

CHARTER FOR THE CITY OF SOUTH PITTSBURG, TENNESSEE<sup>1</sup>

CHAPTER NO. 213

HOUSE BILL NO. 2840

By Representative Rhinehart

Substituted for: Senate Bill No. 2836

By Senator Elsea

AN ACT to enact a Charter for the City of South Pittsburg and to repeal Chapter 63 of the Private Acts of 1917, and all acts amendatory thereto.

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

SECTION 1. Chapter 63 of the Private Acts of 1917, as amended by Chapter 18 of the Private Acts of 1919, Chapter 316 of the Private Acts of 1919, Chapter 70 of the Private Acts of 1920, Chapter 962 of the Private Acts of 1921, Chapter 228 of the Private Acts of 1923, Chapter 316 of the Private Acts of 1925, Chapter 233 of the Private Acts of 1929, Chapter 575 of the Private Acts of 1929, Chapter 118 of the Private Acts of 1931, Chapter 133 of the Private Acts of 1931, Chapter 374 of the Private Acts of 1937, Chapter 221 of the Private Acts of 1939, Chapter 295 of the Private Acts of 1959, Chapter 116 of the Private Acts of 1967, Chapter 258 of the Private Acts of 1982, Chapter 259 of the Private Acts of 1982, Chapter 260 of the Private Acts of 1982, Chapter 205 of the Private Acts of 1990, and any other acts amendatory thereto, is repealed in its entirety. The City of South Pittsburg, Tennessee, shall continue as a body politic and corporate by the

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<sup>1</sup>Priv. Acts 1992, ch. 213 of Tennessee, is the current basic charter act for the City of South Pittsburg, Tennessee. It replaced in its entirety Priv. Acts 1917, chapter 63, as amended. The text of the basic charter act set out herein includes all its amendments through the 2017 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made in the charter except that the article numbers have been moved to the head of the article titles, the article and sections catchlines have been underlined, and a table of contents has been added to facilitate the use of the charter.

name and style of South Pittsburg, Tennessee, and this act shall constitute its complete charter.

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ARTICLE 1

CORPORATE NAME AND BOUNDARIES

Section 1. Incorporation, name and authority to sue and be sued and use a seal. The inhabitants of the City of South Pittsburg, in the County of Marion, State of Tennessee, within the boundaries hereinafter described, be, and they are hereby constituted a body politic and corporate by the name and style of "City of South Pittsburg" and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity and have and use a common seal and alter the same at pleasure.

Section 2. Corporate limits; acceptance of parks, streets, etc., shown on original plat; authority to construct, franchise and regulate utilities. The corporate limits of the City of South Pittsburg shall be as described in Chapter 63 of the Private Acts of 1917, as amended by Chapter 962, Section 3 of the Private Acts of 1921, and any other acts amendatory thereto, and annexation ordinances of record in the recorder's office. All references made in the acts to blocks, streets and alleys are made with respect to their location and designation on the registered plan of the Town of South Pittsburg, Tennessee, and all supplemental plans of subdivisions or annexations of territories, appearing of record in the Register's Office at Jasper, Tennessee. And all parks, public grounds, streets, avenues, alleys and other highways designated upon the plot of said city and the additions thereto heretofore made and filed in the office of the register of Marion County by the landowners are hereby accepted on

behalf of such city; provided such acceptance shall not impose any duty on said city to grade and improve the same, except as the same may be for the general convenience of the traveling public. Provided, further, that said city shall have the exclusive right of control over the same for the construction of water works, gas works, sewerage systems and for the installation of all standpipes and filters necessary for the furnishing of pure water as may be required, or any other public enterprises of whatever kinds so ever, or may grant franchises for such enterprises to private individuals, firms or corporations on such conditions and to such extent as the board of mayor and commissioners may deem best for the public good, and may regulate the business of such enterprises to any reasonable extent that the public interest may require.

Section 3. City to assume rights and obligations of city under prior charter. All property of every kind belonging to the City of South Pittsburg as it existed under and by virtue of Chapter 219 of the Private Acts of 1915, and all property thereafter acquired shall be and continue the property of the such city as herein chartered. All taxes due or to become due to the same shall be due to and collectible by such city as herein chartered, as hereinafter provided. All obligations, legal and subsisting of the such city, evidenced by outstanding warrants, judgments or otherwise shall be and remain legal, subsisting obligations of the said city as herein chartered, and payable in the manner as hereinafter provided.

