

## CHARTER FOR THE CITY OF DAYTON, TENNESSEE

Compilers Note: The currently effective act incorporating the City of Dayton is Chapter 229, Acts of the General Assembly of the State of Tennessee for 1903. That act, as set out in this compilation (sections 1-1--1-25), has all its currently effective amendments incorporated except for Chapters 46 and 267, Private Acts of 1953, which have been set out herein separately (section 2-1--2-35 and 3-1--3-8), and except for bond authorization acts which have already served their purpose and special assessment laws which are now substantially duplicated in the general law available to all cities. For historical reference, a list of all the private acts relating to the City of Dayton which have been passed since 1903 is included at the end of this charter.

Under the 1903 basic charter act the city originally had a governing body consisting of eight aldermen. In 1915 a three-member board of commissioners was substituted for the board of aldermen. In 1949, two additional commissioners were added. Then, in 1953, by two private acts of the General Assembly, a five-member city council was substituted for the board of commissioners and a city manager was added. Later, at a referendum in October of the same year, the city's voters elected to abandon its 1903 private act charter, as amended, and adopted instead the Uniform City Manager-Commission Charter as set out in the general state law. Thereafter the city operated under the general law charter, with a three-member commission and city manager, until 1968 when the voters elected to surrender the general act charter and revert to its previous charter, as amended, which now calls for the five-member council and city manager.

Therefore, at the present time, the city's charter is comprised of three basic acts, as amended: (1) the 1903 charter, (2) the amendment providing for the five-member city council and for its election, powers, duties, etc., and (3) the amendment providing for a city manager. These three acts, as amended, have been unofficially compiled herein as "the charter" of the city and unofficially designated as articles 1, 2, and 3 respectively. It will be noted that each section has two number designations. The first one, by the caption, is unofficial and designates the location of the section within this unofficial compilation. The other one is official and designates the location of the section within the official act of the legislature. For example, the first section is designated as "1-1" and also as "section 1." The "1-1" is unofficial and indicates article 1, section 1, in this unofficial compilation. The "section 1" is official and indicates section 1 of chapter 229, acts of 1903.

The official source of each section is reflected in the historical citation appearing at the end of each section. Unofficial article and section catchlines or captions, a table of contents, and numerous footnote cross-references have been added by the compiler to facilitate finding provisions in the charter.

This charter is current through the 2017 session of the Tennessee General Assembly.

TABLE OF CONTENTS<sup>1</sup>

	PAGE
ARTICLE 1. BASIC CHARTER ACT .....	C-6
Sections	
1-1. Incorporation, name, and general powers .....	C-6
1-2. Corporate limits .....	C-7
1-3. Wards .....	C-9
1-4. Election of aldermen; qualifications for aldermen; annual election date; vacancies; qualifications for voting; additional justices of the peace .....	C-9
1-5. Certification of city election results; election of mayor, recorder, treasurer, marshal, etc. ....	C-10
1-6. Residence and age requirements for officers .....	C-11
1-7. Compensation of officers and personnel .....	C-11
1-8. Miscellaneous powers enumerated .....	C-11
1-8A. Referendum required for sale of utility properties .....	C-13
1-8B. Retail beer tax levied .....	C-14
1-9. Street grades .....	C-16
1-10. Oaths and bonds of officers .....	C-16
1-11. Mayor's general powers and duties; votes required for board action .....	C-17
1-12. Recorder's judicial authority .....	C-17

---

<sup>1</sup>Be sure to read the compiler's note on page C-1 for an explanation of how the acts comprising this charter have been compiled.

1-12A. City court, city judge, and city attorney . . . . . C-18

1-13. Workhouse and lockup . . . . . C-20

1-14. Removal of appointed officers or agents . . . . . C-20

1-15. Sanitary and quarantine measures authorized; fees for  
officers and witnesses at trials . . . . . C-20

1-16. Streets and pavements . . . . . C-21

1-17. Property taxes authorized . . . . . C-21

1-18. Franchises . . . . . C-21

1-19. City to constitute school district . . . . . C-21

1-20. School taxes . . . . . C-22

1-21. Board of education . . . . . C-22

1-22. Street taxes and road duty . . . . . C-22

1-23. Debts, liabilities, and assets of old corporation assumed . . C-23

1-24. Repeal of conflicting provisions; right to collect funds  
due old corporation . . . . . C-23

1-25. Date of effect of basic charter act . . . . . C-24

ARTICLE 2. CITY COUNCIL ACT . . . . . C-25

Sections

2-1. This act amends charter . . . . . C-25

2-2. Specifically repeals 1949 amendment . . . . . C-25

2-3. Corporate limits . . . . . C-25

2-4. City council created . . . . . C-26

2-5. First city council named . . . . . C-26

2-6. Dates for election and terms of councilmen;  
vacancies; qualifications of councilmen . . . . . C-26

2-7. Powers and duties of old governing boards conferred on  
council . . . . . C-28

2-8. Board of commissioners abolished . . . . . C-29

2-9. Regular meetings of council; election of mayor and mayor  
pro tem . . . . . C-29

2-10. Misdemeanors of state declared to be municipal offenses;  
penalty for violation . . . . . C-30

2-11. Authority to regulate taxicabs and other motor vehicles . . C-30

2-12. Adoption of ordinances; emergency ordinances . . . . . C-30

2-13. Voting by council; record of votes on ordinances . . . . . C-31

2-14. Ordinances to be numbered and preserved . . . . . C-31

2-15. Penal ordinances to be published . . . . . C-31

2-16. Mayor's general powers and duties . . . . . C-31

2-17. Mayor to perform acts required by ordinance . . . . . C-31

2-18. Service of legal process on city . . . . . C-32

2-19. Recorder . . . . . C-32

2-20. Recorder to report property evaluations and anticipated  
revenues annually; council to levy tax . . . . . C-32

2-21. Recorder to supervise fiscal affairs . . . . . C-33

2-22. Accounting system prescribed; council to fix all salaries . . . C-33

2-23. (Deleted) . . . . . C-33

2-24. Claims against city . . . . . C-34

2-25. Requirements for city vouchers and checks . . . . . C-34

2-26. Council authorized to employ, compensate, and remove  
personnel at will . . . . . C-34

2-27. Recorder and mayor authorized to try offenders . . . . . C-35

2-28. Recorder to perform acts required by ordinance . . . . . C-35

2-29. Additional miscellaneous ordinance powers . . . . . C-35

2-30. School board abolished; powers and duties conferred on  
council . . . . . C-36

2-31. Authority for city manager . . . . . C-36

2-32. Oath required of all officers and employees . . . . . C-36

2-33. Severability clause . . . . . C-37

2-34. Power to incur debt; yearly debt limit . . . . . C-37

2-35. Date of effect of city council act . . . . . C-37

ARTICLE 3. CITY MANAGER AND VOTER QUALIFICATION ACT . . C-39

Sections

3-1. This act amends charter . . . . . C-39

3-2. Office of city manager created; appointment, salary, and  
term; absence or disability; administrative head of city;  
may be part-time; oath and bond . . . . . C-39

3-3. General powers and duties of manager . . . . . C-40

3-4. May be given duties of recorder and judge . . . . . C-40

3-5. Offices of manager and recorder may be consolidated . . . . . C-41

3-6. Qualifications for voting in municipal elections . . . . . C-41

3-7. Construction of articles 2 and 3 herein . . . . . C-41

3-8. Date of effect of city manager and voter qualification act . . C-42

ARTICLE 1

Basic Charter Act<sup>1</sup>

CHAPTER 229. (Acts of 1909)

House Bill No. 326.

AN ACT to incorporate the city of Dayton, in the county of Rhea, and State of Tennessee, and to provide for the election of officers thereof, and prescribe their duties, and for other purposes.

1-1. Incorporation, name, and general powers

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the city of Dayton, in the county of Rhea, and State of Tennessee, and the inhabitants thereof be and are hereby constituted a body politic and corporate under and by the name of the "City of Dayton," may sue and be sued, grant, receive, purchase and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of said city, and may have and use a common seal and change the same at pleasure. [Ch. 229, sec. 1, acts of 1903]

---

<sup>1</sup>Be sure to read the compiler's note on page C-1 for an explanation of how the acts comprising this charter have been compiled.

1-2. Corporate limits.<sup>1</sup>

SEC. 2. Be it further enacted, That the corporate limits of the City of Dayton shall be as follows: Beginning at the northeast corner of the Old W. B. Allen property located on Broyles Street in the Old Forth Civil District of Rhea County, Tennessee, thence running southwardly in a straight line to a point on the north side of East Sixth Street, thence westwardly to Broyles Branch, thence meandering along Broyles Branch in a southwardly direction for 300 feet to the John R. Abel farm, thence continuing southward with the meanders of the Broyles Branch through the John R. Abel farm to a point where the said Broyles Branch turns west at a point where a large ditch intersects said Broyles as it meanders southwardly along the foot of the said hill to the northeast corner of the Paul Barger lot, thence southwardly in a straight line to the southeast corner of the Virgil Wilkey lot, thence westwardly with the south line of said Wilkey lot to the east side of the right of way of Highway No. 27, thence northward with the east line of the said Highway to a point opposite the driveway leading into the Elmer Kelly homeplace, thence in line with the south side of Kelly driveway to the east side of the railroad right of way, thence northwardly to the first public railroad crossing, thence westwardly to the west side of the Railroad Street, thence southwardly 200 feet to the next street, thence westwardly 500 feet past Cemetery Street, thence parallel with said Cemetery Street to Sixth Street, thence westwardly 800 feet in a straight line to a point which is within 200 feet of the Old Graysville Road, thence southwardly and parallel with the Old Graysville Road to the City Cemetery property, thence westwardly to the southeast corner of the Cleo Brown property (the Old N. A. McCabe property), thence westwardly with a branch to the southwest corner of Mrs. George Foust property, thence northwardly with the east side of the Riddle Lane to the northwest corner of the W. J. Green property, thence eastwardly with the road to a point in line with the southwest corner of the Ralph Clayton property (Old Roy Riddle property), thence northwardly to a

---

<sup>1</sup>The corporate limits as herein set out have been amended by the following annexation ordinances or resolutions of record in the city recorder's office:

Ord. of Sept. 25, 1956, Res. of June 3, 1957, Ord. of Nov. 4, 1957, Ord. of Jan. 7, 1963, Ord. of Mar. 12, 1963, Ord. of May 19, 1966, Ord. of July 21, 1966, Ord. of Mar. 2, 1967, Ord. of July 20, 1967, Ord. of Aug. 21, 1967, Ord. of Sept. 21, 1967, Ord. of Oct. 5, 1967, Ord. of Dec. 14, 1967, 2 Ords. of Apr. 8, 1968, Ord. of May 6, 1968, Ord. of Mar. 4, 1968, 2 Ords. of June 2, 1969, Ord. of Oct. 5, 1970. Ords. #23, 49, 66, 86, 90, 93, 102, 103, 116, 118, 119, 121, 130, 134, 141, 142, 155, 156, 157, 160, 165, 172, 174, 175, 178, 179, 189, 193, 194, 196, 201, 203, 204, 212, 222, 236, 237, 253, 262, 270, 271, 276, 277, 278, 279, 282, 285, 287, 290, 302, 305, 316, 334, 336, 368, 376, 397, 404, 411, 434, 457, 461, 462, 469, 476, 481, 482, 485, 486, 487, 512, 514, and 547.

