

## TITLE 1

ADMINISTRATION, OFFICERS, AND PERSONNEL<sup>1</sup>

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER-TREASURER.
4. POLICE AND ARREST.
5. CITY COURT.
6. WORKHOUSE.
7. SOCIAL SECURITY--CITY PERSONNEL.
8. VACATIONS AND SICK LEAVE--CITY PERSONNEL.
9. MISCELLANEOUS REGULATIONS-- CITY PERSONNEL.

## CHAPTER 1

BOARD OF MAYOR AND ALDERMEN<sup>2</sup>


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<sup>1</sup>For other provisions relating to administration, officers, and personnel, see the charter and/or the appropriate related title in this code. For example, for provisions relating to the building inspector, see title 4 chapter 1; for provisions relating to the organization of the fire department, see title 7, chapter 3; for provisions relating to the administration of utilities, see title 13.

<sup>2</sup>Selected charter references:

Appointment of recorder-treasurer and other officers - Sec. 8  
 Compensation - Sec. 14.  
 Election and terms - Sec. 3, 13.  
 Expulsion - Sec. 7.  
 Legislative Powers  
   Borrowing money - Ch. 102, Priv. Acts 1949  
   Enumerated - Sec. 10.  
   General - Sec. 5.  
 Meeting times - Sec. 7.  
 Number - Sec. 3.  
 Oath of Office - Sec. 4.  
 Prescribes bonds for officers - Sec. 9.  
 Qualifications - Sec. 3, 6, 7.

(continued...)

## SECTION

1-101. Time and place of regular meetings.

1-102. Order of business.

1-103. General rules of order.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the first Monday of each month at the Town Hall.

1-102. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment.

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code.

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<sup>2</sup>(...continued)

Quorum - Sec. 5.

Tax Collection - Sec. 15.

Vacancies in Office - Sec. 5.

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-203. Purchasing agent.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities.

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen.

1-203. Purchasing agent. As provided in Tennessee Code Annotated, section 6-56-301, the office of purchasing agent is created and the mayor shall fully discharge the duties of that office, or appoint individuals to make purchases for the town. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the board of mayor and aldermen.

The mayor, or his designated representatives, as provided herein, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases, and dispose of surplus property in accordance with purchasing procedures approved by resolution of the board of mayor and aldermen and filed with the city recorder. Any changes in the purchasing procedures shall also be

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<sup>1</sup>Selected charter references:

Compensation - Sec. 14.

Duties and powers - Sec. 11, 12.

Election and term - Sec. 3.

Expulsion - Sec. 7.

Judicial functions - Sec. 12

Qualifications - Secs. 3, 6, 7.

Oath of office - Sec. 4.

Tax collection - Sec. 15.

Vacancies in office - Sec. 5.

made by resolution of the board of mayor and aldermen. (ord. no. 84-02, sec. 1-3)

## CHAPTER 3

RECORDER-TREASURER<sup>1</sup>

## SECTION

1-301. To keep minutes, etc.

1-302. To perform general administrative duties, etc.

1-301. To keep minutes, etc. The recorder-treasurer shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book.

1-302. To perform general administrative duties, etc. The recorder-treasurer shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide.

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<sup>1</sup>Selected charter references:

Appointment and term - Sec. 8.

Bond - Secs. 8, 9.

Compensation - Secs. 8, 14.

Duties and powers - Sec. 8; ch. 102, sec. 3, Priv. Acts 1949.

Judicial functions - Sec. 12.

Oath of office - Secs. 4, 8.

Qualifications - Sec. 6.

Vacancies in office - Sec. 5.

## CHAPTER 4

POLICE AND ARREST<sup>1</sup>

## SECTION

- 1-401. Policemen subject to chief's orders.
- 1-402. Policemen to preserve law and order, etc.
- 1-403. Policemen to wear uniforms and be armed.
- 1-404. When policemen to make arrests.
- 1-405. Policemen may require assistance.
- 1-406. Disposition of persons arrested.
- 1-407. Police department records.

1-401. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue.

1-402. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court.

1-403. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment.

1-404. When policemen to make arrests.<sup>2</sup> Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

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<sup>1</sup>For provisions relating to the city court, see this title, chapter 5.

<sup>2</sup>For provisions relating to traffic citations, etc., see title 9, chapter 7, in this code.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it.

1-405. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary.

1-406. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available or the alleged offender does not post the required bond, he shall be confined.

1-407. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department.