Section 4. Authority of city to acquire, hold and dispose of property. The city is hereby authorized to acquire and hold all real estate and personal property necessary for the public uses of the inhabitants thereof, both within and beyond the limits of such city, and to sell and convey the same when no longer required for the public use, as may be provided by ordinance, and the board of mayor and commissioners shall make all needful rules for the use of such property. Providing, further, that the city shall be vested with all powers of acquisition, use and disposal of property which now is, or hereafter may be, granted to municipalities under general laws of the State of Tennessee.

## ARTICLE 2

### LEGISLATIVE DEPARTMENT

Section 1. Composition, election and tenure of governing body. The governing body of the City of South Pittsburg, Tennessee, shall be officially known and designated as the board of mayor and commissioners and shall be composed of a mayor and four (4) commissioners.

The mayor shall be elected by the voters of the city at large. The four (4) commissioners shall be elected by the voters of the city by district. Districts

shall be established decennially by ordinance following each national census.<sup>1</sup> The first district descriptions shall be defined and adopted by August 1, 1992.

Commencing with the General City Election held on the first Tuesday following the first Monday in November, 1992. The mayoral candidate and the commissioner from each district receiving the highest number of votes shall be declared to be elected; the two (2) candidates for commissioner receiving the highest number of votes shall hold office for a term of four (4) years; the two (2) candidates receiving the third and fourth highest number of votes shall hold office for two (2) years. However, at each and every city election thereafter, the successors to the office of mayor and commissioner shall be elected for a term of four (4) years. Any mayor and commissioner shall be eligible for re-election. Nothing in this act shall be construed as having the effect of removing an incumbent from office or abridging the terms of any official prior to the end of the term for which such incumbent was elected.

The mayor and each commissioner shall be elected to such respective office by the qualified voters of the city. Such election shall be held in conjunction with the regular November election at which electors for United States president and vice-president are elected. The mayor and commissioners elected shall commence their term on the second Tuesday in December and shall end four (4) years thereafter or until their successors are elected and qualified.

Section 2. Qualifications and compensation of legislative body. Only citizens of the United States and of the State of Tennessee, who are also bona fide residents of the City of South Pittsburg and a resident of their respective districts for at least one (1) year before their election, and who are also qualified voters in the general elections of the state shall be eligible to the office of mayor or commissioner. Provided, no person who has a direct personal interest in any contract with the city or any department or institution thereof or who shall have been convicted or is under indictment for any malfeasance in office, bribery or corrupt practices in relation to any public office shall be qualified to be elected to or shall continue to hold, after such disability attaches, the office of mayor or commissioner.

The board of mayor and commissioners may determine the annual salaries of the mayor and commissioners by ordinance, but no ordinance increasing or decreasing such salaries shall become effective until the date of commencement of the terms of commissioners or mayor elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office.

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<sup>1</sup>See Ord. #516, July 23, 1992, and Ord. #641, Sept. 10, 2002, in the office of the city recorder.

Section 3. Voter qualifications. Persons meeting the residency requirements prescribed by the election laws of the State of Tennessee shall be eligible to vote in city elections; provided, that such persons are properly registered in accordance with the applicable laws of the State of Tennessee. [As replaced by Priv. Acts of 2006, ch. 91, § 1]

Section 4. Powers and duties of the mayor; vice-mayor; quorum; compulsory attendance of members. The mayor shall preside at all meetings of the board and shall be recognized as the head of the city government. The mayor shall have no veto power and may vote on all questions. In case of a tie, the question shall go over as unfinished business until the next meeting.

The vice-mayor, who the board of mayor and commissioners shall elect from their membership at the first meeting next following each general city election, shall act as mayor during the absence or disability of the mayor. The vice-mayor shall serve as mayor for the unexpired term, should there be a vacancy in the office of mayor. The board of mayor and commissioners shall then proceed to fill the vacancy on the board thus created. When the vacancy has been filled, a new vice-mayor shall be elected by the board as provided in this section.