Ordinance No. 254 corrected a clerical error in Ordinance No. 236.

big ditch located at the southeast corner of the Jess Green property, thence westwardly with said ditch to the east side of Riddle Lane, thence northwardly with Riddle Lane as it curves eastwardly back to the east side of Old Graysville Road, thence along the Old Graysville Road on the East side of Montague Street or within 200 feet of the old Morganton Road, thence westwardly to the southwest corner of the Henry Jones property, thence following said northwest property line to the Old Morganton Road, thence in a straight to the southwest corner of the Church of God property (Sawyer's Hill) on Tennessee Highway 30, thence in a straight line to the northwest corner of the J. N. Jones property (the New Addition Section) thence northwardly with the east line of the N. D. Wilson property to the south line of W. H. Corvin, Jr., in the north edge of Boyd's Lane, hence westwardly along the south line of the W. H. Corvin, Jr., property to the east line of Boyd's farm, thence northwardly with the east side of the said Boyd's arm to the northwest corner of the W. H. Corvin, Jr., property, thence eastwardly parallel with the Boyd's Lane to a point 175 feet west of the road between Hunt Heater Corporation and Boyd's Lane, thence northwardly parallel; with the said road from Hunt Heater Corporation to Boyd's Lane to a point directly west of the northwest corner of the S. & F. Hosiery Mill property, thence east to the northwest corner of the S. & F. Hosiery Mill property thence with the north line of the S. F. Hosiery Mill property to the line of the C. N. O. T. P. Railway property thence southwardly along the west edge of the C. N. O. & T. P. Railway property thence south edge of said Boyd's Lane, thence eastwardly along the south edge of said Boyd's Lane to the east line of the C. N. O. & T. P. Railway property, thence northwardly along the east line of the said C. N. O. & T. P. railway property to the south line of the Summerfield Fisher arm, thence along the south line of the Summerfield Fisher farm, thence along the south line, eastwardly and southeastwardly along the south line, of said Summerfield Fisher farm to its southeast corner, thence in a northeastwardly direction to the northwest corner of the Hugh Wright, property, thence eastwardly along the north line of the said Hugh Wright property and in a straight line to the east side of U. S. Highway 27, thence northwardly with said highway to Blueberry Hill Road; thence eastwardly with Blueberry Hill Road to the east line of Charlie Walters property, thence with the meanders of said property line to where said line intersects with Buttram line; thence to the south side of Reservoir Hill Road; thence with said road as it meanders to the southeast corner of the Tom Walker property, thence southwardly in a straight line to the northwest corner of the Mrs. N. J. Tallent property (Hill City), thence northeastwardly to the northwest corner of Bryan University's property, thence following their northern line to State of Tennessee Highway 30, thence following Highway 30 and Salem Road, thence southwardly in a straight line to the northwest corner of the William Robinson property on Broyles Street, thence southwardly direction to the northeast corner of the W. B. Allen property, which is a point of the beginning. [Ch. 229, sec. 2, pr. acts of 1903, as amended by ch. 393, pr. acts of 1903; ch. 46, pr. acts of 1907; ch. sec. 1, pr. acts of 1949; ch. 46, sec. 3, pr. acts of 1953; and ch. 319, pr. acts of 1955]



1-3. Wards

SEC. 3. Be it further enacted, That the said city of Dayton shall be divided into four wards, as follows: All that part of the territory within said corporate boundary lying south of Big Richland creek and west of Market street shall constitute the First Ward; all the territory that territory within said corporate boundary south of Big Richland creek and east of Market street shall constitute the Second Ward; all the territory within said corporate boundary north of Big Richland creek, and all south of First avenue, and all east of Washington street, and all the territory lying north of said creek and west of the C. S. Railway, shall constitute the Third Ward; and all the territory included in said corporate boundary north of said First avenue and west of Washington street, and east of said railway, shall constitute the Fourth Ward. [Ch. 229, sec. 3, pr. acts of 1903]

1-4. Election of aldermen; qualifications for aldermen; annual election date; vacancies; qualifications for voting; additional justices of the peace<sup>1</sup>

SEC. 4. Be it further enacted, That the election commissioners of Rhea County within ten days after this Act becomes a law, shall, after giving ten day's written or printed notices, at least one of which shall be posted in each of said wards, open and hold or cause the same to be done by a regularly appointed deputy in each of said wards, an election by judges and clerks appointed by them, and in all respects to be conducted and held as other special elections for district officers, for the election of two persons for each of said wards to serve as Aldermen for the term of one year, and until their successors are elected and qualified; provided, no person shall be eligible to the office of Aldermen unless he be at least twenty-one (21) years old, and shall have resided within said corporate limits at least one year next preceding his election; and shall own in his own right \$300 worth of real estate or personal property. Provided, also, that after said first election there shall be held in each of said wards a general election on the third Wednesday of April of each year hereafter for the purpose of electing two persons for each of said wards to serve as Aldermen for one year and until their successors are elected and qualified. Provided further, that after the first election as herein provided for, the Election Commissioners for Rhea County shall have power to appoint such person or persons as officers and judges and clerks to hold said election under the general rules and regulations prescribed by law for holding State, county and municipal elections; provided further, that all vacancies in the Board of Mayor and Aldermen shall be filled

---

<sup>1</sup>Apparently all except the last paragraph in this section has been superseded by chapters 46 and 267, private acts of 1953. See particularly sections 2-1, et seq., and 3-6 in this compilation.

by the remaining members of said board. In all elections held under this Act all persons living within the limits of said corporations for six months next preceding the election, and who would be qualified to vote for members of the General Assembly of the State, and all male persons twenty-one (21) years of age, owning fifty (\$50) dollars worth of real estate in said corporate limits, for taxes for said year, such ownership to be evidenced by registered conveyance prior to the tenth (10) day of the preceding January, shall constitute the qualified electors in said election, and be entitled to vote for all the officers elected at such election; provided, that in said first election a residence within said corporate limits for only ninety (90) days, the registration of property conveyance for only five days, shall be required.

Provided further, that the city of Dayton shall be entitled to elect two additional Justices of the Peace besides the one provided by the general law. [Ch. 229, sec. 4, pr. acts of 1903, as amended by ch. 107, sec. 1, pr. acts of 1905; ch. 46, sec. 2, pr. acts of 1907; ch. 22, pr. acts of 1937 (2nd E. S.); chs. 264 and 265, pr. acts of 1953; and ch. 310, pr. acts of 1955]

1-5. Certification of city election results; election of mayor, recorder, treasurer, marshal, etc.<sup>1</sup>

SEC. 5. Be it further enacted, That the person having received the highest number of legal votes at any election held shall be declared elected, and the election commissioners holding the election in the first instance shall, within three (3) days thereafter, issue to each of the Aldermen elected certificates of election, and that at all subsequent elections the officers of each ward holding said election shall make certified returns thereof on the day succeeding said election to the acting Mayor, those duty it shall be to issue to the two persons receiving the highest number of legal votes in each of said wards certificates of election within two days. It shall be the duty of the persons elected in the first instance, and annually thereafter, as provided by ordinance, to meet at some convenient place and proceed to organize by election from their members, a Mayor to preside for one year, and until his successor is elected and qualified. They shall also elect a Recorder, Treasurer, Marshal and such assistant marshals or policemen as the said Board of Mayor and Aldermen may from time to time provide, and as may be necessary for the dispatch of municipal business. [Ch. 229, sec. 5, pr. acts of 1903]

---

<sup>1</sup>Most, if not all, of this section has been superseded by chapter 46, private acts of 1953. See section 2-1, et seq., in this compilation.

1-6. Residence and age requirements for officers<sup>1</sup>

SEC. 6. Be it further enacted, That no person shall be elected to any office in the municipality unless he has been a resident thereof for at least six months next preceding his election and unless he is twenty-one (21) years of age. [Ch. 229, sec. 6, pr. acts of 1903]

1-7. Compensation of officers and personnel<sup>2</sup>

SEC. 7. Be it further enacted, That the compensation of all officers, agents and servants of the municipality shall be fixed by the Board of Mayor and Aldermen before the election of the officers, agents or servants, and shall not be changed during his term of office; provided, the compensation of the Aldermen shall not exceed two dollars for each meeting of the said Board of Mayor and Aldermen. [Ch. 229, sec. 7, pr. acts of 1903]

1-8. Miscellaneous powers enumerated<sup>3</sup>

SEC. 8. Be it further enacted, That the corporation aforesaid shall have full power and authority to make and pass such laws and by-laws as are necessary to prevent or remove nuisances; to provide for licensing and regulating auctions, taxing, regulating or restraining theatrical or public amusements, shows or exhibitions within the boundary of the corporation; for restraining or prohibiting gambling; to regulate the sale of intoxicating liquors, beer, ale or malt liquors; to establish night and day watches and patrol; to ascertain, when necessary, the boundary and location of streets, lanes and alleys; to have and keep in repair the streets, alleys, etc., and pass all laws necessary for the same; to repair and regulate markets, drayage and personal privileges; to provide for the establishment and regulation of a fire company, the sweeping of chimneys, and the safe condition of flues; to impose and appropriate fines, penalties and forfeitures for breach of by-laws and ordinances; to build and keep in good condition a lockup or calaboose for the safekeeping of persons before trial who have violated any of said ordinances or by-laws of said corporation; to levy and collect taxes or privileges, real and personal property, for the purpose of carrying necessary measures into operation for the benefit of said city; to regulate the speed of locomotives, engines and cars passing through

---

<sup>1</sup>See also section 2-6 in this compilation for council member qualifications.

