

CHARTER OF THE CITY OF SAVANNAH, TENNESSEE<sup>1</sup>

CHAPTER NO. 683

House Bill No. 1256

(By Gammill)

AN ACT to provide a new charter for the City of Savannah, in Hardin County, Tennessee, and to embrace all of such charter in one Act, and to incorporate said City of Savannah under such new charter.

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>PAGE</u>
I. ARTICLE OF INCORPORATION .....	C-3
II. BOUNDARIES AND WARDS .....	C-4
III. CORPORATE POWERS .....	C-5

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<sup>1</sup>Private Acts 1951, Chapter 683, is the present basic Charter Act of the City of Savannah, Tennessee. The general and permanent amendments of that Act through the 2017 session of the Tennessee General Assembly have been incorporated therein. In addition, Private Acts 1968, ch. 450 as amended by Priv. Acts 1972, ch. 309, which did not specifically amend the charter are incorporated therein as Article III, section 1, paragraph (17)(A).

A table containing a list of the basic charter and all amendments thereto can be found at the end of the charter.

No changes have been made in the contents of the basic charter or the amendments incorporated therein except: the creation of Article III, section 1, paragraph (17)(A) as noted above; the addition of the catchline "ARTICLE OF INCORPORATION" to Article I; and a table of contents to facilitate the use of the charter.

If a section of the charter has been amended a historical citation at the end of that section references the private act/s from which the amendment/s derive. Footnotes in appropriate place provide information to aid the reader in the interpretation of the charter.

It is important to note that this is a careful but unofficial compilation of the charter.

<u>ARTICLE</u>	<u>PAGE</u>
IV. ELECTIONS .....	C-13
V. BOARD OF COMMISSIONERS .....	C-14
VI. ORDINANCES .....	C-18
VII. MAYOR .....	C-18
VIII. OFFICERS AND EMPLOYEES .....	C-19
IX. CITY MANAGER .....	C-20
X. CITY ATTORNEY .....	C-22
XI. RECORDER AND TAXATION .....	C-23
XII. RECORDER AS FINANCE OFFICER .....	C-26
XIII. TAXATION AND REVENUE .....	C-28
XIV. LICENSE TAXES .....	C-30
XV. CITY BONDS .....	C-30
XVI. SINKING FUND .....	C-32
XVII. BUDGET AND APPROPRIATIONS .....	C-33
XVIII. DEPARTMENTS .....	C-34
XIX. POLICE FORCE .....	C-35
XX. FIRE DEPARTMENT .....	C-35
XXI. WATER DEPARTMENT .....	C-36
XXII. CITY COURT AND JUDGE .....	C-36
XXIII. ADVERTISEMENT FOR PUBLIC WORKS .....	C-39
XXIV. EXTENSION OF CORPORATE LIMITS .....	C-40

<u>ARTICLE</u>	<u>PAGE</u>
XXV. CONSTRUCTION OF THIS ACT .....	C-40
XXVI. EFFECTIVE DATE OF THIS ACT .....	C-41

ARTICLE I

ARTICLE OF INCORPORATION

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the City of Savannah, in Hardin County, Tennessee, be, and the same is, hereby incorporated under and by this Act.

Section 2. Be it further enacted, That the inhabitants of the City of Savannah, in the County of Hardin, within the corporate limits of said city, as hereinafter described, be, and they are, hereby constituted a body politic and corporate under the name and style of "City of Savannah," and as such shall have perpetual succession, shall sue and be sued, implead and be impleaded in all courts of law and equity, and in all actions whatsoever; may, for municipal purposes, purchase, receive, and hold property--real, personal and mixed--within or beyond the limits of the city; and may sell, lease, or dispose of such property for the benefit of the city, and do all other acts touching the same as any natural persons may or could do; may have and use a common seal, and may change it at pleasure; and exercise all the rights, powers, and privileges set forth in the succeeding sections of this Act.

Section 3. Be it further enacted, That the right, title and ownership of property of said City of Savannah and all its uncollected taxes, assessments, dues, fines, costs, claims, judgments, choses in action, and all its rights of every kind and character whatsoever, shall immediately become and are hereby vested in the municipal corporation created by this Act; and that said new corporation be, and hereby is, burdened and charged with and made liable for all legal debts, contracts, bonds and obligations of the old corporation which it succeeds, in the same manner and form and to the same extent as the said prior municipal corporation was under existing laws.

Section 4. Be it further enacted, That all laws, ordinances, and resolutions lawfully enacted by the governing body of said city under the corporate name of the "The Town of Savannah" of "City of Savannah" or under any preceding charter, or charters, including the City Manager Charter and the Commission Charter heretofore in force with reference to said City of Savannah, and not inconsistent with this charter, and not repealed, shall be and do remain in full force and effect under this new charter until such time as the governing

body of said city created under and by this Act shall elect to amend, modify, or repeal the same.

## ARTICLE II

### BOUNDARIES AND WARDS<sup>1</sup>

Section 1. Be it further enacted, That the boundaries of the City of Savannah hereby incorporated shall be as follows:

BEGINNING on the west bank of the Tennessee River at the northeast corner of the land formerly owned by Lewis Guinn; runs thence east with the north boundary line, and continuing east with the south boundary line of the Savannah cemetery lot to a point 300 feet west of the Pickwick Highway, known as State Highway No. 128; thence south with a line 300 feet west of and parallel to said highway to a point west of the road leading from the Pickwick Highway by the north boundary line of what was formerly the Maxwell land, and which road is known as the Pickwick Worm Garden road; thence east to said road, and continuing with said road to Highway No. 60; thence with said highway to the south boundary line of the Stout land; thence east with the south boundary line of the Stout land, and continuing east to the Bain road, crossing the same to a point 300 feet east of said Bain road; thence northward with a line 300 feet east of said Bain road to a point 300 feet south of the Pinhook road; thence east with a line 300 feet south of and parallel to the said Pinhook road to a point south of the east boundary line of the Harbert Heights subdivision; thence north to the Pinhook road to East Side Avenue, and continuing north with East Side Avenue to Walnut Street; thence west with Walnut Street to a point 300 feet east of Harbert Drive; thence north on a line 300 feet east of and parallel to Harbert Drive to a point 300 feet south of U.S Highway No. 64; thence east with a line 300 feet south of and parallel to U.S. Highway No. 64 to a point south of the southeast corner of Bellwood Subdivision; thence north to the southeast corner of the same, and continuing north with the east boundary line of said subdivision to the north boundary line of the same; thence west with the north boundary line of the same to the northwest corner of the same, continuing west to a point 300 feet east of the Patterson road; thence north with a line 300 feet east of and parallel to said Patterson road to the northeast corner of the land owned by Ralph Covey; thence west to Shell Street; thence south with Shell Street to Eleanor Street; thence south with the east side of Eleanor Street to Washington Street; thence west with the south side of Washington Street to the

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<sup>1</sup>The boundaries of the city have been amended by Ordinances 249 and 282 (Ordinance 358-3-83 amended Ordinance Number 282), 453-10-89, 514-4-94, 556-2-98, 558-2-98, 558-2-98, 560-2-98, 591-2-2000, 612-1-2001, 667-6-2004, and 699-7-2006.

Cerro Gordo road, known as the Clifton road; thence north parallel to Craven's Landing Road to a point opposite the present corporate limits of the town of Savannah, thence west to the most northern northeast corner of the present corporate limits of the town of Savannah; thence west with the north boundary line of the present corporate limits of the town of Savannah to the Tennessee River; thence up said river with its meanders to the beginning.

Section 2. Be it further enacted, That the territory described and bounded in Section 1 of this Article may be divided into such wards as may be prescribed by ordinance, or ordinances, enacted by the governing body of said city created under and by this Act.

### ARTICLE III

#### CORPORATE POWERS

Section 1. Be it further enacted, That the municipal corporation, in addition to the powers, rights and authority vested in it by the preceding Articles and Sections, shall have the following powers:

(1) TAXES.--To assess as hereinafter provided and to levy and collect taxes for all general and special purposes, on all subjects or objects of taxation and privileges taxable by law for state, county, or city purposes, but no privilege tax shall be levied or collected in excess of the amount fixed by the laws of the state so taxing such privileges for specific purposes, or as may be specifically authorized by any general or special law of the state, and said city shall not exempt from taxation any property not exempt from state or county taxes.

(2) CLASSIFICATION IN TAXATION.--To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

(3) SPECIAL ASSESSMENTS.--To make special assessments for local improvements.

(4) CONTRACTS.--To contract and be contracted with.

(5) BORROW MONEY.--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.

(6) REFUNDING BONDS.--To issue and exchange, sell, pledge or in any manner dispose of negotiable and non-negotiable, interest-bearing or non-interest-bearing bonds, warrants, promissory notes or orders of the city upon the credit of the city, or solely on the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more of such credits.

(7) REFUNDING BONDS.--To issue and exchange, sell, pledge, or in any manner dispose of negotiable and non-negotiable, interest-bearing or non-interest-bearing refunding bonds, and fix the interest rate and maturity date thereof to finance or extend the existing bonded indebtedness of the city, upon the credit of the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more such credits.