Three (3) members of the board, including the mayor, shall constitute a quorum for the transaction of business at regular meetings or called meetings, but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as each board may prescribe. [As amended by Priv. Acts of 2006, ch. 91, § 2]

Section 5. Vacancies; forfeitures of office; filling vacancies.

(a) Vacancies. The office of mayor or commissioner shall become vacant upon the office holder's death, resignation, removal from office in any manner authorized by law or forfeiture of their office; and in the case of the mayor, his removal from residence in the city; and in the case of commissioners, the office holder's removal from residence from the district in which he was elected. The forfeiture of office shall be automatic.

(b) Forfeiture of office. A mayor or commissioner shall forfeit the office if such person (1) lacks, at any time during his term of office, any qualification for the office prescribed by this charter or by law; (2) violates an express prohibition of this charter; or (3) is convicted of a crime involving moral turpitude.

(c) Filling of vacancies. The board of mayor and commissioners shall fill the vacancy in the office of commissioner with a person who resides in the appropriate district, such person to serve until the next regular municipal election, at which time the voters shall elect someone to serve out the unexpired term.



Section 6. Recorder to keep journal of meetings; votes required for action. A journal of the proceedings of the board of mayor and commissioners shall be kept by the city recorder, upon which shall be entered each vote taken by the board by yeas and nays, and no action of the board, except to adjourn, shall have any force or validity, unless a majority of the members present shall have voted in favor thereof.

Section 7. Meetings of the board. The board of mayor and commissioners shall hold a regular meeting once each month. Until otherwise provided by ordinance, the regular meetings shall be fixed at the pleasure of the board by resolution. Such resolution shall fix the time for a period of not less than one (1) year, and if any member shall be absent from a regular meeting of the board, such member shall, unless excused by the board, forfeit and pay such sum as the board may fix.

Special meetings of the board of mayor and commissioners may be called and convened upon alternative provisions and procedures as follows:

(1) In cases of urgency or emergency, the mayor, or the vice-mayor when acting as mayor, may call and convene a special meeting of the board upon oral notice to each commissioner available for such notice, a quorum being available for receipt of same. In the event of the call of a special meeting hereunder, the minutes shall state the reasons of the urgency or emergency and shall show to which commissioners notice of the call had been given and, if notice has not been given to all commissioners, the reason for the failure to give same shall be stated in the minutes.

(2) In cases other than those of urgency or emergency, the mayor or the vice-mayor, when acting as mayor, may call and convene a special meeting by giving in writing to each commissioner three (3) days' prior notice of the time and purpose of the meeting.

(3) It shall be the mandatory duty of the mayor or, in his absence or inability to act, the duty of the vice-mayor to call and convene a special meeting of the board upon the written request of any three (3) members of the board at the time requested in same call, the mayor or vice-mayor being counted as a member if signing such request.

Only matters specified in the notice of all of a special meeting may be considered and acted upon at such special meeting.

Section 8. Style publication and passage of ordinances. The style of all city ordinances shall be: "Be it ordained by the board of mayor and commissioners of the City of South Pittsburg." Copies of the text of every ordinance shall be made available to the public during every meeting in which the ordinance is subject to a reading.

Each ordinance shall be read and passed on two (2) separate days before the same is operative. Each ordinance shall receive a public hearing prior to its second and final reading. [As replaced by Priv. Acts 2014, ch. 64]

Section 9. Miscellaneous ordinance powers enumerated. The board of mayor and commissioners shall have the management and control of the city finances and all property of the corporation, real, personal and mixed and shall have the power by ordinance to:

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

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of negotiable or non-negotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality in accordance with state law;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of state law or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate of interest therein, or any other utility of service to the municipality, its inhabitants or any part thereof; and, further, may issue debt for these purposes under the Local Government Public Obligations Act;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of time to be fixed by the mayor and board of commissioners. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

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

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

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by state law;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

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

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

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

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

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

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

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures;

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

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

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the municipality who fails to secure the fine imposed upon such person, or contract with the county to keep these persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;

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

(B) No fine may exceed the limit established by state law for violation of municipal offenses;

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect

all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

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

(31) Call elections as herein provided;

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

(33) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

### ARTICLE 3

#### EXECUTIVE DEPARTMENT

Section 1. City administrator appointment, salary, removal. The board of mayor and commissioners shall appoint and fix the salary of the city administrator, who shall serve at the will of the board. The administrator shall be appointed by virtue of his experience and/or educational qualifications for this position. [As amended by Priv. Acts of 2006, ch. 91, § 3]

Section 2. Residence. Residence in the city at the time of appointment of a city administrator shall not be required as a condition of the appointment, but within ninety (90) after reporting for work, the city administrator must become a resident of the City of South Pittsburg.