<sup>2</sup>For later provisions dealing with compensation of city personnel, see sections 2-22 and 2-26 in this compilation.

<sup>3</sup>For additional miscellaneous powers, see section 2-29 in this compilation.

said corporation, and prevent engines and cars from blocking up public highways at their crossings or standing in certain prescribed distances from crossings of said highways for a longer time than actually necessary to transact their business; to establish fire limits and such general regulations, by ordinance, for the prevention and extinguishment of fire as they may deem expedient; to regulate the storage and transportation of illuminating oils, high explosives, gunpowder, tar, pitch, resin and other explosives and combustible material, and to regulate or prohibit the use of firearms; to alter, abolish, widen, extend, establish and create streets, avenues, lanes, alleys and sidewalks and to improve and keep in repair said streets, avenues, lanes, alleys and sidewalks, drains and sewers, and to provide for the planting and protection of shade trees upon the streets, avenues or parks or other public grounds and regulate the same; to provide for lighting the streets by gas or otherwise; to remove all obstructions from the streets, lanes, avenues, alleys and sidewalks and curbstones; and to provide for the removal of all encroachments into or upon all or any streets, lanes, avenues or alleys within the city established by law or ordinance; to regulate the running of horse or railway car or cars propelled by dummy engines, cable or electricity, and the laying tracks for the same, transportation of passengers thereon, and the form of rail to be used, and to require railroad companies using streets to lay their tracks at the official grade thereof, and require them to bring such streets between the sidewalks to the official grade at their own expense, and to compel them to pave and keep in repair the streets between their tracks and for a distance of two feet on each side of the same; to erect and maintain a work house and a house of correction and provide for the regulation and government thereof; to provide for lighting the streets, to erect lamp posts, electric towers or other apparatus; to prevent and restrain riots, noise, disturbances or disorderly assemblages in any streets, houses or places within the city, breaches of the peace, fighting or disorderly conduct; to prohibit and punish the abuse of animals; to provide the city with water, erect hydrants and pumps, construct cisterns and reservoirs, to lay pipes for conducting and distributing water over the city and keep the same in repair; to acquire and own stock in any water company organized for the purpose of supplying said city with water for domestic, irrigating, mechanical or other purposes; to build and construct reservoirs for the storage of water, to construct or purchase waterworks for the use of city and enlarge their capacity from time to time and to keep the same in repair, and generally to do whatever may be needful and necessary to be done, by contracting with water companies or otherwise, in order to supply the city with water for fire, irrigating, domestic, mechanical and other purposes, and regulate the same and fix the price to be charged private consumers thereof; to establish and enforce quarantine laws and regulations and enforce the same within the city, and within one mile thereof; to prevent or regulate the driving of stock through the city; to restrain cattle, horses, hogs, sheep, dogs and all other animals from running at large, and to prevent the erection and maintenance of barbed wire fences in the city limits, and to authorize the summary sale or other disposition of horses, cattle, sheep,

dogs and other animals running at large in the city; to regulate or prevent the use of fireworks, and to regulate or prevent the carrying on of manufactures dangerous in causing or promoting fires; to require parties before erecting any building to obtain a building permit upon written application to the Board of Mayor and Aldermen; to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this Act, and to make all ordinances which it may deem necessary or requisite for the good order, health, good government, general welfare of the city, and also for the protection and preservation of any city property, privileges and franchises, and enforce the same by proper fine, imprisonment or other penalties, and all the powers and authority set out in Section 1607 of Milliken & Vertrees' Code of Tennessee; that the corporation through its Board of Mayor and Aldermen shall have power and authority to pass by-laws and ordinance requiring owners of property to build such sidewalks along the streets in front of their property as required by ordinance; or in the event the owner or owners of property refuse to build said sidewalks, such as are fixed by and in accordance with the ordinance enacted, then said corporation shall have the power by ordinance to build said sidewalks in front of said property where the owner or owners refuse to build the same, and charge the same up to the owner or owners, and the amount so expended by the city for the building of said sidewalks shall be a lien on the property of the owner or owners who refuse to build the same, and shall be enforced as provided in Section 3543 of Shannon's Code of Tennessee; that the corporation shall have power by ordinance to lease its convicts to the State of Tennessee, the county of Rhea, or to any person, firm, or corporation. [Ch. 229, sec. 8, pr. acts of 1903, as amended by ch. 107, sec. 2, pr. acts of 1905]

1-8A. Referendum required for sale of utility properties<sup>1</sup>

SECTION 1. Be it further enacted by the General Assembly of the State of Tennessee, That the charter of the City of Dayton, Tennessee, being Chapter 229 of the Acts of 1903, and Acts amendatory thereof be and the same is hereby amended so as to provide that to authorize the Board of Commissioners of the City of Dayton to dispose of any of the utility properties of said City, the proposal shall first be submitted to a vote of the people of said City, and approved by a majority of all the votes cast in an election called for that purpose.

SEC. 2. Be it further enacted, That when any proposal shall be made for the purchase of any of the utility properties of said City of Dayton, the same shall be spread of record on the minute books of the municipality, and a

---

<sup>1</sup>This section is chapter 923, pr. acts of 1929. Since the act did not by its terms expressly designate where it should be added to the charter, the compiler arbitrarily incorporated it at this point.

resolution shall be passed by said Board of Commissioners requesting the Election Commissioners of Rhea County to hold an election and submit the proposal to the voters of said City, and in the notice of said election a condensed statement of all the terms and conditions of said proposal shall be given.

SEC. 3. Be it further enacted, That notice of said election shall be published for three consecutive weeks in some newspaper published in said City of Dayton, Tennessee, the first issue to be not less than twenty days before the date of election. The notice shall state the place in each ward where the election will be held, together with the officers, judges and clerks appointed to hold the election. The qualification of the voters to vote in said election will be the same as prescribed for those voting for Commissioners of said City, and said election shall be held subject to the general laws of the State. Those voting in favor of the proposal shall have written or printed on their ballots the words "For the Resolution," and those voting against the words "Against the Resolution."

SEC. 4. Be it further enacted, That if the certificate of the Election Commissioners shall show that a majority of the votes cast in said election have been in favor of said resolution said Board of Commissioners of said City are hereby authorized, and it will be their duty to accept the proposal for the sale of the property. If the certificate shall show that less than a majority of the votes cast in said election have been cast in favor of such proposal, then the sale of the property shall not be authorized.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.<sup>1</sup>

1-8B. Retail beer tax levied<sup>2</sup>

SECTION 1. Be it further enacted by the General Assembly of the State of Tennessee, That the Charter of the City of Dayton, Tennessee, and all Acts passed amendatory thereof, be, and the same are, hereby amended as hereinafter provided.

SEC. 2. Be it further enacted, That for the purpose of providing additional revenue for the City of Dayton, there is hereby levied a privilege tax of ten (10%) per cent on the amount paid for beer sold at retail in said City. This

---

<sup>1</sup>Approved by the governor, April 13, 1929.

<sup>2</sup>This section is chapter 699, pr. acts 1949. Since the act did not by its terms expressly designate where it should be added to the charter, the compiler arbitrarily incorporated it at this point.

privilege tax shall apply to sales made by wholesale dealers in case lots to be consumed by the purchaser and all sales of beer except sales made by wholesalers to retailers of beer for resale.

SEC. 3. Be it further enacted, That the term "beer" as used in this Act shall include beer and all other beverages of like alcoholic content as defined by the provisions of Chapter No. 69, Public Acts of Tennessee for the year 1933 as amended by Chapter No. 170, Public Acts of Tennessee for the year 1935.

The term "person" as used in this Act shall include individuals, partnerships, corporations and associations.

SEC. 4. Be it further enacted, That every person selling beer at retail shall collect from the purchaser thereof the tax imposed by this Act and hold same in a separate fund until paid to the City. Every such person shall, on or before the tenth (10th) day of each month after the effective date of this Act make a return in duplicate to the City Recorder showing the amount of tax collected during the preceding calendar month, together with such other facts and information as the City Recorder may reasonably require for the verification of the tax due. Said return shall be made on a form provided by the City.

Every person making a return shall, at the time of making same, pay the amount of tax shown thereby to the City Recorder. If the tax imposed by this Act is not paid when due there shall be added as a part of the tax interest and penalty of two (2%) per cent per month from the time the tax becomes due until paid.

For the purpose of enforcing the payment of the tax due hereunder, the City Recorder is hereby given, and may avail himself of the process of distraint provided in the case of other tax delinquents.

SEC. 5. Be it further enacted, That any person who shall neglect, fail or refuse to collect the tax herein levied upon al retail sales of beer made by him, his agents or employees shall be liable for the full amount of the tax which should have been collected, and shall pay the tax himself.

The City Recorder is authorized, if not satisfied with the correctness of any return or payment hereunder, to make an investigation of the books and records of any person charged with the collection of the tax hereunder, and, upon discovery of any discrepancy in the return or payment, is authorized to make a deficiency assessment against such person.

Any person charged with the collection of the tax hereby levied shall make all his books and records available to the City Recorder, or his agents, at all reasonable times, and shall for a period of not less than two (2) years, unless sooner authorized to destroy them by the City Recorder.

SEC. 6. Be it further enacted, That said City may, by ordinance, make rules and regulations and impose penalties for violation of the provisions of this

Act and for the enforcement of the provisions hereof and for the collection of the tax herein levied.

SEC. 7. Be it further enacted, That if any sentence, clause, section or part of this Act should be held unconstitutional by a court of competent jurisdiction such holding shall not affect the remaining sentences, clauses, sections or parts of this Act.

SEC. 8. Be it further enacted, That this Act<sup>1</sup> take effect from and after May 1, 1949, the public welfare requiring it.