(8) NEW BOND, ISSUANCE.--To issue and sell any new interest-bearing or non-interest bearing bonds for any purpose permitted by this charter or permitted by the statute of Tennessee, now in force or that may hereafter be enacted, to fix the interest rate and maturity dates of such bonds and to issue the same upon the credit of the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more such credits; provided, however, that no ordinance providing for the issuance of any such new bonds, except bonds issued under Sections 3408-3493 of the Code of Tennessee, or other Act of the Legislature of the State of Tennessee, or Section of the Code expressly authorizing the same, shall be valid unless and until approved by a majority of the qualified voters of said City of Savannah, voting at an election on the specific question of issuing such bonds, to be called, advertised and held in the same manner in which general municipal elections are required to be held under this charter. In such election it shall not be necessary to submit to the voters any other question than the maximum amount, the maximum interest rate and the purpose or purposes of the bonds proposed to be issued. No bonds shall be issued under this section in such an aggregate amount, including outstanding bonds, as will create or increase the total bonded indebtedness of the city more than twenty-five percent of the assessed valuation for the preceding year of the taxable property in said city; provided, however, that any bonds or securities redeemable and payable out of funds derived from special assessments for public improvements or any bonds or other obligations issued for supplying such municipality and its inhabitants with water, artificial light, heat or power, where the works for supplying the same shall be under and controlled by such municipality, shall not be included in the debt of said city, within the limitations of this section.

(9) MONEY EXPENDED.--To expend the money of the city for all lawful purposes.

(10) ACQUISITION AND DISPOSITION OF PROPERTY.--To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state.

(11) EMINENT DOMAIN.--To condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the

city, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of Sections 3109-3132 of the Code of Tennessee, or in such other manner as may be provided by general law.

(12) PROPERTY OUT OF CITY; ADMINISTRATION OF TRUSTS.--To take and hold property within or without the city or state upon trust; and to administer trusts for the public benefit.

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

The above right and power expressly includes, but is not limited thereto, the power to acquire or construct, own, operate, and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of, a gas distribution system, or systems, within the territorial limits of Hardin County, either within or without the corporate limits of the City of Savannah or both within and without the corporate limits of the City of Savannah, for the purpose of serving users either within or without said corporate limits, provided, however, that such distribution system shall not be constructed wholly or partly within the corporate limits of another municipality except with the consent of the governing body of such other municipality.

(14) PUBLIC UTILITIES GRANTS; FRANCHISES; REGULATIONS.--To grant to any person, firm, association or corporation, franchises for public utilities and public services to be furnished the city and those therein and to grant rights of way through the city streets, avenues, alleys, squares, ways and over the bridges and viaducts of the city for the use of public and quasi-public utilities; provided, that no exclusive franchises shall be granted; provided, further, that such new franchise shall not destroy the term of any existing franchise. Franchises may be granted for a period of twenty-five years or less, but not longer. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as said corporate limits thereafter maybe enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

The Board of Commissioners may prescribe in each such grant of franchise the rates, fares, charges, and regulations that may be made by the grantee of the franchise.

(15) CONTRACTS FOR PUBLIC UTILITY SERVICE.--To make contracts with any person, firm, association, or corporation, for public utilities and public services to be furnished the city and those therein. Such contracts may be entered into for the period of twenty-five years or less, but not longer. The Board of Commissioners may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may, by their terms, apply to the territory within the corporate limits of the city at the date of the contract, and as such corporate limits thereafter may be

enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys, or other thoroughfares that thereafter may be opened.

(16) REGULATIONS OF PUBLIC UTILITIES.--To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities and compel, from time to time, reasonable extension of facilities for such services.

(17) HIGHWAYS, STREETS, PARKS.--To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, bridges, viaducts, subways, tunnels, sewers, and drains, within or without the corporate limits and to regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor under the provisions of the general law now in force, or that may hereafter be enacted.

(17)(A)<sup>1</sup> CITY AUTHORIZED TO PURCHASE LAND FOR CITY PARK.--Be in enacted by the General Assembly of the State of Tennessee, That the City of Savannah, in Hardin County, Tennessee, be and it is authorized to acquire, by purchase, a tract or parcel of land or tracts or parcels of land for the purpose of providing a public park and recreation area either within or without the boundaries of the City of Savannah. The Board of Commissioners of the City of Savannah is authorized and empowered to purchase such tracts or parcels of land as may be available for such price and upon such terms as the Board of Commissioners may determine. The Board of Commissioners shall provide by ordinance, for the purchase of said land, and the price to be paid therefor and shall, by said ordinance, authorize the Mayor to accept such deed or deeds for said land as may be necessary or proper to carry this Act into effect.

[As amended by Priv. Acts 2002, ch. 166]

Section 2. Be it further enacted, That the City of Savannah, may issue and deliver to the seller of said land or may sell interest bearing notes of the City of Savannah for the purpose of paying for such land to be purchased by the City of Savannah. Said notes are to be on the usual form of bank notes and bear interest from date at a rate not to exceed 3% per annum, and to be dated as the Board of Commissioners may determine by resolution or ordinance, duly adopted and entered on the minutes of the Board; the maturity of said notes to be fixed by the Board of Commissioners of the City of Savannah by the ordinance authorizing the issuance of the same. Said notes may be issued in exchange for the purchase of said land; the Board of Commissioners of the City

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<sup>1</sup>Paragraph 17(A) was created by the compiler to accommodate the contents of Priv. Acts 1968, Ch. 450, secs. 1 through 7, as amended by Priv. Acts 1972, Ch. 309, sec. 1. Its location in the charter is consistent with Paragraph (17) which deals with highways, streets and parks.



of Savannah to fix the price to be paid for said land, the amount of note or notes to be issued and exchanged for said land and in the event of the exchange of said note or notes for said land, the value of the land as determined by the Board of Commissioners and the issuance of the notes therefor shall be deemed final.

Section 3. Be it further enacted, That all note or notes issued pursuant to the authority of this Act shall possess such characteristics, be in such form and vest such rights and remedies in the holder thereof as the Board of Commissioners of the City of Savannah may deem advisable, and all notes shall enjoy equal rights and properties of all other note or notes of the same issue, provided that no note shall possess any characteristics or vest in the holder thereof, any rights or remedies not authorized by this Act, provided that nothing contained in this Section or elsewhere set forth in this Act shall be construed as limiting the discretionary rights and powers granted by this Act to the Board of Commissioners of the City of Savannah, with respect to the determination by the Board of the characteristics or form of such issue of such note or notes that may be issued under this Act, or with respect to the rights and remedies of the holder thereof.

Section 4. Be it further enacted, That said note or notes shall be executed in the name of the City of Savannah, by the Mayor, and attested by the City Recorder and be in such denominations as determined by the ordinance authorizing said note or notes, and shall recite the fact that they are issued under and pursuant to this Act. Said note or notes shall be payable in such place as designated by the Board of Commissioners in the ordinance authorizing the issuance of said notes.

Section 5. Be it further enacted, That the Board of Commissioners, in issuing said note or notes, is authorized to pledge the full faith and credit of said municipality, the City of Savannah, for the payment of the principal of and interest on the note or notes herein authorized, according to their tenor, and it shall be the duty of the Board of Commissioners, in addition to all other taxes authorized by law, to levy a tax upon all taxable property within said municipality, sufficient to pay said note or notes and interest at their maturity.

In case any officer, whose signature appears on the notes authorized by this act, shall cease to be such officers, before the delivery of such note or notes to the purchaser, such signature shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the notes.

The passage of the ordinance by the Board of Commissioners of the City of Savannah shall be conclusive evidence of any holder of said note or notes of the necessity therefor and the receipt of the City Treasury of such municipality for the proceeds of said note or notes, or the acceptance by the City of the property for which said notes may be exchanged, shall be a full acquittance to

the holder, who shall be under no obligation to see to the actual application of such proceeds.

Section 6. Be it further enacted, That this Act shall, with out reference to any other Act of the General Assembly of the State of Tennessee, or any other acts authorizing the City of Savannah to issue notes, be full authority to the Board of Commissioners of the City of Savannah to issue and sell notes, or exchange the same for the property as in this act authorized, which notes shall have all the qualities or negotiable papers under the law merchant, and shall not be invalidated for any irregularity or defect in the proceedings for the issuance and sale or exchange thereof, and shall be incontestable in the hands of a bona fide purchaser for value. No proceedings on the part of the Board of Commissioners of the City of Savannah, in respect to the issuance of said notes, shall be necessary, except such as are required by this Act.

Said notes shall be issued without regard to any limitation upon the issuance and sale of notes provided for in the Charter of the City of Savannah or any other act of the General Assembly, and this Act shall be cumulative with any general law or such act, and shall be additional authority for the issuance and sale of notes by the City of Savannah than as provided by general law.

Section 7. Be it further enacted, That neither the principal of nor the interest on the notes issued under the provisions of this Act shall be taxed by the State of Tennessee, or by any county or municipality thereof, and it shall be so stated on the face of the notes in conformity with law.