Section 3. Absence of the city administrator. In the absence or disability of the city administrator, the mayor shall serve in such capacity. [As replaced by Priv. Acts of 2006, ch. 91, § 4]

Section 4. Powers and duties of the city administrator. The city administrator shall be the chief administrative officer of the city. The city administrator shall be responsible to the board for the administration of all city affairs placed in his charge by or under this charter. The city administrator shall have the following powers and duties:

(1) To recommend employees to the board, and when he deems necessary for the good of the city, recommend that the employment of employees be terminated by the board. The board of mayor and commissioners reserves the right to employ and terminate all employees and volunteers of the city.

(2) To direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.

(3) To attend all board meetings and shall have the right to take part in discussion, but may not vote.

(4) To see that all laws, provisions of this charter and acts of the board, subject to enforcement by the city administrator or by officers subject to his direction and supervision, are faithfully executed.

(5) To prepare and submit the annual budget and capital program to the board.

(6) To submit to the board and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(7) To make such other reports as the board may require concerning the operations of city departments, offices and agencies subject to the city administrator's direction and supervision.

(8) To keep the board fully advised as to the financial condition and future needs of the city and make such recommendations to the board concerning the affairs of the city as he deems desirable.

(9) To act as purchasing agent for the city.

(10) To perform such other duties as are specified in this charter or may be required by the board. [As amended by Priv. Acts of 2006, ch. 91, § 5]

Section 5. Board - administrative relations. The board of mayor and commissioners and its members shall deal with the administrative services of the city only through the city administrator, except for the purpose of inquiry, and neither the board nor any member thereof shall give orders or instructions to any subordinates of the city administrator. The city administrator shall take orders and instructions from the board only when sitting in a duly convened meeting of the board of mayor and commissioners, and no individual member shall give any orders or instructions to the city administrator.

Section 6. Removal of city administrator. The city administrator shall serve at the will of the board of mayor and commissioners and may be removed at any time by a majority vote of the board at a lawful meeting. [As replaced by Priv. Acts of 2006, ch. 91, § 6]

Section 7. City recorder appointment. The city recorder shall be appointed by the city administrator to serve with compensation as provided by the board of mayor and commissioners, and be bonded as provided by appropriate ordinance. The recorder shall be appointed by virtue of experience and/or educational qualifications for this position.

Section 8. Recorder to be general accountant of city. The city recorder shall be the general accountant of the city and as such it shall be the city recorder's duty to receive and preserve in his office all accounts, books, vouchers, papers, etc., relating to the accounts and contracts of the city, its debts, revenues and other fiscal affairs.

Section 9. Recorder's general fiscal duties. It shall be the duty of the recorder to draw and register all warrants on the city treasury for all appropriations of moneys ordered paid by the city administrator. The recorder shall keep a true and accurate account of the revenues, receipts and expenditures of the city, and of the different funds of the city. The recorder shall see that no appropriations or funds are overdrawn or misapplied, that no liability is incurred or money or property of the city disbursed or disposed of contrary to law or ordinance. The recorder shall keep complete tables of the resources, assets and liabilities of the city, of all contracts, names of contractors, amount of contract, amount paid and amount due, and a list of all employees of the city, the time worked and the wages paid to each. The recorder shall administer oaths and require all settlements, returns and reports made to him to be verified, and every claim against the city shall be itemized, except the officers drawing a fixed salary, and no claim shall be allowed by the board or warrant drawn therefor, except upon itemized account.

Section 10. Recorder to collect taxes and issue privilege licenses. It shall be the duty of the recorder to collect all taxes due to the city, as hereinafter provided, and the recorder is hereby authorized to issue all privilege licenses or permits of every kind, which may be fixed by ordinance or granted to any person, and shall collect for and receipt for the amount of such taxes, privilege license or permit fee. Licenses may be issued quarterly, semi-annually or annually, and shall be payable in advance in all cases.