1-9. Street grades

SEC. 9. Be it further enacted, That the Board of Mayor and Aldermen shall have the power to establish the grade of the streets of the said city of Dayton, and where the grade of any street has been established by the corporation created herein, it shall not thereafter be changed, unless the owners of two thirds of the frontage in feet of lots fronting the grade proposed to be changed shall petition in writing for such change. [Ch. 229, sec. 9, pr. acts of 1903]

1-10. Oaths and bonds of officers<sup>2</sup>

SEC. 10. Be it further enacted, That before entering upon the discharge of their duties, the Aldermen and all municipal officers, shall take an oath to faithfully demean themselves as the law directs, during their existence in office; that the Recorder, Treasurer and other officials charged with the collection, safekeeping and disbursement of city funds shall also give bond in such sum or sums as the Board of Mayor and Aldermen may require, for the faithful performance of their duties; provided, the bond of the Recorder shall not be less than ten thousand dollars. [Ch. 229, sec. 10, pr. acts of 1903]

---

<sup>1</sup>Sec. 1-8B in this compilation.

<sup>2</sup>For later provisions dealing with oaths and/or bonds, see sections 2-19, 2-23, and 3-2 in this compilation.



1-11. Mayor's general powers and duties<sup>1</sup>; votes required for board action

SEC. 11. Be it further enacted, That it shall be the duty of the Mayor to preside at all the meetings of the Board of Mayor and Aldermen; to see that all ordinances and by-laws of the corporation are duly and properly performed, respected and observed within the city; call special meetings of the Board of Mayor and Aldermen whenever he may deem it expedient; to make such suggestions and give instructions in reference to the action of said board as in his judgment will be most conducive to the interest of said corporation; to give orders in connection with the Recorder upon the Treasurer of said city whenever said city directs the same to be done for the payment of any money that may be due from said corporation; to employ counsel upon advice of the board in behalf of said corporation in any case in which said corporation may be interested, when in his judgement the same may be necessary. He shall be allowed one vote as any other Aldermen on all questions coming before the board for consideration, but shall not be allowed a second vote in case of a tie; but unless a majority of the Aldermen present shall vote in favor of any proposition coming before the board, the same shall be declared lost. [Ch. 229, sec. 11, pr. acts of 1903]

1-12. Recorder's judicial authority<sup>2</sup>

SEC. 12. Be it further enacted, That the Recorder shall be vested with full power and authority to try all offenses for the violation of the ordinances and by-laws of said corporation; and said Recorder of the city of Dayton shall be and he is hereby invested with concurrent jurisdiction with Justices of the Peace in all cases for the violation of the criminal laws of the State, or the ordinances or by-laws of the Board of Mayor and Aldermen of the city within the corporate limits of said city, and for trial of State offenses the cost incident thereto shall be the same as those now allowed to Justices of the Peace for like services, which said costs, when collected, shall be paid into the city treasury. Said Recorder shall keep a regular docket in a well bound book, the same as are kept by Justices of the Peace, and shall docket every case tried by him, and shall show amount of bills of costs of the same. [Ch. 229, sec. 12, pr. acts of 1903]

---

<sup>1</sup>For later provisions with respect to the mayor's powers and duties, see particularly section 2-16 in this compilation.

<sup>2</sup>See also section 2-27 in this compilation for a later provision authorizing the mayor and recorder to try offenders. See section 1-12A for a section creating a city court.

1-12A. City court, city judge, and city attorney<sup>1</sup>

SECTION 1-12A. (a) the judicial functions and legal functions of the city shall be vested in the office of city judge and city attorney. Both of said officials shall be elected by the city council to serve for a one (1) year term and shall be eligible for re-election. The compensation of both said officials shall be determined by the city council and shall not be raised nor lowered during their term of office. Notwithstanding any provision of this act or any law to the contrary, the city council may, by ordinance, designate one person to serve as both city judge and city attorney. Provided further, both said officials shall be learned in the law, as evidenced by a license issued by the state of Tennessee entitling him or her to practice law in the courts of the state.

(b) The city attorney shall perform all the functions of legal counsel for the city including providing legal research and opinions for the benefit of the council, representing the city in all legal proceedings initiated by or against the city or any of its officers, and performing all other legal functions as directed for the benefit of the city. However, the city attorney shall not act as prosecutor in city court for violation of the charter, ordinances, resolutions and criminal laws of the state committed within the city of Dayton but said functions shall be performed by the district attorney general or a member of his staff.

(c) There is hereby created and officially designated, the Dayton city court presided over by the city judge who shall have jurisdiction in and over all cases for the violation of and arising under the laws and ordinances of the city of Dayton. In addition, the city judge shall be vested with concurrent jurisdiction and authority with the general sessions court for Rhea County; as set forth in Tennessee Code Annotated, Title 40 and Chapter 15 of Title 16, in all cases of the violation of the criminal laws of the state of Tennessee within the corporate limits of the city. In addition to the power and authority of the city judge to issue arrest warrants, when a complaint of an alleged violation is made to the judge, he may, in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the section of the code alleged to have been violated. The judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any

---

<sup>1</sup>Chapter 57, pr. acts of 1985, added this section to the charter without indicating specifically where it should be placed. The compiler arbitrarily placed it here.

See also sections 1-12 and 2-27 for judicial functions of the records and mayor.

person lawfully served with such a subpoena to fail or neglect to comply therewith.

(1) The city sessions judge shall adopt rules necessary for the efficient administration of the city court. All process issuing from the city court shall run in the name of the state of Tennessee for the use of the city of Dayton and shall be so captioned.

(2) Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the Court is in session or the judge is reasonably available. When the judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the recorder.

(3) In the absence or disability of the city judge a residing judge shall be elected as provided by general law in the general sessions court.

(4) Any defendant who is dissatisfied with any judgment of the court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court for a trial de novo upon posting a proper appeal bond. An appearance bond in any case before the court shall be in such an amount as the judge shall prescribe and shall be conditioned upon the defendant's appearance for trial before the court at the stated time and place. An appearance bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two private persons who individually own real property located within the city. No other type appearance bond shall be acceptable. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall fine against the appellant the fine and all costs of the trial and appeal shall be properly paid by the defendant and/or his sureties. In appropriate cases, a defendant may secure an appeal upon execution of a pauper's oath, in lieu of posting the appeal bond, in the form prescribed by state law.

(d) The city recorder shall be the clerk of the city court and shall collect fines, forfeitures, costs and fees in all cases. Such costs and fees shall be the same as provided under the provisions of Tennessee Code Annotated, Title 8, for general sessions court, clerks and other officials. All fines, forfeitures, costs and fees collected shall be paid monthly into the treasury of the city and shall not be construed to be any part of the compensation of the city judge, attorney or recorder. At the end of each month the city recorder shall submit to the council a report accounting for the collection or non-collection of all fines and costs imposed by the court during the current month and to date for the current fiscal year.

(1) The city recorder shall keep a complete docket of all matters coming before the city court. The docket shall include for each defendant such information as his name, warrant and/or summons number, alleged

offense, disposition, fines and costs imposed and whether committed to workhouse, and all other information that may be relevant. [Ch. 57, sec. 1, pr. acts of 1985]

1-13. Workhouse and lockup

SEC. 13. Be it further enacted, That the Board of Mayor and Aldermen of said corporation shall have full power and authority to erect a workhouse and lockup or calaboose for the safekeeping of persons when arrested who fail to give bond or fail to put up forfeitures for their appearance before the Recorder for trial, and when any person or persons who have been convicted of any violation of the by-laws or ordinances of said corporation fail or refuse to pay or secure to be paid the fine and costs accruing thereon, the Board of Mayor and Aldermen may provide by an ordinance for their confinement in said lockup, workhouse or calaboose, and put them to work for the city, either within an inclosure, on the streets or other public works under proper guards, or secured by ball and chain, at such wages as the board may adopt by ordinance until the said fine and costs are paid. [Ch. 229, sec. 13, pr. acts of 1903]

1-14. Removal of appointed officers or agents<sup>1</sup>

SEC. 14. Be it further enacted, That the Board of Mayor and Aldermen shall have full power and authority to dismiss and remove any officer or agent appointed or elected by them, including the Recorder<sup>2</sup> or Marshal, for incompetency or any violation, neglect or disregard of the duties imposed upon them by the by-laws or ordinances of said corporation; provided, that two-thirds of the Board of Mayor and Aldermen concur in the dismissal or removal. [Ch. 229, sec. 14, pr. acts of 1903]

1-15. Sanitary and quarantine measures authorized; fees for officers and witnesses at trials

SEC. 15. Be it further enacted, That the Board of Mayor and Aldermen of the city of Dayton shall have full power and authority by ordinance, within the city and for the distance of one mile from the corporate limits thereof, to provide for all sanitary measures necessary to prevent sickness, and to establish quarantine when in the judgment of the board the same is necessary to be done,

---

<sup>1</sup>See also section 2-26 in this compilation for a later provision authorizing removal of personnel by the city council.