(18) ABUTTING PROPERTY IMPROVEMENTS.--To construct, improve, reconstruct, and reimpose by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys, squares, or other public places within the corporate limits, and to assess a portion of cost of such improvements upon the property abutting upon or adjacent to such streets, highways, alleys, or other public place, under and as provided by Sections 3408-3493 of the Code of Tennessee, or any general law of the state, now or hereafter in effect.

(19) SANITATION CHARGES AGAINST ABUTTING PROPERTY.--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 the Board of Commissioners.

(20) MARKET PLACES, PUBLIC BUILDINGS, BRIDGES, ETC.--To acquire, purchase, provide for, construct, regulate, and maintain and do all

things relating to all market places, public buildings, bridges, sewers, and other structures, works and improvements.

(21) DRAINAGE, SEWAGE, OFFAL, ETC.--To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse by discharging same into streams and rivers or otherwise, or to license and regulate such collection and disposal.

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

(23) REGULATION OF BUSINESS, CALLINGS, ETC.--To define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and to exercise general police powers.

(24) LIMIT OCCUPATIONS LIABLE TO BECOME A NUISANCE.--To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

(25) INSPECTION, WEIGHTS AND MEASURES.--To inspect, test, measure and weigh any article for consumption or use within the city, and to charge reasonable fee therefor; and to provide standards of weights, tests, and measures.

(26) SAME.--To establish, regulate, license, and inspect weights and measures.

(27) BUILDINGS, REGULATED AND INSPECTED.--To regulate the location, bulk, occupancy, area, lot location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness, and safety, and, when necessary, prevent the use thereof and require any alteration or changes necessary to make them healthful, clean, or safe.

(28) CHARITABLE, EDUCATIONAL, CORRECTIVE INSTITUTIONS.--To provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

(29) WORKHOUSE OR CITY COLONY; COUNTY WORKHOUSE.--To purchase or construct, maintain and establish a workhouse or farm colony for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the city who fails to secure the fine and costs imposed upon him, or to contract with Hardin County to keep said persons in the workhouse of said county and to provide by said contract and by ordinance for the commitment of such persons to the workhouse so provided, until such fine and costs shall be fully paid, or to contract with the State of Tennessee or Hardin County for the keeping of state and county convicts. If satisfactory arrangements or contract cannot be made with the authorities of

Hardin County, Tennessee, for the confinement of said persons in a workhouse for Hardin County, Tennessee, then such contract may be made with any other county of the State of Tennessee.

(30) ENFORCEMENT OF ORDINANCES; FINES AND IMPRISONMENT.--To enforce by ordinance, rule, or regulations, by means of fines, forfeitures, penalties, and imprisonment, or by action or proceedings in any court of competent jurisdiction, or by any one or more of such means, and to impose costs as a part thereof, but no fine, forfeiture, or penalty shall exceed fifty dollars, and no imprisonment shall exceed ninety days.

(31) ANIMALS RUNNING AT LARGE, TO SUPPRESS.--To regulate, tax, license or suppress the keeping or going at large of animals or females within the city; to impound the same, and in default of redemption to sell or kill the same.

(32) HOG PENS.--To regulate or prevent the raising of hogs and keeping of hog pens within the corporate limits of said city.

(33) GAMBLING.--To prohibit and suppress all gambling, immoral houses, disorderly houses, bawdy houses, and obscene pictures and literature in said city.

(34) USE OF STREETS BY VEHICLES.--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 taxicabs 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.

(35) THEATERS.--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.

(36) FIREARMS.--To regulate, restrain, or prevent the carrying on of any business dangerous in producing fires, and to regulate and suppress the sale of firearms, and to prevent and suppress the selling and carrying of pistols, bowie knives, ice picks, dirks, or other deadly weapons.

(37) EXPLOSIVES.--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.

(38) SPEED OF AUTOMOBILES AND OTHER VEHICLES.--To prohibit the speed of automobiles, buses, trucks, wagons, and horses or other animals, and any and all vehicles upon public thoroughfares of said city.

(39) POWERS AS IF SPECIFICALLY ENUMERATED.--To have and exercise all powers which now or hereafter will be competent for this charter not specifically enumerated as fully and completely as though said powers were specifically enumerated herein. [As amended by Priv. Acts 1970, ch. 248, sec. 1; and Priv. Acts 1974, ch. 213, sec. 1. Section (17)(A) was added to the charter to

accommodate Priv. Acts 1968, ch. 450, secs. 1 through 7; as amended by Priv. Acts 1972, ch. 309, sec. 1]

Section 2. Be it further enacted, That the enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant, or failure to grant powers in this Article impair the power granted in any other part of this charter, and where powers, objects or purposes are expressed, conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one or more such powers as to any one or more such objects or any one or more such purposes.

## ARTICLE IV

### ELECTIONS

Section 1. Nonpartisan elections shall be conducted by the Hardin County Election Commission under the general election laws of the state.

Section 2. A candidate for the officer of Commissioner must be a qualified voter who has resided within the municipality for at least one (1) year preceding the date of the election. All registered voters of the city are eligible to vote in municipal elections.

Section 3. A municipal election shall be held in the city on the second Thursday of August, 2011, to elect two (2) commissioners to succeed those whose terms expire on the first Monday of September, 2011. The terms of the two (2) commissioners elected in August, 2011 shall expire at noon on the first Monday in December, 2014.

A municipal election shall be held in the city on the second Thursday of August, 2013 to elect three (3) commissioners to succeed those whose terms expire on the first Monday of September, 2013. The terms of the three (3) commissioners elected in August, 2013 shall expire at noon on the first Monday in December, 2016.

A municipal election shall be held in the city at the regular November election on the first Tuesday after the first Monday in November, 2014 to elect two (2) commissioners to succeed those whose terms expire at noon on the first Monday of December, 2014. The terms of the two (2) commissioners elected at the regular election November, 2014 shall expire at noon on the first Monday in December, 2018.

A municipal election shall be held in the city at the regular November election on the first Tuesday after the first Monday in November, 2016 to elect three (3) commissioners to succeed those whose terms expire at noon on the first Monday of December, 2016. The terms of the three (3) commissioners elected at the regular election November, 2016 shall expire at noon on the first Monday in December, 2020.

Thereafter a municipal election shall be held at the regular November election in even numbered years on the first Tuesday following the first Monday. The terms of the commissioners shall be for four (4) years following the election conducted in 2014.

The terms of all Commissioners elected shall begin at the first regular meeting following the date of their election.

Section 4. No informalities in conducting any election held under this charter shall invalidate such election if it is conducted fairly and in substantial conformity with the requirements of this Article.

Section 5. The City of Savannah, Tennessee, at the majority vote of the City Commission, at a duly called meeting may, by resolution, direct the County Election Commission to place certain questions on the ballot to be submitted to the voters of the City of Savannah, on matters of general and vital concern in order to obtain the advice and direction of the voters as to such matters. Such referenda shall be advisory and nonbinding. [As added by Priv. Acts 1979, ch. 21, sec. 1, and replaced by Priv. Acts 2010, ch. 48, § 1]<sup>1</sup>

## ARTICLE V

### BOARD OF COMMISSIONERS

Section 1. Be it further enacted, That the Commissioners, at the first regular meeting after the first and each biennial election, shall elect one of their number Mayor for a term of two years, and, thus organized, the body shall be known as the Board of Commissioners.

Section 2. Be it further enacted, That any qualified voter of the city shall be eligible for election to the office of Commissioners, provided that a failure to continue to reside in said city shall vacate his office.

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<sup>1</sup>Priv. Acts 1979, ch. 21 also purports to amend Priv. Acts 1970, ch. 319. However, Priv. Acts 1970, ch. 319 was passed by the legislature, but rejected locally; therefore, it was void and could not be amended.

Section 3. Be it further enacted, That no person shall become a Commissioner who shall have been convicted of malfeasance in office, or other corrupt practice, or crime, or of violating any of the provisions of Section 3645 of the Code of Tennessee in reference to elections, and if such Commissioner shall have been so convicted, he shall forfeit his office.

Section 4. Be it further enacted, that the salary of the mayor shall be two thousand four hundred dollars (\$2,400) per year, and the salary of each commissioner shall be one thousand eight hundred dollars (\$1,800) per year, all such salaries to be paid on a monthly basis. [As amended by Priv. Acts 1987, ch. 26]

Section 5. Be it further enacted, That the legislative and all other powers except as otherwise provided by this charter are delegated to, and vested in the Board of Commissioners; and the Board of Commissioners may, by ordinance or resolution not inconsistent with this charter, prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city.

Section 6. Be it further enacted, That the said Board shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the Board except through proceedings adopted at some regular or special session.

Section 7. Be it further enacted, That the Board of Commissioners shall by ordinance fix the time and place at which the regular meetings of the said Board shall be held, and until otherwise provided by ordinance, the regular meetings of said Board shall be at 7:30 o'clock P.M. on the first Friday of each month.

Section 8. Be it further enacted, That whenever, in the opinion of the Mayor, City Manager, or any two Commissioners, the welfare of the city demands it, the Mayor or the Recorder shall call special meetings of the Board of Commissioners upon at least twelve hours' written notice to each Commissioner, the City Manager, Recorder, and City Attorney or Attorneys, served personally or left at his usual place of residence; provided, however, that the notice herein provided may be waived in writing, and if the person not receiving notice is personally present, the same will be considered a waiver of such notice. Each call for a special meeting shall set for the character of the business to be discussed at such meeting, and no other business shall be considered at such meeting.