On the issuance of any license or the receipt of money for taxes or any other account, the recorder shall issue duplicate receipts therefor; one (1) of which the recorder will retain.

Section 11. Mayor and recorder to sign all warrants, bonds, contracts, etc. Mayor and a designated commissioner to sign all warrants bonds, contracts, etc. All warrants upon the city treasury and all bonds, contracts or other obligations of the city shall be signed by the mayor and a designated commissioner, unless otherwise provided by law. [As replaced by Priv. Acts of 2006, ch. 91, § 7]

Section 12. Recorder to be property custodian, record minutes and keep all city records; to certify copies of records. The recorder is the custodian of all the property of the city. The recorder shall have custody of the city seal, the public records, the original rolls of ordinances of the board of mayor and

commissioners; all original contracts, deeds or certificates relative to the title of any property of the city; and all official indemnity and security bonds. The recorder shall attest all public instruments or official acts of the mayor by the recorder's signature and the seal of the city. The recorder shall certify over the recorder's signature and the city seal copies of any paper or record in the recorder's office and may charge and receive therefor at the rate to be determined by ordinances.

Section 13. City attorney. The city attorney shall be an attorney-at-law entitled to practice in the courts of the state of Tennessee. The city attorney shall be appointed by the board of mayor and commissioners and shall direct management of all litigation in which the city is a party or interested, or in which any of its officers is officially interested; attend meetings of the board of mayor and commissioners as requested; advise the board and committees and members thereof, the city administrator and heads of all departments and divisions as to all legal questions affecting the city interests; and approve as to form all documents, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of, or made by or with, the city. The city attorney's compensation shall be fixed by the board of mayor and commissioners and such attorney shall serve at the will of the board.

Section 14. Departments, offices and agencies generally. The board of mayor and commissioners may establish city departments, offices or agencies in addition to those created by this charter, and may prescribe the functions of all departments, offices and agencies not inconsistent with this charter.

Departments, offices and agencies created by the board of mayor and commissioners may be abolished or combined.

Section 15. Direction and supervision of departments, offices or agencies. All department, offices and agencies under the direction and supervision of the city administrator shall be administered by an officer appointed by and subject to the direction and supervision of the city administrator. The administrator may serve as the head of one (1) or more such departments, offices or agencies or may appoint one (1) person as the head of two (2) or more of them.

Section 16. Personnel rules. The board of mayor and commissioners shall adopt personnel rules.

Section 17. Officers, employees, etc., who handle money shall be bonded. The city administrator 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 surety 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 or this charter. All such bonds and sureties



shall be subject to the approval of the board of mayor and commissioners and the board of mayor and commissioners may provide for blanket bonds. The cost of all bonds shall be an expense of the city.

## ARTICLE 4

### CITY COURT

Section 1. City court established. There is hereby established within and for the City of South Pittsburg a city court.

The board of mayor and commissioners may by ordinance create the office of city judge. If such office is created, it shall be filled by the board of mayor and commissioners at their first meeting in January, 1993, following their election in November, 1992, for a term of four (4) years. The term of the judge shall extend from the first regular meeting of the board in January, 1993, until the first regular meeting of the board in January, 1997, and for the same term each and every four (4) years thereafter. The city judge shall receive such salary as the board shall prescribe. No person shall be eligible to this office unless such person is at least twenty-one (21) years of age and is a person of good moral character.

With the expiration of the city judge's term of office, the board of mayor and commissioners may repeal any ordinance creating the office of city judge and thereby abolish such office, but the act or acts of creating and abolishing said office shall not be construed as an exhaustion of the right to exercise the power herein conferred and granted from time to time in the future and such office may be granted, abolished, re-created or re-abolished at all future times as to the board of mayor and commissioners may appear advisable.

Section 2. Jurisdiction. The city judge shall have jurisdiction in and over all cases for the violation of the ordinances of the city. In addition, the city judge is vested with concurrent jurisdiction and authority with courts of general sessions in all cases for the violation of the criminal laws of the State of Tennessee within the municipality. However, no city judge who is not an attorney licensed to practice law within the State of Tennessee shall exercise concurrent jurisdiction.