<sup>2</sup>See section 2-19 in this compilation for a later provision dealing specifically with the recorder. For the recorder's judicial duties see section 1-2.

and also to set the fees of the Recorder, City Marshal and other officials and witnesses, who may be required to attend trials of causes on behalf of the corporation. [Ch. 229, sec. 15, pr. acts of 1903]

1-16. Streets and pavements

SEC. 16. Be it further enacted, That the Mayor and Aldermen of the city of Dayton shall have full power and authority to lay off and open new streets, lanes and alleys in said city, and extend the old ones for the convenience of the inhabitants thereof in the manner and mode prescribed by Sections 1388, 1389, 1390 and 1391 of T. and S. Code of Tennessee; also, may require the owners of business houses in said city of Dayton to make good brick, gravel or wood pavements in front of their said business houses. [Ch. 229, sec. 16, pr. acts of 1903]

1-17. Property taxes authorized

SEC. 17. Be it further enacted, That the Board of Commissioners of the City of Dayton shall have full power to levy taxes for city purposes upon all taxable property, real, personal and mixed, within the corporate limits of the City of Dayton not exceeding the total levy for all purposes in any year, \$2.00 on the \$100.00 valuation of the total assessment of said property for city purposes of that year. [Ch. 229, sec. 17, pr. acts of 1903, as amended by ch. 46, sec. 3, pr. acts of 1907 and ch. 662, sec. 2, pr. acts of 1933]

1-18. Franchises

SEC. 18. Be it further enacted, That all franchises or privileges granted by the said city to corporations or individuals shall be limited to twenty (20) years from the granting of the same, and such franchises or privileges so granted shall plainly specify on what particular street, alley or avenue the same shall apply, and no franchise or privilege shall be granted by the city of Dayton in general terms or that will apply to the city generally; provided, however, those franchises and privileges may be granted to gas, waterworks, electric light companies and manufactures in general terms, and for a period of longer than twenty (20) years, in the discretion of the Board of Mayor and Aldermen. [Ch. 229, sec. 18, pr. acts of 1903]

1-19. City to constitute school district

SEC. 1-19. Be it further enacted, That the corporate limits of said municipality shall constitute a separate free school district, and the said city may, through its Board of Mayor and Aldermen, establish and maintain a system of high graded common schools, and for said purpose may provide suitable school house or houses, either by purchase or erection; and in making

said purchase or erection of said buildings, may use and apply the common school funds to which its scholastic population is entitled by law, which school funds the Trustee of Rhea County shall pay over to the Treasurer of said city. [Ch. 229, sec. 19, pr. acts of 1903]

#### 1-20. School taxes

SEC. 20. Be it further enacted, That for the purpose of erecting and purchasing said school buildings and furnishing the same, and for the purpose of maintaining such high grade of common schools, the Board of Mayor and Aldermen may levy, collect and set apart for school purposes an additional tax to that imposed by or under the general provisions of the school law upon all taxable polls, privileges and property within the corporate limits, which tax so set apart shall be paid in cash or school warrants; provided, such additional tax shall be included in the levy for general municipal purposes which shall in no wise exceed the rate of taxation herein fixed. [Ch. 229, sec. 20, acts of 1903]

#### 1-21. Board of education<sup>1</sup>

SEC. 21. Be it further enacted, That the Board of Mayor and Aldermen of said city of Dayton, where it has established such public schools, shall have full power to appoint a board of education, consisting of six qualified citizens residing within said corporation, and equal number of whom shall be chosen from the two political parties most numerous represented in said city, and who shall serve without compensation, which board, when so appointed, shall have full power as trustees or directors to manage and control such schools, to elect or employ qualified teachers, and prescribe all needful rules and regulations; and said board shall hold its office as follows: Two to be elected for three years, two for two years and two for one year; and after the first year two commissioners from the two political parties aforesaid shall be elected, each for three years, subject, however, to be removed by the Board of Mayor and Aldermen as hereinbefore provided. [Ch. 229, sec. 21, pr. acts of 1903]

#### 1-22. Street taxes and road duty

SEC. 22. Be it further enacted, That the Board of Mayor and Aldermen, at the time for imposing taxes for each year, shall have the power to levy and collect from all persons subject to road duty under State laws, a tax not exceeding two dollars per annum, which shall constitute part of the fund for street purposes, which shall become payable in like manner as other municipal

---

<sup>1</sup>This board was abolished by chapter 46, private acts of 1953. See section 2-30 in this compilation.

taxes, and if said tax shall not be paid on or before the first day of May after same was levied, the Recorder shall have power to issue distress warrants for collection of same, from which nothing shall be exempt from execution, and which distress warrant may be executed by the City Marshal, who will be entitled to collect the same fees as follow the same services for executing other executions; provided, the delinquent list shall be sufficient authority for issuing said distress warrant, and provided further, that in lieu of payment of said street tax any person may work on the streets as much as three days, commencing first Monday of September of each year, which work shall be done under the directions of the street boss. [Ch. 229, sec. 22, pr. acts of 1903]

1-23. Debts, liabilities, and assets of old corporation assumed

SEC. 23. Be it further enacted, That the incorporation herein granted shall assume and be liable for all debts contracted and warrants issued by the Mayor and Board of Aldermen of the city of Dayton acting under a charter granted by the Legislature of Tennessee under an Act passed April 27, 1895, and published under Chapter 117 of the Acts of the General Assembly, page 188. And the Mayor and Board of Aldermen herein provided for are hereby empowered and it shall be their duty to levy taxes for the payment of same, and all the titles and rights to all the property, both personal and real, debts and choses in action now owned and claimed by the city of Dayton, are hereby divested out of the same and vested in the corporation created herein to hold, collect and use in as full and ample a manner as if they have been purchased and acquired under the power and rights of this charter. [Ch. 229, sec. 23, pr. acts of 1903]

1-24. Repeal of conflicting provisions; right to collect funds due old corporation

SEC. 24. Be it further enacted, That all laws and parts of laws and Acts and parts of Acts in conflict herewith<sup>1</sup> are hereby repealed; "and the corporation herein created shall have and possess the same rights and powers to collect all fines and costs and delinquent taxes due to said old corporation (the said city of Dayton), and enforce all liens for the collection of said taxes to the same extent and in the same manner as provided herein for the collection of fines, costs and taxes." [Ch. 229, sec. 24, pr. acts of 1903]

---

<sup>1</sup>Sections 1-1--1-25 in this compilation.

1-25. Date of effect of basic charter act

SEC. 25. Be it further enacted, That this Act<sup>1</sup> shall take effect on the first day of May, 1903, the public welfare requiring it. [Ch. 229, sec. 25, pr. acts of 1903]

Passed March 18, 1903.

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

ED. T. SEAY,  
Speaker of the Senate.

Approved March 25, 1903.

JAMES B. FRAZIER,  
Governor.

---

<sup>1</sup>Sections 1-1--1-25 in this compilation.



ARTICLE 2

City Council Act<sup>1</sup>

CHAPTER NO. 46  
(Pr. Acts of 1953)

House Bill No. 154

(By J. R. Fischesser)

AN ACT to amend the Charter of the City of Dayton and all Acts amendatory thereof.

2-1. This act amends charter

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Charter of the City of Dayton, Tennessee, and all Acts heretofore passed by the General Assembly of the State of Tennessee amendatory thereof, are hereby amended as hereinafter provided. [Ch. 46, sec. 1, pr. acts of 1953]

2-2. Specifically repeals 1949 amendment

SECTION 2. Be it further enacted, That Chapter 196 of the Private Acts of 1949 same being an amendment to the Charter of the City of Dayton, in Rhea County, Tennessee, is hereby repealed. [Ch. 46, sec. 2, pr. acts of 1953]

2-3. Corporate limits

SECTION 3. Be it further enacted by the General Assembly of the State of Tennessee, That the Charter of the City of Dayton and all Acts heretofore passed by the General Assembly of the State of Tennessee amendatory thereof, are hereby amended by striking out Section 2 of Chapter 229 of the Acts of 1903 and Section 1 of Chapter 393 of the Acts of 1903 in their entirety, and by substituting in lieu thereof the following: . . . (See section 1-2 in this compilation)

---

<sup>1</sup>Be sure to read the compiler's note on page C-1 for an explanation of how the acts comprising this charter have been compiled.

2-4. City council created

SECTION 4. Be it further enacted, beginning with the City election in April 2009, the governing council for the said City of Dayton shall consist of a Mayor and four (4) Council Members to be officially known as the "City Council" or "Council." The elective offices of the City of Dayton shall be that of the Mayor and four (4) Council Members to be elected from the City at large and in accordance with the requirements and provisions set forth herein.. [Ch. 46, sec. 4, pr. acts of 1953, as replaced in its entirety by Ch. 97, sec. 5, pr. acts of 2008]

2-5. First city council named

SECTION 5. Be it further enacted, That Elmer Kelley, J. M. Jones, O. W. McKenzie, Cordell Hembree, and William Harwood are hereby named and designated as the first five Councilmen provided for in Section 4 of this Act. The term of office of said Councilmen shall commence upon the passage of this Act and shall continue until the First Monday in May, 1957, and until their successors are elected and qualified. [Ch. 46, sec. 5, pr. acts of 1953]

2-6. Dates for election and terms of councilmen; vacancies; qualifications of councilmen

SECTION 6. On the third Wednesday of April 1997, the Rhea County election commission shall hold an election by the qualified voters of Dayton at which time there shall be elected five (5) Council Members whose term of office shall begin on the first Monday in May 1997. The three (3) persons elected to office and receiving the highest, second highest, and third highest number of votes shall be elected to a term of four (4) years. For the purpose of beginning staggered terms of office, the two (2) persons elected to office and receiving the fourth and fifth highest number of votes shall be elected to an initial term of two (2) years. Rhea County election commission shall hold an election by the qualified voters of Dayton on the third Wednesday of April, 1999, at which time those council seals initially having a two-year term shall be elected to a four-year term. Thereafter, the Rhea County election commission shall hold an election every two (2) years on the third Wednesday in April by the qualified voters of Dayton. The terms of office for those persons elected to the council shall begin on the first Monday in May following the election.

Beginning with the City election in April 2009, the governing council for the city of Dayton shall consist of a Mayor and four (4) Council Members to be officially known as the "City Council" or "Council." The elective offices of the City of Dayton shall be that of the Mayor and four (4) Council Members to be elected from the City at large by the qualified voters of the City of Dayton and in accordance with the requirements and provisions set forth herein. Any person

eligible for the office of Mayor shall have such person's name placed on the ballot as a candidate for the office of Mayor with the Rhea County election commission and shall comply with the laws, rules, and regulations governing elections in the state. Any person placing such person's name on the ballot for the office of Mayor shall not be permitted to also place such person's name on the ballot for a Council seat and any person placing such person's name on the ballot for a Council seat shall not be permitted to place such person's name on the ballot for the office of Mayor. If a Council Member is elected to the office of Mayor, then that Council Member's seat shall be vacated upon the Member's being sworn into the office of Mayor. The person receiving the highest number of votes out of the candidates for the office of Mayor shall be designated the Mayor of the City of Dayton. The two (2) Council seats scheduled for election in April 2009 will be placed on the April 2009 City election and shall be elected for a four-year term as set forth above, with the two (2) persons receiving the highest number of votes being elected to fill the two (2) Council seats. The remaining two (2) Council seats will be placed on the April 2011 City election as scheduled herein and shall be elected for a four-year term, with the two (2) persons receiving the highest number of votes being elected to fill the two (2) Council seats. The staggered terms of the four (4) Council Members will continue as set forth herein and above. The Mayor shall be elected for a term of four (4) years with the next mayoral election being in April 2013 and every four (4) years thereafter. The powers and duties of the Mayor and the Council Members shall remain unchanged and the same as set forth herein.

