. Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon failure to pay fines or to furnish security, the city judge may find such person to be in contempt of court.

5. Maintenance of docket and other court rules. The city judge shall keep a docket. The city commission may by ordinance require such other records, fix the time for holding court, and provide such other rules and regulations for the proper functions of the court as deemed necessary.

6. City Judge to be exclusive judge of law and facts. The city judge shall be the exclusive judge of the law and facts in every case before the court and no official or employees of the city shall attempt to influence the judge's decision except through pertinent facts presented in court.

Section 3.06. City Recorder. The city administrator shall appoint an officer who shall have the title of city recorder. The city recorder shall give

notice of commission meetings to its members and the public; keep the record of its proceedings and perform such duties as assigned by this charter, the city administrator, and/or by state law. [As amended by Priv. Acts 2016, ch. 63, § 5]

Section 3.07. Personnel rules. The city commission shall adopt personnel rules governing employment by the city consistent with this Charter and with the law.

Section 3.08. Oath of office. Before a person takes any office in the city government, the person shall subscribe to the following oath or affirmation, administered by the city recorder or any judge:

"I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the state of Tennessee, that I will, in all respects, observe the provisions of the Charter and ordinances of the city of Adamsville, and that I will faithfully discharge the duties or the office of _____."

Section 3.09. Official bonds. Every officer, agent, and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the city commission shall give a fidelity bond or faithful performance bond, as determined by the city commission, with some surety company authorized to do business in the state of Tennessee as surety, in such amount as shall be prescribed by the city commission. All such bonds and sureties thereto shall be subject to approval by the city commission. The cost of such bonds shall be paid by the city. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

Section 3.10. City Administrator. The commission shall appoint an operating administrative officer with the title of city administrator who shall be under the control and direction of the commission and who shall serve an indefinite term and may be removed from office by the commission.

The city administrator shall be directly responsible to the commission to exercise general administrative responsibilities assigned to the city administrator for the coordination and direction of the activities of all operating departments, which shall include the following:

(a) Preparation of official agenda for all meetings;

(b) Preparation and administration of annual operating and capital improvement budgets;

(c) Preparation of reports for the commission;

- (d) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the commission;
- (e) Investigation of citizen's complaints;
- (f) Application for grants and administration thereof;
- (g) Administration of personnel policies including: to employ, promote, discipline, suspend and discharge all employees, including department heads, in accordance with the personnel policies and procedures adopted by the commission;
- (h) Maintain all necessary intergovernmental relationships;
- (i) Attend all meetings of the commission;
- (j) Any other duties as may be assigned by the commission or by ordinance; and
- (k) Act as chief financial officer of the city.

The city administrator need not be a resident of Adamsville at the time of appointment but promptly thereafter shall become a resident within twelve (12) months of appointment and thereafter remain an actual resident of the city. Salary and other benefits incidental to the position shall be fixed by the commission.

In the temporary absence or disability of the city administrator, an employee of the city designated by the commission or the city administrator shall serve as city administrator. At any time during such absence or disability, the commission may revoke such designation and appoint another employee of the city to serve until the city administrator shall return. [As amended by Priv. Acts 2016, ch. 63, § 6]

ARTICLE IV

FISCAL ADMINISTRATION

Section 4.01. Fiscal year. The fiscal year of the city government shall begin on the first day of July and shall end on the 30th day of June of the succeeding year.

Section 4.02. The Mayor and City Administrator to submit annual budget. Not later than forty-five (45) days prior to the beginning of each fiscal year, the mayor and city administrator shall submit to the city commission a proposed budget for the next fiscal year. The proposed budget shall comply with the Municipal Budget Law of 1982 found in Tennessee Code Annotated, Title 6, Chapter 56, Part 2.

Section 4.03. Action by Commission on budget. After the public hearing and before the beginning of the ensuing fiscal year the commission shall adopt an appropriation ordinance based on the mayor and city administrator's proposed budget with such modifications as the commission considers necessary or desirable. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall be continued for the new fiscal year until such time as the new appropriations ordinance is adopted. Amendments may be made to the original appropriation ordinance at any time after the city administrator certifies in writing that a sufficient amount of revenue will be available to cover the amendments.

Section 4.04. Control of expenditures. The city administrator shall be responsible for controlling expenditures of the various agencies of the city government to accomplish maximum efficiency and economy. No expenditure shall be made in excess of appropriations.

Section 4.05. Purchasing. Purchasing shall be accomplished in accordance with ordinance provisions. The necessity for public advertising and the receiving of sealed bids shall be determined, in specific cases, by the city commission, or as otherwise required by general law.

Section 4.06. Property taxes. All property subject to taxation shall be subject to the property tax levied by a city. The commission shall use county assessments except property assessed by the state public service commission or as otherwise required by general law.

Section 4.07. Tax levy. The commission shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100.00) of assessed valuation, coincidental with the adoption of the appropriation ordinance. In event of commission's failure to do so, the prior year's tax rate shall continue in effect.

Section 4.08. Tax due dates and tax bills. The due dates of property taxes shall be October 1 each year and provisions may be made for equal semiannual installments as permitted by general law. The city shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due date, and information as to delinquency dates and penalties. Failure to send

tax bills shall not, however, invalidate any tax, penalty or interest thereon. Property taxes shall become delinquent on March 1, at which time a penalty of one percent (1%) for each month or fraction thereof shall accumulate until paid. On and after the date when such taxes become delinquent, the tax records of the city shall have the force and effect of a judgment of a court of record.