Section 3. Temporary judge. In the event the city judge is either absent or unable to act, or is disqualified from sitting in any particular case, the city judge is hereby authorized to appoint a temporary judge to act during the city judge's absence, inability to act or disqualification. The board of mayor and commissioners shall appoint a temporary judge, should the absence, inability to act or disqualification of the city judge exceed two (2) consecutive sessions of city court.

## ARTICLE 5

FINANCE

Section 1. Fiscal year. The fiscal year of the city shall begin on the first day of July and end on the last day of June.

Section 2. Annual departmental budgets required. The adoption of an annual budget for all departments shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

Section 3. Administration required to prepare and submit annual budget and explanatory message. At least sixty (60) days before the beginning of the fiscal year, the administrator shall prepare and submit to the board of mayor and commissioners a budget for the ensuing fiscal year and an accompanying message. The city administrator's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the city for the ensuing year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the city's debt position and include such other material as the administrator deems desirable.

Section 4. Required content and organization of budget. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, except as required by law or this charter and shall be in such form as the administrator deems desirable or the board of mayor and commissioners may require.

Section 5. When budget must be adopted, and effect of adoption. The budget shall be adopted for the ensuing fiscal year before the end of the current fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 6. Supplemental appropriations. If, during the fiscal year, the administrator certifies that there are available for appropriation revenues in excess of those estimated in the budget, the board of mayor and commissioners by ordinance may make supplemental appropriations for the year up to the amount of such excess.

Section 7. Transfer of unencumbered appropriations. At any time during the fiscal year, the administrator may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency

and, upon written request by the administrator, the board may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

Section 8. Incurrence and discharge of obligations. No payment shall be made or obligation incurred against any appropriation unless the administrator or an officer designated by the administrator first certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or notes or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 9. Accounting records and audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. The same account titles shall be used throughout the accounting records, the budget and financial statements. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the city shall be required by action of the board and the same be made after the end of each fiscal year by a public accountant skilled in such works.

Section 10. Competitive bidding and purchasing procedures. Purchasing and bidding procedures shall be established by ordinance in accordance with state law.

## ARTICLE 6

### TAXATION

Section 1. Assessment and levy. All property within the city not exempt by general law shall be assessed for taxation upon the same principles established in regard to state and county taxation. Assessments made by the county tax assessor may be adopted by the city.

Section 2. Due and delinquent dates; penalties and interest. Property taxes shall be payable on and after the first Monday in October of each year, and shall become delinquent on the first day of March following. The board by ordinance shall fix penalties and interest on delinquent taxes.

Section 3. Collection of delinquent taxes. The board of mayor and commissioners may provide by ordinance for the collection of delinquent real property taxes by the city recorder as provided by general law; or by the city attorney acting in accordance with general laws providing for the collection of delinquent city or county taxes; or by the use of any other available legal process and remedies. If not otherwise collected, the city attorney, or other attorney designated by the board, shall file suit for collection of all delinquent taxes not later than eighteen (18) months following date of delinquency. Delinquent personal property taxes shall be collected by distress warrants issued by the city recorder and placed in the hands of the sheriff for collection.

Section 4. County may collect taxes. The city may contract with the county for the collection of city taxes. The contract may provide for reasonable fees to be paid to the county for this service.

Section 5. Taxes not to be excused. No officer or employee of the city shall have the authority to excuse taxes, penalties, interest, special assessments or other charges due the city, but errors may be corrected when authorized by the board of mayor and commissioners.

## ARTICLE 7

### GENERAL PROVISIONS

Section 1. Charter declared to be a public act. This act is hereby declared to be a public act and may be read in evidence in all courts of law and equity in this state, without proof.

Section 2. Codification of city ordinances of a general and permanent nature. The board of mayor and commissioners are vested with power to codify and from time to time to re-codify all ordinances of the city of a general and permanent nature.

Section 3. Construction and interpretation of act. This act shall receive a liberal construction and interpretation. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of mayor and commissioners of the City of South Pittsburg within one hundred (100) days after its signing by the Governor. Its

approval or nonapproval shall be proclaimed by the presiding officer of the board of mayor and commissioners and certified to the Secretary of State.