In the event of a vacancy occurring in the first or subsequent City Council, including the office of Mayor, such vacancy shall be filled as follows:

If a vacancy occurs and there is less than six (6) months remaining on the unexpired term, then such vacancy shall be filled by the remaining Council Members and such appointed Council Member shall serve the unexpired term of the predecessor in office. If a vacancy occurs and there is six (6) months or more remaining on the unexpired term, then the remaining Council Members shall by ordinance or resolution call upon the county election commission to call a special election for the purpose of filling such vacancy.

No Council Member shall be appointed under this section at any time when the City Council already has one (1) Council Member so appointed. In the case of any additional vacancy, the City Council shall by ordinance or resolution call upon the county election commission to call a special election for the purpose of filling such additional vacancy.

No person shall be eligible to be elected to the office of Council Member or Mayor unless such person shall have been, for at least one (1) year next preceding the election, a citizen of Tennessee and a resident of the City of Dayton. Further, no person shall be eligible to be elected to the office of Council

Member or Mayor unless that person will be at least twenty-five (25) years of age on the date such person is sworn into office.

In all municipal elections held for the City of Dayton, only the following registered qualified persons shall be allowed to vote:

(a) Persons who have lived within the city limits of Dayton for thirty (30) days next preceding the election and who shall be qualified to vote for members of the general assembly.

(b)

(1) Persons residing outside of the city limits of Dayton and meeting the residency requirements prescribed by the election laws of the state and owning at least fifty percent (50%) fee simple interest in real property within the city limits of Dayton at the time of the election and for a continuous period of six (6) months next preceding the date of the election.

(2) For the determination of fifty percent (50%) ownership, a qualified voter must be a registered owner holding at least fifty percent (50%) ownership to be entitled to vote. No more than two (2) voters are allowed per tract or parcel of land.

(c) The qualified voter shall vote in the precinct assigned by the election commission and the voter shall, within the time required for registration of voters on such election obtain a certificate from the City of Dayton stating that the voter is a qualified voter in the upcoming election.

(d) A qualified voter residing outside of the city limits of Dayton shall not be entitled to run for or hold office as to any elective position. [Ch. 46, sec. 6, pr. acts of 1953, as replaced by ch. 1, sec. 1, pr. acts of 1997, as replaced in its entirety by ch. 97, sec. 3, pr. acts of 2008]

2-7. Powers and duties of old governing boards conferred on council

SECTION 7. Be it further enacted, that the monthly stipend for the Mayor shall be four hundred seventy-five dollars (\$475) per month and each Council Member shall be four hundred dollars (\$400) per month effective at the beginning of each new term of office, beginning with elections held on April 15, 2011. The compensation of all officers, agents and servants of the municipality shall be fixed by the City Council before the election of the officers, agents or servants, and shall not be changed during any term of office. The monthly stipend for the Mayor and the Council Members shall terminate upon death,

resignation or removal from office. [Ch. 46, sec. 7, pr. acts of 1953, as replaced in its entirety by ch. 97, sec. 4, pr. acts of 2008]

2-8. Board of commissioners abolished

SECTION 8. Be it further enacted, That the present Board of Commissioners who are now serving as Commissioners for the City of Dayton, Tennessee, is hereby abolished, such abolishing to take effect upon the qualification of the City Council created by this Act and the terms of office of the present Commissioners shall cease and terminate at the beginning of the term of office of the City Council designated under the provisions of this Act. [Ch. 46, sec. 8, pr. acts of 1953]

2-9. Regular meetings of council; election of mayor and mayor pro tem

SECTION 9. Be it further enacted, that the members of the City Council shall hold one (1) or more regular monthly meeting, either on the first Monday of every month or if the first Monday of the month falls within two (2) days of a holiday or if there is a TVPPA, TML, TSBA or other seminar, meeting, or conference pertaining to municipalities, utilities, or school systems that necessitates the attendance of one (1) or more Council Members, then the meeting shall be held on the second Monday of the month or any other day of the week designated by the City Council.

The Council Members on their first meeting following a City election, on the first Monday, or second Monday or any other day of the week designated by the City Council as provided for herein, shall elect one (1) of their number to serve as Vice Mayor of the City Council who shall serve for two (2) years. The Vice Mayor shall serve as Mayor when the Mayor is absent or unable or fails to discharge the duties of the Mayor's office, and, in the case of a vacancy in the office of Mayor, until the office of Mayor is filled pursuant to Section 6 herein.

The Council Member serving as Vice Mayor may resign the position of Vice Mayor, but still retain a Council seat. In this event, the Council Members shall again elect one (1) of their number to serve as Vice Mayor for the remainder of the term.

If the Vice Mayor resigns such Council seat as well as the position of Vice Mayor, then the Council seat shall be filled in accordance with Section 6 of Chapter 46 of the Private Acts of 1953, as amended. In this event, the Council Members shall again elect one (1) of their number to serve as Vice Mayor for the remainder of the term. [Ch. 46, sec. 9, pr. acts 1953, as replaced in its entirety by ch. 137, sec. 1, pr. acts 1990, and ch. 97, sec. 1, pr. acts of 2008]

2-10. Misdemeanors of state declared to be municipal offenses; penalty for violation

SECTION 10. Be it further enacted, That unless prohibited by law, all offenses declared so either by the common law or the statutory laws of the state of Tennessee to be a misdemeanor are declared a violation of the law of the city of Dayton and all violations of said law, shall be punishable by a fine of not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00). [46, sec. 10, pr. acts of 1953, as amended by Ch. 50, sec. 1, pr. acts of 1985]

2-11. Authority to regulate taxicabs and other motor vehicles

SECTION 11. Be it further enacted, That the City Councilmen for the said City of Dayton, Tennessee, shall have the power by ordinance to regulate and control the operation of taxi cabs in, upon and over the streets of the said City of Dayton; providing and regulating for the parking of same upon the public streets of the said City and shall have the power to require the owner of any of the said taxi cabs, before operating such machines, to obtain a permit from the said City and to give a bond or provide a policy of insurance to protect those injured by said taxi cabs in the operation thereof, and to make any and all other such regulations relative to the operation thereof which the safety of the public may require and the said City Councilmen shall have the further power to regulate the operation of all motor vehicles upon and over the streets of the said City and to pass such ordinances as necessary to regulate and control the parking and operation of all motor vehicles upon and over the streets of Dayton. [Ch. 46, sec. 11, pr. acts of 1953]

2-12. Adoption of ordinances; emergency ordinances

SECTION 12. Be it further enacted, That every ordinance enacted by the City Council shall be presented to the Council and passed by a majority of the Council members present on two (2) separate days, the second presentation to be not less than seven (7) days following the first presentation. Upon each presentation, the caption of the ordinance shall be read or its substance stated. Upon request, copies of the ordinance shall be made available to the public.

An ordinance shall not take effect until ten (10) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may take effect from the day of its final passage, providing it shall contain the statement that an emergency exists and shall specify with definiteness the facts and reasons constituting such an emergency.

The unanimous vote of all members of the Board present shall be required to pass an emergency ordinance.

No ordinance making a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency ordinance. No

ordinance shall be amended except by a new ordinance. [Ch. 46, sec. 12, pr. acts of 1953, as replaced by Ch. 25, pr. acts of 2013]

2-13. Voting by council; record of votes on ordinances

SECTION 13. Be it further enacted, That in all cases under the preceding section, the vote shall be determined by yeas and nays; the names of the members voting for or against an ordinance shall be entered upon the Journal. [Ch. 46, sec. 13, pr. acts of 1953]

2-14. Ordinances to be numbered and preserved

SECTION 14. Be it further enacted, That 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. [Ch. 46, sec. 14, pr. acts of 1953]

2-15. Penal ordinances to be published

SECTION 15. Be it further enacted, That all ordinances of a penal nature shall be published at least once in a newspaper of the city, and no such ordinance shall be enforced until five (5) days after it is so published. [Ch. 46, sec. 15, pr. acts of 1953]

2-16. Mayor's general powers and duties<sup>1</sup>

SECTION 16. Be it further enacted, That the Mayor shall preside at all meetings of the City Council 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 Council and all ordinances on their final passage, and he may introduce ordinances in the meetings of the City Council. [Ch. 46, sec. 16, pr. acts of 1953]

2-17. Mayor to perform acts required by ordinance

SECTION 17. Be it further enacted, That 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 City Council, not in conflict with any provisions of this Charter. [Ch. 46, sec. 17, pr. acts of 1953]

---

<sup>1</sup>See also section 1-11, herein.

2-18. Service of legal process on city

SECTION 18. Be it further enacted, That all legal process against the City shall be served upon the Mayor, and it shall be the duty of the official upon whom served forthwith to transmit the process to the City Attorney, after writing thereon the time, place, and manner of service. [Ch. 46, sec. 18, pr. acts of 1953]

2-19. Recorder

SECTION 19. Be it further enacted, That it shall be the duty of the City Council to employ a competent and suitable person to be the Recorder of said City who shall serve at the will of the City Council.

The salary of the Recorder shall be fixed by the City Council. The Recorder shall execute a surety bond in the sum of not less than Five Thousand (\$5,000.00) Dollars. He shall also prescribe to an oath to faithfully discharge the duties as Recorder for said City as provided by this Act.

It shall be the duty of the Recorder to be present at all meetings of the City Council and to keep a full and accurate record of all business transacted by the said Council, the same to be preserved in permanent form.

