

CHARTER FOR THE CITY OF ALCOA, TENNESSEE¹

CHAPTER NO. 510

House Bill No. 686

(By Mr. W. A. Dunlap of Blount County.)

A BILL to be entitled "An Act to create a municipal corporation in Blount County, Tennessee, to be known as City of Alcoa, to define its rights and powers, duties and obligations and to provide for the government, control and general welfare thereof.

¹Priv. Acts 1919, ch. 510, is the current basic charter act for the City of Alcoa, 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.

TABLE OF CONTENTS¹

Article 1

Corporate Name, Boundaries and Powers

SECTION	PAGE
1. Corporate name and boundaries	C-12
2. General power to enact ordinances	C-22
3. Enumeration of powers not exclusive	C-30

Article 2

Elections

1. Date of election	C-31
2. Appointment of election officers	C-31
3. Qualification of voters	C-31
4. Polling places and ballots	C-31
5. Political activities of officers and employees	C-31
6. Improper solicitation of political support	C-31
7. Calling and regulation of elections	C-32

Article 3

Board of Commissioners

1. Election of commissioners - terms	C-32
2. Election of mayor	C-32

¹See page C-69 for other acts affecting the City of Alcoa not included in the charter.

SECTION	PAGE
3. Persons eligible as commissioners	C-33
4. Convictions disqualifying from office	C-33
5. Compensation of mayor and commissioners	C-33
6. Legislative powers of commissioners	C-33
7. Regular meeting of board	C-33
8. Mayor presiding	C-34
9. Filling of vacancies - special election	C-34
10. Election and duties of vice-mayor	C-34
11. Quorum of board	C-34
12. Regulation of board proceedings - witnesses - journal	C-34
13. Board sessions public	C-35
14. Removal of commissioners	C-35
15. Restrictions on commissioners	C-35
16. One commissioner to hold an office over power of election or appointment	C-36

Article 4

Ordinances

1. Style of ordinances	C-36
2. Ordinance procedure - emergency ordinances	C-36
3. Method of voting by board	C-37
4. Recording of ordinances	C-37
5. Publication of ordinances	C-37

Article 5

Mayor

SECTION	PAGE
1. Powers of mayor in meetings	C-37
2. Mayor performing required acts	C-37
3. Service of process against city	C-37

Article 6

Officers and Employees

1. Appointment of city manager - compensation of subordinate officers	C-37
2. Oath of office	C-38
3. Surety bonds	C-38
4. Vacation of office for insufficient bonds	C-38
5. General personnel policy	C-38
6. Manager to administer merit system	C-38
7. Compensation of officers and employees	C-39
8. Employee welfare benefits	C-39
9. Separations and resignations	C-39

Article 7

City Manager

1. Manager as administrative head - absence - time devoted to office	C-39
2. Powers and duties of manager	C-40

Article 8

Municipal Court

SECTION	PAGE
1. Judicial jurisdiction of city judge	C-41
2. City judge's power to enforce ordinance	C-41
3. Appeal from city judge's judgment	C-41
4. Warrant for violation of ordinance - arrest	C-41
5. Fines and labor imposed for ordinance violations	C-41
6. Costs before city judge - collection of fines and costs	C-42
7. City judge's docket	C-42
8. Judicial functions	C-42

Article 9

City Attorney

1. Qualifications of city attorney	C-42
2. Duties and compensation of city attorney	C-42

Article 10

Recorder

1. Duties and compensation of recorder	C-43
2. Recorder's functions at board meeting	C-43
3. Custody of official records	C-43
4. Copies of records and ordinances	C-43
5. Duties of recorder in department of finance	C-43

SECTION	PAGE
6. Accounting system	C-44
7. Appointment and duties of treasurer	C-44
8. Approval and payment of claims against city	C-44
9. Issuance of warrants	C-44
10. Certification of availability of funds to meet contract obligations	C-45
11. Authority for contract liability	C-45
12. Custody of sinking funds	C-45
13. Depositories of city funds	C-45
14. Control over fiscal forms	C-45
15. Other duties of recorder	C-46
16. Assistant recorder and recorder pro tempore	C-46

Article 11

Taxation and Revenue

1. Taxes and assessments under department of finance - property and privileges taxable - ad valorem tax - certification of assessments to recorder	C-46
2. Tax books	C-46
3. Tax levy to meet expenses for year	C-47
4. Extension of levy on tax books	C-47
5. Due date of taxes - statements - distress warrants	C-47
6. Lien of taxes - errors and irregularities	C-48
7. Delinquency penalties - discount	C-48

SECTION	PAGE
8. Change of due dates - semi-annual installments	C-48
9. Sale for delinquency	C-49
10. Bills in chancery to collect assessments	C-49
11. Establishment and levy of sanitary sewer and garbage collection fees	C-49

Article 12

License Taxes

1. License taxes	C-50
----------------------------	------

Article 13

City Bonds

1. Purpose for which authorized	C-50
2. Maturity of bonds	C-51
3. Consent of voters required	C-51
4. Regulation of bond elections	C-52
5. Cancellation of discharged bonds	C-52

Article 14

Sinking Fund

1. Investment of sinking funds - sale of sinking fund securities - exchange of sinking fund bonds for city bonds	C-53
2. Sinking fund tax levy	C-54
3. Disposition of surplus from sinking fund	C-54

Article 15

Budget and Appropriation

SECTION	PAGE
1. Budget commissioner - fiscal year - budget estimate submitted to commissioners classification of expenses in budget publication	C-54
2. Appropriation ordinance	C-55
3. Reversion of appropriations to general fund	C-55
4. Investment of idle funds	C-56

Article 16

Departments

1. Departments of city	C-56
2. Board control of departments	C-56
3. Supervision of departments by manager	C-56

Article 17

Police Force

1. Appointment of police force	C-56
2. Duties of police force	C-56
3. Emergency assistance to police	C-57
4. Duties of police in prosecution of violations	C-57
5. Salaries of police force	C-57

Article 18

Fire Department

SECTION	PAGE
1. Appointment of fire department	C-57
2. Duties of fire department	C-57
3. Police powers at fires	C-57
4. Fire marshall	C-57

Article 19

Board of Education

1. Board of Education	C-57
2. Powers, Duties and Responsibilities	C-58
3. Qualifications of Members	C-58
4. Selection of Board Members	C-59
5. The First Board	C-59
6. Beginning of Terms and Organization of Board	C-59
7. Vacancies	C-59
8. Meetings	C-60
9. Budget	C-60
10. State, County and Federal School Funds	C-60

Article 19A

Public Utilities

SECTION	PAGE
1. Definitions of act	C-61
2. Powers of the City of Alcoa	C-62
3. Rights-of-way over public land	C-63
4. Eminent domain	C-63
5. Preliminary expense	C-64
6. Divisions within the public utility plants	C-64
7. Powers, duties, responsibilities of the board	C-64
8. Issuance of bonds and notes	C-66
9. Joint use of poles and other property	C-66
10. General obligations	C-66
11. Other utilities	C-67
12. Payment in lieu of taxes	C-67

Article 20

Appointment of First Board of Commissioners

First board of commissioners	C-67
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Article 21

Severability of Charter

Severability of charter	C-68
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Article 22

Effective Date

SECTION

PAGE

Effective date C-68

Be it enacted by the General Assembly of the State of Tennessee, That:

ARTICLE 1. CORPORATE NAME, BOUNDARIES¹ AND POWERS.

SECTION 1. The inhabitants within the corporate limits and boundaries hereinafter described, in Blount County, Tennessee, shall be and continue a body politic and corporate by the name of the City of Alcoa, and as such shall have perpetual succession; may have a corporate seal and sue and be sued.

The said corporate limits of the City of Alcoa shall embrace the territory within the following boundary, to wit:

Beginning at a point on east side of Louisville Pike, at the intersection of the old and new Louisville Pikes, near J. N. Henry's residence:

Thence with the east side of old Louisville Pike as follows:

- N. 13-29 E. 113.63 ft.
- N. 33-27 E. 367.00 ft.
- N. 32-23 E. 300.38 ft.
- N. 29-33 E. 300.11 ft.
- N. 25-31 E. 129.31 ft.
- N. 21-57 E. 114.17 ft.

¹The corporate boundaries as set out here have been further amended by the following ordinances which are of record in the recorder's office: Ord. #421, 447, 488, 508, 529, 531, 627, 634, 736, 737, 738, 740, 774, 857, 858, 859, 860, 864, 867, 877, 878, 884, 885, 893, 894, 896, 906, 907, 913, 920, 921, 922, 934, 936, 937, 938, 946, 954, 958, 959, 965, 966, 968, 969, 970, 973, 974, 977, 978, 987, 989, 992, 996, 1002, 1015, 1024, 1025, 1026, 1032, 1033, 1034, 1035, 1036, 1039, 1040, 1041, 1044, 1045, 1049, 1054, 1055, 1056, 1057, 1059, 1060, 1061, 1062, 1072, 1076, 1077, 1078, 1080, 1084, 1085, 98-002, 98-004, 98-005, 98-006, 98-007, 98-009, 98-010, 98-017, 98-018, 98-020, 98-025, 98-026, 98-032, 98-035 (Ord. #98-035 is a de-annexation ordinance), 98-036, 98-037, 99-003, 99-004, 99-005, 99-006, 99-007, 99-008, 99-011, 99-012, 99-022, 99-023, 99-025, 99-032, 99-033, 99-035, 00-002, 00-012, 00-013, 00-014, 00-015, 00-022, 01-007, 01-009, 01-014, 01-018, 01-020, 01-023, 02-002, 02-018, 02-022, 03-002 and 03-003, 03-009, 03-011, 03-012, 03-020, 03-034, 03-040, 04-002, 04-019, 04-026, 05-044, 05-050, 05-054, 05-055, 05-057, 05-064, 05-066, 05-070, 05-073, 06-074, 06-075, 06-078, 06-086, 06-088, 06-103, 07-108, 07-109, 07-114 07-132, 07-147, 08-162, 08-172, 08-174, 09-193, 09-198, 09-212, 09-219, 10-231, 10-233, 10-241, 11-271, 12-298, 12-300, 13-310, 13-314, 14-324, 14-328, 14-337, and 15-345.

N. 16-07 E. 73.44 ft.
 N. 0-03 W. 84.26 ft.
 N. 14-35 W. 44.49 ft.
 N. 21-45 W. 939.30 ft.
 N. 11-22 W. 64.49 ft.
 N. 10-03 E. 69.19 ft.
 N. 22-51 E. 100.23 ft.
 N. 27-01 E. 234.03 ft.
 N. 4-21 E. 53.15 ft.
 N. 9-41 W. 17.82 ft.

to an iron pipe, corner of Aluminum Company of America and J. H. Singleton;
 thence with their line N. 57-38 E. 661 ft.

Thence with the line of Aluminum Company of America N. 52-17 E. 554.0
 ft. to a point in southwest line of Louisville & Nashville Railroad Company's
 right of way; Nashville Railroad Company's right of way as follows:

N. 64-03 w. 165.0 ft. to a curve to the left;
 Thence with the curve N. 51-19 W. 820 ft.;
 Thence N. 38-34 W. 946.28 ft. to a curve to the right;
 Thence with the curve N. 51-45 W. 645 ft.;
 Thence N. 64-56 W. 1206.92 ft. to the line of N. W. Proffitt;

Thence crossing the Louisville & Nashville Railroad Company's right of
 way N. 31-20 E. 95.14 ft. to a corner of N. W. Proffitt, and Aluminum Company
 of America;

Thence with the lines of N. W. Proffitt as follows:

N. 36-12 E. 572.20 ft.
 N. 50-58 E. 33 ft.
 N. 33-26 W. 42 ft.
 N. 60-04 W. 141 ft.
 N. 44-00 W. 66 ft.
 N. 57-31 W. 57 ft.
 N. 28-04 W. 732.41 ft.
 S. 34-47 W. 66.73 ft.
 N. 42-16 W. 190 ft.
 N. 47-29 W. 157.19 ft.

to a 6" X 6" marble monument on the northeast bank of the creek;
 thence up the creek as follows:

N. 44-56 W. 1026 ft.
 N. 16-49 E. 780 ft.
 N. 36-41 W. 542 ft.
 N. 22-09 E. 115 ft.
 N. 10-58 W. 210 ft.

to a point near the southwest side of Rankin Ferry Road; thence with the southwest side of Rankin Ferry Road as follows:

N. 12-25 W. 131.51 ft.

N. 40-55 W approximately 2118 feet to a point in the Southeasterly right-of-way line of Hunt Road, said point being 25.06 feet short of a concrete monument marked 'ACL-45' on the above course, said monnument being located on the center line of Hunt Road in its present location;

Thence N. 52-58 E 4095.67 feet with the said Southeasterly right-of-way line of Hunt Road, in its present location, running parallel to and 25 feet Southeast of the centerline therof to a point in a line parallel to and 35 feet Southeast of the centerline of existing pavement on Tennessee State Highway No. 33;

Thence N 22-46 E (True Meridian bearing) 53.55 feet parallel to and 33 feet Southeast of the centerline of pavement on said highway to a point in the City of Alcoa corporate boundary between corners 46 and 47 theron the beginning corner in the discription of the area annexed to City of Alcoa by Senate Bill No. 180, Chapter No. 49, Private Acts of 1941;

Thence following the location of an old public road as follows:

N 56-37 E 203 feet;

All bearings herein are referred to the same meridian used in the original charter description except as where otherwise noted.

N. 52-49 E. 742 ft.

N. 54-54 E. 315 ft.

N. 71-16 E. 443 ft.

N. 63-11 E. 294 ft.

N. 67-34 E. 577 ft.

N. 89-09 E. 105 ft.

N. 64-04 E. 147 ft.

N. 73-44 E. 150 ft.

S. 81-18 E. 378 ft.

S. 84-07 E. 396 ft.

S. 78-33 E. 319 ft.

S. 49-49 E. 438 ft.

to its intersection with Wright's Ferry Pike; thence with the east side of Wright's Ferry Pike as follows:

N. 4-27 W. 886 ft.

N. 1-23 W. 283 ft.

to the intersection of the public road; thence with the south side of the public road as follows:

S. 82-26 E. 1057 ft.
 S. 79-16 E. 672 ft.
 S. 78-11 E. 361 ft.
 N. 63-57 E. 204 ft.
 N. 6-46 E. 327 ft.
 S. 65-57 E. 820 ft.
 N. 67-43 E. 65 ft.
 S. 32-40 E. 591 ft.

to an angle in the road; thence N. 85-29 E. 152 ft. more or less, to a point in the east line of the Knoxville and Augusta Railroad Company's right-of-way; thence with the east line of the Knoxville and Augusta Railroad Company's right-of-way S. 1-57 W. 4362 ft. more or less, to a point 150 ft. north of Wright's Ferry Pike where it crosses the Knoxville and Augusta Railroad near Vose, Tennessee; thence parallel to and 150 ft. east of Wright's Ferry Pike as follows:

S. 47-32 E. 220 ft.
 S. 3-53 E. 445 ft.
 S. 13-24 E. 1158 ft.
 S. 21-25 W. 3078 ft.
 S. 11-11 W. 850 ft.

to the intersection of the center of McKinley Street with M. P. Cochran heir's property line; thence with the center of McKinley Street S. 41-22 E. 313 ft. to its intersection with the center of Harrison Street; thence with the center of Harrison Street S. 9-22 w. 1754 ft. S. 8-22 E. 202 ft. to its intersection with the center of Lincoln Road; thence with the center of Lincoln Road S. 49-14 W. 272 ft. to a point 150 ft. northeast of the intersection of Lincoln Road and Wright's Ferry Pike; thence parallel to and 150 ft. east of Wright's Ferry Pike as follows:

S. 16-50 E. 326 ft.
 S. 18-02 E. 648 ft.
 S. 23-17 E. 384 ft.
 S. 16-07 E. 778 ft.
 S. 51-54 W. 92 ft.

to a point in the corporate limits of the town of Maryville; thence with the corporate limit of Maryville to Louisville Pike as follows:

S. 51-24 W. 2049 ft.
 S. 48-54 W. 1794 ft.
 S. 23-59 E. 124 ft.
 S. 63-34 W. 527 ft.

to the northeast side of Louisville Pike; thence with the northeast side of Louisville Pike to the beginning by the following courses:

N. 41-17 W. 237 ft.
N. 55-06 W. 2084 ft.
N. 52-37 W. 769 ft.
N. 52-09 W. 107 ft.
N. 15-36 w. 64 ft.

A.

Boundary Change No. 1

The territory to be included is as follows:

The northeast one-half of the Louisville Pike from the southwest corner of the Hannum estate, and corporate limits of the town of Maryville,

N-43-35-W-237 feet,
N-57-23-W-2084 feet,
N-54-55-W-769 feet,

more or less to the west corner of the Hannum estate, and a corner of Aluminum Company of America.

The territory to be excluded is as follows:

Beginning at a point in the center of Lincoln road 50 feet east of the Wight's Ferry Pike, thence:

S-9-53-E-179 feet,
S-11-29-E-195 feet,
S-20-20-E-648 feet,
S-25-35-E-384 feet,
S-18-25-E-778 feet,
S-53-36-W-242 feet,

to a point in the corporate limits of the town of Maryville, Tennessee; thence with the corporate limits of the town of Maryville, Tennessee:

S-49-06-W-2049 feet,
S-46-36-W-1452 feet,

to a corner of the Hannum estate; thence following the Hannum boundary northeasterly:

N-12-56-W-612 feet,
N-55-09-E-238 feet,
N-23-05-W-493 feet,

to the first corner of Aluminum Company of America; thence following the line of Aluminum Company of America a northeasterly direction:

N-53-15-E-799 feet,
N-37-29-W-974 feet,
N-43-13-E-658 feet,
N-44-52-E-314 feet,
S-38-45-E-402 feet,
N-37-13-E-1354 feet,
N-31-37-E-776 feet,

more or less to the point of beginning.

The territory excluded is to follow the corporation boundaries of the City of Maryville from its beginning point on the Louisville Pike at the line between Hannum and Aluminum Company of America; thence with the center line of said pike southeasterly to the southwest corner of the Hannum estate; thence following the Hannum boundary northeasterly to the first corner of Aluminum Company of America, as set forth in House Bill No. 1006 of the Acts of 1919.

B.

Boundary Change No. 2

To exclude from the boundaries, powers and jurisdiction of the City of Alcoa, that certain parcel or tract of land containing about 80 acres and known as the W. Y. C. Hannum farm and now owned by his widow and children, thereby leaving said farm entirely outside of the boundaries of the said City of Alcoa, and making the said farm the southern and southeastern boundary of said City of Alcoa.

C.

Boundary Change No. 3

The territory to be included is as follows:

Beginning at a point in the present boundary line of the City of Alcoa at its intersection with the center line of an alley between and parallel to Hill and Hannum Streets in tile section known as T. W. Hannum's Addition to the Town of Maryville; thence with the center line of said alley and center line produced 1184 feet, more or less, to the center line of Rankin Ferry Road; thence continuing in approximately the same direction 1105 feet, more or less, to the center line of the Louisville & Nashville Railroad; thence with the center line of an alley between and parallel to McMillan and Bishop Streets, in the section known as the Maryville Real Estate Company's First Addition to the Town of Maryville and with said center line of alley produced 1105 feet, more or less, to a point 50 feet west of the center line of the right-of-way of the Knoxville & Augusta Railroad; thence running parallel with said center line and 50 feet therefrom, in a northerly direction 1,374 feet, more or less, to a stake; thence crossing said railway and running parallel to and 175 feet southward from the center line of Lincoln Road, following the center line of an alley for a part of the distance 3,379 feet, more or less, to a point in the west line of the section known as the Jack Rorex Addition to Maryville, Tennessee; thence with said west line of Jack Rorex Addition N. 46 degrees 05 minutes W. 175 feet to the center line of Lincoln Road; thence with the center line of Lincoln Road N. 47 degrees 21 minutes E. 80 feet to an iron pipe, a corner to lands formerly owned by Aluminum Company of America; thence continuing in the same direction N. 47 degrees 21 minutes E. 132.6 feet to a stake; thence parallel to and 132.5 feet eastward from the east line of the first street east of and nearly parallel to Roosevelt Street, passing through lands now or formerly owned by Cochran heirs, N. 44 degrees 41 minutes W. 2,390 feet, more or less, to a point in the present boundary line of the City of Alcoa, 150 feet east of the Wright's Ferry Pike; thence south and west with the present boundary line of the City of Alcoa to the beginning point.