If any ordinance of a penal nature or granting a franchise or ordering public improvement or bond issue is to be considered at a special meeting, notice thereof shall be published not less than three days prior to such meeting.

Section 9. Be it further enacted, That the Mayor shall preside at all meetings of the Board of Commissioners.

Section 10. Be it further enacted, That any vacancy in said Board shall be filled for the unexpired term by appointment by the remaining members thereof, provided, however, that no member shall be appointed under this section at any time when said Board already has one member so appointed, but in case of any additional vacancy the Board shall forthwith, by ordinance or resolution, call upon the Election Commissioners of the county to call a special election for the purpose of filling such additional vacancy; whereupon, said Election Commissioners shall immediately call such special election and appoint the necessary officers therefor, and said special election shall be held in the same manner and subject to the regulations in this charter respecting general city elections.

Section 11. Be it further enacted, That at the first meeting of the Board, and thereafter the first meeting after a general city election, said Board shall choose from its membership a member to act in the absence, inability or failure to act of the Mayor.

Section 12. Be it further enacted, That such member shall act as Mayor during any temporary absence, inability or failure to act of the Mayor, and whenever a vacancy occurs in the office of the Mayor, such member will become Mayor and hold office as such for the unexpired term.

Section 13. Be it further enacted, That a majority of all of the members of said Board shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time and may compel the attendance of the absentees in such manner and under such penalties as the Board may provide.

Section 14. Be it further enacted, That said Board may determine the rules of its proceedings, subject to this charter, and may arrest and punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous behaviour in its presence. It shall have the power and may delegate it to any committee to subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction; to call upon its own officers or the chief of police to execute its process, and to arrest and punish by fine or imprisonment, or both, any person refusing to obey such subpoena or order.



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

Its presiding officer or the chairman of any committee may administer oaths to witnesses. It shall keep a journal of its proceedings, and the yeas and nays on all questions shall be entered thereon.

Section 15. Be it further enacted, That all sessions of the Board shall be public and subject to change of plan in case of emergency.

Section 16. Be it further enacted, That the Mayor, or a Commissioner, or any employee may be removed from office by the Board of Commissioners for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty, or for permanent disability, by a majority vote of the other members of the Board voting for said removal. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating time and place of the hearing, shall be served on the accused or published one time in a newspaper circulating in the city.

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

Immediately upon the vote for removal the term of the accused shall expire, and his official status, power and authority shall cease without further action.

Any one removed hereunder may have the right of appeal.

In addition to the above, the provisions of the Statute of Tennessee known as the General Ouster Law, being Sections 1877-1902 of the Code of Tennessee, shall also apply and be enforced, and be in addition to the proceedings hereinabove stated.

The above provisions for removal shall apply only to such officers and officials as are elected or appointed for a definite term or tenure, and shall not apply to such employees or others as may be designated or appointed for an indefinite tenure.

ARTICLE VI

ORDINANCES

Section 1. That all ordinances shall begin, "Be it ordained by the City of Savannah as follows;"

Section 2. Every ordinance shall be considered and adopted on two different days in open session before its adoption, and not less than one week shall elapse between the first consideration and adoption.

All ordinances shall take effect from and after their final adoption, unless otherwise provided therein, except in case of an emergency ordinance. An emergency ordinance may take effect from the day of its final passage, provided 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.

Section 3. 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.

Section 4. 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.

Section 5. That all ordinances or the caption of the ordinance of a penal nature shall be published at least once in a newspaper of the city, and no such ordinance shall be enforced until ten (10) days after it is so published. [As replaced by Priv. Acts 2011, ch. 21, § 1]

ARTICLE VII

MAYOR

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

in the name of the city, and he may introduce ordinances in the meetings of the Board of Commissioners.

Section 2. 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 Board of Commissioners, not in conflict with any provisions of this charter.

Section 3. Be it further enacted, That all legal process against the city shall be served upon the Mayor, City Manager, or Recorder, 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.

## ARTICLE VIII

### OFFICERS AND EMPLOYEES

Section 1. The Board of Commissioners shall appoint and fix the salary of the City Manager who shall serve at the will of the Board of Commissioners; provided, however, that said Board may make a contract with such person for a period not exceeding thirty-six (36) months, and during such period he shall not be removed, except for incompetence, malfeasance, misfeasance, or neglect of duty. In case of the City Manager's removal within such period he may demand written charges at a public hearing thereon before the Board of Commissioners prior to the date upon which his removal was to take effect, but the decision and action of the Commission on such hearing shall be final, and pending such hearing the Commission may suspend him from duty. During the absence or disability of the City Manager the Commission shall designate some properly qualified person to perform his duties. [As replaced by Priv. Acts 2010, ch. 48, § 2]

Section 2. Be it further enacted, That said Board of Commissioners shall fix the salaries of the Recorder, Chief of Police, Treasurer, City Attorney, members of the police force, Fire Chief, and such other employees of the city as may be required and established by ordinance. The Board of Commissioners shall establish and make provision in appropriate ordinances for such other officers, agents, and employees as may be necessary. Said Board of Commissioners may delegate to the City Manager the authority to appoint such employees, together with the authority to remove such employees so appointed, or the Commission may, by appropriate ordinance, appoint such employees, and when so appointed may be removed by the Board. In all cases, however, the Board of Commissioners shall, by appropriate ordinance, fix the salary of the employees.

Section 3. Be it further enacted, That every officer, agent and employee holding a position upon an annual salary shall, before entering upon his duties, take and subscribe and file with the Recorder an oath or affirmation that he has all the qualifications named in this charter for the office or employment he is about to assume, that he will support the Constitution of the United States, of the State of Tennessee, and the charter and ordinances of the city, and that he will faithfully discharge the duties of his office and employment.

Section 4. Be it further enacted, That the City Manager and every officer, agent and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon his duties, execute a fidelity bond with some surety company authorized to do business in the State of Tennessee, as surety in such amount as shall be prescribed by ordinance of the Board of Commissioners, except where the amount is prescribed in this charter, provided, said Board of Commissioners may authorize the execution of said bonds by personal security, but in such case there must be affixed to said bond an affidavit of the security showing a net worth of more than the principal amount of said bond. All such bonds and securities thereto shall be subject to the approval of the Board of Commissioners; the cost of making said bonds is to be paid by the city.

Section 5. Be it further enacted, That if at any time it shall appear to the Mayor, City Manager, or Recorder that the surety, or sureties, on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give additional bond within twenty days after he shall have been notified, his office shall be vacant.

## ARTICLE IX

### CITY MANAGER

Section 1. Be it further enacted, That in addition to all other powers conferred upon the City Manager, he shall be the administrative head of the municipal government under the direction and supervision of the Board of Commissioners; and he shall be appointed without regard to his political beliefs and need not be a resident of the city or state at the time of his appointment.

During the absence or disability of the City Manager the Board of Commissioners may designate some properly qualified person to perform the functions of the City Manager.

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

Section 2. Be it further enacted, That the powers and duties of the City Manager shall be:

(a) ENFORCEMENT OF ORDINANCES.--To see that the laws and ordinances of said city are enforced, and, upon knowledge or information of any violation thereof, to see that prosecutions are instituted in the city court.

(b) APPOINTMENT AND REMOVAL OF OFFICERS AND EMPLOYEES.-- Except as in this charter provided and when authorized by ordinance, to appoint and removal all heads of departments and all subordinate officers and employees, all appointments to be made upon merit and fitness alone.

(c) TO SUPERVISE AND CONTROL the work of the Recorder, the Chief of Police, Fire Chief, City Attorney, and all other officers of all departments and divisions created by this charter, or which hereafter may be created by the Board of Commissioners.

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

(e) MEETINGS OF BOARD, DISCUSSION, BUT NO VOTE.--To attend all meetings of the Board of Commissioners, with the right to take part in the discussion, but not to vote.

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

(g) BUDGET COMMISSIONER: FINANCIAL CONDITION.--To act as budget commissioner and keep the Board of Commissioners fully advised as to the financial condition and need of the city.

(h) PURCHASING AGENT.--To act as purchasing agent for the city and to purchase all material, supplies and equipment for the proper conduct of the city's business, the purchases to be made as in this charter provided, and as fixed by the Board of Commissioners in ordinances duly enacted.

(i) MAXIMUM EXPENDITURES BY CITY MANAGER.--The Board of Commissioners shall prescribe by ordinance the maximum expenditure which the City Manager may make without specific authorization of the Board, and shall prescribe rules and regulations for competitive bidding, but no purchase shall be made at any one time in an amount which in the aggregate will exceed ten thousand dollars (\$10,000), unless bids shall have been requested through public advertisement and an award made to the lowest bidder.

(j) OTHER DUTIES.--To perform such other duties as may be prescribed by this charter, or required of him by resolution or ordinance of the Board of Commissioners. [As amended by Priv. Acts 1977, ch. 3, sec. 1; Priv. Acts 1984, ch. 226, sec. 1, and Priv. Acts 2010, ch. 48, § 3]

Section 3. Be it further enacted, That the Board of Commissioners 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.