The Recorder shall have custody of, and preserve in office, the city seal, public records, original rolls of ordinance, ordinance books, minutes of the City Council, contracts, bonds, title deeds, certificates, and papers, all official indemnity or surety bonds, (except his 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 ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

When required by any officer or citizen, the Recorder shall provide certified 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; he shall cause such copies of ordinances to be printed as may be directed by the City Council and keep them in his office for distribution. [Ch. 46, sec. 19, pr. acts of 1953]

2-20. Recorder to report property evaluations and anticipated revenues annually; council to levy tax

SECTION 20. Be it further enacted, That 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 City Council a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits (including the assessment of all public utilities as certified by the Railway and Public Utility Commission), together with a certified statement of the revenue derived by the city from privilege taxes, merchant's ad valorem taxes,



street taxes, fines for the preceding fiscal year and miscellaneous revenue. Upon presentation of such statement by the Recorder, the City Council shall proceed by ordinance to make the proper levy to meet the expenses of the city for the current fiscal year. Said levy should be made by the Council at its regular meeting in September of each year. [Ch. 46, sec. 20, pr. acts of 1953]

2-21. Recorder to supervise fiscal affairs

SECTION 21. Be it further enacted, That the Recorder under the supervision of City Council, shall be the head of the Department of Finance and as a head of said department shall exercise a general supervision over the fiscal affairs of the city, and a 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 conditions, 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 expenditure of money, and shall control and audit the same. He shall daily adjust the settlements of officers engaged in the collection of revenue. [Ch. 46, sec. 21, pr. acts of 1953]

2-22. Accounting system prescribed; council to fix all salaries

SECTION 22. Be it further enacted, That the City Council shall install and maintain a centralized system of double entry accounting and fiscal control of all City funds, and shall prescribe and supervise the administrative and fiscal procedures to be employed by each department of the City. This system of accounting shall be under the direction and control of the City Recorder who shall maintain accounting system under the supervision and direction of the City Council.

The accounting system herein provided shall properly account for all revenues accruing to the City from any and all sources, including grants-in-aid or other income from the State and/or the Federal Government. The system shall set forth the salary of each employee of the City under the head fixed for any city employee except by the City Council and those salaries to be fixed by majority vote of said Council in regular meeting. [Ch. 46, sec. 22, pr. acts of 1953]

2-23. (Deleted by ch. 50, sec. 2, pr. acts of 1985)

#### 2-24. Claims against city

SECTION 24. Be it further enacted, That all claims against the city shall be filed with the Recorder and shall be made out in regular form, giving each item of charges, sworn to before some competent authority and delivered to the Recorder not later than twelve hours next before the regular meeting of the City Council. It shall be the duty of the Recorder to audit said claims and present the said claims to the Council at its regular meeting with his recommendation. The City Council at said meeting shall examine said claim and approve or disapprove the same and the Chairman and/or Mayor thereof shall endorse the action of the said City Council across the back thereof and sign his name with the date thereon. No claim shall be paid by the said City until the same has been approved by majority vote of the City Council. [Ch. 46, sec. 24, pr. acts of 1953]

#### 2-25. Requirements for city vouchers and checks

SECTION 25. Be it further enacted, that all vouchers and checks drawn against the Treasurer or funds of the City shall be signed by the Recorder or the City Manager and countersigned by the Mayor or Vice Mayor of said Council, with the exception of payroll checks which can be signed by any two (2) of the following individuals: Recorder, City Manager, Mayor, and Vice Mayor. Each voucher and check shall specify the particular departmental funds against which it is drawn and shall also designate for what purpose the payment is made. [Ch. 46, sec. 25, pr. acts of 1953, as replaced in its entirety by ch. 97, sec. 2, pr. acts of 2008]

#### 2-26. Council authorized to employ, compensate, and remove personnel at will

SECTION 26. Be it further enacted, That the City Council shall have authority to employ all necessary help to install the system of double entry accounting and shall also have authority to employ all necessary help to operate and maintain the City and that said Council shall have authority to fix their salaries. All personnel so employed may be removed at any time by the said City Council as the said employees and agents for the said City shall be employed and serve at the will of said City Council. [Ch. 46, sec. 26, pr. acts of 1953]

2-27. Recorder and mayor authorized to try offenders<sup>1</sup>

SECTION 27. Be it further enacted, That the City Recorder and Mayor shall have authority to try all persons charged with violation of any of the City Ordinances or violation of any offense declared in this Act to be a violation of the City Laws, and if found guilty they shall be fined as prescribed by Section 10 of this Act. [Ch. 46, sec. 27, pr. acts of 1953]

2-28. Recorder to perform acts required by ordinance

SECTION 28. Be it further enacted, That the City Recorder shall have power and it is hereby made his duty to perform all additional acts that may be required of him by any ordinance duly enacted by said City Council not in conflict with any provisions of this Act. [Ch. 46, sec. 28, pr. acts of 1953]

2-29. Additional miscellaneous ordinance powers

SECTION 29. Be it further enacted, That the municipal corporation in addition to the powers, rights and authorities vested in it by preceding articles and sections, shall have the power by ordinance:

(1) To assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish; the lighting of streets; cleaning and rendering sanitary or removing, abolishing, and prohibiting closets and privies, in such manner as may be provided by general law or by ordinance passed by City Council.

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

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

(4) To license, tax and regulate all carriages, carts, omnibuses, wagons, drays, automobiles, whether driven for hire or pleasure; all trucks of every description, and all other vehicles doing a public hauling of goods or carriage of passengers for hire, all taxi cabs that use the streets, roads, highways, alleys, or other public places in said town, and to generally regulate, control, or prohibit the use of the streets, roads, highways, alleys, squares, and other public ways in said city.

(5) To license, tax, and regulate theatrical and other exhibitors, including picture shows and other amusements, and to suppress immoral or vicious theatrical or other exhibitors.

---

<sup>1</sup>See section 1-12 for a section dealing with the recorder's judicial functions. See 1-12A. for a section creating a city court.

(6) To regulate the storage of powder, tar, pitch, resin, saltpeter, gun cotton, coal oil, gasoline, and all other explosives and inflammable material. To regulate and suppress the sale of firecrackers, toy pistols, fireworks, pyrotechnics, and all other explosives.

(7) To require and compel any steam, gasoline, or electric railway company operating within said City and crossing with its lines any of the streets of the City to build, construct, and maintain all necessary bridges, viaducts and underpasses under an over the tracks of said railroad company wherever said track or tracks cross the public streets, alleys, ways, and thoroughfares of said City when in the judgment of the City Council such bridges, viaducts or underpasses should be built or constructed for the preservation or protection of the public using such streets, alleys, ways, and thoroughfares; and the entire cost of same to be paid and borne by such railroad or railroads. [Ch. 46, sec. 29, pr. acts of 1953, as amended by ch. 157, sec. 3, pr. acts of 1981]

2-30. School board abolished; powers and duties conferred on council

SECTION 30. Election to the city council of the City of Dayton shall also be considered election to the board of education for the Dayton city school system. The mayor of the City of Dayton shall serve as the chairman of the board. All powers, duties, responsibilities, and obligations conferred under all laws and regulations relating to boards of education shall be vested to the mayor and city council when sitting in their capacity as the board of education. The board shall have the authority to appoint a superintendent for the school system to serve for a term not to exceed four (4) years. Such superintendent shall be eligible for reappointment to succeeding terms. The terms of office of the current board of education shall not be affected by the passage of this act. [Ch. 46, sec. 30, pr. acts of 1953, as replaced by ch. 1, sec. 2, pr. acts of 1997]

2-31. Authority for city manager<sup>1</sup>

SECTION 31. Be it further enacted, That the City Council designated under this Act shall have authority to employ a City Manager whose duties and salary shall be fixed by said Council. [Ch. 46, sec. 31, pr. acts of 1953]

2-32. Oath required of all officers and employees

SECTION 32. Be it further enacted, That before any official or employee of the City of Dayton shall enter upon his or her duties, said official or employee shall take and subscribe to an oath that they will support the Constitution of the

---

<sup>1</sup>See also section 3-1, et seq., herein.

United States and the State of Tennessee, and the Charter and ordinances of the City of Dayton. [Ch. 46, sec. 32, pr. acts of 1953]

2-33. Severability clause

SECTION 33. Be it further enacted, That the holding of any section or part thereof, or any subsection, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared and shall be conclusively presumed, that this Act and each section, subsection, sentence, clause and phrase thereof would have been passed and enacted, irrespectively of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause. [Ch. 46, sec. 33, pr. acts of 1953]

2-34. Power to incur debt; yearly debt limit

SECTION 34. Be it further enacted, That the municipal corporation in addition to the powers, rights, and authorities vested in it by preceding Articles and Sections, shall have the power by Resolution to incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner hereinafter provided, and to anticipate the annual revenue by borrowing money to meet the payments of interest on the bonded debt of the City or other budget obligations; provided the amount borrowed in any year shall not exceed Fifty Percent (50%) of the annual tax levy for that year, which shall promptly be repaid out of such tax collections. [Ch. 157, sec. 4, pr. acts of 1981]

2-35. Date of effect of city council act

SECTION 35. Be it further enacted, That this Act<sup>1</sup> take effect from and after its passage, the public welfare requiring it. [Ch. 46, sec. 35, pr. acts of 1953]

Passed: February 24, 1953.

JAMES L. BOMAR,  
Speaker of the House of Representatives.

---

<sup>1</sup>Sections 2-1--2-35 in this compilation.

C-38

JARED MADDUX,  
Speaker of the Senate.

Approved: February 26, 1953.

FRANK G. CLEMENT,  
Governor.

ARTICLE 3

City Manager and Voter Qualification Act<sup>1</sup>

CHAPTER NO. 267  
(Pr. Acts of 1953)

House Bill No. 833

(By John Ross Fischesser)

AN ACT to amend the Charter of the City of Dayton, Tennessee, and all Acts amendatory thereof.

3-1. This act amends charter

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Charter of the City of Dayton, Tennessee, and all Acts heretofore passed by the General Assembly of the said State amendatory thereof, are hereby amended as hereinafter provided: [Ch. 267, sec. 1, pr. acts of 1953]

3-2. Office of city manager created; appointment, salary, and term; absence or disability; administrative head of city; may be part-time; oath and bond

SECTION 2. Be it further enacted, That there is hereby created the office of City Manager for the City of Dayton. The Board of Councilmen shall appoint and fix the salary of the City Manager who shall serve at the will of the Board of Councilmen; provided, however that said Board may make a contract with such person for a period of not exceeding twelve (12) months, during such period he shall not be removed except for incompetency, malfeasance, misfeasance, or neglect of duty. In case of his removal within said period he may demand written charges at a public hearing thereon before the Board of Councilmen prior to the date upon which his removal was to take effect, but the decision and action of the Councilmen on such hearing shall be final and pending such hearing the Council may suspend him from duty. During the absence or disability of the City Manager, the Council shall designate the some properly qualified person to perform his duties.