The territory to be excluded is as follows:

Beginning at a point in the present boundary line of the City of Alcoa at its intersection with the center line of an alley between and parallel to Hill and Hannum Streets in the section known as F. W. Hannum's Addition to the Town of Maryville; thence with the center line of said alley produced in a southwesterly direction 998 feet, more or less, to a point in the Louisville Pike and in the present boundary line of the City of Alcoa; thence with the said boundary line as follows: S. 43 degrees 35 minutes E. 160 feet, N. 61 degrees 16

minutes E. 527 feet, N. 26 degrees 17 minutes W. 124 feet, N. 46 degrees 36 minutes E. 342 feet, N. 12 degrees 56 minutes W. 204 feet, more or less, to the place of the beginning.

D.

Boundary Change No. 4

To extend the corporate limits of said City, and to make a part of said corporation, the following described territory and area, to-wit:

Situated in District No. 9 of Blount County, Tennessee, and more particularly described as follows:

Beginning at the intersection of the Alcoa City corporate boundary between concrete monuments 'ACL-46' and 'ACL-47' thereon on Hunt Road with the southeast right-of-way line of Tennessee State Highway No. 33;

Thence, with the southeasterly boundary of said highway right-of-way N. 22 - 46 E. 3500 ft. more or less to the line of lands now or formerly of J. T. Payne heirs;

Thence, with a line of said Payne lands S. 81 - 20 E. 155.17 feet to a pipe, corner to lands now or formerly of Sherman Payne;

Thence with the line of said lands three courses as follows:

- (1) S. 38 - 13 E. 1012.07 feet to a pipe;
- (2) N. 66 - 48 E. 894.09 feet to a stone;
- (3) N. 28 - 44 W. 1608.69 feet to a fence post, corner to lands now or formerly of Frank Taylor;

Thence with the line of said Taylor lands N. 79 - 44 1592.60 feet to an iron rod in Wright Ferry Road;

Thence, continuing last above course, to the easterly line of said Wright Ferry Road;

Thence, with the easterly line of said road in a northerly direction 1145 feet more or less, to an iron pipe in the southeast line of Cusick Road;

Thence, with the southeast line of said road in a northeasterly direction passing an iron pipe in the former Babcock line at 610.47 feet, 5220 feet more or less in all to a stone, corner to lands formerly of Cusick;

Thence from said point marked by a concrete monument scribed ACL-156-A N. 51-22-54 E. 4910.22 feet with the southeasterly line of Cusick Road to a stake; thence S. 1-47-50 W. 2477.50 feet with a line through the lands of the Aluminum Company of America to a stake at the point of curvature of said line; thence in a southeasterly direction following a curve to the left, having a radius of 139.73 feet for an arc distance of 269.80 feet (chord bears S. 53-31-08 E. 229.80') to a concrete monument scribed ACL-167 in the southwesterly line of Grade Road (formerly Vaughn Road); thence N. 71-09-54 E. 115.40 feet with the southwesterly line of said road to a concrete monument scribed ACL-168 at an angle in the southwesterly line of said Grade Road; thence S. 31-44-32 E. 978.40 with the southwesterly line of Grade Road to a concrete monument scribed ACL-159 in the south line of Burbank Road.

All bearings in the above description are referred to the Lambert Grid Meridian for the State of Tennessee.

Thence, with the southerly line of said Burbank Road in a northeasterly and then a southeasterly direction 695 feet more or less, crossing the right-of-way of Southern Railroad, to a point in the easterly line of said railroad 50 feet east of the center line of said right-ofway;

Thence, in a southwesterly direction parallel to and 50 feet distant from the center line of said railroad right-of-way 4000 feet, more or less to Alcoa City corporate boundary concrete monument 'ACL-70';

Thence a westerly course with the present corporate boundaries of the City of Alcoa, to the beginning.

E.

Boundary Change No. 5

To extend the corporate limits of said City and to make a part of said municipal corporation the following described territory and areas, to-wit:

Situated in District No. 2 of Blount County, Tennessee, and more particularly described as follows:

Beginning at a concrete monument numbered 93 in the corporate boundary of the City of Alcoa one foot south of the south boundary of Lindsey Street; thence with the corporate boundary of the City of Alcoa south 23 deg. 32 min. 28 secs. east 634.1 feet to a concrete monument numbered 92 in the corporate boundary of the City of Alcoa and corner to the property of E. M. Williams; thence with the property of E. M.

Williams south 84 degs. 31 min. west 358.44 feet to a stake in Williams land; thence north 5 degs. 29 min. west 116.79 feet to a stake; thence N. 41 degs. 55 min. west 115.78 feet to a stake in Luther Jackson's line; thence with Jackson and Williams south 48 degs 5 min. west 615.78 feet to a stake in the east edge of Calderwood Street; thence with the edge of Calderwood Street north 34 degs. 4 min. 40 secs. west 169.08 feet to a stake in the east edge of Calderwood Street; thence N. 60 degs. 54 min. 32 secs. west 25.88 feet to a concrete monument numbered 94 in the City of Alcoa boundary line; thence with the City of Alcoa boundary line north 48 degs. 48 min. 20 secs. east with said boundary line 1020.1 feet to the beginning.

All bearings herein are referred to the Tennessee Lambert Grid Meridian for the State of Tennessee and all distances are measured horizontally.

F.

Boundary Change No. 6

To extend the corporate limits of said city and to make a part of said municipal corporation the following described territory and areas, to-wit:

Situated in District No. Nine of Blount County, Tennessee and beginning on a point on the present corporate limits of said City of Alcoa, which point is marked by a concrete monument marked ACL No. 44A, which said point bears N. 44-27-57 W. 1619.09 feet from Alcoa City Limits monument number 44, and running thence from said beginning corner S. 41-59-09 W. 1194.96 feet to a concrete monument marked ACL monument 44B; thence N. 48-50-30 W. 500 feet to the line of Aluminum Company of America to a concrete monument marked ACL 44C, said monument being in the southeasterly line of Hunt Road; thence with the southeasterly line of Hunt Road the following courses and distances: N. 34-18-58 E. 487.73 feet to a concrete monument marked ACL 44D; thence following a curve to the right having a radius of 930 feet for an arc distance of 246.18 feet (cord bears N. 41-54-00 E. 245.46 feet) to a concrete monument marked ACL 44E; thence N. 49-28-58 E. 508.66 feet to a concrete monument marked ACL 45A, being a corner in the present Alcoa City Limits Line, and being also a corner to Curtis M. Hart; thence leaving said Hunt Road and with Curtis M. Hart and the Aluminum Company of America and following the present Alcoa City Limits Line S. 44-27-57 E. 500 feet to the beginning.

All bearings herein are referred to the Tennessee Lambert Grid Meridian for the State of Tennessee at Alcoa, Tennessee, and all distances are measured horizontally. [As amended by Priv. Acts. 1919, ch. 589; Priv. Acts 1921, ch. 697; Priv. Acts 1921, ch. 888; Priv. Acts 1941, ch. 49; Priv. Acts 1943, ch. 166, § 1; Priv. Acts 1945, ch. 383; Priv. Acts 1949, ch. 685; and Priv. Acts 1953, ch. 538]

SECTION 2. City of Alcoa shall have power:

- (1) To assess, levy and collect taxes for all general purposes and special purposes on all subjects or objects of taxation and privileges taxable by law for State, county or city purposes.
- (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 any 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, 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 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 or use therein either within or without the city, for present or future public use; such condemnation shall be made and effected in accordance with the terms and provisions of Section 1325 to 1348 of the Code of Tennessee, or in such other manner as may be provided by general law.
- (10) To take and hold property within or without the city or State upon trust; and to administer trusts 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 of 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, hereby expressly conferred, to grant exclusive franchises; and when 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 fifty years or less, but not longer. The Board of Commissioners may prescribe in each grant of a franchise, the rates, 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, and to any other 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, hereby expressly conferred to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive not only as against any other person, firm, association or corporation, but also as against the city itself. Such contracts may be entered into for the period of fifty years or less, but not longer. The Board of Commissioners 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 thereafter may 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 Sub-sections 12 and 13 of this section.

(15) To locate, establish, open, extend, vacate, alter, widen, grade, drain, gutter, curb, gravel, macadamize, pave, surface, construct or otherwise improve public highways, streets, alleys, avenues, boulevards, parkways, sidewalks, and squares within the corporate limits, to improve the same with trees, shrubbery, and to re-locate, reconstruct, regutter, recurb, regravel, remacadamize, repave, resurface or otherwise reimprove, repair, maintain, light, oil, sprinkle, and clean the same; to locate, establish, extend, alter, drain, construct, or otherwise improve and to relocate, reconstruct, repair, maintain, light, sprinkle and clean public wharves, bridges, viaducts, subways, tunnels, parks, grounds and sanitary or storm sewers and drains within the corporate limits; to regulate the use of any of the same; to take and appropriate property for any of the same under the provisions of Sections 1338, 1388, 1389, 1390, and 1391 of the Code of Tennessee or in such other manner as may be provided by general law and in the method and to the extent and on the principles provided

and prescribed by Chapter 18 of the Public Acts of Tennessee for 1913, First Extra Session, or in such other method and to such other extent and on such other principles as may be provided and prescribed by general law, or by ordinance of the Board of Commissioners, not inconsistent with general law, to assess upon property within the corporate limits and abutting upon or adjacent to or in the case of tracts of any street or other railroad, lying in any public highway, alley, avenue, boulevard or parkway improved hereunder a portion of the cost of expenses of widening, grading, draining, guttering, curbing, graveling, macadamizing, paving, surfacing, constructing, planting shade trees and shrubbery upon, constructing sidewalks upon, constructing sanitary or storm sewers and drains in or which serve, or otherwise improving the same, and of reguttering, recurbing, regraveling, remacadamizing, repaving, resurfacing, reconstructing, or otherwise reimproving the same and of reconstructing such sewers and drains.

(16) To 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 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 under, and as provided by either of the following Acts:

(a) Chapter 276 of the Public Acts of Tennessee for 1907, entitled: An Act to empower cities or towns of this State having a population of not less than 4,500 and not more than 4,800 inhabitants, under and by the Federal Census of 1900 or any subsequent Federal Census, to open, widen, extend, grade, pave, gravel, macadamize, gutter, construct sidewalks or lay and construct permanent sewers in, curb and park, or otherwise improve the streets, avenues, alleys and highways of said municipalities within the corporate limits thereof; to levy special taxes, assessments, or local contribution on real estate abutting on said streets, avenues, alleys or highways; to provide a method of assessing and collecting all or a portion of the cost of said improvement on, from and out of the property and property owners abutting on said streets, avenues, alleys, and highways, and of paying for the same and to authorize the issuance of bonds or certificates of indebtedness to pay for the same, and to provide for the redemption of said bonds and certificates of indebtedness;

(b) Chapter 18 of the Public Acts of Tennessee for 1913, First Extra Session, entitled: A bill to be entitled an Act authorizing the construction and improvement, the reconstruction and reimprovement by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any of the streets, highways, alleys, avenues, or other public places within the corporate limits of cities, towns, or other municipal corporations in the State having a population of not less than 2,075 nor more than 35,000 inhabitants according to the Federal Census of 1910 or by any subsequent Federal Census and to authorize the assessment of a portion of

the cost of such improvement upon the property abutting upon or adjacent to such streets, highways, or alleys, and to authorize the issuance of bonds to pay for such improvements, and the redemption of such bonds, or in such other manner as may be provided by general law, or by ordinance of the Board of Commissioners.

The said city shall also have the power and authority to provide for the construction, improvement, reconstruction, re-improvement and repair of sidewalks in the City of Alcoa abutting on streets, alleys, avenues, highways or other public places within the corporate limits of said city and to assess the entire cost of such improvements or a portion thereof as shall be determined by the Board of Commissioners of said City upon the property abutting upon said streets, alleys, avenues, highways, and other public places.

The Board of Commissioners of said city shall have the authority to pass all necessary ordinances requiring the owners of property abutting upon said public places to construct said sidewalks in front of their property as above provided out of such material of such dimensions as the Board of Commissioners may determine, or said Board of Commissioners may provide for an improvement of a district and proceed to construct said sidewalks and to assess the entire cost or a portion thereof upon the abutting property owners, and shall have the authority to create a lien against the property abutting upon said sidewalks whether the same are constructed by the owner of the lots or lands or are constructed by the municipal authorities.

(17) To assess against abutting property within the corporate limits a portion of 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 removal and disposal of garbage and refuse, the cleaning and rendering sanitary or removal, abolishing and prohibiting of closets and privies, as provided by the foregoing subsection, or in such other manner as may be provided by general law or by ordinance of the Board of Commissioners.

(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, sewerage, offal, ashes, garbage and refuse by discharging same into streams and rivers or otherwise, or to license and regulate such collection and disposal.

(20) To license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupations, 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, classify, prohibit, prevent, abate, suppress and regulate all acts, practices, conduct, conditions, business occupations, callings, trades, uses of property, structures and all other things whatsoever which are public

nuisances or detrimental to the health, morals, comfort, safety, peace, good order, convenience or general welfare of the inhabitants of the city, and to exercise general police powers.

(23) To establish zones and districts within the City in which business and other occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may not be lawfully established, conducted, or maintained.

(24) To inspect, test, measure and weigh any article of consumption or use within the city, and to charge reasonable fees therefor; and to provide standards of weights, tests and measures.

(25) To establish, regulate, license and inspect weights and measures.

(26) To regulate the percentage of any lot which may be occupied by, and the bulk, height, design, sanitary equipment, construction and materials of, all new buildings and structures and the manner or methods of prosecuting the constructing of the same and of repairing and altering all buildings and structures so as and to such extent as may be necessary, to protect and promote public health, morals and safety; to inspect all buildings, structures, lands, places and things as to their condition for health, cleanliness and safety, and when necessary for the preservation of the public health, morals or safety, to prevent the use thereof or to require any reasonable alterations, cleaning, additions or equipment thereof or thereto which may be necessary to make the same 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 workhouse or farm colony for the confinement and detention of any person convicted in the City Court of offenses against the laws and ordinances of the city who fails to secure the fine and costs imposed upon him, or to contract with Blount County to keep said persons in the workhouse of said county, and to provide by said contract and by ordinance for the commitment of such persons to the workhouse so provided until such fine and costs shall be fully paid.

(29) To enforce any ordinance, rule or regulation by means of fines, forfeiture, penalties and imprisonment or by action or 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 three hundred dollars and no imprisonment shall exceed ninety days.

(30) To establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, to purchase or otherwise acquire land for school houses, playgrounds and other purposes connected with the schools; to purchase or erect all necessary buildings and to do all other acts necessary to establish, maintain and operate a complete educational system within the city.

(31) 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 kill the same.

(32) To exercise powers of quarantine against contagious and infectious diseases of men and animals, to prevent men and animals suffering from infectious and contagious diseases from entering the City to establish all reasonable and necessary rules and regulations to those ends.

(32-a) To provide for the summary abatement by its proper officers of such extraordinary public nuisance as are immediately dangerous to the health or safety of the inhabitants of the City and the immediate abatement of which without judicial proceedings is imperative to safeguard such health and safety.

(33) To have and exercise all powers which now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein.

(34) To provide for the control of the growth of grass and weeds and the accumulation of trash, rubbish and other deleterious or noxious matter upon any property within the City; to require the owner or those in possession of property to keep the same free from the accumulation thereof; to charge such owner or those in possession of property with the cost of removal of the same and to impress a lien upon such property to defray the costs thereof.

(35) To create and establish a Municipal Planning Commission in accordance with the provisions of Section 13-501 et seq. of the Tennessee Code Annotated as the same may be amended or in accordance with any other Act of the General Assembly of the State of Tennessee now in existence or hereinafter enacted: to adopt planning regulations in accordance with the provisions of Section 13-601 et seq. of the Tennessee Code Annotated as the same may be amended or in accordance with any other Act of the General Assembly of the State of Tennessee now in existence or hereinafter enacted, and to adopt zoning regulations in accordance with the provisions of Section 13-701 et seq. of the Tennessee Code Annotated as the same may be amended or in accordance with any other Act of the General Assembly of the State of Tennessee now in existence or hereinafter enacted.

(36) To establish by zoning ordinance Planned Unit Development requirements which permit flexibility in the regulations of land development, environment innovation in land use and variety and design layout and type of structures; provide for usable open spaces, landscaped and developed recreational facilities which are integrated with the overall development through landscape and architectural treatment; provide for the permitted uses within a Planned Unit Development; provide for building heights, density area and setback requirements; provide for procedure for the establishment and approval of Planned Unit Developments; provide for the creation and maintenance of common open spaces which are defined as areas within a development designed and intended for the use or enjoyment of all residents of

a residential Planned Unit Development or all tenants or owners of a commercial Planned Unit Development or of the public in general.

The City is hereby granted the power and authority to prescribe by zoning ordinance the method or methods by which the common open spaces may be owned, maintained, managed and financed, including but not limited to the following

1. The ordinance shall provide that the city may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the ordinance shall not require, as a condition of the approval of a Planned Unit Development that land proposed to be set aside for common open space be dedicated or made available to public use. The ordinance may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space, and that such organization shall not be dissolved nor shall it dispose of any common open space by sale or otherwise without the approval of the City.

2. The ordinance may authorize such organization to make reasonable assessments to meet its necessary expenditures for maintaining the common open space in reasonable order and condition in accordance with the plan. The assessments shall be made ratably against the properties within the Planned Unit Development that have a right of enjoyment of the common open space. The ordinance may provide for agreement between the organization and the property owners providing:

(a) A reasonable method for notice and levy of the assessment;

and

(b) For the subordination of the liens securing such assessment to other liens either generally or specifically described.

3. An organization established for the ownership and maintenance of common open space which receives payments from owners of property within the Planned Unit Development for such maintenance shall:

(a) Immediately deposit such payments in a separate trust account maintained by it with some bank or recognized depository in this state.

(b) Keep records of all such payments deposited therein and all disbursements therefrom.

4. Any assessment levied upon any property within the Planned Unit Development shall be a debt of the owner thereof at the time the assessment is made. The amount of the assessment plus interest, costs including attorney fees and penalties shall be a lien upon the property assessed when the organization causes to be recorded with the Register's Office for Blount County, Tennessee, a notice of assessment which shall state:

(a) The amount of the assessment and interest, costs and penalties;

(b) A description of the property against which the same has been assessed; and

(c) The name of the record owner of the property.

Such notice shall be signed by an authorized representative of the organization or as otherwise agreed. Upon payment or other satisfaction of the assessment and charges, the organization shall cause to be recorded a further notice stating satisfaction and the release of the lien.

5. If the organization established to own and maintain common open space, or any successor organization, at any time after the establishment of a Planned Unit Development fails to maintain the common space in a reasonable order and condition in accordance with the plan, the City may serve written notice upon such organization or upon the owners of the Planned Unit Development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Such notice shall include a demand that such deficiencies of maintenance be cured within 30 days of the receipt of such notice and shall state the date and place of a hearing thereon, which shall be within 14 days of the receipt of such notice.

6. At such hearing the City may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within the 30-day period, or any extension thereof, the City, in order to preserve the taxable values of the properties within the Planned Unit Development and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain it for a period of 1 year.

7. Such entry and maintenance shall not vest in the public any right to use the common open space except when such right is voluntarily dedicated to the public by the owners and accepted by the City.