## ARTICLE X

### CITY ATTORNEY

Section 1. Be it further enacted, That the Board of Commissioners shall elect or employ a City Attorney who shall be an attorney-at-law, entitled to practice in all the courts of the state, such Attorney to be paid such fee as fixed by the Board of Commissioners, payable at such time as said Board may fix. The employment of such Attorney may be terminated at any time by the Board, and said Attorney may resign at any time, notwithstanding the fact that said Attorney may have been elected or employed for a longer term.

Section 2. Be it further enacted, That the City Attorney shall direct the management of all litigation in which the city is a party, including the functions of prosecuting attorney in the city courts, represent the city in all legal matters and proceedings in which the city is a part or interested, or in which any of its officers are officially interested, attend all meetings of the Board of Commissioners, advise the Board of Commissioners and committees or members thereof, the City Manager and the heads of departments and divisions as to all legal questions affecting the city's interest; and approve as to forms all contracts, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name or, or made by or with the city. Such City Attorney shall file all suits for the collection of delinquent taxes and special assessments, as hereinafter provided.

Section 3. Be it further enacted, That the said City Attorney may be employed by the Board of Commissioners for specific service in litigation, or otherwise not hereinabove enumerated, and the Board of Commissioners may fix his compensation for such additional service. The Board may, in its discretion, also employ competent and efficient counsel to aid the City Attorney in special matters or litigation in which the city is involved or interested, and fix his compensation therefor, or in such special matters or litigation the Board may employ competent and efficient counsel to act without the aid of the City Attorney, and fix his compensation for such service.

## ARTICLE XI

RECORDER AND TAXATION

Section 1. Be it further enacted, That it shall be the duty of the Board of Commissioners, unless by ordinance such authority has been conferred upon the City Manager, to elect or employ a competent and suitable person to be the Recorder of said city.

The salary of the Recorder shall be fixed by the Board of Commissioners. The Recorder shall execute a surety bond in the sum of not less than Five Thousand (\$5,000.00) Dollars, as may be provided by ordinance. He shall have the power to administer oaths.

It shall be the duty of the Recorder to be present at all meetings of the Board of Commissioners and to keep a full and accurate record of all business transacted by said Board, 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 ordinances, ordinance books, minutes of the Board of Commissioners, 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 Board of Commissioners, and keep them in his office for distribution.

Section 2. 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 Board of Commissioners a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits (including 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, merchants' ad valorem taxes, street taxes, fines for the preceding fiscal year and miscellaneous revenue. Upon presentation of such statement by the Recorder, the Board of Commissioners shall proceed by ordinance to make the proper levy to meet the expenses of the city for the current fiscal year. Said levy should be made by the Board at its regular meeting in September of each year.

Section 3. Be it further enacted, That it shall be the duty of the Recorder immediately after the levy of taxes by the Board of Commissioners to cause the

said levy to be extended upon such tax book prepared by the Recorder in the same manner that extensions are made upon the tax books in the hands of the county trustee.

Section 4. Be it further enacted, That all taxes due the city except privilege and merchants' ad valorem taxes shall, unless otherwise provided by ordinance, be due and payable on the first Monday of October of the year for which the taxes are assessed.

The Recorder shall be the custodian of the tax books and shall be the tax collector of the city, provided, however, that the Board of Commissioners, by ordinance, may provide for such assistants as deemed by said Board necessary.

Distress warrant may issue for the collection of taxes, and any such distress warrant shall be executed by the Chief of Police or any policeman of the city by a levy upon and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process of Justices of the Peace.

Section 5. Be it further enacted, That all municipal taxes on real estate in the city, and all penalties and costs accruing thereon, are hereby declared to be a lien on said realty from and after the 10th day of January of the year for which the same are assessed, superior to all other liens except the liens of the United States, State of Tennessee, and Hardin County, for the taxes legally assessed thereon, with which it shall be a lien of equal dignity. No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of the person who did not own the same, nor because the same was assessed to no known owners, nor on account of any objections or informalities merely technical, but all such assessments shall be good and valid. The lien of said taxes on said realty shall extend to the fee and be an assessment against such realty. The Board of Commissioners shall have power to correct any errors in the tax assessment upon a certificate filed by the assessor or assessing body.

Section 6. Be it further enacted, That on the first day of March of the year following that for which the taxes were assessed, or other day provided by ordinance, a penalty of one per centum upon all taxes remaining unpaid shall be imposed and collected by the city and paid into the city treasury. An additional penalty of one per centum shall be added for each month thereafter the said taxes shall remain delinquent the same as state and county taxes

Section 7. Be it further enacted, That the Board of Commissioners may, by ordinance passed by a majority vote, change the due date and delinquent date of all taxes and may provide for the semi-annual payment of taxes and a discount for the prompt payment thereof.



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

Section 8. Be it further enacted, That the Recorder shall, under the provisions of the general laws of the state for the collection of delinquent taxes, certify to the trustee of the county a list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes, and the same shall be sold in like manner and upon the same terms and conditions as real estate is sold for delinquent state and county taxes.

Section 9. Be it further enacted, That the Board of Commissioners shall have the power, and is hereby given authority, to file bills in the chancery court in the name of the city for the collection of assessment and levies made for payment for improvements or service in said city, such as paving, sidewalks, curbing, guttering, sewers, and other improvements, or services for which assessments may be made under the charter, or by any Acts of the Legislature, the cost of which is made a charge on property owners abutting said improvements, and a lien on abutting property, the suits commenced by said bills to be conducted as other suits in chancery for the enforcement of like liens, and under the rules of laws and practice provided for the same; provided, that the bills shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention that all person in the same improvement district are liable for portions of the same assessment and levy for improving a portion of the city as aforesaid, and on which property said assessment or levy is a lien, and shall be made parties defendant to one bill.

Section 10. Be it further enacted, That the Recorder shall, on the first day of February following the date upon which the taxes assessed against any of the real property within the city become delinquent, certify to the City Attorney a list setting out the names of the delinquent taxpayers, the description of said property as appears upon the tax rolls, the amount due and for what years due, for a bill to be filed by said Attorney in the name of the city, in either the chancery or circuit court, to enforce the lien on the real estate against which said taxes have been assessed, and for the recovery of a decree against the delinquent taxpayers for the amount of the taxes, and to subject the real estate against which said taxes are assessed to sell for the payment of such delinquent taxes, with two years granted from the date of sale in which the taxpayer may redeem said land so sold, all as now provided by law for the enforcement of liens for delinquent state and county taxes, and all suits brought for the enforcement of the lien for unpaid taxes on real estate shall be governed

by the same procedure as now or may hereafter be provided by general law for the enforcement of liens for state and county taxes.

Such suit shall be brought in either the chancery court or circuit court of Hardin County, Tennessee, and all persons owing delinquent taxes to said town may be made defendant to the bill filed for the enforcement of said tax liens, and such bills shall not be multifarious by reason thereof.

## ARTICLE XII

### RECORDER AS FINANCE OFFICER

Section 1. Be it further enacted, That the Recorder 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.

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

Section 2. Be it further enacted, That the Board of Commissioners may, by ordinance, provide for a City Treasurer, and until so provided, all the duties of the Treasurer shall be performed by the Recorder. The ordinance so providing for the City Treasurer shall prescribe the duties to be performed by him, which may include the collection, receipt, and disbursement of all city revenue, including revenue from the bonds of the city and the proceeds of bond issues, the execution of receipts for taxes and all other revenue due the city; and any and all other duties that may be provided by said ordinance.

Section 3. Be it further enacted, That, except as this charter or by law or ordinance otherwise provided, the Recorder shall prescribe and regulate the manner of paying creditors, officers and employees of the city. He shall audit all payrolls, accounts and claims against the city, and certify thereon the balance as stated by him, but no payroll, account, or claim, or any part thereof, shall be audited against the city or paid unless authorized by law or ordinance and approved and certified by the City Manager and the head of the department

for which the indebtedness was incurred, and the amount required for payment of the same appropriate for that purpose by ordinance and in the treasury. Whenever any claim shall be presented to the City Recorder, he shall have power to require evidence that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent, or employee of any department of the municipality, or any other person, for examination upon oath or affirmation relative thereto. The City Manager, Recorder and head of the department concerned, and their sureties, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the municipality.

Section 4. Be it further enacted, That, subject to the provisions of the foregoing Section, vouchers shall be issued by the Recorder, and all checks in payment of such vouchers shall be signed by the Recorder and countersigned by the City Manager; provided, the Board of Commissioners has provided by ordinance for a City Manager and a Recorder; while the City Manager is performing the duties of the Recorder, the Board of Commissioners shall designate some other person to countersign said checks. Each voucher shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund. Any officer or employee in the Recorder's office may be designated by him to draw vouchers with the same effect as if signed by the Recorder, such designation to be in writing, in duplicate, filed with the City Manager and approved by him; provided, that the City Manager may make such designation if the Recorder be absent or disabled, and there be no one in his office designated to act. Any such designation may be revoked by the City Manager or Recorder while acting as such by filing the revocation in duplicate with the other executive at interest.