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

PASSED: April 20, 1992

s/Jimmy Naifeh  
Jimmy Naifeh, Speaker  
House of Representatives

s/John S. Wilder  
John S. Wilder, Speaker  
Speaker of the Senate

APPROVED this 29<sup>th</sup> day of April 1992

s/Ned McWherter  
Ned McWherter, Governor

Private Acts Comprising the Charter of the  
City of South Pittsburg, Tennessee

Year	Chapter	Subject
1917	63	Basic charter act.
1919	18	Special assessment law for streets and sewers.
1919	312	Required teachers to have certificates of qualification.
1919	316	Amended Priv. Acts 1919, ch. 18.
1919	553	Amended Priv. Acts 1919, ch. 18.
1920 (ES)	70	Amended art. 4, § 1 in the basic charter act (Repealed).
1921	294	Special assessment law for streets.
1921	959	Authorized \$25,000 school bond issue.
1921	962	Provided for recorder to be elected by voters and extended the corporate boundaries.
1923	72	Validated \$55,000 school bond issue.
1923	228	Repealed Priv. Acts 1920, ch. 70 (extra session).
1925	316	Authorized special assessments for street improvements and authorized \$70,000 sewer and street bond issue.
1929	233	Amended the charter to provide for a board of commissioners to replace the board of mayor and aldermen and provided for a city judge and a city recorder.
1929	575	Authorized \$100,000 street improvement bond issue and provided for a city board of education.
1931	118	Authorized \$75,000 street improvement bond issue.
1931	133	Amended the charter with respect to the street tax (art. IV, § 10) and meetings of the board of commissioners (art. 2, § 5).

YEAR	CHAPTER	SUBJECT
1931 (ES)	34	Repealed art. 5 in the charter which provided for a special school district of the city.
1937	374	Authorized \$50,000 bond issue for promoting the development and growth of the city.
1939	221	Amended the charter with respect to construction, etc., of streets (art. 4, § 6).
1939	372	Authorized \$250,000 refunding bond issue.
1939	487	Authorized annual tax on automobiles and trucks.
1941	102	Amended Priv. Acts 1929, ch. 233, so as to abolish office of city judge and give recorder his judicial powers.
1941	171	Amended Priv. Acts 1929, ch. 233, so as to provide for commissioners to be elected to particular offices instead of being appointed after election (Repealed).
1941	541	Validated \$95,000 funding bond issue.
1947	446	Authorized borrowing \$20,000 for street improvements, etc.
1949	142	Authorized a pension for certain city employees.
1951	120	Called referendum on question of having parking meters.
1953	327	Repealed Priv. Acts 1941, ch. 171.
1957	369	Amended Priv. Acts 1929, ch. 233, with respect to the election of the mayor and commissioners.
1957	408	(Inoperative because not approved locally.)
1959	295	Amended the charter with respect to the governing body and provided for a vice-mayor and special meetings.

YEAR	CHAPTER	SUBJECT
1967	116	Comprehensive revision of the basic charter act and its amendments.
1969	69	Authorized \$500,000 hospital bond issue.
1981	110	Established the Nickajack Port Authority.
1982	258	Amended Priv. Acts 1967, ch. 116, art. 2, § 2, to increase the compensation of the mayor and commissioners.
1982	259	Amended Priv. Acts 1967, ch. 116, art. 3, § 17, with respect to purchasing by the city.
1982	260	Amended Priv. Acts 1967, ch. 116, art. 2, § 1, to change the date of election of the board of mayor and commissioners and the mayor.
1990	205	Amended Priv. Acts 1982, ch. 258, art. 2, § 2, to increase the compensation of the mayor and commissioners.
1992	213	Repealed and replaced Priv. Acts 1917, ch. 63.
2006	91	Replaced art. 2, § 3, voter qualifications.  Amended art. 2, § 4, by deleting wording regarding ceremonial purposes and administrative duties.  Amended art. 3, § 1, by deleting wording regarding eligibility of mayor and commissioners for appointment as city administrator.  Replaced art. 3, § 3, regarding absence of the city administrator.  Amended art. 3 § 4(1), by replacing that subsection(1).  Replaced art. 3, § 6, removal of city administrator.  Replaced art. 3, § 11, mayor and recorder to sign all warrants, bonds, contracts, etc.



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YEAR	CHAPTER	SUBJECT
2014	64	Replaced art. 2, § 8, style publication and passage of ordinances.

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