8. Before the expiration of the period of maintenance set forth above, the City shall, upon its own initiative or upon the request of the organization previously responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the owners of the Planned Unit Development to be held by the City. At this hearing such organization or the residents of the Planned Unit Development shall show cause why such maintenance by the City shall not, at the election of the City, continue for a succeeding year.

9. If the City determines that such organization is ready and able to maintain the common open space in a reasonable condition, the City shall cease its maintenance at the end of such year.

10. If the City determines such organization is not ready and able to maintain the common open space in a reasonable condition, the City may, in its discretion, continue the maintenance of the common open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

11. The decision of the City in any such case referred to in this section constitutes a final administrative decision subject to review in accordance with the provisions of law.

12. The total cost of such maintenance undertaken by the City shall be assessed ratably based upon the assessed values for ad valorem tax purposes against the properties within the Planned Unit Development that have a right of enjoyment of the common open space and shall become a lien on such properties.

13. The City, at the time of entering upon such common open space for the purpose of maintenance, shall file a notice of such lien in the Register's Office for Blount County, Tennessee, upon the properties affected by such lien within the Planned Unit Development. Such notice shall state:

(a) A description of the property against which the lien is impressed.

(b) The name of the record owners of the property.

14. Liens of the organization and the City shall be subordinate to all taxes and special assessments but shall be prior to any other liens and encumbrances recorded subsequent to the recordation of the notice of assessment. Unless sooner satisfied and released or its enforcement initiated as herein provided for, the liens shall expire and be of no further force or effect 2 years from the date of recordation of the notice of assessment.

15. Such liens may be enforced by the organization, its agent or attorney, or by the City after failure of the owner to pay such assessment in accordance with its terms by attachment levied upon the lot or parcel of ground upon which the lien exists in any court with equity jurisdiction in Blount County, Tennessee. Any land so attached may be sold in said attachment proceedings in bar of the equity of redemption and all other rights, legal or equitable, belonging to the owners of such land. The organization, if it is a corporation, cooperative association, partnership or natural person, and the City may bid in the property at foreclosure sale and hold, lease, mortgage and convey it. [As amended by Priv. Acts 1921, ch. 620, §§ 1 and 2; Priv. Acts 1951, ch. 19; Priv. Acts 1961, ch. 67; Priv. Acts 1967, ch. 69; Priv. Acts 1971, ch. 85; Priv. Acts 1981, ch. 102; and Priv. Acts 2005, ch. 7, § 1]

SECTION 3. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this Article impair a power granted in any other part of this Chapter and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the City to exercise freely any one or more such powers as to any one or more such objects for any one or more such purposes.

ARTICLE 2. ELECTIONS.

SECTION 1. General city elections shall be those transitional city elections held on the first Saturday in June in odd-numbered years for the transitional elections provided in Article 3, Section 1, and Article 19, Section 5, and those subsequent city elections held on the date of general state elections which fall on the first Tuesday following the first Monday in November of even-numbered years. [As replaced by Priv. Acts 2000, ch. 89, § 1]

SECTION 2. The Board of Election Commissioners for Blount County shall call all municipal elections and appoint the necessary and proper officers therefor and municipal elections shall be held under and pursuant to the general laws prescribed for elections for members of the State Legislature. [As amended by Priv. Acts 1921, ch. 620, § 3]

SECTION 3. All persons who are bona fide residents of the City of Alcoa and who are qualified to vote for members of the State Legislature and have registered shall be entitled to vote in said election.

Non-residents of the City of Alcoa shall also be allowed to vote in municipal elections; provided, that such persons must own at least a fifty percent (50%) fee simple interest in real property having a total appraised value of two hundred fifty thousand dollars (\$250,000) or more and situated within the municipal limits at the time of registration and election to be able to vote. [As amended by Priv. Acts 1921, ch. 620, § 3; Priv. Acts 1967, ch. 69; replaced by Priv. Acts 1971, ch. 85; and amended by Priv. Acts 2002, ch. 142]

SECTION 4. Polling places for municipal elections shall be fixed by the County Court of Blount County, ballots for municipal elections shall be furnished at the expense of the City. [As amended by Priv. Acts 1921, ch. 620, § 3, and Priv. Acts 1971, ch. 85]

SECTION 5. Neither the City Manager, City Attorney, Recorder, City Judge, Chief of Police nor any person in the employ of the city under any of the said officers shall take any active part in or contribute any money toward the nomination or election of any candidate for election to the Board of Commissioners, except to answer such questions as may be put to them and as they may desire to answer. A violation of this section shall subject the offenders to removal from office or employment and to punishment by fine of not more than fifty dollars for each offense. [As amended by Priv. Acts 1971, ch. 85]

SECTION 6. No candidate for any office nor any person shall directly or indirectly give or promise any person or persons any office, employment, money, benefit or anything of value for the purpose of influencing or obtaining political support, aid or vote for such candidate, and any person violating this provision

shall be punished by fine of not more than fifty dollars for each offense. [As amended by Priv. Acts 1971, ch. 85]

SECTION 7. The Board of Commissioners of the City of Alcoa shall have the power by ordinance or resolution passed by a majority of all the members, to notify and call upon the Board of Election Commissioners for Blount County to call, provide for and cause to be held all municipal elections, including all elections respecting bond issues, and to call, provide for and cause to be held registration of voters for such elections and to appoint all necessary and proper officers for such elections and registration and it shall be the duty of said Board of Election Commissioners, upon such notification, to call and provide for all such elections and registration therefor in accordance with such notification. [As amended by Priv. Acts 1921, ch. 620, § 3; Priv. Acts 1968, ch. 340; and Priv. Acts 1971, ch. 85]

ARTICLE 3. BOARD OF COMMISSIONERS.

SECTION 1. The governing body of the City of Alcoa shall be a Board of Commissioners which shall consist of five (5) members who have been elected by the qualified voters of the city and whose terms of office shall be four (4) years, except for the transitional terms as provided herein. The two (2) members of the present Board of Commissioners elected to four (4) year terms of office in the general city election held on the first Saturday in June, 1997, and whose terms expire in 2001, and the three (3) members of the present Board of Commissioners elected to four (4) year terms of office in the election held on the first Saturday in June, 1999, and whose terms expire in 2003, shall complete their terms of office. On the date of the general city election held on the first Saturday in June, 2001, two (2) commissioners shall be elected for transitional terms which expire on the date of the first regular meeting of the Board following the date of the general state election held on the first Tuesday following the first Monday in November, 2004. On the date of the general city election held on the first Saturday in June, 2003, three (3) commissioners shall be elected for transitional terms which expire on the date of the first regular meeting of the Board following the date of the general state election held on the first Tuesday following the first Monday in November, 2006. Thereafter, the dates of general city elections shall be the dates of general state elections held on the first Tuesday following the first Monday in November of even-numbered years. At each and every such general city election on those dates, the commissioners shall be elected to four (4) year terms of office. [As replaced by Priv. Acts 1921, ch. 620, § 4; Priv. Acts 1968, ch. 34; Priv. Acts 1971, ch. 85; and Priv. Acts 2000, ch. 89, § 2]

SECTION 2. The commissioners at their first regular meeting following each general city election shall elect one (1) of their number mayor for a term

that shall expire at the first regular meeting of the Board occurring after the next general city election. [As replaced by Priv. Acts 1921, ch. 620, § 4; and Priv. Acts 2000, ch. 89, § 3]

SECTION 3. Any qualified voter of the city and who shall be a resident thereof for at least one year shall be eligible for election to the office of Commissioner. [As amended by Priv. Acts 1967, ch. 69, and Priv. Acts 1971, ch. 85]

SECTION 4. No person shall become Commissioner who shall have been convicted of malfeasance in office, bribery or other corrupt practice, or crime, or of violating any of the provisions of Section 7 of Article 2 of this Charter in reference to elections and if any Commissioner shall be so convicted he shall forfeit his office.

SECTION 5. The salary of the Mayor shall be Two Hundred Fifty dollars (\$250.00) per month. The salary of each other Commissioner shall be One Hundred Seventy-Five Dollars (\$175.00) per month.

The Commissioners shall be reimbursed for their actual and reasonable business and travel expenses incurred in the performance of their duties as commissioners. [As replaced by Priv. Acts 1974, ch. 382, § 1, as amended by Priv. Acts 1993, ch. 25; Priv. Acts 1994, ch. 148; and Priv. Acts 1996, ch. 145, § 10]

SECTION 6. The legislative and all other powers except as otherwise provided by this charter are hereby delegated to and vested in the Board of Commissioners, and the Board of Commissioners may by ordinance, resolution or motion not inconsistent with this Charter prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or State to protect the rights of the city.

The said Board shall exercise its powers in session duly assembled and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the Board except through proceedings adopted at some regular session. [As amended by Priv. Acts 2005, ch. 7, § 2]

SECTION 7. The Board of Commissioners shall by ordinance fix the time and place at which the regular meetings of said Board shall be held. Any regular meeting at which a quorum is present may be adjourned by a majority vote of the Commissioners present, either from day to day or from time to time but not over the day before that appointed for the next regular meeting and shall continue as a regular meeting throughout such adjournment.

Whenever, in the opinion of any three Commissioners or of the City Manager and any two Commissioners the welfare of the City demands it, the

Mayor or the Recorder, shall call special meetings of the Board of Commissioners upon at least eight hours written notice to each Commissioner, the City Manager, the Recorder, and the City Attorney, served personally or left at his usual place of residence. Such notice shall set forth the character of the business to be transacted at such special meeting and no other business shall be considered or transacted thereat. [As replaced by Priv. Acts 1921, ch. 620, § 4, as amended by Priv. Acts 1971, ch. 85]

SECTION 8. The Mayor shall preside at all meetings of the Board of Commissioners.

SECTION 9. Any vacancy in the office of commissioner shall be filled by the appointment of a person meeting the qualifications of commissioner under this Charter, by the remaining members of the Board. The appointee shall hold office until the first regular meeting following the next general city election occurring after the appointment. The remainder of the vacating Commissioner's term, if any, extending past the date of the first regular meeting following the next general city election shall be filled at that election. However, in the event the vacancy occurs within one hundred eighty (180) days of the next general city election, the appointee shall hold office for the entirety of the vacating Commissioner's term. [As replaced by Priv. Acts 1921, ch. 620, § 4; and Priv. Acts 2000, ch. 89, § 4]

SECTION 10. At the first meeting of the Board following each general city election, the Board shall choose from its membership a Vice-Mayor. The Vice-Mayor shall act as the Mayor during any temporary absence of, inability of or failure to act by the Mayor. Whenever a vacancy occurs in the office of Mayor, the Vice-Mayor shall become Mayor and hold office for the entirety of the unexpired term of the vacated Mayor. The Board shall then appoint another Vice-Mayor from its membership. [As replaced by Priv. Acts 1921, ch. 620, § 4; and Priv. Acts 2000, ch. 89, § 5]

SECTION 11. A majority of all the members of said Board shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalties as the Board may provide.

SECTION 12. Said Board may determine the rules of its proceedings, subject to this Charter and may arrest and punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous behavior in its presence. It shall have power and may delegate it to any committee, to subpoena witnesses and order the production of books and papers, relating to any subject within its jurisdiction; to call upon its own officer or the Chief of

Police to execute its process; and to arrest and punish by fine or imprisonment or both, any person refusing to obey such subpoena or order.

No fine for any one offense under this Section shall exceed three hundred dollars, nor shall any imprisonment for any one offense exceed ninety days, but each day's continuance in any refusal as aforesaid shall be a separate offense.

Its presiding officer or the chairman of any committee may administer oaths to witnesses.

It shall keep a journal of its proceedings, and the yeas and nays in all questions shall be entered thereon. [As amended by Priv. Acts 1971, ch. 85]

SECTION 13. All sessions of the Board shall be public and subject to change of place in case of emergency.

SECTION 14. The Mayor and Commissioners may be removed from office by the Board of Commissioners for crime or misdemeanor in office for grave misconduct showing unfitness for public duty or for permanent disability, all other members of the Board voting for said removal. The proceedings for such removal shall be upon specific charges in writing, which with a notice stating the time and place of the hearing, shall be served on the accused or published at least three times on three successive days in a daily newspaper circulating in the city.

The hearing shall be made public and the accused shall have the right to appear and defend in person and by counsel and have process of the Board to compel the attendance of witnesses in his behalf. Such vote shall be determined by yeas and nays and the names of the members voting for or against such removal shall be entered in the journal.

Immediately upon the vote for removal the term of the accused shall expire and his official status, power, and authority shall cease without further action. Anyone removed hereunder shall have the right of appeal.

SECTION 15. (a) No commissioner shall hold any other city office or city employment during the term for which he was elected to the Commission, except as a nonsalaried member of any board, commission, authority or body over which the Board of Commissioners or the Mayor has the power of appointment or election of some or all of its members. No former commissioner shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which he was elected to the commission.

(b) Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the Commission may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(c) Except for the purpose of inquiries and investigations, the Commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the Commission nor its members shall give orders to any such officer or employee, either publicly or privately. [As added by Priv. Acts 1971, ch. 85, as amended by Priv. Acts 1994, ch. 149]

Section 16. The Board of Commissioners or Mayor shall have the authority to elect or appoint one of the commissioners to an office over which the Board of Commissioners or Mayor has the power of election or appointment. [As added by Priv. Acts 1994, ch. 149]

ARTICLE 4. ORDINANCES.

SECTION 1. All ordinances shall begin: "Be it ordained by the City of Alcoa, as follows:"

SECTION 2. Every proposed ordinance shall be introduced in writing, in the form required for final adoption. Prior to or upon the introduction, a copy shall be distributed to each member of the Board of Commissioners, the City Recorder, the City Manager and the City Attorney. The body of the ordinance may be omitted from the journal, but reference thereto shall be made to the ordinance by title or subject matter. Every ordinance shall be passed on two (2) different days at regular, special or adjourned meetings, excepting only emergency ordinances and not less than one (1) week shall elapse between the first and final passage. An emergency ordinance may be enacted upon the day of its introduction if it contains the statement that an emergency exists and specifies with distinctness the acts and reasons constituting the emergency. The unanimous vote of all members of the board present and not less than three (3) members shall be required to pass an emergency ordinance. No ordinance making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for services by any public utility shall be passed as an emergency ordinance. Except in the ordinance adopting the budget, no material or substantial amendment may be made on final passage unless the amendment be passed in the same manner as an amendment to an existing ordinance. No ordinance of a penal nature shall take effect until ten (10) days after the final passage thereof. Any other ordinance, including an emergency ordinance, may be enacted to take effect forthwith upon its final passage, or may be enacted to take effect at a specified future time in the discretion of the Board of Commissioners. No ordinance shall be amended or repealed except by a new ordinance. [As replaced by Priv. Acts 1921, ch. 620, § 5, amended by Priv. Acts 1968, ch. 340, replaced by Priv. Acts 1979, ch. 156, amended by Priv. Acts 1990, ch. 222, and replaced by Priv. Acts 1993, ch. 29]

SECTION 3. In all cases under the preceding Section the vote shall be determined by yeas and nays and the names of the members voting for or against an ordinance shall be entered on the journal.

SECTION 4. Every ordinance shall be immediately taken charge of by the Recorder and by him numbered, copied in an ordinance book, filed and preserved in his office.

SECTION 5. The captions of all ordinances of a penal nature hereinafter passed shall be published at least once in the official newspaper of the city or county and no such ordinance shall be enforced until said caption is so published. [As replaced by Priv. Acts 2005, ch. 7, § 3]

ARTICLE 5. MAYOR.

SECTION 1. The Mayor shall preside at all meetings of the Board of Commissioners and perform such other duties consistent with his office as may be imposed by it and he shall have a seat, a voice and a vote but no veto. He shall sign the journal of the Board and all ordinances on their final passage, execute all deeds, bonds and contracts made in the name of the city; he may introduce ordinances in the Board of Commissioners.

SECTION 2. 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 by the Board of Commissioners not in conflict with any of the provisions of this charter.

SECTION 3. All legal process against the city shall be served upon the Mayor or Recorder, and it shall be his duty forthwith to transmit the process to the City Attorney after writing thereon the time, place and manner of service.

ARTICLE 6. OFFICERS AND EMPLOYEES.

SECTION 1. The Board of Commissioners shall appoint and fix the salary of the City Manager, who shall hold office at the pleasure of the Board.

All other employees of the city shall be appointed by the city manager and removed by him at any time. The said Board shall fix the salaries by adopting a pay plan and shall make proper provisions in the Appropriation Ordinance for their salaries and the salaries or compensation of all other officers, agents and employees as may be necessary. The city manager shall reside or become a resident of the City of Alcoa upon his qualifications after appointment and the Board of Commissioners may in their discretion designate the residence in which he shall reside. [As replaced by Priv. Acts 1959, ch. 264, § 1, as amended by Priv. Acts 1971, ch. 85]

SECTION 2. Every officer, agent and employee holding a position upon an annual salary shall before entering upon his duties, take and subscribe and file with the Recorder, an oath or affirmation that he has all the qualifications and is not subject to any of the disqualifications named in this charter for the office or employment he is about to assume; that he will support the constitution of the United States and of this State and the charter and ordinances of the city and that he will faithfully discharge the duties of his office or employment.

SECTION 3. The City Manager and every officer, agent and employee having duties embracing the receipt, disbursement, custody or handling of money, shall, before entering upon his duties, execute a fidelity bond with some surety company authorized to do business in the State of Tennessee, as surety in such amount as shall be prescribed by ordinance of the Board of Commissioners, except where the amount is prescribed in this charter. All such bonds and the sureties thereto, shall be subject to the approval of the Board of Commissioners.

The cost of making said bonds is to be paid by the city. [As amended by Priv. Acts 1971, ch. 85]

SECTION 4. If at any time it appears to the Mayor, City Manager or Recorder, that the surety or sureties on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give such additional bond, within twenty days after he shall have been notified, his office shall be vacant.

SECTION 5. The policy of the city shall be to employ those persons best qualified to carry out the functions of the city. To this end the Board of Commissioners shall by ordinance establish a merit system providing for the appointment and promotion of city officers and employees solely on the basis of competence and fitness. All officers and employees shall be included in such merit system except:

- (a) Board of Commissioners
- (b) Members of boards who are not city employees
- (c) The City Manager
- (d) Department heads
- (e) Organizations and their employees and other persons

who are engaged by the city on a contractual basis. [Priv. Acts 1965, ch. 59, § 1, as amended by Priv. Acts 1989, ch. 104]

SECTION 6. The City Manager shall be responsible for the administration of the merit system. He shall develop, maintain, and apply suitable provisions for the classification of positions and for the recruitment, compensation, training, promotions and disciplinary and related aspects of personnel management. He shall develop and revise as necessary a

comprehensive pay plan and personnel rules setting forth employment conditions. [Priv. Acts 1965, ch. 59, § 1, as amended by Priv. Acts 1971, ch. 85]

SECTION 7. Except as otherwise provided in this charter the compensation of all officers and employees of the city shall be fixed within the limits of budget appropriations and in accordance with a comprehensive pay plan adopted by the Board of Commissioners. The compensation of officers and employees as fixed or otherwise provided for by this charter shall be in full payment for all official services of such officers or employees, and shall be in lieu of any and all fees, commissions, and other compensation which may be receivable by such officers in performance of the duties of their offices; such fees, commissions and compensation shall belong to the city, be collected and accounted for by such officers, and be paid over to the city. [Priv. Acts 1965, ch. 59, § 1, as amended by Priv. Acts 1971, ch. 85]

SECTION 8. The Board of Commissioners shall provide for the retirement of the city's non-elective officers and employees and make available to them any group, life, hospital, health, or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits otherwise provided by law. [Priv. Acts 1965, ch. 59, § 1, as amended by Priv. Acts 1971, ch. 85]

SECTION 9. The Board of Commissioners shall prescribe by ordinance appropriate procedures with respect to resignations and leaves of absence of officers and employees and with respect to the orderly transfer of records, assets, and other effects in the custody of such officers and employees to their successors or supervisors. [Priv. Acts 1965, ch. 59, § 1, as amended by Priv. Acts 1971, ch. 85]

ARTICLE 7. CITY MANAGER.