Section 5. Be it further enacted, That no contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the Board of Commissioners or be authorized by any officer for the city, unless the Recorder shall first certify to the Board of Commissioners or the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure is in the treasury or safety assured to be forthcoming and available in time to comply with or meet such contract, agreement, obligation, or expenditure, and no contract, agreement or other obligation involving the expenditure of money payable from the proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of this charter in reference to city bonds, or as may be provided by general law.

Section 6. Be it further enacted, That no contract liability shall be incurred without previous authority of law or ordinance, but the Board of Commissioners may, by ordinance, empower the proper officials to pay out money or incur contract liability for the city for the necessary preservation of the city's credit, or in other extreme emergency, under such restrictions as may be provided in said ordinance, provide that any such liability shall mature not later than one year from the date of its incurrence.

Section 7. Be it further enacted, That the Treasurer shall be the custodian of all sinking funds established for retiring bonds of the city, to be managed in accordance with the provisions of this charter and the law governing such sinking fund. Depositories of the city funds shall be designated by the Board of Commissioners by ordinance.

Section 8. Be it further enacted, That the Recorder shall cause all forms used, either in connection with the receipt or disbursement of city funds, to be numbered consecutively, and all spoiled or unused forms shall be accounted for.

The Recorder shall perform any and all other duties imposed upon him by this charter, or by ordinance.

In the event of the temporary absence or disability of the Recorder, the City Manager may act as such or may appoint a Recorder pro tempore, who, while acting, shall perform all of the duties of the Recorder.

### ARTICLE XIII

#### TAXATION AND REVENUE

Section 1. Be it further enacted, That the assessment, levy and collection of taxes and special assessments shall be in charge of the Department of Finance, subject to the limitations elsewhere found in this charter.

Section 2. Be it further enacted, That all property, real, personal and mixed, subject to state, county and city taxes, and all privileges taxable by law, shall be taxed, and taxes thereon collected by the city for municipal purposes, as hereinafter provided.

Section 3. Be it further enacted, That the ad valorem tax on merchants, stocks, accounts and equipment may be assessed and collected in like manner as state and county merchants' ad valorem tax is assessed upon the same property. It shall be the duty of the county tax assessor and of the Railroad and Public Utilities Commission of Tennessee to prepare a separate assessment book or roll, showing real, personal and mixed property assessable by him (or it) lying within the limits of the city.

Section 4. Be it further enacted, That these records shall be certified to the Recorder of the city upon the completion of the work of the boards of equalization after they have been copied by the county court clerk or the proper officer of the State.

Section 5. Be it further enacted, That the Board of Commissioners shall have full power to levy and collect taxes as of January 10th of each and every year.

Section 6. Be it further enacted, That the Board of Commissioners shall by ordinance provide for a Tax Assessor, or Assessors, and which ordinance shall prescribe the method of appointment of said Assessor, or Assessors, and the compensation to be paid.

It shall be the duty of said Assessor to assess all of the property within the limits of said city, both real, personal and mixed, at its fair cash value as of January 10th of each year, and as nearly as possible assess all property at a uniform valuation, the Assessor to complete his assessment and certify the same to the Recorder by and not later than the first day of August of each year.

At the regular meeting of the Board of Commissioners in August of each year said Board shall sit as a board of equalization and may hear complaints of any taxpayers, and raise or lower his assessment as fixed by the Assessor according to the facts presented to it, with the right of appeal granted to the taxpayer to the proper authorities. All real, personal and mixed property shall be assessed at its fair cash value, observing at all time uniformity of taxation as nearly as possible.

Section 7. Be it further enacted, That the Recorder, as soon after the work of the Board of Commissioners as a board of equalization has been completed, and as soon after the fixing of the tax rate by said Board of Commissioners, make or cause to be made a tax book similar in form to that required by the laws of the state to be made out for the county trustee, embracing all the property and persons liable for tax within the city, giving a reasonable description of the property assessed, the assessed value thereof, the taxes due thereon, and the name of the person to whom assessed, which book when completed and certified by the Recorder shall be the assessment for taxes in said city for municipal purposes; provided, that there may be an assessment by the Recorder at any time of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city.

Section 8. Be it further enacted, That said Board of Commissioners is hereby empowered and authorized to provide by ordinance for the assessment, levy and collection of all taxes upon all of the property within the limits of said city, the same to be done in the same manner as the assessment, levy and

collection of taxes for state and county purposes, and all the laws relating to the assessment, levy and collection of taxes by state and county officers shall apply to all of the officers, agents and employees of the city.

#### ARTICLE XIV

##### LICENSE TAXES

Section 1. Be it further enacted, That license taxes may be imposed by ordinance upon any and all privileges, businesses, occupations, locations, pursuits or callings, or any class or classes thereof, now or hereafter subject to such taxation under the laws of Tennessee, and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm or corporation.

The Recorder shall enforce collection of merchants' taxes and all other license taxes, and for the purpose shall have and exercise the powers by law vested in and followed by the procedure and methods prescribed for county court clerks.

#### ARTICLE XV

##### CITY BONDS

Section 1. Be it further enacted, That some of the purposes hereby especially authorized for which the bonds of the city may issue and be given, sold, pledged, or disposed of on the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or upon any two or more credits, are the following:

For the acquiring of land for the purchase, construction, reconstruction, or extension of water works, public sewers, streets, alleys, buildings and equipment for the fire department, bridges and viaducts, gas or electric light work, power plants, police patrols and fire alarm systems; for hospitals, jails, workhouses, and other charitable, corrective, and penal institutions; for courthouses, libraries, and other public buildings, public parks, parkways, boulevards, grounds, squares, wharves, river terminals or ports and any other public improvements which the city may be authorized or permitted to make; for the purchase of lands or other property, real or personal, for school purposes, and for the purchase of playgrounds, either in connection with the school or separate therefrom, and for paying, refunding, or removing any bond indebtedness of the city. The foregoing enumeration shall not be construed to limit any general provisions of this charter authorizing the city to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purpose

has been mentioned, and the authority to issue bonds for any of the purposes aforesaid is cumulative, and shall not be considered to impair any authority in this charter be a limitation or restriction upon the issuance of any bonds under any of the general laws of the State of Tennessee for the issuance of bonds by the municipalities within the state, and the general laws and this charter shall be cumulative.

Section 2. Be it further enacted, That bonds may be so issued as to be payable on a specific date, or serially, or subject to call and redemption.

Section 3. Be it further enacted, That the Board of Commissioners may estimate the probable life of improvements proposed to be erected or purchased with the proceeds of any such bonds, and the term of such bonds shall not exceed such probable life, provided that such estimate, if erroneous, shall not affect the validity of such bonds.

Section 4. Be it further enacted, That all long term bonds may be sinking fund bonds and that the amount of the annual installments to be paid into the sinking fund shall be fixed by the Board of Commissioners for each bond issue.

Section 5. Be it further enacted, That no bonds of the city except bonds for paying, refunding, or removing bonded indebtedness, and except bonds issued under the provisions of Section 3408-3493 of the Code of Tennessee, and issued under any of the general laws of the State of Tennessee for the issuance of bonds by municipalities now in force, or that may be hereafter enacted, provided to the contrary, shall be issued without the assent of a majority of those voters actually voting at any election held for that purpose.

Section 6. Be it further enacted, That the Board of Commissioners may, by ordinance, call, provide for and regulate elections held respecting bond issues, and may prescribe all forms, proceedings, and other matters with respect to any such elections, and the amounts, purposes, issue and disposition of bonds.

Section 7. Be it further enacted, That it shall not be necessary in the ordinance calling the election, in the notice of election, in the question submitted or on the ballot, or in any of the matters preceding the said election, to state the amount of the bonds proposed to be issued for each purpose, but it shall be sufficient for the ordinance and notice of election to state the total amount of bonds proposed to be voted upon at the said election, and in general language the purpose, or purposes, for which such total amount is to be used; and if a majority of the voters of the city voting at such election assent to the issuance of the amount of bonds, then such amount may be issued and such bonds or the proceeds thereof may from time to time by ordinance adopted by the Board of

Commissioners be appropriate in any amount or amounts to the purpose, or purposes, for which such total amount was voted.

Section 8. Be it further enacted, That when any bonds, interest coupons, or other written evidence of the city's debt shall be paid and discharged, they shall be cancelled by the Recorder.

Interest coupons and other evidences of debt shall be cancelled by stamping and punching immediately upon their redemption.

The cancelled bonds, coupons, and other evidences of debt shall be exhibited to and verified by the Board at its next meeting, and shall be filed and presented for examination in annual audits.

## ARTICLE XVI

### SINKING FUND

Section 1. Be it further enacted, That all the sinking funds of the city may be invested by the City Manager and the Recorder by and with the consent of the Board of Commissioners in bonds of the United States, of the State of Tennessee, or of the City of Savannah at the best price and upon the best terms obtainable.

Section 2. Be it further enacted, That the City Manager, and Recorder, by and with the consent of the Board of Commissioners, may sell the securities belonging to a sinking fund, or any part of them, at any time when the proceeds thereof may be needed for the payment of bonds, at the best price and upon the best terms obtainable.