---

<sup>1</sup>Be sure to read the compiler's note on page C-1 for an explanation of how the acts comprising this charter have been compiled.

The City Manager shall be the administrative head of the municipal government under the direction and supervision of the Board of Councilmen;<sup>1</sup> he shall be appointed without regard to the political belief and need not be a resident of the City or State at the time of his appointment.

The City Manager shall not be required to give his entire time to the affairs of the City unless the Board of Councilmen, when employing the City Manager, may make his employment conditional upon his devoting his entire time to the interest of the City.

The City Manager shall be required to take the prescribed oath of office as provided for all officials of the municipal corporation and shall also be required to execute a bond in the amount as required by the City Council and the said City Manager, before entering upon his duties, shall subscribe to the oath of office and execute bond in the amount require. [Ch. 267, sec. 2, pr. acts of 1953]

### 3-3. General powers and duties of manager

SECTION 3. Be it further enacted, That the powers and duties of the City Manager shall be: To see that the laws and ordinance of the said City are enforced and upon knowledge or information of any violation thereof to see that prosecution is instituted in the Municipal Court.

He shall supervise and control the work of the Chief of Police, Fire Chief, Superintendent of Water Works and all other officers of the Departments and Divisions created by the Charter. It shall be the duty of the City Manager to report to the City Councilmen at their regular meeting the conditions of the different departments of the City from his investigation, and that he shall attend all meetings of the Board of Councilmen with the right to take a part in the discussion but not to vote. He shall recommend to the Board of Councilmen for adoption such measures as he may deem necessary or expedient.

He shall perform such other duties as may be prescribed by this Charter or required of him by Resolution or Ordinance of the Board of Councilmen. [Ch. 267, sec. 3, pr. acts of 1953]

### 3-4. May be given duties of recorder and judge

SECTION 4. Be it further enacted, That the Councilmen may prescribe, by ordinance, that the City Manager shall perform the duties of the city recorder and city judge until such time as said Board may provide otherwise. [Ch. 267, sec. 4, pr. acts of 1953]

---

<sup>1</sup>Does not have appointing authority. See Furnace v. City of Dayton, 197 Tenn. 477, 274 S.W.2d 6 (1954).



3-5. Offices of manager and recorder may be consolidated

SECTION 5. Be it further enacted, That the city Council, by ordinance, may consolidate the office of the city recorder and city manager, but should these offices be consolidated, then the officeholder of said consolidated offices shall give full time to the duties of said office. [Ch. 267, sec. 5, pr. acts of 1953]

3-6. Qualifications for voting in municipal elections

SECTION 6. Be it further enacted, That in all municipal elections held for the City of Dayton, Tennessee only the following registered qualified persons shall be allowed to vote:

A. Persons who have lived within the city limits of said corporation for six (6) months next preceding the election and who shall be qualified to vote for members of the General Assembly of the State.

B. Persons residing outside of the city limits of Dayton and meeting the residency requirements prescribed by the election laws of the State of Tennessee and owning at least fifty percent (50%) fee simple interest in real property within the city limits of Dayton, Tennessee at the time of said election and for a continuous period of six (6) months preceding the date of the election.

That for the determination of fifty percent (50%) ownership that a qualified voter must own at least fifty percent (50%) ownership to be entitled to vote and no more than two (2) voters are allowed per tract or parcel of land. That if husband and wife are the owners of a fifty percent (50%) interest in a tract or parcel of land, only one (1) shall be allowed to vote (husband or wife).

C. That the qualified voter shall vote in the precinct assigned by the election commission and the voter shall, within the time required for registration of voters on such election obtain a certificate from the City of Dayton stating that the voter is a qualified voter in the upcoming election.

D. That a qualified voter residing outside of the city limits of Dayton, Tennessee shall not be entitled to run for or hold office as to any elected position. [Ch. 267, sec. 6, pr. acts of 1953, as replaced by ch. 188, sec. 1, pr. acts of 1994]

3-7. Construction of articles 2 and 3 herein

SECTION 7. Be it further enacted, That this amendatory Act<sup>1</sup> shall be construed with Chapter 46 of the Private Acts of 1953<sup>2</sup> as constituting an Act to recognize the governmental affairs of the City of Dayton and as providing a new City Manager and Commission form of Government; that this Chapter of the

---

<sup>1</sup>Article 3, sections 3-1 through 3-8 in this compilation.

<sup>2</sup>Article 2, sections 2-1 through 2-35 in this compilation.

City of Dayton shall not be subject to the provisions of the Public Acts of 1921, Chapter 173 as amended, which Act is carried into Williams Tennessee Code, Sections 3517-3646, inclusive, but said Charter of Incorporation shall only be revised, repealed or modified by Act of the General Assembly of the State of Tennessee.<sup>1</sup>

3-8. Date of effect of city manager and voter qualification act

SECTION 8. Be it further enacted, That this Act<sup>2</sup> take effect from and after its passage, the public welfare requiring it. [Ch. 267, sec. 8, pr. acts of 1953]

Passed: March 26, 1953

JAMES L. BOMAR,  
Speaker of the House of Representatives.

JARED MADDUS,  
Speaker of the Senate.

Approved: March 27, 1953.

FRANK G. CLEMENT,  
Governor.

---

<sup>1</sup>For a decision of the Tennessee Supreme Court holding this sentence to the unconstitutional, see the case of Furnace v. City of Dayton, 198 Tenn. 477, 274 S.W. 2d 6 (1954).

<sup>2</sup>Sections 3-1--3-8 in this compilation.

ACTS COMPRISING THE CHARTER OF DAYTON, TENNESSEE

<u>YEAR</u>	<u>CHAPTER</u>	<u>SUBJECT</u>
1903	229	Basic charter act.
1903	393	Amends section 2 of charter.
1905	107	Amends sections 4 and 8 of charter.
1905	437	Authorized sections 4 and 8 of issue.
1907	45	Repealed chapter 437, acts of 1905.
1907	46	Amends sections 2, 4, and 17 of charter.
1907	47	Authorized \$12,500 school bond issue.
1911	556	Authorized \$25,000 waterworks bond issue.
1915	152	Comprehensive charter amendment providing for a board of commissioners.
1915	298	Abutting property law. <sup>1</sup>
1915	389	Authorized \$15,000 electric bond issue.
1917	24	Amends ch. 298, pr. acts of 1915.
1917	377	Authorized \$20,000 city hall bond issue.
1919	428	Authorized \$25,000 street bond issue.
1921	209	Authorized \$25,000 electric bond issue.
1923	129	Authorized \$25,000 school board issue.
1923	151	Authorized \$12,500 refunding bond issue.
1923	152	Authorized \$10,000 refunding bond issue.
1923	153	Authorized \$25,000 refunding bond issue.
1923	272	Authorized \$50,000 sewer bond issue.
1923	369	Authorized \$20,000 street bond issue.

---

<sup>1</sup>For a case construing this act's application to corner lots, see Town of Oneiday v. Pemberton, 157 Tenn. 624 (1928).

<u>YEAR</u>	<u>CHAPTER</u>	<u>SUBJECT</u>
1925	44	Authorized \$10,000 school bond issue.
1925	45	Authorized \$18,000 street bond issue.
1925	46	Authorized \$30,000 hospital bond issue.
1925	47	Authorized \$13,000 refunding bond issue.
1927	15	Authorized \$15,000 sewer bond issue.
1927	29	Authorized \$15,000 street bond issue.
1927	46	Authorized \$75,000 waterworks bond issue.
1927	364	Ratified \$75,000 waterworks bond issue.
1927	489	Authorized \$50,000 university bond issue.
1929	922	Authorized \$25,000 refunding bond issue.
1929	923	Requires referendum for sale of utility property.
1929 (E.S.)	10	Authorized \$50,000 refunding bond issue.
1931	534	Authorized \$14,000 refunding bond issue.
1931	535	Authorized \$12,000 refunding bond issue.
1931	536	Authorized \$17,000 refunding bond issue.
1931	553	Authorized \$14,000 refunding bond issue.
1933	662	Amends charter and ch. 152, pr. acts of 1915.
1937 (E.S.)	22	Amends ch. 46, acts of 1907.
1941	418	Authorized refunding bond issue.
1943	346	Amends sec. 7 of ch. 152, pr. acts of 1915.
1943	373	Amends ch. 418, pr. acts of 1941.
1949	196	Amends corporate boundaries and expands membership of board of commissioners.
1949	699	Levied privilege tax on retail beer sales.

---

<u>YEAR</u>	<u>CHAPTER</u>	<u>SUBJECT</u>
1953	46	Repeals ch. 196, pr. acts of 1949; amends corporate boundaries; and substitutes a council for the board of commissioners; etc.
1953	264	Amends ch. 46, acts of 1907.
1953	265	Amends ch. 22, pr. acts of 1937 (E.S.).
1953	267	Creates office of city manager; sets qualifications for voting; etc.
1955	310	Repeals ch. 265, pr. acts of 1953.
1955	319	Amends corporate boundaries.
1981	157	Amends ch. 46, pr. acts of 1953.
1985	50	Amends ch. 46, pr. acts of 1953.
1985	51 <sup>1</sup>	Amends ch. 229, pr. acts of 1903.
1985	57	Amends ch. 229, pr. acts of 1903.
1990	137	Amends ch. 229, pr. acts of 1903, section 9 (unofficial section 2-9).
1994	188	Amends ch. 267, pr. acts of 1953, section 6 (unofficial section 3-6).
1997	1	Replaces ch. 46, pr. acts of 1953, section 6 (unofficial section 2-6); and replaces ch. 46, pr. acts of 1953, section 30 (unofficial section 2-30)
2008	97	Replaces section 2-4, section 2-5, section 2-6, section 2-7, section 2-9 and section 2-25.
2013	25	Replaces section 2-12.

---

<sup>1</sup>This act was not locally approved.