SECTION 1. In addition to all other powers conferred upon the City Manager he shall be the administrative head of the municipal government under the direction and supervision of the Board of Commissioners; he shall be appointed without regard to his political beliefs and need not be a resident of the city or State, at the time of his appointment.

During the long absence or disability of the City Manager the Board of Commissioners may designate some properly qualified person to perform the functions of the City Manager. During short absences and disabilities, the city manager may designate an acting city manager. [As amended by Priv. Acts 1971, ch. 85]

SECTION 2. The powers and duties of the City Manager shall be:

(a) To see that the laws and ordinances are enforced, and upon knowledge or information of any violation thereof, to see that prosecutions are instituted in the City Court.

(b) Except as in this charter provided, to appoint and remove all heads of departments and all subordinate officers and employees, all appointments to be made upon merit and fitness alone.

(c) To supervise and control the work of officers and of all departments and divisions created by this charter or which hereafter may be created by the Board of Commissioners.

(d) To see that all terms and conditions imposed, in favor of the city or its inhabitants in any public utility or franchise, are faithfully done, kept and performed and upon knowledge or information of any violation thereof, to call the same to the attention of the City Attorney, who is hereby required to take such steps as are necessary to enforce the same.

(e) To attend all meetings of the Board of Commissioners, with the right to take part in the discussions, but having no vote.

(f) To recommend to the Board of Commissioners for adoption such measures as he may deem necessary or expedient.

(g) To act as Budget Commissioner and to keep the Board of Commissioners fully advised as to the financial condition and needs of the city.

(h) To act as Purchasing Agent of the City and to have purchased all material, supplies and equipment for the proper conduct of the City's business. The Board of Commissioners shall prescribe by ordinance the maximum expenditure which the City Manager may make without the specific authorization of the Board, and shall prescribe rules for competitive bidding, but unless specifically authorized by ordinance or resolution as hereinafter provided, no purchase shall be made at any one time in an amount which, in the aggregate, will exceed five thousand dollars (\$5,000.00) unless bids shall have been requested through public advertisement and award to the lowest and best responsible bidder, provided that the Board of Commissioners may authorize, by ordinance or resolution, the City Manager to purchase specific material, supplies, services and equipment, or any of them, costing in the aggregate more than five thousand dollars (\$5,000.00) without requesting bids therefor through public advertisement; provided, however, the City Manager may name another person to carry out the duties and responsibilities of this position.

(i) To act as general manager of the Electric Department and as director of the Department of Public Safety; provided, however, the City Manager may name another person to carry out the duties and responsibilities of these positions.

(j) To perform such other duties as may be prescribed by this charter or required of him by resolution or ordinance of the Board of Commissioners. [As amended by Priv. Acts 1921, ch. 620, § 6; Priv. Acts 1971, ch. 85; Priv. Acts

1977, ch. 144, § 1; Priv. Acts 1996, ch. 145, §§ 2 and 13; and Priv. Acts 2000, ch. 89, § 9]

ARTICLE 8. MUNICIPAL COURT.

SECTION 1. The City Judge shall have jurisdiction in and over all cases for the violation of, and offenses against, and in all cases arising under, the laws and ordinances of the city of Alcoa. [As amended by Priv. Acts 1959, ch. 264, § 2]

SECTION 2. The City Judge shall have power and authority to impose fines, costs and forfeitures and to punish by fine or imprisonment, or both for violation of city ordinances; to preserve and enforce order in his court; to enforce the collection of all such fines, costs and forfeitures imposed by him and in default of the payment or good and sufficient security given for the payment of any such fine, costs or forfeitures imposed by him, he shall have the power, and it shall be his duty to commit the offender to the workhouse or other place provided for such purpose, and to such labor as may be provided by ordinance until such fine, costs or forfeiture shall be fully paid, at the rate to be prescribed by ordinance.

The City Judge may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision. [As amended by Priv. Acts 1959, ch. 264, § 2, and Priv. Acts 1971, ch. 85]

SECTION 3. Any person dissatisfied with the judgment of the City Judge, in any case or cases heard and determined by such Judge, may, within ten (10) days thereafter, excluding Sundays, appeal to the Circuit Court of Blount County upon giving bond in the amount of two hundred fifty dollars (\$250) for such person's appearance or the faithful prosecution of the appeal. As used in this section, "person" includes, but is not limited to, a natural person, corporation, business entity or the municipality. [As amended by Priv. Acts 1959, ch. 264, § 2; and replaced by Priv. Acts 2007, ch. 41, § 1]

SECTION 4. Only one warrant shall be issued for the same offense, said warrant to embrace all the parties charged with the same offense.

No arrest shall be made except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest except in case of a felony.

The affidavit upon which the warrant is issued shall specifically state the offense charged.

SECTION 5. All fines imposed by the City Judge for violations of city ordinances shall belong to and be paid into the treasury of the city of Alcoa. [As amended by Priv. Acts 1959, ch. 264, § 2, and Priv. Acts 1971, ch. 85]

SECTION 6. The City Judge, in all cases heard or determined by such Judge for offenses against the corporate laws and ordinances, shall tax in the bill of costs, whether court costs, litigation tax or other authorized fees, an amount not to exceed the same or similar item allowed in courts of General Sessions for work in state cases, and an additional amount for any tax(es) incurred upon the City by any governmental authority in relation to such matters. It shall be the duty of the City Judge to collect and receipt for all fines, costs and forfeitures imposed by the City Judge, and the City Judge shall remit all fines, costs and forfeitures collected to the City Recorder. It shall be unlawful for any person or officer to collect or receipt for such fines, costs and forfeitures, but the City Judge may authorize the Chief of Police to collect and receipt for all fines, costs and forfeitures imposed by the City Judge for offenses against the laws and ordinances of the City.

It shall be the duty of the City Judge to keep or cause to be kept a record of all fines, costs and forfeitures assessed but uncollected, or the City Judge may authorize the Chief of Police to keep such records.

Costs in favor of any person paid a fixed salary by the City shall belong to the City, and be paid into the city treasury. [As amended by Priv. Acts 1959, ch. 264, § 2; and replaced by Priv. Acts 2007, ch. 41, § 2]

SECTION 7. The City Judge shall keep or cause to be kept a court docket or dockets embodying complete detailed records of all cases handled by the City Judge and may authorize the Chief of Police to maintain and keep such records. [As amended by Priv. Acts 1959, ch. 264, § 2; and replaced by Priv. Acts 2007, ch. 41, § 3]

SECTION 8. [As added by Priv. Acts 1959, ch. 264, § 3; and deleted by Priv. Acts 2007, ch. 41, § 4]

ARTICLE 9. CITY ATTORNEY.

SECTION 1. The City Attorney shall be an attorney at law entitled to practice in the court of the State.

SECTION 2. The City Attorney shall direct the management of all litigation in which the city is a party including the function of prosecuting attorney in the city courts, represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers are officially interested; attend all meetings of the Board of Commissioners; advise the Board of Commissioners, and committees or members thereof, the City Manager, and the heads of all departments and divisions, as to all legal questions affecting the city's interest; and approve as to

form, all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city.

He shall receive a salary to be fixed by the Board of Commissioners.

ARTICLE 10. RECORDER.

SECTION 1. The Recorder shall be the head of the Department of Finance and Administration.

He shall receive a salary to be fixed by the Board of Commissioners, give such bond to the city for not less than five thousand dollars as may be provided by ordinance.

He shall have a seat and voice, but not vote in the Board of Commissioners.

He shall, by his signature, and the city seal, attest all instruments signed in the name of the city, and all official acts of the Mayor.

He shall have power to administer oaths. [As amended by Priv. Acts 1996, ch. 145, § 3]

SECTION 2. It shall be the duty of the Recorder to be present at all meetings of the Board of Commissioners, and to keep a full and accurate record of all business transacted by the same to be preserved in permanent book form.

SECTION 3. The Recorder shall have custody of, and preserve in his office, the city seal, the public records, original rolls of ordinances, ordinance books, minutes of the Board of Commissioners, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds (except his own bond, which shall be in the custody of the Mayor), and all other bonds, oaths and affirmations and all other records, papers and documents not required by this charter or by ordinances to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

SECTION 4. The Recorder shall provide, and when required by any officer or person, certify copies of records, papers and documents in his office, and charge therefor, for the use of the city, such fees as may be provided by ordinance, cause copies of ordinances to be printed, as may be directed by the Board of Commissioners and kept in his office for distribution.

SECTION 5. The Recorder as the head of the Department of Finance and Administration, shall exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and claims, and the disposition thereof. He shall be the general accountant and auditor of the city; he shall have custody of all records, papers and vouchers relating to the fiscal affairs of the city, and the records in his office shall show

the financial operations and condition, property, assets, claims and liabilities of the city, all expenditures authorized and all contracts in which the city is interested. He shall require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to him by the several departments and officers of the city, including all deputies or employees of his department charged with the collection or expenditures of money, and shall control, and continually audit the same. He shall, at least monthly, adjust the settlements of officers engaged in the collection of the revenue. [As amended by Priv. Acts 1996, ch. 145, § 4]

SECTION 6. The Recorder, with the approval of the City Manager, shall cause an efficient system of accounting for the city to be installed and maintained.

SECTION 7. The City Manager shall appoint a Treasurer. It shall be the duty of the Treasurer to collect, receive and receipt for the taxes and all other revenues, and bonds of the city, and the proceeds of its bond issues, and to disburse the same. The City Manager may appoint the Recorder as Treasurer.

SECTION 8. Except as by this charter or by law or ordinance otherwise provided, the Recorder shall prescribe and regulate the manner of paying creditors, officers and employees of the city. He shall audit all pay rolls, accounts and claims against the city and certify thereon the balance as stated by him, but not pay roll, account or claim or any part thereof, shall be audited against the city or paid unless authorized by law or ordinance and approved and certified by the City Manager, and the head of the department for which the indebtedness was incurred, and the amount required for payment of the same appropriated for that purpose by ordinance and in the treasury. Whenever any claim shall be presented to the City Recorder he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent, or employer, or any department of the municipality, or any other person and examine him upon oath or affirmation relative thereof. The City Manager, Recorder, and head of the department concerned, and their sureties, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the municipality.

SECTION 9. Subject to the provisions of the foregoing Section warrants shall be issued by the Recorder. Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund. Any officer or employee in the Recorder's office may be designated by him to draw warrants with the same effect as if signed by the Recorder, such designation to be in writing, in duplicate filed with the City Manager, provided, that the City Manager may make such designation if the Recorder be absent or

disabled and there be no one in his office designated to act. Any such designation may be revoked by the Recorder while acting as such by filing the revocation in duplicate with the City Manager and the treasury division.

SECTION 10. No contract, agreement or other obligation involving the expenditures of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the Board of Commissioners or be authorized by any officer of the city unless the Recorder shall first certify to the Board of Commissioners or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury or safely assured to be forthcoming and available in time to comply with or meet such contract, agreement, obligation or expenditure; and no contract, agreement, or other obligation involving the expenditure of money payable from the proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of this charter in reference to city bonds.

SECTION 11. No contract liability shall be incurred without previous authority of law or ordinance, but the Board of Commissioners may, by ordinance empower the proper officials to pay out money or incur contract liability for the city for the necessary preservation of the city's credit, or in other extreme emergency, under such restrictions as may be provided in said ordinance; provided that any such liability shall mature not later than one year from the date of its incurrence.

SECTION 12. The Treasurer shall be custodian of all sinking funds established for retiring bonds of the city to be managed in accordance with the provisions of this charter or sinking funds.

SECTION 13. Depositories of the City funds shall be designated by ordinance which ordinance shall, in every case, require the depository, before being given custody of any city funds, to furnish adequate security to protect the interests of the city, either by collateral in the form of bonds, notes or other obligations of the City of Alcoa or of bonds, notes or other obligations in which sinking funds of the City may be invested under the provisions of Section 1 of Article 14 of this Charter, in an amount ten (10) per cent in excess of the deposits or by a bond in the sum of ten (10) per cent in excess of the deposits with some surety company, satisfactory to the city and authorized to do business in the State of Tennessee as surety. [As replaced by Priv. Acts 1921, ch. 620, § 7]

SECTION 14. The Recorder shall cause all stationery and all forms used either in connection with the receipt or disbursement of city funds to be numbered consecutively, and all spoiled or unused forms shall be accounted for.

SECTION 15. The Recorder shall also perform any other duties imposed upon him by this charter or by ordinance.

SECTION 16. The City Manager shall appoint an assistant recorder who, in the absence or inability to act of the Recorder, shall act as Recorder and exercise all the powers and authority and be subject to all the duties of the Recorder. In the event of the temporary absence or disability of both the Recorder and the Assistant Recorder, the City Manager may appoint a Recorder pro tempore. [As replaced by Priv. Acts 1921, ch. 620, § 7]

ARTICLE 11. TAXATION AND REVENUE.

SECTION 1. The assessment, levy and collection of taxes and special assessment shall be in charge of the Department of Finance and Administration, subject to the limitation elsewhere found in this Charter. All property, real, personal and mixed, subject to State, county and city taxes, and all privileges taxable by law, and all persons liable for work on the public streets, avenues, alleys or other thoroughfares of the city, or for a tax in lieu of said work when the same shall have become duly assessed for taxation as now, or may hereafter be, provided by law, by the assessor or assessors elected or appointed under the general laws of the State, or by ordinance of the Board of Commissioners, shall be the basis upon which property shall be taxed and taxes collected by the city of Alcoa for municipal purposes as hereinafter provided. The ad valorem tax upon the stocks, accounts and equipment, or gross investment in like manner as State and county merchants' ad valorem tax is assessed upon the same property. It shall be the duty of the county tax assessor for Blount County, and of the Railroad Commission of Tennessee, to prepare a separate assessment book or roll showing real, personal and mixed property assessable by him (or it) lying within the limits of the city of Alcoa. These records shall be certified to the Recorder of the city of Alcoa upon the completion of the work of the boards of equalization, after they have been copied by the County Court Clerks of Blount County or the Comptroller of the State. The Board of Commissioners of the city of Alcoa shall have full power to levy and collect taxes as of January 10th, 1919, on property covered by the assessments made for the year 1917, by the county tax assessor, the State Railroad Commissioners and the sworn statements of merchants, notwithstanding this Act may not become effective until after January 10th, 1919. [As amended by Priv. Acts 1971, ch. 85 and Priv. Acts 1996, ch. 145, § 5]

SECTION 2. As soon as practicable in each year after the assessment books for the State and county are complete (which shall be after equalization boards provided for by general law shall have finished their work), it shall be the duty of the Recorder to prepare or cause to be prepared from the said assessment books of Blount County, and of the Railroad Commission of

Tennessee, a tax book similar in form to that required by the laws of the State to be made out for the County Trustee, embracing, however, only such properties and persons as are liable for taxes within the city of Alcoa. Such tax books, when certified to be true, correct, and complete by the Recorder, shall be the assessment for taxes in said city for all municipal purposes; provided, that there may be an assessment by the Recorder at any time of any property subject to taxation found to have been omitted, and such assessment shall be duly voted and entered on the assessment books of the city, and further provided that instead of the assessment made by county and State officials as herein provided the city may by ordinance insofar as not prohibited by general law, provide for and regulate an assessment to be made by its own tax assessors.

SECTION 3. It shall be the duty of the Recorder, in each year as soon as the assessment roll for the city is complete, to submit to the Board of Commissioners a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits (including assessment of all railroads, telephone and telegraph properties), together with a certified statement of the revenue derived by the city from privilege taxes, merchants' ad valorem taxes, street labor taxes, fines for the preceding fiscal year, and miscellaneous revenue. Upon the presentation of such statements by the Recorder, the Board of Commissioners shall proceed by ordinance to make the proper levy to meet the expenses of the city for the current fiscal year.

SECTION 4. It shall be the duty of the Recorder, immediately after the levy of taxes by the Board of Commissioners, to cause the said levy to be extended upon the said tax book, prepared by the Recorder, in the same manner that extensions are made upon the tax books in the hands of the County Trustee.

SECTION 5. All taxes due the City of Alcoa, except privilege and merchants' ad valorem taxes, and street labor taxes, shall, until otherwise provided by ordinance, be due and payable on the first day of September of the year for which the taxes are assessed.

The Treasurer shall be custodian of tax books and shall be the Tax Collector of the City. For convenience of taxpayers the Treasurer, at least ten days before the taxes are due, shall mail to each taxpayer at his last known address a statement showing the amount of taxes due from such taxpayer provided, however, that the failure of the Treasurer to so mail such statement or the failure of the taxpayer to receive such statement shall not relieve the taxpayer of the duty to pay such taxes on or before the due date. At and after the expiration of one month from the date when the taxes become due as in this Section provided, or as may be provided by ordinance, the tax books in the hands of the Recorder shall have the force and effect of a judgment of a Court of Record, and the Recorder shall have power to issue distress warrants, alias and

pluries distress warrants, in the name of the City of Alcoa, to enforce the collection of said taxes against the person owning the property on January 10th of the year for which the taxes are assessed, by a levy upon the personalty of such taxpayer, and such distress warrant shall be executed by the Chief of Police or any Policeman of the City of Alcoa by a levy upon and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process from a Justice of the Peace. [As replaced by Priv. Acts 1921, ch. 620, § 8, as amended by Priv. Acts 1971, ch. 85]

SECTION 6. All municipal taxes on real estate in the City of Alcoa, and all penalties and costs accruing thereon are hereby declared to a lien on said realty from and after the 10th day of January of the year for which the same are assessed, superior to all other liens, except those of the United States, of Tennessee and County of Blount for taxes legally assessed thereon, with which it shall be a lien of equal dignity. No assessment shall be invalid because the number, size or dimensions of any tract, lot or parcel of land shall not have been precisely named, or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same nor because the same was assessed to unknown owners, nor on account of any objection, error or informality merely technical, but all such assessments shall be good and valid. The Board of Commissioners shall have the power to correct any such errors or informalities in the tax assessments, upon a certificate filed by the assessor or assessing body. [As replaced by Priv. Acts 1921, ch. 620, § 8]

SECTION 7. On the first day of October of the year for which the types are assessed, or other date provided by ordinance, a penalty of two per centum (2%) upon all taxes remaining unpaid shall be imposed and collected by the city and paid into the city treasury. An additional penalty of two per centum (2%) shall be added for each month thereafter. [As amended by Priv. Acts 1971, ch. 85]

SECTION 8. The Board of Commissioners may, by ordinance passed by unanimous vote, change the due date and delinquent date of all taxes and may provide for the semiannual payment of taxes and a discount for the prompt payment thereof.

In case a semi-annual installment of taxes is made due and payable before the assessment for and levy of taxes in the city for the current year is complete, the amount of the installment so collected as a tax upon any property shall be not more than fifty per cent (50%) of the taxes levied on said property for the preceding year; such installment to be credited on the current year's taxes when determined and levied.

SECTION 9. The Recorder shall, under the provisions of the State law for the collection of delinquent taxes, certify to the City Attorney, who shall be the tax attorney for said City, a list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes, and the said attorney shall prepare and file bills in the Chancery Court for the collection of said taxes, and said property so certified shall be sold in like manner and under the same laws and conditions as real estate is sold for delinquent State and County taxes. [As replaced by Priv. Acts 1939, ch. 534]

SECTION 10. The Board of Commissioners shall have the power, and is hereby given authority, to file bills in the Chancery Court, in the name of the City of Alcoa, for the collection of assessments and levies made for payment for improvements or service in said city, such as paving, sidewalks, curbing, guttering, sewers, and other improvements allowed by, or rendering, services for which assessments may be made under the charter, or by any other Acts of the Legislature, in said city, the cost of which is made a charge on property owners abutting said improvements and a lien on abutting property, the suits commenced by said bills to be conducted as other suits in Chancery for the enforcement of like liens and under the rules of law and practice provided for the same; provided, that the bills shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention hereof that all persons in the same improvement district, or liable for portions of the same assessment and levy for improving a portion of the city as aforesaid and on whose property said assessment or levy is a lien, shall be made parties defendant to one bill.