Section 3. Be it further enacted, That the City Manager and Recorder, by and with the consent of the Board of Commissioners, may exchange any bonds belonging to a sinking fund, or bonds of the city whenever such exchange may be advantageous for the city.

Section 4. Be it further enacted, That if any amount of any sinking fund, with the interest or revenue thereof, computed to the maturity of the city bonds, be sufficient to pay at maturity all of the bonds for which it is held, the levy of the tax for such sinking fund may then be omitted, but, if by reason of decrease of interest or depreciation of investment or other cause said fund shall not be sufficient, the levy shall be resumed.

Section 5. Be it further enacted, That any moneys remaining in a sinking fund, after payment of the entire bonded debt for which it was accumulated, shall be paid into the general fund.



## ARTICLE XVII

BUDGET AND APPROPRIATIONS

Section 1. Be it further enacted, that the finance officer shall be the budget commissioner. The fiscal year of the city shall begin on the first day of July of each year, unless otherwise provided by ordinance.

The finance officer shall, on or before the regular monthly meeting of the board in May of each year, submit to the board of commissioners an estimate of the expenditure and revenue of the city for the ensuing fiscal year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the finance officer.

The classifications of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give the following information:

- (a) An accurate statement of any operating deficit for the preceding fiscal year;
  - (b) Expenditures, when possible, stated separately, by department for the past two (2) fiscal years;
  - (c) Current fiscal year budgeted amounts for all items;
  - (d) Expenditures for corresponding items for the current fiscal year plus an estimate of expenditure necessary to complete the current fiscal year;
  - (e) The recommendation of the finance officer as to the amounts to be appropriated in such details as the board of commissioners may direct;
  - (f) Such other information as is required by the board of commissioners, or that the finance officer may deem advisable to submit.
- [As replaced by Priv. Acts 1987, ch. 27]

Section 2. Be it further enacted, that upon receipt of such estimates the board of commissioners shall prepare a tentative appropriation ordinance, which shall be published in a newspaper of the city not less than one (1) week before it is taken up for consideration by the board of commissioners at the next regular meeting, and all voters and taxpayers may appear at that meeting and be heard in person or by attorney. The appropriation ordinance for each fiscal year shall be finally adopted before the first day of the fiscal year. [As replaced by Priv. Acts 1987, ch. 27]

Section 3. Be it further enacted, that at the end of each fiscal year, all unencumbered balances or appropriations in the treasury shall revert to the general fund and be subject to further appropriations. [As replaced by Priv. Acts 1987, ch. 27]

Section 4. Be it further enacted, that the finance officer shall be responsible for limiting expenditures and obligations to the amounts of appropriations for all departments, and shall establish and maintain such systems of allotments and require the installation and maintenance of such system of accounts and records, and prescribe such purchasing procedure as may be necessary to that end. He shall present a monthly budget statement to the board of commissioners, comparing amounts of receipts and of expense allotted to the lapsed portion of the fiscal year with the receipts actually incurred, and in general disclosing the condition of the budget. The finance officer and the board of commissioners shall do all other things, not in conflict with this charter, which may be necessary to maintain a balanced budget for the city government. [As replaced by Priv. Acts 1987, ch. 27]

Section 5. Deleted. [As deleted by Priv. Acts 1987, ch. 27]

## ARTICLE XVIII

### DEPARTMENTS

Section 1. Be it further enacted, That in order that the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there are hereby established the following departments:

(1) Department of Finance; (2) Department of Public Safety; (3) Department of Public Works; (4) Department of Public Welfare; (5) Department of Public Utilities; (6) Department of Police; (7) Fire Department; and (8) and such other departments as the Board of Commissioners may establish by ordinance.

Section 2. Be it further enacted, That the Board of Commissioners shall fix all salaries, not fixed by this charter, in all departments, prescribe the duties and functions of all departments except as fixed by this charter, and may by two-thirds vote of its entire membership create new departments, combine or abolish existing departments, or establish temporary departments for special work.

Section 3. Be it further enacted, That the City Manager shall supervise and control all departments now or hereafter created, except as otherwise provided by this charter, or as may be provided by ordinance creating and establishing such departments.

## ARTICLE XIX

POLICE FORCE

Section 1. Be it further enacted, That the Board of Commissioners, unless the City Manager has been authorized so to do by said Board, shall appoint a Chief of Police and such patrolmen and other members of the police force as may be provided by ordinance.

It shall be the duty of the Chief of Police and the members of the police force to preserve order in the city, to protect the inhabitants and property owners therein from violence, crime, and all criminal acts, prevent the commission of crime, violations of law and of the city ordinances, and perform a general police duty, execute and return all processes, notices, and legal orders of the Mayor, City Manager, City Attorney, Recorder, and those issuing from the city court, and all other processes, notices and orders as in this charter, or by ordinance may be provided.

Section 2. Be it further enacted, That, in time of riot or other emergency, the Mayor or the City Manager shall have power to summon any number of male inhabitants of the city to assist the police force.

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

Section 3. Be it further enacted, That the Chief of Police and other members of the police force shall receive salaries to be fixed by the Board of Commissioners. The Board of Commissioners shall require and fix the penalty of the bonds to be executed by the Chief of Police and other members of the police force, and prescribe the conditions thereof, so as to protect the city.

## ARTICLE XX

FIRE DEPARTMENT

Section 1. Be it further enacted, That the Board of Commissioners unless the City Manager has been authorized so to do, shall appoint a chief of the fire department, and such other members of said department as may be provided by ordinance.

It shall be the duty of the fire department and the members thereof to take all proper steps for fire prevention and suppression, and elimination of conditions which create fire hazard.

Section 2. Be it further enacted, That the chief of the fire department, or any assistant of such chief in charge at any fire, shall have the same police powers at such fire as the chief of police, under such regulations as may be prescribed by ordinance.

Section 3. Be it further enacted, That the Board of Commissioners, unless the City Manager has been authorized so to do, may appoint a fire marshal, or designate a member of the fire department, whose duty shall be, subject to the chief of the fire department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson.

## ARTICLE XXI

### WATER DEPARTMENT

Section 1. Be it further enacted, That the Board of Commissioners is hereby authorized and empowered to establish a water and sewerage department under the provisions of Chapter 68 of the Public Acts of 1933, the same being Sections 3695.1 - 3695.25 of the Code of Tennessee, and all the provisions, conditions, privileges, powers and authority contained in said Act are made a part hereof.

## ARTICLE XXII

### CITY COURT AND JUDGE

Section 1. Be it further enacted, That there be and hereby is established and constituted for said City of Savannah a city court, with exclusive jurisdiction to try all offenses for the violation of city ordinances and by-laws; and said court shall have all the power and exercise all the functions of and concurrent jurisdiction with justices of the peace within corporate limits of the city, with respect to the cases or actions involving violations of the state criminal laws.

Section 2. Be it further enacted, That the city court shall have power and authority to impose fines, costs and forfeitures; and to punish by fine or imprisonment, or both, for violations of city ordinances; to enforce and preserve order in court; to enforce the collection of all such fines, costs and forfeitures imposed, and, in default of the payment or of good and sufficient security given for the payment of such fines, costs, or forfeitures imposed, shall have the

power, and it shall be the duty of the court to commit the offender to the workhouse or to other place provided for such purpose and to such labor as may be provided by ordinance, until such fine and costs, or forfeitures, shall be fully paid, at the same rate of allowance per day as is prescribed by law in case of violations of the laws of the State in small offense cases. The City Judge shall have the exclusive right to remit or suspend, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

Section 3. Be it further enacted, That no person, officer or employee, whomsoever, other than the City Judge, shall have the right or power or be permitted to remit in whole or in part any fine or cost imposed by the City Judge, or to release any prisoner waiting trial or otherwise, except on the order of the City Judge; and any person violating this Section shall be guilty of a misdemeanor punishable by a fine of not less than \$50.00, nor more than \$250.00, and shall forfeit his office; provided, that in case of an emergency incident to illness or accident, prisoners may be released on order of the City Physician.

Section 4. Be it further enacted, That any person dissatisfied with the judgment of the court, in any case or cases heard and determined by the court, may within two<sup>1</sup> entire days thereafter, Sunday excluded, appeal to the next Circuit Court for Hardin County, Tennessee, upon giving bond with good and sufficient surety as approved by the said City Court for the defendant's personal appearance before said Circuit Court, or to pay such fines, costs and forfeitures as may be imposed upon affirmance by said Circuit Court, provided, however, that in prosecutions for violations of city ordinances the bond shall not exceed \$250.00.

Section 5. Be it further enacted, That a warrant shall be issued for each offender for each offense on affidavit, or said warrant may embrace all the parties charged with the same offense. No arrest shall be made except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest, or unless in case of a felony, and provided that the warrant may be issued in cases of violation of city ordinances at the time of the trial for such offense. The affidavit upon which the warrant is issued shall especially state the offense charged and the warrant shall run in the name of the State.

Section 6. Be it further enacted, That all fines, costs and forfeitures imposed by the City Court for violations of city ordinances shall belong to and

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<sup>1</sup>Tennessee Code Annotated, section 27-5-101 provides for ten (10) days and supersedes this provision of the charter.

be paid into the treasury of the city; and any labor performed in the execution of a workhouse or prison sentence for such violation or violations shall be performed for the city under the direction of the City Manager, or by official agreement for the county through the proper official.

