

TITLE 1

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

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. POLICE AND ARREST.
5. TOWN COURT.
6. WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS.
7. PERSONNEL REGULATIONS.

CHAPTER 1

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

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. General rules of order.

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<sup>1</sup>Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Fire Department: title 7.

Utilities: title 13.

Wastewater treatment: title 13.

Zoning: title 11.

<sup>2</sup>Charter references

Financial and fiscal authority: Sec. 17.

General and legislative powers: Secs. 12, 21.

Limit on interest in town contracts: Sec. 51.

Meetings: Sec. 13.

Personnel authority: Sec. 8.

Qualifications: Sec. 4.

Quorum: Sec. 14.

Salary: Sec. 11.

Taxing power: Sec. 33.

Vacancies: Sec. 17.

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 Second Thursday of each month at the Town Hall.

1-102. 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.

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Generally supervises town's affairs.

1-202. Executes town's contracts.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town 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.

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<sup>1</sup>Charter references

Powers and duties: Secs. 12, 21, 27 and 28.

Presiding officer of board: Sec. 12.

Qualifications: Sec. 4.

Salary: Sec. 11.

Veto power: Sec. 18.

Votes in cases of tie: Sec. 7.

Vacancies in office: Sec. 22.

## CHAPTER 3

RECORDER<sup>1</sup>

## SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen.

1-302. To keep minutes, etc. The recorder 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.

1-303. To perform general administrative duties, etc. The recorder 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.

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<sup>1</sup>Charter references

Duties: Sec. 23.

Ex officio vice mayor: Sec. 22.

## 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. When policemen to make arrests.
- 1-404. Disposition of persons arrested.
- 1-405. 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 town court during the trial of cases. Policemen shall also promptly serve any legal process issued by the town court.

1-403. When policemen to make arrests. 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.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it.

1-404. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other town ordinances shall be brought before the town court. However, if the town court is not in session, the arrested person shall be allowed to post bond with the town court clerk, or, if the town court clerk is not available, with the ranking police officer on duty. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the town judge. In addition, if the arrested person is under the influence of alcohol or drugs

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 9, chapter 7.

when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender.

1-405. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

(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. Appearance bonds authorized.
- 1-507. Imposition of fines, penalties, and costs.
- 1-508. Appeals.
- 1-509. Bond amounts, conditions, and forms.
- 1-510. Disposition and report of fines, penalties, and costs.
- 1-511. 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 may be relevant.

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<sup>1</sup>Charter references

Appeals from: Sec. 30.

Docket, fines, costs, etc.: Sec. 28.

Jurisdiction and power: Secs. 27 and 31.

Mayor's court: Sec. 27.

State offenses adopted: Sec. 32.

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

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 municipal code or 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 ex parte, 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. 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 town court clerk, or in the absence of the town court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs.

1-507. Imposition of fines, penalties, and costs.<sup>2</sup> All fines, penalties, and costs shall be imposed and recorded by the town judge on the town court docket in open court.

In all cases heard or determined by him, the town judge shall tax in the bill of costs a flat amount of twenty-one dollars (\$21.00) as court costs.

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<sup>1</sup>State law reference

For authority to issue arrest warrants see Tennessee Code Annotated, title 40, chapter 5.

<sup>2</sup>Charter reference

Docket, fines, costs, etc.: Sec. 28.



1-508. Appeals.<sup>1</sup> Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days<sup>2</sup> next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

1-509. Bond amounts, conditions, and forms. An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town court at the stated time and place. An appeal bond in any case shall be in such sum as the town judge shall prescribe, not to exceed 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.

1-510. 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 noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

1-511. 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>Charter reference  
Appeals: Sec. 30.

<sup>2</sup>State law reference  
Tennessee Code Annotated, section 27-5-101.

## CHAPTER 6

WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS

## SECTION

- 1-601. Applicability of chapter.
- 1-602. Work attendance.
- 1-603. Holiday leave.
- 1-604. Annual leave (vacation).
- 1-605. Sick leave.
- 1-606. Occupational disability or injury leave.
- 1-607. Leave with pay.
- 1-608. Leave without pay.

1-601. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees, except those operating under the jurisdiction of a school, utility or other separate board or commission.

1-602. Work attendance. All full-time employees of the town shall be in attendance at their regular work and at their regular place of work as may be designated by the department head under whose supervision such employees shall work. The head of every town department shall keep a daily attendance record of the employees working under such supervisor and shall report the same to the mayor.