SECTION 11. Be it further enacted, That the Board of Commissioners shall have power by ordinance to establish and levy such charges as may be appropriate as use fees for residential, commercial and industrial sanitary sewer users, and such charges as may be appropriate as fees for the collection of garbage and refuse, and to provide for appropriate and adequate means of enforcing such ordinance and collecting such fees; and to contract with any public or private utility or utility company serving the inhabitants of the City of Alcoa for the billing and collection from each utility user as an added and designated item on its utility service bill, the sewer service fees and garbage and refuse collection fees of the City and to contract with such utility or utility company for it not to accept payment of its utility service fees without payment of the City sewer service fees and garbage and refuse fees and for such utility or utility company to discontinue its utility service to users who fail and refuse to pay such additional fees and not to reestablish its utility service until such time as such additional fees which are due have been paid. [As deleted in its entirety by Priv. Acts 1935, ch. 40, added by Priv. Acts 1959, ch. 264, § 4, and amended by Priv. Acts 1971, ch. 85]

ARTICLE 12. LICENSE TAXES.

SECTION 1. License taxes may be imposed by ordinance upon merchants and on all other privileges, business, occupations, vocations, pursuits or callings or any class or classes thereof, now or hereafter subject to taxation under the laws of Tennessee; and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm, or corporation.

The foregoing enumeration shall not be taken to affect or impair the general power of the city to impose license taxes upon any business, vocation, pursuit or calling or any class or classes thereof now or hereafter not prohibited by law. The city shall not be required to assess privileges at the same rate as if fixed by the State statutes.

The Treasurer shall enforce the collection of merchants' taxes and all other license taxes, and for the purpose shall have and exercise the powers by law vested in, and follow the procedure and methods prescribed for County Court Clerks. [As amended by Priv. Acts 1971, ch. 85]

ARTICLE 13. CITY BONDS.

SECTION 1. Some of the purposes hereby specially authorized for which the bonds of the city may issue and be given, sold, pledged, or disposed of on 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 upon any two or more such credits are the following: For the acquiring of lands; for the purchase, construction, reconstruction or extension of water works, public sewers, streets, alleys, buildings and equipment for the fire department, bridges and viaducts, gas or electric light works, power plants, police, patrols and fire alarm systems; for hospitals, jails, workhouses, and other charitable, corrective and penal institutions; for court houses, libraries and other public buildings; public parks, park ways, boulevards, grounds, square, and any other public improvements which the city may be authorized or permitted to make; for the purchase of lands or other property, real or personal, for school purposes, the construction or purchase of buildings and equipment for school purposes; and for the purchase of play grounds either in connection with the schools or separate therefrom and for paying, refunding, or removing any bonded indebtedness of the city, and also any such floating indebtedness thereof as may be incurred for and in the acquisition of tangible assets for public improvements, but no other floating indebtedness. The foregoing enumeration shall not be construed to limit any general provisions of this charter authorizing the city to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purpose had been mentioned, and the authority to issue bonds for any of the purposes

aforesaid is cumulative and shall not be construed to impair any authority to make any public improvements. [As amended by Priv. Acts 1921, ch. 620, § 9]

SECTION 2. As to the date of their maturities bonds may be either straight, serial, or equal installment bonds, and may be made subject to call and redemption with or without the payment to the holders thereof at a premium or bonus, all as the Board of Commissioners may by ordinance determine. Bonds may be made payable, principal and interest, either in lawful money of the United States or in gold coin of the United States of or equal to the present standard of weight and fineness, at such place or places either within or without the State of Tennessee or both may be made payable to the bearer, or to the registered holder, or to the bearer or registered holder with privilege of registry as to principal and interest, or either, at the option of their holders with such registrars, either within or without the State of Tennessee, and may be authenticated by and issued through such registrars or transfer agents, either within or without the State of Tennessee, all as the Board of Commissioners may by ordinance determine. Bonds may be sold at public or private sale or may be issued in payment for property acquired by the City, as the Board of Commissioners may by ordinance determine.

The Board of Commissioners shall estimate the probable life of improvement proposed to be erected or purchased with any bonds or their proceeds and the term of such bonds shall not exceed such probable life, provided, that such estimate, if erroneous, shall not affect the validity of such bonds. All long term bonds shall be sinking fund bonds and the amount of the annual installments to be paid into the sinking fund shall be fixed by the Board of Commissioners for each bond issue and such sinking fund installments shall be a prior lien on the tax levy each year; in the case of equal installment bonds such annual sinking fund installments so fixed need not be more than equal to each annual payment on such bonds required by their terms, and in the case of any issue of serial bonds, the several series of which, are of equal aggregate par value and fall due at equal intervals, between the date of such bonds and the date of maturity of the last series thereof, the annual sinking fund installments of such issue need not be more than sufficient to provide for the payment at its maturity of the series of said issue next falling due. [As replaced by Priv. Acts 1921, ch. 620, § 10]

SECTION 3. No bonds of the city, except bonds for paying, refunding or removing bonded indebtedness, and except bonds issued under the provisions of Chapter 276, Public Acts of Tennessee for 1907 or Chapter 18, Public Acts of Tennessee, for 1913, first extra session, referred to in sub-section 16 of Section 2 of Article 1 of this charter, shall be issued without the assent of a majority of the qualified voters, actually voting at an election held for that purpose; provided, however, that the Board of Commissioners may issue bonds without calling an election, the total not to exceed twenty thousand (\$20,000.00) in

amount in any one year, and provided, that the proceeds of such bonds as issued without an election shall be used only for the acquisition of tangible assets for public improvements or in the exercise of purely municipal or governmental purposes.

SECTION 4. The Board of Commissioners may, by ordinance or resolution, notify and call upon the Board of Election Commissioners of Blount County, to call elections respecting bond issues and may by ordinance, or resolution, prescribe the questions to be submitted at any such election, and the amounts, terms, purposes, issue, and disposition of the bonds to be voted upon thereat. It shall not be necessary in the notice of election, in the questions submitted, on the ballot, or in any of the matters preceding such election, to state the amount of bonds proposed to be issued for each purpose, but it shall be sufficient if the ordinance, or resolution and the notice of election state the total amount of bonds, proposed to be voted upon at said election, and in general language, the purpose or purposes for which such total amount of bonds is to be issued and if a majority of the voters of the City voting at such election, assent to the issuance of the amount of bonds, then such amount may be issued, and such bonds, or the proceeds thereof, may from time to time, by ordinance adopted by the Board of Commissioners, be appropriated in any amount, or amounts, to the purpose or purposes for which such total amount was voted. More than one issue of bonds may be voted upon at a single election, and in case more than one issue is so voted upon the several issues may be submitted by one question, or by as many questions as the Board of Commissioners may determine. [As replaced by Priv. Acts 1921, ch. 620, § 10]

SECTION 5. Whenever any bonds, interest coupons, or other written evidence of the city's debt shall be paid and discharged, they shall be cancelled by the Recorder.

The cancelled bonds, coupons and other evidences of debt shall be filed and presented for examination in annual audits.

However, the Board of Commissioners may by proper ordinance authorize any paying agent or agents for bonds and coupons issued by the city, to cancel, to cremate and to account for bonds, coupons and other evidences of the city's obligations by proper designation of the paying agent or agents as cremation and accounting agents for the bonds, coupons and other evidences of indebtedness of the City of Alcoa and by requiring such cremation agent or agents when called upon by the city to provide the city with a certificate containing a statement and schedule of the payments of the city's debts, which certificates shall set forth the issue, account, number and face value of such indebtedness and which certificates shall be submitted to the Board of Commissioners and entered as filed on the minutes of the Board of Commissioners and retained for proper examination in annual audits. [As amended by Priv. Acts 1965, ch. 59, § 2, and Priv. Acts 1971, ch. 85]

ARTICLE 14. SINKING FUND.

SECTION 1. All sinking funds of the City shall be invested by the Recorder, by, and with the consent of the Board of Commissioners, in

(a) The interest bearing bonds, notes, or obligations of the United States, or, of those for which the faith of the United States is pledged to provide for the payment of the interest and principal, including the bonds of the District of Columbia.

(b) The interest-bearing bonds, notes or other obligations of the State of Tennessee, issued pursuant to the authority of any law of the State.

(c) The interest-bearing bonds, notes or other obligations of any other State of the United States, issued pursuant to the authority of any law of such State, upon which there is no default, and upon which there has been no default, for more than ninety days; provided that within ten years immediately preceding the investment, such State has not been in default for more than ninety days in the payment of any part of principal or interest, of any debt duly authorized by the Legislature of such State to be contracted by such State since the first day of January, eighteen hundred and seventy eight.

(d) The interest bearing bonds, notes, or other obligations of any County, or of any Incorporated City of the State of Tennessee, provided, that they were issued pursuant to law and are a direct and binding obligation of the entire County or City, and that the full faith and credit thereof are pledged for their payment.

(e) The interest-bearing bonds, notes or other obligations of any County or of any Incorporated City, situated in one of the other States of the United States, provided, that they were issued pursuant to law and are a direct and binding obligation of the entire County or City, and that the full faith and credit thereof are pledged for their payment, and, provided, further, that said County or City, has a population, as shown by the Federal Census next preceding such investment, of not less than fifty thousand inhabitants, or of not less than twenty-five thousand inhabitants, respectively, and has not since January first, eighteen hundred and seventy-eight defaulted for more than ninety days in the payment of any part either of principal or interest, of any bond, note or other evidence of indebtedness, issued by said County or City. But, if after such default on the part of any such County, or City, the debt or security, in the payment of the principal or interest of which such default occurred, has been fully paid, refunded or compromised by the issue of new securities, then the date of the first failure to pay principal or interest, when due, upon such debt or security, shall be taken to be the date of such default, within the provisions of this subdivision, and subsequent failures to pay installments of principal or interest upon such debt or security, prior to the refunding of final payment of the same, shall not be held to continue said default, or to fix the time thereof, within the meaning of this subdivision, at a date later than the date of said first failure in payment. If, at any time, the

indebtedness of any such County or City, together with the indebtedness of any district, or other municipal corporation, or subdivision, except a County or a City, which is wholly or in part, included within the bounds or limits of said City or of said County, less its water debt and sinking funds, shall exceed seven per centum of the valuation of said County or of said City, for the purpose of taxation, its bonds, notes and other obligations shall thereafter, and until such indebtedness shall be reduced to seven per centum of the valuation for the purposes of taxation cease to be an authorized investment under this Section.

The Recorder, by and with the consent of the Board of Commissioners, may sell the securities belonging to a sinking fund, or any part of them, on the best obtainable terms, at any time when the proceeds thereof may be needed for the payment at their maturity, or the redemption upon call of bonds of the City for which such fund has been accumulated, or for the purchase of bonds of the City for which such fund has been accumulated which, with advantage to the City, may be purchasable by it; any bonds of the City so paid, redeemed or purchased, and their attached coupons, shall be cancelled forthwith.

The Recorder, by and with the consent of the Board of Commissioners, may exchange any securities belonging to a sinking fund for bonds of the City for which such funds has been accumulated whenever such change may be advantageous for the City, and bonds of the City so acquired, with their attached coupons, shall be cancelled forthwith.

The Recorder, by and with the consent of the Board of Commissioners may, whenever it may be advantageous for the City, sell the securities belonging to a sinking fund, or any part of them, on the best obtainable terms, and re-invest the proceeds thereof in other securities which are, under this Section, lawful investments for sinking funds of the City. [As replaced by Priv. Acts 1921, ch. 620, § 11]

SECTION 2. If the amount of any sinking fund, with the interest or revenue thereof, computed to the maturity of the city bonds, be sufficient to pay at maturity all of the bonds for which it is held, the levy of the tax for such sinking fund may then be omitted, but if by reason of decrease of interest or depreciation of investments or other cause said fund shall not be sufficient, the levy shall be resumed.

SECTION 3. Any moneys remaining in a sinking fund, after payment of the entire bonded debt for which it was accumulated shall be paid into the general fund.

ARTICLE 15. BUDGET AND APPROPRIATION.

SECTION 1. The City Manager shall be Budget Commissioner. The fiscal year of the city shall begin on the first day of January until otherwise provided by ordinance.

The City manager shall, in a timely manner, submit to the Board of Commissioners an estimate of the expenditures and revenue of the City for the ensuing fiscal year such that the Commissioners are able to comply with the requirements of Section 2 hereafter.

This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the City Manager.

The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures when possible for corresponding items for the last complete fiscal year, stated separately.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Increase or decrease of appropriations proposed by each department, compared with the corresponding appropriations for the current year.

(e) Such other information as is required by the Board of Commissioners or that the City Manager may deem advisable to submit.

(f) The recommendation of the City Manager as to the amounts to be appropriated with reasons therefor in such detail as the Board of Commissioners may direct. [As amended by Priv. Acts 1923, ch. 114, § 1; Priv. Acts 1971, ch. 85; and Priv. Acts 1993, ch. 40]

SECTION 2. Upon receipt of such estimate the Board of Commissioners shall prepare a tentative appropriation ordinance, for the ensuing fiscal year, and shall cause to be published in a newspaper circulating in the City, a notice which shall state the time and place of the meeting of the Board of Commissioners, at which such tentative appropriation ordinance will be introduced that it will then be introduced and considered and that said tentative appropriation ordinance, and said estimate of the expenditures and revenue of the City for the ensuing fiscal year may be examined at the office of the City Recorder by any citizen, or tax payer, in person, or by attorney; such notice shall be published not less than three days before such meeting, and all citizens and taxpayers may appear at said meeting, and at all other meetings at which such ordinance shall be considered, and be heard in person, or by attorney. The appropriation ordinance for each fiscal year shall be finally adopted before the first day of the fiscal year. [As replaced by Priv. Acts 1921, ch. 620, § 12]

SECTION 3. At the end of each fiscal year all unencumbered balances of appropriations in the Treasury shall revert to the general fund and be subject to further appropriations, or the Board of Commissioners may by resolution

authorize the redemption of outstanding bonds of the city with said unencumbered balances of appropriations in the Treasury; such balances shall be considered unencumbered only when the City Manager shall certify in writing that the purposes for which they were appropriated have been completely accomplished and that no further expenditure in connection with it shall be necessary. [As replaced by Priv. Acts 1923, ch. 114, § 2]

SECTION 4. That any funds which have been appropriated for any purpose and for any reason the expenditure of the same is delayed or postponed, or if there be any idle funds in the City Treasury, then said funds may be invested in United States Government Bonds as are provided for investments of Sinking Funds of said City. [As added by Priv. Acts 1943, ch. 166, § 2]

ARTICLE 16. DEPARTMENTS.

SECTION 1. That the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there are hereby established the following departments:

1. Department of Finance and Administration.
2. Department of Public Safety.
3. Department of Public Works and Engineering.
4. Electric Department. [As replaced by Priv. Acts 1996, ch. 145, § 6]

SECTION 2. The Board of Commissioners shall fix all salaries in all departments; prescribe the duties and functions of all departments except as fixed by this charter and may, by a majority vote of its entire membership create new departments, combine or abolish existing departments, or establish temporary departments for special work. [As amended by Priv. Acts 1968, ch. 340 and Priv. Acts 1996, ch. 145, § 7]

SECTION 3. The City Manager shall supervise and control all departments now or hereafter created except as otherwise provided by this charter.

ARTICLE 17. POLICE FORCE.

SECTION 1. The City Manager shall appoint such patrolmen and other members of the police force as may be provided by ordinance.

SECTION 2. It shall be the duty of the Chief of Police and the members of the police force to preserve order in the city, protect the inhabitants and property owners therein from violence, crime and all criminal acts, prevent the commission of crime, violations of law and of the city ordinances, and perform a general police duty, execute and return all processes, notices and orders of the

Mayor, City Manager, City Attorney and Recorder, and all other processes, notices and orders as in this charter or by ordinance may be provided.

SECTION 3. In time of riot or other emergency the Mayor or City Manager shall have power to summon any number of male inhabitants to assist the police force.

SECTION 4. Members of the police force whenever necessary for the purpose of enforcing the ordinances of the city shall procure the issuance of warrants, serve the same and appear in the City Courts as prosecutors, relieving complaining citizens insofar as practicable, of the burden of instituting cases involving the violation of the city ordinances but this shall not be construed to relieve any person from the duty of appearing in court and testifying in any case.

SECTION 5. The Chief of Police and other members of the police force shall receive salaries to be fixed by the Board of Commissioners.

ARTICLE 18. FIRE DEPARTMENT.

SECTION 1. The City Manager may appoint a Chief of the Fire Department and such other members of the said department as may be provided by ordinance.

SECTION 2. It shall be the duty of the Chief of the Fire Department and the members thereof to take all proper steps for fire prevention and suppression.

SECTION 3. The Chief of the Fire Department or any assistant of such Chief in charge at any fire, shall have the same police powers at such fire as the Chief of Police, under such regulations as may be prescribed by ordinance.

SECTION 4. The City Manager may appoint a Fire Marshal whose duty shall be, subject to the Chief of the Fire Department, to investigate the cause, origin and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson.

ARTICLE 19. BOARD OF EDUCATION.

SECTION 1. Board of Education. That there is hereby created for the City of Alcoa a Board of Education consisting of five (5) members selected as hereinafter provided and with the duties and responsibilities hereinafter designated. [As replaced by Priv. Acts 1969, ch. 1, § 1]

SECTION 2. Powers, Duties and Responsibilities. The Board of Education shall be a policy-making board. Except as otherwise provided in this act or by the general law, the Board of Education shall have full power, control and direction of all matters pertaining to the policies of the public schools of the City of Alcoa and shall exercise such powers and perform such duties with respect thereto as may be imposed by law or by the ordinances of the City of Alcoa; shall make, establish and enforce all necessary and proper rules for election of its own officers for the government of the Board and for the government and progress of the schools; shall elect, set the salary of, determine the contract period for, and dismiss the superintendent of schools, but only upon sufficient proof of improper conduct, inefficient service or neglect of duty during the contract period, and only after written charges are made and the superintendent has had opportunity to be heard and defend against the charges.

All matters relating to the operation of the school system shall be channeled to and through the superintendent of schools before being brought to the Board of Education. If, after such procedure is followed, there is still a question or complaint, the matter shall be then referred to the Board of Education for its determination and action.

The Board of Education shall establish and, adopt a code containing all policies, procedures, rules and regulations for the operation of the school system and shall reduce the same to writing which shall be placed and kept in binder form and a copy furnished to each of the members of the Board of Education, the superintendent, the principals, the supervisors and to such other of the school personnel who may request the same and a copy of such code shall also be available in the office of the superintendent to the citizens of Alcoa upon request.

The Board of Education shall upon recommendation of the superintendent of schools, employ and contract with all teachers and employees deemed necessary for the operation of said schools and, upon recommendation of the superintendent, to remove such teachers and employees. [As replaced by Priv. Acts 1969, ch. 1, § 2]

SECTION 3. Qualifications of Members. All members and candidates for membership upon the Board of Education shall possess the same qualifications and shall be subject to the same restrictions as are provided in the Charter of the City of Alcoa as to members and candidates for membership upon the Board of Commissioners of the City of Alcoa.

No member of the Board of Education shall be eligible for appointment as a teacher, principal, supervisor, superintendent or any other position under the Board which carries with it any salary or compensation.