Section 7. Be it further enacted, That the City Judge in all cases heard or determined by him for offenses against the corporate laws and ordinances shall tax in the bill of costs the same amounts for the same items allowed in courts of justices of the peace for similar work in State cases, and in addition shall add thereto \$1.00 as the tax on the same in lieu of the State tax, together with the cost of boarding and keeping the defendant in jail prior to the time of trial. He shall certify to the Chief of Police, for collection, all fines, costs and forfeitures imposed by him for offenses against the laws and ordinances of the city. All costs taxed by the City Court in cases involving offenses against corporate ordinances, or on account of work performed in the case by anyone paid a fixed salary by the city, shall belong to the city, and, when collected, be paid into the city treasury. It shall be the duty of the City Judge to receive and receipt for all money paid on fines, costs and forfeitures imposed by him, and he shall render a detailed report, together with a full remittance of fines collected, to the City Recorder, and a monthly report to the Board of Commissioners of all fines and costs collected, and all assessed and uncollected. The City Judge shall enforce the collection of fines, costs and forfeitures imposed by him by execution in the same manner as due justices of the peace and clerks in courts of record.

Section 8. Be it further enacted, That the City Judge shall keep, or cause to be kept, a court docket embodying complete detailed records of cases handled by him.

Section 9. Be it further enacted, That the Board of Commissioners of said city shall appoint a duly qualified and competent resident of said town as City Judge, for such term as said Board may prescribe by ordinance. The Board of Commissioners may appoint the Recorder as City Judge. The City Judge shall preside over and hold the City Court provided for in this Article. Before entering upon the duties of his office he shall take and subscribe to the oath provided for other city officials.

Section 10. Be it further enacted, That the City Judge elected by the Board of Commissioners shall be paid a fixed monthly salary, or compensation, in such amount as may be determined by the Board of Commissioners by ordinance duly enacted, and he shall be entitled to no other compensation, fees or commissions as such City Judge. A failure to continue to reside in said city shall operate to vacate said office, and the Board of Commissioners may declare said office vacant, and fill the vacancy thus created.

Section 11. Be it further enacted, That in the event of absence, incompetency, or other disability of a presiding officer of said court, the Board of Commissioners is authorized and empowered to appoint a temporary City Judge, who shall act in the place of the City Judge while such absence, incompetency or other disability continues, and while so acting he shall be invested with the same powers and shall perform the same duties hereby bestowed and imposed upon the presiding officer of said court.

Section 12. Be it further enacted, That the Chief of Police and all assistant policemen and patrolmen are hereby empowered and required to serve processes of any kind or character issued out of the city court, and to serve process in criminal matters issued by any justice of the peace within the city, and also to serve any and all processes which may be issued by any court in Hardin County in any proceeding instituted for the enforcement of any city ordinance, or to punish for violation thereof, or for the collection of any fines or forfeitures which may be incurred under the ordinances of the city.

Section 13. Be it further enacted, That subpoenas for witnesses issued from said city court may be served in any county in this State by any officer, under the same rules governing like processes issuing from the courts of record in this State.

Section 14. Be it further enacted, That said City Judge shall also perform such other duties as may imposed on him by the Board of Commissioners in connection with his office as City Judge, and he shall give bond in an amount to be fixed by the Board of Commissioners, conditioned to faithfully account for and pay to the City Treasurer all fines, costs and forfeitures collected by him.

## ARTICLE XXIII

### ADVERTISEMENT FOR PUBLIC WORKS

Section 1. Be it further enacted, That any public works or improvement costing more than four thousand dollars (\$4,000) shall be executed by contract except when a specific work or improvement is authorized by the Board of Commissioners and approved by the City Manager to be done by the city's own employees.

All contracts for more than four thousand dollars (\$4,000) shall be awarded to the lowest responsible bidder, after such publication, advertisement and competition as may be prescribed, by ordinance; but no contract or any public work or improvement shall be awarded except on condition that the contractor gives bond with some bonding company authorized to transact business in the State of Tennessee as surety, in a sum equal to at least fifty per

centum of the contract price of the particular work or improvement for the faithful performance of such contract.

But the City Manager shall have the power to reject all of the bids and to perform the work with the city's own forces, and all advertisements shall contain a reservation of this right. [As replaced by Priv. Acts 2010, ch. 48, § 4]

## ARTICLE XXIV

### EXTENSION OF CORPORATE LIMITS

Section 1. Be it further enacted, That the territory adjoining said city may be added thereto and included in the corporate limits thereof as follows: Twelve citizens, resident freeholders, in the territory proposed to be added and included in the corporate limits of said city shall sign a petition in writing under their signatures, in which shall be described by metes and bounds the particular territory proposed to be added and included, and shall submit the same to the Board of Commissioners of said city for consent and approval; and if said Board of Commissioners consents and a majority of the citizens who are legally qualified voters in said territory consent, the said territory shall become part of said corporation, and to test or ascertain the will of the citizens of the territory, the Board of Commissioners shall cause two lists to be prepared and circulated, one list signed by the parties desiring the territory to be annexed and included within the corporation, the other to be signed by those opposed to annexation. All persons shall be entitled to sign said list who at the time of signing are qualified voters, and all persons who own property in the territory sought to be annexed, whether they be residents or not.

If a majority of the qualified voters within said territory consent thereto, then said Board of Commissioners by ordinance duly enacted, which ordinance shall describe the territory being annexed, shall provide that said territory be included within the corporation limits of said city and be subject to all the provisions of this charter.

## ARTICLE XXV

### CONSTRUCTION OF THIS ACT

Section 1. Be it further enacted, That this Act shall be construed to cover the entire field of the charter powers, limitations and restrictions of said city.

Section 2. Be it further enacted, That in the construction of any portion of this charter when the meaning or application is in dispute, it is intended that its phraseology shall be liberally construed to effect the substantial objects of the charter.



Section 3. Be it further enacted, That neither the City Manager, Recorder, City Judge, Chief of Police, nor any person in the employ of the city under any of said offices shall take any active part in, or contribute any money toward the nomination or election of any candidate for election to the Board of Commissioners, except to answer such questions as may be put to them and as they may desire to answer.

The violation of this Section shall subject the offender to removal from office or employment and the punishment by fine of not more than fifty dollars for each offense.

Section 4. Be it further enacted, That no candidate for any office, nor any person, shall directly or indirectly give or promise any person or persons any office, employment, money, benefit, or anything of value for the purpose of influencing or obtaining political support, aid, or vote for any candidate; and any person violating this provision shall be punished by fine of not more than fifty dollars for each offense.

Section 5. Be it further enacted, That if any Article, Section, paragraph, sentence or provision of this Act be unconstitutional or invalid, such invalidity shall be construed not to affect the remainder of this Act, it being the legislative intent that this Act would have been enacted with such invalid portion omitted therefrom.

## ARTICLE XXVI

### EFFECTIVE DATE OF THIS ACT

Section 1. Be it further enacted, That all laws or parts of laws, both general and special, in conflict with this Act be, and the same are, hereby repealed.

Section 2. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1951

McAllen Foutch,  
Speaker of the House of Representatives

Walter M. Haynes,  
Speaker of the Senate

Approved: March 16, 1951

Gordon Browning,  
Governor

ACTS COMPRISING THE CHARTER OF THE CITY OF  
SAVANNAH, TENNESSEE<sup>1</sup>

YEAR	CHAPTER	SUBJECT
1951	683	Basic Charter Act.
1967	450	Authorized the city to purchase and acquire a tract of land for a municipal park and recreation center said to issue notes to finance same. (But did not specifically amend the charter)
1970	248	Amends Article III, section 1, paragraph (13) of the charter.
1972	309	Amends Priv. Acts 1967, ch. 450.
1974	213	Amends Article III, section 1, paragraph (5) of the charter.
1977	3	Amends Article IX, section 2 of the charter.
1979	21	Amends Article IV of the charter (and purports to amend Priv. Acts 1970, ch. 319) <sup>2</sup> by authorizing city to hold referendums on questions concerning the city.
1984	226	Amends Article IX, section 2 of the charter.
1987	26	Amends Article V, section 4 by increasing the salary for the mayor and commissioners.
1987	27	Amends Article XVII, by replacing sections 1-5.
1987	28	Amends Article IV, sections 4 and 5.
2002	166	Amends Article III, section 1, corporate powers.

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<sup>1</sup>Private Acts 1970, ch. 319 was passed by the legislature but was rejected by the City. Private Acts 1979, ch. 22, authorized a nonbinding referendum on an ordinance changing the weight limits on trucks using city streets.

<sup>2</sup>Private Acts 1970, ch. 319 was passed by the legislature but was rejected locally; therefore, it was void and could not be amended.

YEAR	CHAPTER	SUBJECT
2010	48	Replaces Article IV, elections. Replaces Article VIII, section 1, officers and employees. Replaces Article IX, section 2, subdivisions (i) and (j), maximum expenditures by a city manager and other duties. Replaces Article XXIII, section 1, advertisement for public works.
2011	21	Replaces art. VI, ordinances.