## CHAPTER 5

TOWN COURT<sup>1</sup>

## SECTION

- 1-501. Town judge.
- 1-502. Maintenance of docket.
- 1-503. Issuance of arrest warrants.
- 1-504. Issuance of summonses.
- 1-505. Issuance of subpoenas.
- 1-506. Trial and disposition of cases.
- 1-507. Appearance bonds authorized.
- 1-508. Imposition of fines, penalties, and costs.
- 1-509. Appeals.
- 1-510. Bond amounts, conditions, and forms.
- 1-511. Disposition and report of fines, penalties, and costs.
- 1-512. Disturbance of proceedings.

1-501. Town judge. The officer designated by the charter to handle judicial matters within the town shall preside over the town court and shall be known as the town judge.

1-502. Maintenance of docket. The town judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which maybe relevant.

1-503. Issuance of arrest warrants.<sup>2</sup> The town judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

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<sup>2</sup>Selected charter references:  
Authority to impose fines, forfeitures and penalties  
for breach of ordinances - Sec. 10(16), 18.  
Judicial functions of mayor - Sec. 12.  
Judicial functions of recorder - Sec. 12.

1-504. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with *exparte*, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal.

1-505. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith.

1-506. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the town judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court.

1-507. Appearance bonds authorized. When the town judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the town judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody.

1-508. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the town judge on the city court docket in open court.

In all cases heard or determined by him, the town judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases.

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<sup>1</sup>See Tennessee Code Annotated, section 8-21-401.

1-509. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten(10) days<sup>1</sup> next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

1-510. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable.

1-511. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the town judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

1-512. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

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<sup>1</sup>See Tennessee Code Annotated, section 27-5-101.

## CHAPTER 6

WORKHOUSE<sup>1</sup>

## SECTION

1-601. County workhouse to be used.

1-602. Inmates to be worked.

1-603. Compensation of inmates.

1-601. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county.

1-602. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners.

1-603. Compensation of inmates. Each work house inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.<sup>2</sup>

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<sup>1</sup>Selected charter references:

Authority of mayor to commit persons to town prison or work house Sec. 12.

<sup>2</sup>See Tennessee Code Annotated, section 40-24-104.

## CHAPTER 7

SOCIAL SECURITY--CITY PERSONNEL

## SECTION

- 1-701. Policy and purpose as to coverage.
- 1-702. Necessary agreements to be executed.
- 1-703. Withholdings from salaries or wages.
- 1-704. Appropriations for employer's contributions.
- 1-705. Exclusions.
- 1-706. Records and reports.

1-701. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this town to provide for all eligible employees and officials of the town, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (ord. no. 1, sec. 1)

1-702. Necessary agreements to be execute. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (ord. no. 1, sec. 2)

1-703. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in section 1-701 of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (ord. no. 1,sec. 3)

1-704. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (ord. no. 1, sec. 4)

1-705. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance or

resolution creating any retirement system for any official or employee of Henning, elective officials engaged in rendering legislative services and elective officials engaged in rendering judicial services. (ord. no. 1, sec. 6 and 7 combined, as amended by unnumbered ord. to amend ord. no. 1, passed May 7, 1960, sec. 1)

1-706. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (ord. no. 1, sec. 5)

## CHAPTER 8

VACATIONS AND SICK LEAVE--CITY PERSONNEL

## SECTION

1-801. Applicability of chapter.

1-802. Vacation leave.

1-803. Sick leave.

1-804. Leave records.

1-801. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those under the jurisdiction of a separate board or commission.

1-802. Vacation leave. All officers and employees shall be allowed one (1) week of annual vacation leave with pay after one year of employment. After five years of employment all officers and employees shall be allowed two (2) weeks of annual leave with pay. Such vacation leave shall be taken at a time approved by the mayor or such other officer as he may designate. At no time shall a person's total credit for accrued vacation leave exceed four (4) weeks.

1-803. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each month of employment hereafter served. Sick leave shall be taken only when approved by the mayor or by such other officer as he may designate. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. However, the mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave. The maximum credit for accrued sick leave under the provisions of this section shall be ninety (90) days.

1-804. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter.

## CHAPTER 9

MISCELLANEOUS REGULATIONS--CITY PERSONNEL

## SECTION

- 1-901. Business dealings.
- 1-902. Acceptance of gratuities.
- 1-903. Outside employment.
- 1-904. Political activity.
- 1-905. Use of municipal time, facilities, etc.
- 1-906. Use of position.
- 1-907. Strikes and unions.

1-901. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the town.

1-902. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business.

1-903. Outside employment. No full-time officer or employee of the town shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the town.

1-904. Political activity. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials.

1-905. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services.

1-906. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

1-907. Strikes and unions. No municipal officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees.

See Tennessee Code Annotated, title 40, ch. 5 for authority to issue search warrants.