Effective for the Board of Education members elected following the effective date of this act, the salary of the Chairman of the Board of Education shall be one-half (1/2) the salary of the Mayor of the City of Alcoa per month, and the salary of each other member of the City of Alcoa Board of Education

shall be one-half (1/2) the salary of each other City Commissioner per month. [As replaced by Priv. Acts 1969, ch. 1, § 3; and amended by Priv. Acts 1974, ch. 382, § 2; and Priv. Acts 2001, ch. 44]

SECTION 4. Selection of Board Members. The members of the Board of Education shall be elected from the city at-large for four-year staggered terms by the qualified voters of the City of Alcoa at general city elections, as defined in Article 2, Section 1. [As replaced by Priv. Acts 1969, ch. 1, § 4; Priv. Acts 2000, ch. 89, § 6; and Priv. Acts 2004, ch. 116, § 1]

SECTION 5. Terms. The three (3) members of the present Board of Education who were elected in the general city election held on the first Saturday in June, 2001, and whose terms expire on the date of the general state election held on the first Tuesday following the first Monday in November 2004, and the two (2) members of the present Board of Education elected in the general city election held on the first Saturday in June, 2003, and whose terms expire on the date of the general state election held on the first Tuesday following the first Monday in November 2006, shall complete their terms of office. Thereafter, beginning with the members to be elected at the November 2004 election, the members of the Board of Education elected at general city elections, the dates of which shall be the dates of general state elections held on the first Tuesday following the first Monday of even-numbered years, shall be elected to four-year terms of office, and shall serve until their successors are elected and qualified. [As replaced by Priv. Acts 1969, ch. 1, § 5; Priv. Acts 2000, ch. 89, § 7; and Priv. Acts 2004, ch. 116, § 2]

SECTION 6. Beginning of Terms and Organization of Board. The members of the Board shall meet for organization or reorganization on the second Tuesday of December following the election at which such Board members were elected. At such organizational meeting the Board shall elect from its number a Chairman and a Vice-Chairman who shall serve for a term of two (2) years and shall also elect a Secretary for the same term who may or may not be a member of said Board. The Chairman (and Vice-Chairman in the Chairman's absence) shall have the right to make or second motions and to vote upon all motions before the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. The members of the Board shall be inducted into office in the same manner and shall take the same oath of office as is required by the Charter in respect to members of the Board of Commissioners. [As replaced by Priv. Acts 1969, ch. 1, § 6; and Priv. Acts 2000, ch. 89, § 8; and amended by Priv. Acts 2004, ch. 116, § 3]

SECTION 7. Vacancies. All vacancies in the Board of Education shall be filled by election of the remaining members of the Board of Education provided, however, in the event said Board of Education does not fill said vacancy within

thirty days after its occurrence, said vacancy shall be filled by the vote of the Board of Commissioners of the City of Alcoa, but in either case to serve only until the next general city election when such vacancy shall be filled for the remainder of the unexpired term by election by the qualified voters of the city. [As replaced by Priv. Acts 1969, ch. 1. § 7]

SECTION 8. Meetings. The Board of Education shall meet at least once monthly at the time and place to be designated by the vote of the Board and which time and place shall be publicized and shall be open to the public and shall hold such special meetings as may be expedient, which may be called by the Chairman or by any two other members of the Board, upon at least eight hours written notice to each Board member served in person or left at his usual place of residence and such notice shall set forth the character of the business to be transacted at such special meeting and no other business shall be considered or transacted thereat.

The Board shall exercise its powers only in session duly assembled and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the Board except through proceedings adopted at such regular sessions or duly called special sessions.

The superintendent of schools shall be an ex-officio member of the Board with voice but no vote. [As replaced by Priv. Acts 1969, ch. 1, § 8]

SECTION 9. Budget. The Board of Education shall cause to be prepared and submit a budget estimate to the City Manager annually and prior to the time fixed for the preparation of the general budget of the City, which items shall be included by the City Manager in the general budget of the City and submitted to and be processed by the Board of Commissioners as the budgets for other departments of the City government are submitted and processed.

The Board of Education shall submit quarterly to the City Manager an itemized report showing the receipts and disbursements of school funds and showing in detail the general condition of the schools.

The Board of Education shall disburse and pay out the funds appropriated to the Board of Education in accordance with the provisions of this act, in accordance with the approved budget and in accordance with the ordinances of the City of Alcoa. The drawing of warrants upon the City Treasurer by the Board of Education shall be in the form and manner as shall be prescribed by the City Manager. [As replaced by Priv. Acts 1969, ch. 1, § 9 and amended by Priv. Acts 1996, ch. 145, § 9]

SECTION 10. State, County and Federal School Funds. In apportioning of State, County or Federal funds, all apportioning and disbursing bodies of the State, County or Federal agencies shall apportion and pay over to the treasurer of the City of Alcoa such portion of the State, County or Federal funds as by law

is applicable and payable to the schools within the city limits of the City of Alcoa. [As replaced by Priv. Acts 1969, ch. 1, § 10]

ARTICLE 19A. PUBLIC UTILITIES.¹

SECTION 1. Definitions of Act.

The following terms wherever used or referred to in this act shall have the following meaning unless a different meaning clearly appears from the context:

- (1) "Board" means the Board of Commissioners of the City of Alcoa.
- (2) "Electric plant" means generating and/or transmission and/or distribution systems, together with all other facilities, equipment and appurtenances necessary or appropriate to any such systems for the furnishing of electric power and energy.
- (3) "Sewerage plant" means treating and/or interceptor and/or collection systems, together with all other facilities, equipment and appurtenances necessary or appropriate to any such systems for the treating of sewer water.

¹Chapter 20, section 1 and 2, Private Acts of 1989, replaced this article with sections 1 through 12 as set out herein, Chapter 20, sections, 3, 4, and 5 provide as follows:

SECTION 3. All rights, title and interest in and to all property and assets and all obligations of the Board of Utilities of the City of Alcoa are transferred to the City of Alcoa.

SECTION 4. Nothing in this act shall be construed as having the effect of removing any incumbent member of the Board of public utilities from office, abridging the term or altering the compensation of such member prior to the end of the term for which he was appointed.

Upon the effective date of this act and until the expiration of the terms of office of such incumbent member, the members shall compose the advisory committee on public utilities to the City of Alcoa. If a vacancy occurs prior to the expiration of a term of a member, such vacancy shall not be filled by the Board of Commissioners.

Such advisory committee shall advise the Board of Commissioners on matters concerning the public utility plants as shall be referred to it by the Board of Commissioners.

SECTION 5. This act shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

(4) "Water plant" means producing and/or transmission and/or distribution systems, together with all other facilities, equipment and appurtenances necessary or appropriate to any such systems for the furnishing of treated water.

(5) "Improvement" means any improvement, extension, betterment, or addition to any electric plant, water plant, and/or sewerage plant.

(6) "Acquire" means to purchase, to lease, to construct, to reconstruct, to replace, or to acquire by gift or condemnation.

(7) "Dispose" means to sell, to lease, or otherwise transfer any interest in property.

(8) "Improve" means to acquire any improvement.

(9) "Federal agency" includes the United States of America, the president of the United States of America, or the Department of Housing and Urban Development, Tennessee Valley Authority, or any other similar agency, instrumentality or corporation of the United States of America, which has heretofore been or may hereafter be created by or pursuant to any act or acts of Congress of the United States of America. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

SECTION 2. Powers of the City of Alcoa.

(a) The City of Alcoa shall have the power and is authorized to acquire, improve, operate and maintain, within and/or without the corporate or county limits of such municipality, and (with the consent of such other municipality) within the corporate or county limits of any other municipality, electric, water, and sewerage plants and to provide electric, water, and/or sewerage service to any person, firm, public or private corporation, or to any other user or consumer of such services, and to charge therefor.

(b) The City of Alcoa shall have the power and is authorized to acquire, improve or use jointly with any other municipality a transmission line or lines together with all necessary and appropriate facilities, equipment and appurtenances for the purpose of transmitting power and energy and/or connecting respective electric plants with a wholesale source of supply; to acquire, improve or use jointly with any other municipality a transmission line or lines together with all necessary and appropriate facilities, equipment and appurtenances for the purpose of transmitting and distributing treated water and/or connecting respective water plants with a wholesale source of supply; to acquire, improve or use jointly with any other municipality an interceptor line or lines together with all necessary and appropriate facilities, equipment and appurtenances for the purpose of collecting and transmitting sewerage and/or connecting respective sewerage plants with a wholesale source of sewerage treatment; and to these ends the City of Alcoa may provide by contract for the method of holding title, for the allocation of responsibility for operation and maintenance and for the allocation of expenses and revenues.

(c) The City of Alcoa shall have the power and is authorized to accept grants, loans or other financial assistance from any federal agency, for or in aid of the acquisition or improvement of any electric, water, and sewerage plant.

(d) The City of Alcoa shall have the power and is authorized to contract debts for the acquisition or improvement of any electric, water and sewerage plant, to borrow money, to issue its bonds to finance such acquisition or improvement and to provide for the rights of the holders of the bonds and to secure the bonds as hereinafter provided, and to pledge all or any part of the revenues derived from electric, water, and sewerage services to the payment of such debts or repayments of money borrowed.

(e) The City of Alcoa shall have the power and is authorized to assess, levy and collect unlimited ad valorem taxes on all property subject to taxation to pay such bonds, and the interest thereon.

(f) The City of Alcoa shall have the power and is authorized to make contracts and execute instruments containing such covenants, terms and conditions as in the discretion of the City of Alcoa may be necessary, proper or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from any federal agency; to make all other contracts and execute all other instruments as in the discretion of the City of Alcoa may be necessary, proper or advisable in or for the furtherance of the acquisition, improvement, operation and maintenance of any electric, water, and sewerage plant and the furnishing of electric, water, and sewerage services and to carry out and perform the covenants and terms and conditions of such contracts and instruments.

(g) The City of Alcoa shall have the power and is authorized to enter on any lands, waters and premises to the extent and for such purposes as are authorized by subsection (8) of Section 7-52-103 of Tennessee Code Annotated, as the same may be from time to time modified or amended. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

SECTION 3. Rights-of-Way Over Public Land.

The City of Alcoa may use any right-of-way, easement, or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of electric, water, and/or sewerage plants, held by the State or any other municipality, provided that such other municipality shall consent to such use. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

SECTION 4. Eminent Domain.

The City of Alcoa is authorized and empowered to condemn any land, easement or rights-of-way, either on, under or above the ground, for any and all purposes necessary in connection with the construction, operation and

maintenance of electric, water and/or sewerage plants or improvements thereto. Title to property so condemned shall be taken in the name of the City of Alcoa. Such condemnation proceeding shall be pursuant to and in accordance with Tennessee Code Annotated, Title 23, Chapters 14 and 15. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

SECTION 5. Preliminary Expense.

All expenses actually incurred by the City of Alcoa in the making of surveys, estimates of cost and of revenues, employment of engineers, attorneys or other employees, the giving of notices, taking of options, selling of bonds, and all other preliminary expenses of whatever nature, which the City of Alcoa deems necessary in connection with or precedent to the acquisition or improvement of any electric, water, and/or sewerage plant and which it deems necessary to be paid prior to the issuance and delivery of the bonds issued pursuant to the Charter of the City of Alcoa or the general laws of the State of Tennessee, may be met and paid out of the general fund of the City of Alcoa not otherwise appropriated, or from any other available fund.

All such payments from the general or other funds shall be considered as temporary loans and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds from the sale of such bonds. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

SECTION 6. Divisions Within the Public Utility Plants.

The electric utility functions of the City of Alcoa shall be carried out by the Alcoa Electric Department to be known as "Alcoa Electric". The water and sewer functions of the City of Alcoa shall be incorporated into the City of Alcoa Department of Public Works and Engineering as the Water and Sewer Division of the Department of Public Works and Engineering. Accounting functions relating to the utility operations of the City of Alcoa shall be incorporated into the City of Alcoa Department of Finance and Administration. The Board may, by a majority vote of its entire membership, create new utility departments or divisions, combine or abolish existing utility departments or divisions, or establish temporary utility departments or divisions for special projects. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20 and Priv. Acts 1996, ch. 145, § 11]

SECTION 7. Powers, Duties, Responsibilities of the Board.

(a) Except as otherwise provided in this act, the Board shall be in charge of the general support and control of the acquisition, improvements, operation and maintenance of the electric, water and sewerage plants. The City

Manager of the City of Alcoa shall be the general manager of the electric, water and sewerage plants. The City Manager of the City of Alcoa may appoint a department head to direct the Electric Department or, in the City Manager's capacity as general manager of the Electric Department, may exercise direct management of the Department. The City Manager shall assign management duties and responsibilities for water and sewer, as well as utility accounting, to existing department heads or may create new positions to carry out those duties and responsibilities, if authorized by the Board.

(b) Within the limits of the funds available therefor, all powers to acquire, improve, operate and maintain the electric, water, and sewerage plants, and all powers necessary or convenient thereto, except as otherwise provided for, shall be exercised on behalf of the City of Alcoa by the Board.

(c) Subject to the provisions of applicable bonds or contracts, the Board shall determine programs and make all plans for the acquisition of the electric, water and/or sewerage plants, shall make all determinations as to improvements, rates and financial practices, may establish such rules and regulations as it may deem necessary to govern the furnishing of electric, water, and sewerage services, and may disburse all moneys available in the electric plant, water plant, and sewerage plant funds hereinafter established for the acquisition, improvement, operation and maintenance of the electric, water, and sewerage plants. A copy of the schedule of the current rates and charges in effect from time to time and a copy of all rules and regulations of the Board relating to electric, water, and sewerage services shall be kept on public file at the main offices of the Board and also in the office of the recorder of the City of Alcoa.

(d) The City Manager shall prepare separate budget estimates for the electric plant, the water plant, and the sewerage plant for inclusion in the general budget of the City of Alcoa for submission to the Board as the budget for other departments of the City of Alcoa are submitted and processed.

(e) The Board shall require that separate books and accounts be kept on the division of power and on the division of water and sewerage so that said books and accounts will reflect the financial condition of each division separately, and may require that the moneys and securities of each division be placed in separate funds to the end that each division shall be self-sustaining. Each of said divisions shall be operated independent of the others, except as herein otherwise provided and except insofar as the Board may be of the opinion that joint operations shall be advisable and economical, in which event the expense incurred, including the compensation of said Board members and other executives and employees in such joint operation, shall be prorated between the divisions in such manner as the Board determines to be equitable. In the interest of efficiency and economy, the City of Alcoa may use property and personnel jointly for the electric, water, and sewerage plants and other operations of the City of Alcoa based on the direction of effort, relative use, or similar standards of any and all joint investments, salaries and other expenses,

funds, or use of property or facilities. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20 and amended by Priv. Acts 1996, ch. 145, § 12]

SECTION 8. Issuance of Bonds and Notes.

The authority given the City of Alcoa to issue bonds or notes may be exercised for the benefit of the electric, water, and/or sewerage plants or a part thereof in accordance with the provisions of the charter or in accordance with other statutory authority. However, no bonds or notes payable out of the revenues of the electric, water, and/or sewerage plants or a part thereof shall be issued without the consent and approval of the Board, which consent and approval may be given by a resolution or resolutions of the Board which may be adopted at the same meeting at which introduced and shall take effect immediately upon adoption. Where such bonds or notes are payable only out of the revenues of the electric, water, and/or sewerage plants or a part thereof and are not general obligation bonds or general obligation notes of the City of Alcoa, the Board shall have full authority to provide for the issuance of such bonds or notes, without submitting to electors or taxpayers the question of issuing such bonds or notes, or the ordinance or resolution authorizing the same. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

SECTION 9. Joint Use of Poles and Other Property.

The Board shall have the power to make agreements or contracts with any person, firm or corporation for the joint use of poles or other property, whether the poles or other property belong to the electric, water, and/or sewerage plants or to the other party, or whether the poles or other property belong to the parties jointly. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

SECTION 10. General Obligations.

The Board shall cause to be paid all obligations for which the City of Alcoa or the Board of Public Utilities of the City of Alcoa may now be or may hereafter become liable because of the ownership and operation of the electric, water, and/or sewerage plants. All such obligations shall be paid as they fall due. All such obligations, including bonds and notes which are general obligations of the City of Alcoa, at the option of the Board, may be paid either directly to those to whom the obligations are owed or to the treasurer of the City of Alcoa for payment over to those entitled to such payments. This act shall not in any way impair any obligations heretofore entered into by the City of Alcoa or the Board of Public Utilities of the City of Alcoa and shall not change or alter the obligations of any existing contracts, all of which, insofar as they apply to the

electric, water, and sewerage plants, shall be binding on the Board. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

SECTION 11. Other Utilities.

Upon a majority vote of the Board any other revenue producing utility hereafter created for or by the City of Alcoa may be combined with and made a part of the management and operations of the Board as herein pertaining to the electric, water and sewerage plants. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

SECTION 12. Payment in Lieu of Taxes.

From the separate revenues of the electric division and the water and sewerage division, the Board shall pay into the general fund of the City of Alcoa respective sums equal in amount to that which would be the separate respective City of Alcoa real and personal property taxes on the respective electric plant properties, water plant properties, and sewerage plant properties located within the corporate limits of the City of Alcoa as if such properties were privately owned. The separate valuations of the respective electric plant properties, the water plant properties, and the sewerage plant properties for determining the amounts of the respective payments required by this section shall be made by the Board at the same time tax assessments are made. Payments to the general fund of the City of Alcoa in accordance with the provisions of this section shall be made at least annually and before the date when City of Alcoa real and personal property taxes for each year become delinquent unless otherwise provided by the Board. [Priv. Acts 1980, ch. 309, as replaced by Priv. Acts 1989, ch. 20]

ARTICLE 20.

The following persons are hereby appointed to the following offices respectively, which they shall hold until the first Thursday in July, 1921, or until their successors are elected and qualified as called for by this charter, and they shall proceed forthwith to organize themselves as the Board of Commissioners of the City of Alcoa, and to exercise the powers conferred upon the said Board as fully as they would, had the persons named below been duly elected to membership in the Board as in this charter provided.

1. C. L. Babcock, Mayor
2. S. A. Copp
3. W. V. Arnold

[As renumbered by Priv. Acts 1977, ch. 144, § 2]

ARTICLE 21.

If any Section or part of a Section of this charter proves to be invalid or unconstitutional the same shall not be held to invalidate or impair the validity, force or effect of any other Section or part of a Section of this charter unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the Section or part of a Section so held unconstitutional or invalid. [As renumbered by Priv. Acts 1977, ch. 144, § 2]

ARTICLE 22.

Be it further enacted, That this Act take effect from and after July 1, 1919, the public welfare requiring it. [As renumbered by Priv. Acts 1977, ch. 144, § 2]

Passed April 3, 1919.

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

Andrew L. Todd,
Speaker of the Senate.

Approved April 12, 1919.

A. H. Roberts,
Governor.

RELATED ACTS

	PAGE
Priv. Acts 1921, ch. 621, "Regulation of Buildings and Land Uses"	C-70
Priv. Acts 1947, ch. 552, "Creation of Drainage Districts"	C-75
Priv. Acts 2003, ch. 56, "Hotel/motel tax"	C-82
Priv. Acts 2012, ch. 63 "Smoky Mountain Tourism Board"	C-87

Regulation of Buildings and Land Uses

CHAPTER NO. 621

House Bill No. 1261

(By Mr. Smith)

AN ACT to empower the City of Alcoa, Tennessee, to promote, preserve and protect the public security, safety, health, morals, comfort, convenience and general welfare including the conservation and enhancement of property values, by regulating buildings and the construction and alteration thereof and the location of trades, industries, buildings and uses of real property within said city.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the City of Alcoa, in Blount County, Tennessee, is hereby empowered and authorized to regulate, direct, control and restrict the location in said City of trades, businesses, industries, buildings designed for special purposes and specific uses of real property, and to regulate and control the construction and alteration of buildings and of additions thereto, as to the height, bulk, design, construction, materials, equipment and sanitation thereof, all to the extent for the purposes in the methods and subject to, the limitations hereinafter specified.