Section 4.9. Delinquent taxes. The city commission may provide, by ordinance, for the collection of delinquent real property taxes by the city recorder as provided by general law; or by the city attorney acting in accordance with general laws providing for the collection of delinquent city or county taxes; by garnishment; by distraint; by suits in chancery; or by any two (2) or more of the foregoing methods; or by the use of any other available legal processes and remedies. If not otherwise collected, the city attorney, or other attorney designated by the commission, shall file suit for collection of all delinquent taxes not later than eighteen (18) months following date of the delinquency. Delinquent personal property taxes shall be collected by distress warrants issued by the city recorder and placed in the hands of the sheriff for collection not later than eighteen (18) months following the date of delinquency.

Section 4.10. County may collect taxes. The city may contract with the county for the collection of city taxes. The contract may provide for reasonable fees to be paid to the county for this service.

Section 4.11. Taxes not to be excused. No officer or employee of the city shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the city, but errors may be corrected when authorized by the city commission.

Section 4.12. Disbursement by checks. All disbursements, except for any agency of the city administered by a board or commission other than the city commission, shall be made by checks signed by the mayor and by the city administrator. The commission may, by resolution, designate other officers to sign such checks in the absence or disability of the mayor or city administrator. [As amended by Priv. Acts 2016, ch. 63, § 7]

Section 4.13. Official depository. The city commission shall designate an official depository or depositories for deposit and safekeeping of funds of the city with such collateral security as may be deemed necessary by the city commission.

Section 4.14. Accounting. The financial records of the city shall be established and maintained in general conformity with the accounts and procedures required by state law and recommended by the governmental finance

officers association of the United States and Canada or other nationally recognized authority on municipal accounting.

ARTICLE V

MISCELLANEOUS

Section 5.01. Severability. If any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

Section 5.02. Corporate continuity. The corporate existence of the city of Adamsville is continued. All existing ordinances, resolutions, or other actions of the city commission not inconsistent with this Act shall remain in full force and effect until amended or repealed in the manner herein provided.


Section 5.03. Repeal of Acts. Chapter 42 of the Private Acts of 1987 is hereby repealed in its entirety.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the city commission of the city of Adamsville within sixty (60) days after it takes effect. Its approval or nonapproval shall be proclaimed by the mayor of the city of Adamsville and certified by him to the secretary of state within thirty (30) days.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it. Article II, Section 2.02 shall take effect on the date this act is approved as provided in Section 2, and upon such approval all other sections shall take effect November 16, 2009.


PASSED: June 8, 2009

APPROVED this 23rd day of June 2009



Kent Williams

KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



Ron Ramsey

RON RAMSEY
SPEAKER OF THE SENATE



Phil Bredesen

PHIL BREDESEN, GOVERNOR

RELATED ACTS

Priv. Acts 2002, ch. 132,
"Occupancy tax" C-23

PRIVATE ACTS, 2002

CHAPTER NO. 132

HOUSE BILL NO. 2043

By Representative Rinks

Substituted for: Senate Bill No. 3205

By Mr. Speaker Wilder

AN ACT relative to the levy of 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 in the City of Adamsville.

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) "City" means the City of Adamsville, Tennessee.

(2) "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. 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.

(3) "Hotel" means any structure or space, or any portion thereof, 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.

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

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

(6) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.

(7) "Tax collection official" means the City Recorder or other official designated by the legislative body of the City of Adamsville to collect the taxes levied by this act.

(8) "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 thirty (30) continuous days.

SECTION 2. The legislative body of the City of Adamsville is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of 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 in this act.

SECTION 3. The proceeds received by the city from the tax shall be retained by the city and deposited into the general fund of the city or such other fund and for such purposes as designated by the legislative body of the City of Adamsville.

SECTION 4. 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 of Adamsville.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged and the operator shall receive credit for the amount of such tax if previously paid or reported to the city.

SECTION 5.

(a) The tax 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 tax collection official, 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 required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy, whether prior to, during 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 due to the City of Adamsville shall be that of the operator.

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the tax collection official in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

SECTION 6. The tax collection official shall be responsible for the collection of such tax and shall deposit the proceeds of such tax as provided in Section 3. A monthly tax return shall be filed under oath with the tax collection official by the operator with such number of copies thereof as the tax collection official 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 tax collection official and approved by the legislative body of the City of Adamsville prior to use. The tax collection official shall audit each operator in the city at least once a year and shall report on the audits made on a quarterly basis to the legislative body of the City of Adamsville.

The legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

SECTION 7. 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 8. Taxes collected by an operator which are not remitted to the tax collection official on or before the due dates are delinquent. An operator is 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 9. 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 necessary to determine the amount of tax

due and payable to the city. The tax collection official has the right to inspect such records at all reasonable times.

SECTION 10. The tax collection official in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for county clerks.

For services in administering and enforcing the provisions of this act, the tax collection official is entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67. It is 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 provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of city taxes collected by the tax collection official under authority of this act shall be refunded by the tax collection official.

Notice of any tax paid under protest shall be given to the tax collection official and the resolution authorizing levy of the tax shall designate a city officer against whom suit may be brought for recovery.

SECTION 11. The privilege tax levied by this act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes.

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. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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 Adamsville. Its approval or

nonapproval shall be proclaimed by the presiding officer of the legislative body and shall be certified by such presiding officer 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: April 17, 2002

s/ Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

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

APPROVED this _____ day of _____ 2002

DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had House Bill No. 2043 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.

CHARTER AND RELATED ACTS FOR THE CITY OF
ADAMSVILLE, TENNESSEE

YEAR	CHAPTER	SUBJECT
2002	132	Related act relative to the levy of a privilege tax on the occupancy of any rooms, lodgings or accommodations furnished to transients for a consideration.
2009	32	Basic charter act.
2016	63	Amended §§ 2.02, 2.05, 3.01, 3.02, 3.06, 3.10, and 4.12.