SECTION 2. Be it further enacted, That the Board of Commissioners of said City, from time to time, by ordinance duly adopted in conformity with its charter, may regulate and restrict to such reasonable extent as may be necessary to preserve, protect and promote the public security, safety, health, comfort, morals, and general welfare, including the conservation and enhancement of property values throughout the City, the location within the City of trades, business, industries and buildings designed for specific uses and the use of real property within the City, and, to those ends, in the event of so regulating and restricting the same or any of the same hereunder, shall divide said City into districts or zones of such number, shape, and area, as it may deem best suited to effectuate such ends, paying reasonable regard in such division to the existing character of each such district, its peculiar suitability for particular present and future uses, the existing uses of property, therein, the existing and probable future density of buildings, and population therein and to the probable future development of the different parts of said City, and in such event shall establish for the City, reasonable classification of trades, businesses, industries, buildings designed for specific uses and uses of real property therein, and may, for each such district impose reasonable regulations on the basis of such classification excluding therefrom or subjecting to special regulation therein

defined, trades, businesses, industries, buildings designed for specific uses, and uses of real property and designating the uses for which buildings may not be erected or altered or to which real property may not be devoted therein.

Such special regulation shall be uniform for each class of trades, businesses, industries, buildings and uses of real property throughout each such district, but the special regulations in one or more districts may differ from those in other districts.

This Section shall not apply to the existing uses of specific parcels of real property or of specific existing buildings, but, shall apply in case of any alteration or change in the uses thereof, including any change, in the character of a trade, business, or industry, existing thereon, or therein, and any adaptation of a building to a use or purpose different from its existing use. This Section shall not apply to the maintenance of, and use of property for the tracts, poles, conduits, wires, pipes and the like structures and appliances of any public utility or public service corporation.

SECTION 3. Be it further enacted, That the Board of Commissioners of said City, from time to time, by ordinances duly adopted in conformity with its charter, may regulate and prescribe to such reasonable extent as may be necessary to preserve, protect, and promote the public security, safety, health, comfort, morals and the general welfare, including the conservation and enhancement of property values throughout the City, the height, bulk, design, construction, materials, equipment and sanitation of any buildings and additions thereto, and alterations thereof, hereafter elected or made in such City, and to those ends, may in its discretion, divide said City into districts or zones of such number, shape and area as it may deem best suited to effectuate such end, paying reasonable regard in such division, to the existing and probable future uses and values of property, character of buildings and density of buildings and population in, and to, the probable future development of the different parts of such City, and may establish for the City reasonable classifications of buildings with respect to their character, construction, materials and use. Such regulation shall be uniform for each class of buildings throughout each such district established, but the regulations in one or more districts may differ from those in other districts.

Should said Legislative body not divide said City into districts under this Section, then all regulations under this Section shall be uniform for each class of buildings throughout the City.

This Section shall not apply to existing buildings except, insofar, as it may be necessary for the preservation and protection of the public safety, health and morals to require any existing building to be made safe and healthful and to be equipped with proper protections against fire and with proper sanitary equipment and facilities, but this section shall apply to any adaptations of existing buildings to new uses and to any alterations in, extensions of, or additions to, such buildings, their fixtures and equipment.

SECTION 4. Be it further enacted, That ordinances enacted under the authority of Section 2 and 3 of this Act, may prescribe and be enforced by fines and by other penalties for their violation, not inconsistent with the Charter of said City, provided, that each day's continuance of any violation thereof, may be ordained to constitute a new and distinct offense for which a separate and distinct fine may be imposed, and, provided further, that the commencement of any building or of any alteration, thereof, or addition thereto, or of any use of real property, or of any adaptation or alteration thereof for a new use or purpose which, when completed or prosecuted further, will be, or work a violation of any such ordinance, shall be punishable thereunder.

SECTION 5. Be it further enacted, That ordinances enacted under the authority of Sections 2 and 3 of this Act may devolve upon the administration and enforcement for their provision upon the proper administrative and judicial officers, departments, and bureaus of the City Government, which are, or may lawfully be charged therewith, under the Charter of said City, and may provide that no building shall be erected, altered or extended within the City without a permit first obtained from the administrative officer, department or bureau, authorized to issue building permits under such ordinances.

SECTION 6. Be it further enacted, That no ordinance enacted under the authority granted by Sections 2 and 3 of this Act, and no ordinances amending or repealing such an ordinance shall be valid, or take effect, unless a notice stating its character and the time and place of the meeting of the Board of Commissioners of said City, at which said ordinance will be introduced, and that at such meeting said Board will hear all persons interested, either in person or by attorney, shall have been published in a newspaper circulating in said City not less than seven days before the day of such meeting and a like notice stating the time and place of the meeting of said Board at which said ordinance will be considered on its third and final reading, and that at such meeting said Board will hear all persons interested, either in person, or by attorney shall have been similarly published and unless at each of such meetings opportunity shall have been afforded, to all such persons to be heard, in person or by attorney, for, or against, such ordinance.

SECTION 7. Be it further enacted, That the Board of Commissioners of said City may, by ordinance, duly adopted in conformity with its charter, for the better effecting the purposes and objects of this Act, provided, subject to the limitations hereinafter contained for the appointment, powers and duties of an advisory body, to be known as the City Planning Commission of the City of Alcoa, which Commission shall consist of as many members, holding office for such terms, and shall be empowered to employ such assistants, expert or otherwise, and to incur such obligations on behalf of the City, as such ordinances may prescribe, provided, that at least one person appointed to membership on

said Commission shall be a civil engineer, and that no member of the Board of Commissioners shall be appointed to membership thereon.

SECTION 8. Be it further enacted, That in the event of the appointment of said City Planning Commission, said Commission shall, whenever requested by the said Board of Commissioners, formulate and present to the said Board of Commissioners any recommendations, reports, plans or proposed regulations which may be desired by the said Board of Commissioners upon or with respect to any ordinance proposed or introduced, or upon, or with respect to any ordinance proposed or introduced, or upon, or with respect to the proposed exercise of any powers, under Sections 2 to 5, inclusive, of this Act and said Commission may also, upon its own motion, at any time, formulate and recommend to said Board of Commissioners the adoption of any regulations, ordinances, zoning or other plans, or measures which in its opinion, will conduce to the welfare of the City and of its inhabitants.

SECTION 9. Be it further enacted, That this Act shall not be construed to abridge, repeal or deny any powers granted to the said City of Alcoa by Chapter 510, of the Private Acts of the General Assembly of the State of Tennessee, for 1919, and the Acts amendatory thereto, together, constituting the Charter of said City, or by any other Acts of the General Assembly of the State of Tennessee, but that the powers granted by this Act and its provisions are cumulative and shall be construed to be additional and supplemental to the powers granted to said City by its said Charter and by said other Acts, and that the said City of Alcoa may enjoy and take advantage of all the rights, powers and authority granted to and now possessed by it under its said Charter, and said other Acts as well as those conferred upon it by this Act.

This Act shall not be construed to prohibit the City of Alcoa from creating and establishing a Municipal Planning Commission in accordance with the provisions of Section 13-501 et seq. of the Tennessee Code Annotated, as the same may be amended; from adopting planning regulations in accordance with the provisions of Section 13-601 et seq. of the Tennessee Code Annotated as the same may be amended or from adopting zoning regulations in accordance with the provisions of Section 13-701 et seq. of the Tennessee Code Annotated as the same may be amended. [As amended by Priv. Acts 1967, ch. 70, § 1]

SECTION 10. Be it further enacted, That if any section or part of a section of this Act shall prove to be invalid or unconstitutional, its invalidity or unconstitutionality shall not be held to invalidate, or to impair the validity, force or effect of, any other section or part of a section of this Act, unless it clearly appears that such other section or part of a section is wholly and necessarily dependent for its operation upon the section or part of a section, so held invalid or unconstitutional.

SECTION 11. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1921.

Andrew L. Todd,
Speaker of the House of Representatives.

W. W. Bond,
Speaker of the Senate.

Approved: April 5, 1921.

A. A. Taylor,
Governor.

Creation of Drainage Districts

CHAPTER NO. 552

Senate Bill No. 810

(By Smith)

AN ACT authorizing the City of Alcoa, a Municipal Corporation of Blount County, Tennessee, to create drainage districts, and to construct storm sewers, drains and all other things necessary and proper for the drainage of said City, and to cause not less than two-thirds of the cost or expense of said work and improvements to be assessed against the property of said drainage districts.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the City of Alcoa, a Municipal Corporation of Blount County, Tennessee, be, and the same is hereby authorized and empowered to create drainage districts in said City; to construct storm sewers, drains and to do all things necessary for the proper drainage of said City, and to cause not less than two-thirds of the cost or expense of said work and improvements to be assessed against the property of said drainage districts.

SECTION 2. Be it further enacted, That when the legislative body of said Municipality shall determine to so construct any drainage district as authorized by the preceding section, it shall adopt an ordinance that such improvement or work shall be made, which ordinance shall describe in the boundaries of said drainage district the nature of the work to be done, the character of the materials to be used and the location and the terminal points of the proposed improvements; and shall direct that full details, drawings, plans, specifications, and surveys of said work and estimates be prepared by the City Engineer, or such other person as may be designated in such ordinance.

SECTION 3. Be it further enacted, That such details, plans, specifications and estimates shall, when completed, be placed on file in the office of the City Engineer or other official designated in such ordinance, where the property owner who may be affected by such improvement may see and examine the same.

SECTION 4. Be it further enacted, That said ordinance shall fix a time when the legislative body of said Municipality shall meet, which shall not be less than two weeks after the first publication of notice of said ordinance to hear any objections or remonstrance that may be made to said improvement, the manner of making same, or the character of material to be used.

SECTION 5. Be it further enacted, That the notice of the adoption of said ordinance shall be given by publication of a notice once a week for two consecutive weeks in some newspaper of general circulation in said Municipality.

SECTION 6. Be it further enacted, That it shall not be necessary to set out in full in said notice said ordinance, but such notice shall state the character of such improvements to be made, the location and terminal points thereof, and also the time and place, not less than two weeks from the date of the first publication of the notice, at which the legislative body of said Municipality shall meet to hear remonstrances or protests against the making of such improvements.

SECTION 7. Be it further enacted, That at the time and place thus appointed, the legislative body shall meet, and at said meeting, or at the time and place to which the same may be adjourned from time to time, all persons whose property may be affected by such improvements may appear in person, or by attorney, or by petition and protest against the making of such improvement, or improvements, the material to be used, and the manner of making the same; and the legislative body shall consider such objections and protests, if any, and may confirm, amend, modify, or rescind such original ordinance.

SECTION 8. Be it further enacted, That failure to object or protest at the time of confirmation of the original ordinance shall constitute a waiver of any and all irregularities, omissions, and defects in the proceedings taken prior to such a time.

SECTION 9. Be it further enacted, That upon the confirmation of the ordinance hereinbefore referred to, it shall be the duty of said legislative body to proceed to construct the improvements thus authorized, which may be done by contract with the lowest and best responsible bidder, or which may be done by said Municipality as the Board of Commissioners may determine, or in accordance with the provisions of the Charter and ordinance of the City of Alcoa and the general laws of the State of Tennessee.

SECTION 10. Be it further enacted, That after the completion of the work or improvement, it shall be the duty of said legislative body, in conformity with the requirements of said ordinance, to apportion two-thirds of the cost of such improvements upon the land within said drainage district, which apportionment shall be made against said land, and the several lots or parcels thereof, according to the area of said lots in said drainage district.

SECTION 11. Be it further enacted. That the aggregate amount of the levy or assessment made against any lot or parcel of land shall not exceed one-half of the cash value of said lot and improvements thereon. By cash value, it is the intention of this Section to mean the fair sale price of said lot and improvement thereon if sold at a voluntary sale; and the Municipality shall pay any part of such levy or assessment upon any such lot or parcel of land as may be in excess of one-half of said cash value thereof. [As replaced by Priv. Acts 1957, ch. 268]

SECTION 12. Be it further enacted, That the Municipality shall pay one-third of the cost of construction of the improvements in said drainage districts.

SECTION 13. Be it further enacted, That the cost of any improvements contemplated by this Act shall include the expense of the preliminary and other surveys, the inspection and superintendence of such work, the preparation of plans and specifications, the printing and publishing of notices, resolutions, and ordinances required, including notice of assessment, preparing bonds, interest on bonds, and any other expense necessary for the completion of such improvement; provided, however, that the cost of any guaranty or maintenance of any work constructed under the terms of this Act shall not be assessed against the property within the drainage district.

SECTION 14. Be it further enacted, That when the legislative body of said Municipality shall have completed such apportionment, the City shall cause to be published a notice that said assessment list has been completed, and that on a day named, which shall not be less than ten days after the publication of said notice, the city legislative body will consider any and all objections to said apportionment that shall have been filed in the office of the Recorder of said City.

SECTION 15. Be it further enacted, That said notice shall recite that the said lists are in the Office of the City Recorder and may be inspected within business hours during the time specified by anyone interested therein. Said notice shall also state the general character of the improvement and work.

SECTION 16. Be it further enacted, That all persons whose property is assessed for the cost of said improvements may at any time on or before the date named in said notice, and before said meeting of the legislative body, file in writing with the Clerk, or person designated, any objections or defense to the proposed assessment or the amount thereof.

SECTION 17. Be it further enacted, That on the day named in said notice, or at any day to which said meeting may be adjourned, or to which the consideration of said assessments and the objections thereto may be postponed,

said legislative body shall bear and consider said assessment and objections thereto, and, after so doing, shall confirm, modify, or set aside said assessments as shall be deemed right and proper.

SECTION 18. Be it further enacted, That if there are no objections to the pro rata or the amount thereof filed, or if the property owners fail to appear in person or by attorney and insist upon the same, the assessment shall be confirmed and made final.

SECTION 19. Be it further enacted, That property owners who do not file objections in writing, or protest against such assessment shall be held to have consented to the same and forever barred to attack the regularity, validity, or legality of such assessment.

SECTION 20. Be it further enacted, That such confirmation and final action by said legislative body shall be done at a single meeting by resolution.

SECTION 21. Be it further enacted, That all such assessments shall constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens except those of the State and County and City, for taxes. The enforcement by the State, County, and City of their liens for taxes on any lot or parcel of land upon which has been levied an assessment for any improvement authorized by this Act, shall not operate to discharge or in any manner affect the City's lien for such assessment; but a purchaser at a tax sale by the State, County or City of any lot or parcel of land upon which said assessment has been levied shall take the same subject to the lien of such assessment; and if brought by the State, any conveyance of the title thus acquired or any redemption, shall be subject to the lien of such assessment.

SECTION 22. Be it further enacted, That any error, mistake of name, number of lot, amount, or other irregularity may at any time be corrected; and no such levy or assessment shall ever be declared void or invalid by reason thereof, but the person aggrieved may have the same corrected by application to the legislative body of said City.

SECTION 23. Be it further enacted, That if in any Court any final assessment in pursuance of this Act is set aside for irregularities, omissions, or defects in the proceedings, then the legislative body of such City may, upon recommendation and notice as required in the making of an original assessment, make a new assessment in accordance with the provisions of this Act.

SECTION 24. Be it further enacted, That all assessments levied by virtue of this Act shall be due and payable within thirty days after the assessment is made final as aforesaid; but at the election of the property owner,

to be expressed by notice as hereinafter provided, said assessment may be paid in ten annual installments, and shall bear interest at the rate of six (6%) per cent per annum, interest payable semi-annually.

SECTION 25. Be it further enacted, That a property owner desiring to exercise the privilege of payment by installments shall, before the expiration of the thirty days aforesaid, enter into an agreement in writing with the Municipality that, in consideration of such privilege, he will make no objection to any illegality or irregularity with regard to the assessment against his property, and will pay the same as required by law, with the specified interest; that such agreement shall be filed in the office of the City Clerk or person designated by the Municipality.

SECTION 26. Be it further enacted, That in all cases where such agreement has not been signed and filed within the time limited, the entire assessment shall be payable in cash, without interest, before the expiration of said thirty days.

SECTION 27. Be it further enacted, That any property owner who shall have elected to pay his assessments in five annual installments shall have the right and privilege of paying the assessment in full at any installment period by paying the full amount of the installments, together with all accrued interest, and an additional sum equal to one-half the annual interest thereon.

SECTION 28. Be it further enacted, That if any property owner make default in the payment of any installment and interest thereon, all of said installments, with interest, and an additional sum equal to one-half the annual interest, shall become immediately due and payable.

SECTION 29. Be it further enacted, That after the legislative body shall have levied said assessments against the property within said drainage district the City Recorder shall enter said assessments in a well bound book styled "Special Drainage Assessment Book," which book shall be so ruled as to conveniently show: (1) Name of owner of such property; (2) the number of lot or parcel of land, and the plan thereof, if there be a plan; (3) the area thereof; (4) amount that has been assessed against said lot or tract of land; and (5) the amount of installments and the date on which installments shall become due. Said book shall be indexed according to the names of the owners of the property in said drainage district.

SECTION 30. Be it further enacted, That whenever any installment of any assessments shall become past due for a period of sixty days, it shall be the duty of the Tax Collector of said City to certify said installment and all other installments of the same assessment to the City Attorney, whose duty it shall

be to immediately enforce the collection of said installment or installments, by attachment levied upon the lot or parcel of ground upon which said assessment was levied. In case of any such delinquency, attachment shall be sued out and the lien thereunder enforced in the Chancery Court of the County where said land is located. Any land so attached may be sold in said attachment proceedings in bar of the equity of redemption and all other rights, legal or equitable, belonging to the owners of said land.

SECTION 31. Be it further enacted, That the special assessment book heretofore referred to shall be a book of original entries for any and all purposes, and certified copies thereof shall be competent evidence in all cases in all the Courts.

SECTION 32. Be it further enacted, That whenever such proceedings are taken by any such City or Town as shall result in the sale of any lot of ground to pay any installment or installments of such levies or assessments, the Mayor of such City or Town shall have the right to bid at such sale up to the amount of all the assessments that are outstanding against said property; and if said property is struck off to said Mayor, the title thereof shall be taken in the name of the Municipality; and said Mayor shall thereafter have the power to execute a quit claim deed of such City to any individual who shall tender in consideration thereof the amount of such special assessments that may have been levied against such property, together with all costs, interest, or charges that may have been incurred in the effort to collect such assessments.

SECTION 33. Be it further enacted, That when any owner or part owner of any of the lots within said drainage district, and upon or against which said lots, levies or assessments have been made for the purpose of paying for such improvements, as has been heretofore provided, shall be aggrieved by the action of the legislative body of said Municipality in confirming the levies or assessments made by the legislative body as aforesaid, such owner or person shall have right to appeal from the action of such legislative body to the Circuit Court of the County in which such City is located. Provided, that said owner made objection or protest to said levies or assessments at the time provided and appointed for objecting thereto, such appeal shall be perfected by filing with the Clerk of such Circuit Court a petition setting forth the facts in regard to such levies and assessments and the irregularities or illegal acts in the making thereof; and such Clerk shall thereupon notify such City to deliver a copy of such levies or assessments, and all proceedings had in reference thereto to the Clerk of the Circuit Court, and such cases thereupon be docketed for trial as other civil cases at law; provided, that the appeal of any individual shall in no wise affect the legality of such levy or assessment as to other property involved in said levies or assessments, and provided further, that such appeal shall be perfected within thirty days after the final action of the legislative body making such

levies or assessments; and if not perfected within this time, said levies or assessments shall be regarded as final, and shall not be reviewed by certiorari, injunctions, bills to quiet title or otherwise by any of the Courts.

SECTION 34. Be it further enacted, That the Municipalities affected by this Act shall have the authority and power to borrow money for the purpose of making payments for the improvements herein contemplated in anticipation of realization of funds, either by the sale of bonds or special assessments; and such Municipalities are further authorized to make payments out of any funds on hand or such funds as may be available for either that portion of the work to be assessed against the area property owners or to be paid by the Municipality itself; provided further, that nothing in this Act shall be construed to prohibit the Municipalities affected hereby from making payment of the entire cost of such improvements out of any funds which may be provided or available for such purposes.

SECTION 35. Be it further enacted, That this Act take effect forthwith upon its final passage, the public welfare requiring it.

Passed: February 27, 1947.

George O. Benton,
Speaker of the Senate.

W. B. Lewallen,
Speaker of the House of Representatives.

Approved: March 7, 1947.

Jim McCord,
Governor.

CHAPTER NO. 56

HOUSE BILL NO. 2124

By Representatives McCord, Overbey

Substituted for: Senate Bill No. 2041

By Senator Clabough

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 Alcoa.

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 Alcoa, 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 Alcoa 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 Alcoa is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount not to exceed two and one-half percent (2.5%) 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 Alcoa.

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 Alcoa.

When a person has maintained occupancy for thirty (30) consecutive 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 Alcoa 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 Alcoa 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 Alcoa.

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 (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 Alcoa. Its approval or

CHAPTER NO. 63

HOUSE BILL NO. 3874

By Representatives Swann, Ramsey

Substituted for: Senate Bill No. 3802

By Senator Overbey

AN ACT to amend Chapter 102 of the Private Acts of 1979; as amended by Chapter 23 of the Private Acts of 1983; Chapter 181 of the Private Acts of 1988; Chapter 26 of the Private Acts of 1993; Chapter 17 of the Private Acts of 2003 and Chapter 15 of the Private Acts of 2009; and any other acts amendatory thereto relative to the Blount County occupancy tax and a Tourism Board for Blount County, Alcoa and Maryville.

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

SECTION 1. Chapter 102 of the Private Acts of 1979; as amended by Chapter 23 of the Private Acts of 1983; Chapter 181 of the Private Acts of 1988; Chapter 26 of the Private Acts of 1993; Chapter 17 of the Private Acts of 2003; Chapter 15 of the Private Acts of 2009; and any other acts amendatory thereto is amended by deleting all such language therein and substituting instead the following:

Section 1. As used in this act, unless the context requires otherwise, the following terms shall have the meanings indicated:

(a) "Alcoa" means the City of Alcoa.

(b) "Board" means the Tourism Board created pursuant to Section 9 whose purpose it shall be to promote tourism and convention business in Blount County.

(c) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel or campground valued in money whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and service 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 or received from any person.

(d) "County" means Blount County, Tennessee.

(e) "Governing body" means each of the following: County Commission of Blount County, the Board of Commissioners of the City of Alcoa and the City Council of the City of Maryville, Tennessee, and "governing bodies" means collectively all of such legislative bodies.

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

(g) "Maryville" means the City of Maryville, Tennessee.

(h) "Municipalities" means, collectively, the County, Alcoa and Maryville.

(i) "Occupancy" means the use or possession or the right to use of possession of any room, lodging, or accommodations in a hotel for a period of less than thirty (30) continuous days.

(j) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise, and shall include governmental entities.

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

(l) "Tax collection official" means the county clerk.

(m) "Tax Revenues" means all revenues allocated to the board from the privilege tax authorized to be levied pursuant to this act.

(n) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the County tourists, visitors and other interested persons from outside the area and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area, and shall also include the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourists, conventions, and recreational business.

(o) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, accommodations in a hotel room or campground for a period of less than thirty (30) days.

Section 2. The County is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. The rate of the tax shall be set annually before the July term by the governing body of the County, provided, however, that the board shall provide a recommendation to the County as to the amount of such tax at least twenty (20) days prior to the vote each year establishing the amount of such tax. Such tax is a privilege tax upon the transient occupying the room or space and shall be paid by such transient.

Section 3. The tax shall be added by each operator to each invoice prepared by the operator for the occupancy of such person's hotel. Such invoice shall be given directly or transmitted to the transient, and a copy thereof shall be filed each month by the operator and retained as provided by Section 7 hereof.

Section 4.

(a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any hotel for occupancy to the county clerk not later than the twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The county clerk of the County will provide a list of the operators who remit the tax levied by this act each month to the property assessor of the County for review.

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

(c) For the purpose of compensating the County for collecting the tax, the tax collector official shall be allowed to retain two percent (2%) of the amount of tax remitted by an operator.

Section 5. 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 be added to the rent, or that, if added, any part will be refunded.

Section 6.

(a) Taxes collected by an operator which are not remitted to the tax collection official on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of eight (8%) per annum, and in addition shall pay a penalty on such taxes of one percent (1%) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted.

(b) Each occurrence of knowing refusal of an operator to collect or remit the tax or knowing refusal of a transient to pay the tax imposed is a separate violation of this act and may result in the imposition of a civil penalty, to be imposed separately for each violation, not to exceed fifty dollars (\$50.00) upon a finding of such knowing refusal by a court of competent jurisdiction. As used in this section, "each occurrence" means each day.

(c) Nothing in this section shall be construed to prevent the county clerk or other authorized collector of the tax from pursuing any civil remedy available to the collector by law, including issuing distress warrants and the seizure of assets, to collect any taxes due or delinquent under this act.

Section 7. It is the duty of every operator liable for the collection and payment 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 such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

Section 8. In administering and enforcing the provisions of this act, the tax collection official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-1-911, it being the intent of this act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this act; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-911, with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by the tax collection official under the authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official, and suit for recovery shall be brought against such tax collection official.

Section 9. For the purposes set forth herein, including the promotion of tourism and conventions, authorization is hereby granted to establish, and there is hereby established, an entity to be known as the Smoky Mountain Tourism Board and referred to in this act as the "board". The board shall have a board of directors in which all powers of the board will be vested. The board of directors shall be comprised of ten (10) directors, who shall be selected as follows and as provided in Section 11:

- (1) A person who shall be either the County Mayor or a member of the governing body of the County and who shall be appointed by the governing body of the County;
- (2) A person who shall be appointed by the governing body of Alcoa;
- (3) A person who shall be appointed by the governing body of Maryville;
- (4) A person who shall be appointed by the board of directors of the Blount County Chamber of Commerce;
- (5) Two (2) persons who reside or operate a business within Alcoa, who shall be selected as provided in Section 11;

(6) Two (2) persons who reside or operate a business within the City of Townsend or Walland area, who shall be selected as provided in Section 11; and

(7) Two (2) persons who reside or operate a business within Maryville, who shall be selected as provided in Section 11.

The directors of the board shall serve without compensation, except for reimbursement of necessary expenses incurred by directors in performance of their duties. All directors shall be residents of Blount County,

Section 10. The term of each director on the board shall be for six (6) years, provided that any director shall continue to serve beyond the end of his or her term until his or her successor has been appointed, provided that the board at its first organization meeting shall establish the terms of the initial directors so that the directors serve staggered terms and an approximately equal number of directors have terms that expire in each year. The board shall provide to each governing body the initial terms assigned to each director. The term of a director is renewable, subject to reappointment as provided in Section 11.

Section 11. The directors selected by the municipalities pursuant to subdivisions (1), (2) or (3) of Section 9 or by the Blount County Chamber of Commerce pursuant to subdivision (4) of such Section shall become directors of the authority without any further action by the municipalities, and upon any vacancy in the office of any such director, such vacancy shall be filled by appointment of the appropriate entity. Except for the foregoing directors, the directors of the board shall be jointly elected by the governing bodies of the municipalities as provided in this Section 11. Upon the initial election of these directors, upon the appointment or reappointment of a director following the conclusion of a term in office, or upon any vacancy in term of such director, by reason of death, resignation or other cause, a membership advisory committee comprised of three (3) directors of the board shall create a list of eligible candidates (with not less than three (3) candidates on such list for each open director position) and shall submit such list to the board for consideration. When such list of eligible directors of the board is approved by resolution of the board, such list shall be submitted for consideration to the governing bodies of the municipalities in order of preference. The governing bodies of the municipalities shall appoint by resolution the director(s) from such list with each such director requiring the approval of the governing body of each municipality. If a person is chosen to fill a vacancy as a director of

the board, such director shall hold office for the unexpired term with respect to which such vacancy occurred.

Section 12. A majority of the whole board shall constitute a quorum for the transaction of any business. Unless a greater number or percentage is required, or otherwise by state law, the vote of a simple majority of the directors of the board present at any meeting at which a quorum is present shall be the action of the authority. To the extent permitted by applicable law, the board may permit any or all directors to participate in an annual, regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

Section 13. Public notice of all meetings, whether annual, regular or special, of the board, shall be given in accordance with the open meetings law compiled in Tennessee Code Annotated, title 8, chapter 44.

Section 14. The officers of the board shall consist of a Chairman, Vice Chairman, Secretary, Treasurer, and such other officers as the board shall from time to time deem necessary or desirable. The offices of Secretary and Treasurer may be held by the same person.

Section 15. The initial officers of the board shall be elected by the board of directors at its first meeting following the appointment of the directors as provided in this act or as soon thereafter as may be convenient. Each initial officer shall hold office until the first annual meeting of the board, which shall be held in January 2013, and thereafter until his or her successor has been duly elected and qualified. Subsequent officers of the board shall be elected at the annual meeting of the board. Each such officer shall be elected for a one-year term but shall continue to hold office until his or her successor has been duly elected and qualified. The annual meeting of the board shall be held in January of each year.

Section 16. The Chairman shall preside at all meetings of the directors, discharge all the duties which devolve upon a presiding officer, and perform such other duties as may be prescribed by the board.

Section 17. The Vice-Chairman shall perform such duties as may be assigned to him or her. In the case of the death, disability or absence of the Chairman, the Vice Chairman shall perform and be vested with all the duties and powers of the Chairman. The Secretary shall keep the record of the minutes of the proceedings in each meeting and shall have

custody of all books, records, and papers of the board, except such as shall be in charge of the Treasurer or such other person or persons authorized to have custody and possession thereof by a resolution of the board. The Treasurer shall keep account of all money received and disbursed and shall deposit same with a bank or trust company which is a member of the Federal Deposit Insurance Corporation.

Section 18. Other officers shall perform such duties as shall be designated by the board.

Section 19. Each of such officers may be removed at any time by the affirmative vote of a majority of the whole board.

Section 20. The proceeds from the tax levied herein (after the deductions provided in Section 4) shall be apportioned and distributed by the county trustee as follows on at least a monthly basis:

(a) Fifty (50%) percent of the proceeds of the tax shall be distributed to the board to be used for any purpose of the board including the promotion of tourism, the maintenance, staffing and supplying of public visitor centers in the County, and the undertaking of any projects, including the financing thereof;

(b) Thirty (30%) percent of the proceeds of the tax shall be deposited in the general fund of the County; and

(c) Twenty (20%) percent of the tax shall be distributed to the board and shall be used by the board to pay the cost of that certain parcel of property to be acquired by the board located directly adjacent to the existing Townsend Visitors Center located at 7906 East Lamar Alexander Parkway. Once all costs relating to the acquisition of such property are fully paid, then seventy (70%) percent of the proceeds from the tax levied herein shall be apportioned to the board and used as provided in subsection (a), above.

Section 21. The tax collected by the tax collection official shall be remitted to the county trustee and distributed by the trustee in accordance with the terms of this act and the laws of the state of Tennessee.

Section 22. 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, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

Section 23. The board created by this act may become the initial board of a Tourism Development Authority if the municipalities create a Tourism Development Authority as provided by general law and upon approval of all creating municipalities at which point the board created pursuant to this act shall terminate and then the existing terms of office of each particular board member shall remain until the expiration of each board member's term of office. In addition:

(1) All duties and responsibilities of the board shall be transferred to the Tourism Authority.

(2) All documents in the possession of the board shall be transferred to and remain in the custody of the Tourism Development Authority.

(3) All leases, contracts and contract rights and responsibilities in existence with the board with respect to the duties transferred shall be preserved and transferred to the Tourism Development Authority.

(4) All assets, liabilities, properties and obligations of the board with respect to the duties transferred shall become the assets, liabilities, properties and obligations of the Tourism Development Authority.

Section 24. 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 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing bodies of Blount County, Alcoa, and Maryville. Its approval or non-approval shall be proclaimed by the presiding officer of each governing body and certified to the secretary of state.

SECTION 3 For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

HOUSE BILL NO. 3874

PASSED: APRIL 27, 2012



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 1st day of May 2012



BILL HASLAM, GOVERNOR

CHARTER AND RELATED ACTS FOR THE CITY OF
ALCOA, TENNESSEE

YEAR	CHAPTER	SUBJECT
1919	510	Basic Charter Act.
1919	589	Amended art. 1, § 1 relative to corporate boundaries.
1920	5 ¹	Authorized \$500,000.00 bond issue.
1921	526 ²	Abutting property law.
1921	620	Amended art. 1, § 2, subsections (15), (22), (23), (26), (32) and (32a) relative to legislative powers; amended art. 2, §§ 2, 3, 5 and 8 relative to elections; amended art. 3, §§ 1, 2, 7, 9 and 10 relative to the board of commissioners; amended art. 4, § 2 relative to ordinances; amended art. 7, § 2, subsection (h) relative to the city manager; amended art. 10, §§ 13 and 16 relative to the recorder; amended art. 11, §§ 5 and 6 relative to taxes and revenue; amended art. 13, §§ 1, 2 and 4 relative to city bonds; amended art. 14, § 1 relative to sinking fund; amended art. 15, § 2 relative to budget and appropriation; and amended art. 20, § 1 relative to public work.
1921	621	A related private act. Authorized to zone property and to regulate construction of buildings.

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

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

YEAR	CHAPTER	SUBJECT
1921	697	Amended art. 1, § 1 relative to corporate boundaries.
1921	861 ¹	Abutting property law.
1921	888	Amended art. 1, § 1 relative to corporate boundaries.
1921	941 ¹	Abutting property law.
1923	114	Amended art. 15, §§ 1 and 3 relative to budget and appropriation.
1935	40	Amended art. 11, § 12 relative to taxes and revenue.
1939	534	Amended art. 11, § 9 relative to taxes and revenue.
1941	48 ²	Authorized \$500,000.00 bond issue.
1941	49	Amended art. 1, § 1 relative to corporate boundaries.
1943	166	Amended art. 1, § 1 relative to corporate boundaries and added art. 15, § 4 relative to appropriation of funds.
1945	383	Amended art. 1, § 1 relative to corporate boundaries.

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

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

YEAR	CHAPTER	SUBJECT
1947	552	A related private act. Authorized to create drainage districts and to assess for cost of construction of drainage-improvements.
1949	685	Amended art. 1, § 1 relative to corporate boundaries.
1951	19	Amended art. 1, § 2, subsection (16) relative to legislative powers.
1953	538	Amended art. 1, § 1 relative to corporate boundaries.
1957	268	Amended Priv. Acts 1947, ch. 552, § 11.
1959	264	Amended art. 6, § 1 relative to officers and employees; amended art. 8, §§ 1, 2, 3, 4, 5, 6, 7 and 8 relative to municipal court; and amended art. 11, § 12 relative to sewer service fees and garbage/refuse fees.
1961	67	Amended art. 1, § 2, subsection 34 relative to legislative powers.
1965	59	Added art. 6, §§ 5, 6, 7, 8, 9 and 10 relative to a merit system for officers and employees and amended art. 13, § 5 relative to city bonds.
1967	69	Added art. 1, § 2, subsection (35) relative to legislative powers; amended art. 2, § 3 relative to elections; and amended art. 3, § 3 relative to the board of commissioners.
1967	70	Amended Priv. Acts 1921, ch. 621, § 9.

YEAR	CHAPTER	SUBJECT
1968	340	Amended art. 2, § 8 relative to elections; amended art. 3, § 1 relative to the board of commissioners; amended art. 4, § 2 relative to ordinances; and amended art. 16, § 2 relative to departments.
1969	1	Amended art. 19 relative to the department of education.
1971	85	Amended art. 1, § 2, subsections (1) and (9) relative to legislative powers; amended art. 2, §§ 3 through 8 relative to elections; amended art. 3, §§ 1, 3, 7, 12 and 15 relative to the board of commissioners; amended art. 6, §§ 1, 3 and 6 through 10 relative to officers and employees; amended art. 7, § 1 and 2(c) and 2(h) relative to the city manager; amended art. 8, §§ 2 and 5 relative to municipal court; amended art. 11, §§ 1, 5, 7, 11 and 12 relative to taxes and revenue; amended art. 12 relative to license taxes; amended art. 13, § 5 relative to city bonds; and amended art. 15, § 1(b) and (d) through (g) relative to budget and appropriation.
1974	382	Amended art. 3, § 5 relative to the board of commissioners and amended art. 19, § 3 relative to the department of education.
1977	144	Amended art. 7, § 2(h) relative to the city manager, and amended art. 20 through 23 by deleting art. 20 and renumbering art. 21 through 23.
1979	156	Amended art. 4, § 2 relative to ordinances.

YEAR	CHAPTER	SUBJECT
1980	309	Amended art. 19A, §§ 1 through 17 relative to public utilities.
1981	102	Amended art. 1, § 2(36) relative to legislative powers.
1989	20	Repealed and replaced Priv. Acts 1980, ch. 309 relative to public utilities.
1989	104	Amended art. 6, § 5 relative to officers and employees.
1990	222	Amended art. 4, § 2 relative to ordinances.
1993	25	Amended art. 3, § 5 relative to the board of commissioners.
1993	29	Amended art. 4, § 2 relative to ordinances.
1993	40	Amended art. 15, § 1 relative to budget and appropriation.
1994	148	Amended art. 3, § 5 relative to salary of mayor and commissioners.
1994	149	Amended art. 3, § 15 relative to commissioners, and added art. 3, § 16 relative to election of commissioners.

YEAR	CHAPTER	SUBJECT
1996	145	Amended art. 3, § 5 relative to compensation of mayor and commissioners; amended art. 7, § 2 relative to powers and duties of city manager; amended art. 10, §§ 1 and 5 relative to recorder; amended art. 11, § 1 relative to taxation and revenue; replaced art. 16, § 1 and amended art. 16, § 2 relative to departments; amended art. 19, § 9 relative to budget of board of education; replaced art. 19A, § 6 relative to divisions of public utility plants; and replaced art. 19A, § 7(a) relative to powers and duties of public utilities board.
2000	89	Replaced art. 2, § 1 relative to date of election; replaced art. 3, § 1 relative to election and term of commissioners; replaced art. 3, § 2 relative to election of mayor; replaced art. 3, § 9 relative to filling of vacancies; replaced art. 3, § 10 relative to election and duties of vice-mayor; amended art. 7 § 2 (h) relative to powers of city manager; replaced art. 19, § 4 relative to selection of board members on board of education; replaced art. 19, § 5 relative to terms of members of the board of education; and replaced art. 19, § 6 relative to the beginning of terms and organization of board of education.
2001	44	Amended art. 19, § 3 relative to the compensation of the members of the City of Alcoa Board of Education.
2002	142	Amended art. 2, § 3 relative to non-residents voting in elections.

YEAR	CHAPTER	SUBJECT
2003	56	A related private act relative to the levy of a privilege tax on the occupancy of any rooms, lodgings or accommodations furnished to transients for a consideration.
2004	116	Replaced art. 19, § 4 relative to selection of board members on board of education; replaced art. 19, § 5 relative to terms of members of the board of education; and amended art. 19, § 6 relative to the beginning of terms and organization of board of education.
2005	7	Amended art. 1, § 2 relative to powers of city; and art. 3, § 6 relative to legislative powers of commissioners; and replaced art. 4, § 5 relative to the caption of ordinances being published.
2007	41	Replaced art. VIII, § 3 relative to appeals from city court; replaced art. VIII, § 6 relative to fines, costs and forfeitures; replaced art. VIII, § 7 relative to court docket and records of cases; and deleted art. VIII, § 8.
2012	63 ¹	A related private act. Establishes the Smoky Mountain Tourism Board for Blount County, Alcoa, and Maryville.

¹This act has not been included in the foregoing compilation because it relates to three local governments, Blount County, Alcoa, and Maryville, and authorizes an occupancy tax by Blount County.