1-603. Holiday leave. The following holidays shall be observed: New Year's Day, Martin Luther King, Jr. Day (3rd Monday in January), Memorial Day, Independence Day (July 4), Labor Day (1st Monday in September), Veteran's Day (November 11), Thanksgiving Day, and Christmas Day. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday and when a holiday falls on a Sunday, the following Monday shall be observed.

Whenever possible, every employee shall be given observed holidays. Hourly paid employees shall receive pay for eight (8) hours at their regular hourly rate for each observed holiday. Employees, other than sworn police personnel, who must work on a holiday outside of their regular work schedule, shall receive additional pay at their regular hourly rate for all time worked.

Sworn police personnel shall not observe holidays as such, but shall work their regularly assigned schedule. Each sworn member of the Police Department shall receive additional pay for eight (8) hours at their regular hourly rate for each observed holiday.

1-604. Annual leave (vacation). All permanent employees who have been continuously employed for a period of one (1) year or longer shall be credited with earned annual leave in accordance with the following schedule:

**Completed Service    Vacation Credit - Per Year**

<u>Department Heads</u>	
After 1 year	2 weeks
After 10 years	3 weeks
<u>All Other Employees</u>	
After 1 year	1 week
After 3 years	2 weeks
After 15 years	3 weeks

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. Employees shall accrue annual leave from their employment date, but shall not be entitled to take annual leave until they have completed one (1) year of service.

Annual leave may be taken as earned subject to the approval of the department head and/or the mayor who shall schedule vacations so as to meet the operational requirements of the town. Employees may accrue annual leave up to a maximum of twenty (20) days. Terminating employees shall receive payment for accrued vacation as of the date of termination.

Annual leave shall be charged to an employee in not less than one-half (1/2) day increments.

1-605. Sick leave. Sick leave with pay shall be granted all full-time employees at the rate of one-half (1/2) working day for each completed month of service and may be accrued to a maximum of thirty (30) days. Employees shall accrue sick leave from their employment date, but shall not be entitled to take sick leave until they have completed ninety (90) days of employment. No payment will be made for accrued sick leave upon separation. Sick leave with pay shall be granted for the following reasons: personal illness or physical incapacity resulting from causes beyond the employee's control; illness of a member of the employee's immediate family that requires the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations; to keep a doctor's appointment; or for a death in the immediate family.

Sick leave shall not be considered as right which an employee may use at his discretion, but rather as a privilege. Sick leave can be taken only by the

employee who has accrued it. No accrued sick leave may be given or transferred to another employee.

In order to be granted sick leave with pay, an employee must meet the following conditions: his immediate supervisor must be notified prior to the beginning of the scheduled work day; submit, if required by the department head, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and that he is again physically able to perform his duties. A medical statement may be required only if the period of absence is three (3) consecutive working days or longer.

Sick leave may be taken as necessary, but may not be extended or overdrawn beyond the accrual at the time of absence. Provided, however, that at the request of the employee any accrued vacation balance may be applied as though it were sick leave.

1-606. Occupational disability or injury leave. Occupational disability or injury leave shall be granted employees who sustain an injury or an illness during the course of their employment which is determined to be compensable under the provisions of the Worker's Compensation laws.

Employees on occupational disability leave shall receive such benefits in lieu of regular pay as are provided by the Worker's Compensation laws.

Employees on occupational disability leave who have accrued sick or annual leave may choose to receive full pay and charge such disability leave against their accrued sick or annual leave. Any monies received by the employee as a benefit under worker's compensation shall be deposited in original check or draft form with the City Recorder. The amount of sick leave charged against the employee per day shall be pro-rated based upon the difference between the employee's disability benefit and his regular, full-time pay.

1-607. Leave with pay. Leave with pay will be authorized in order that regular employees may serve required court and jury duty, provided that such leave is reported in advance to their supervisor.

A regular employee who is a member of any military reserve component will be allowed leave of absence with pay for a period not in excess of fifteen (15) working days during any one (1) calendar year.

1-608. Leave without pay. A regular employee may be granted a leave of absence without pay for a period not to exceed one (1) year for temporary sickness, disability, or for other good and sufficient reason. Such leaves shall require the prior approval of the mayor.

## CHAPTER 7

PERSONNEL REGULATIONS

## SECTION

- 1-701. Applicability of chapter.
- 1-702. Acceptance of gratuities.
- 1-703. Outside employment.
- 1-704. Use of municipal time, facilities, etc.
- 1-705. Use of position.
- 1-706. Strikes.

1-701. Applicability of chapter. This chapter shall apply to all full-time town officers and employees.

1-702. Acceptance of gratuities. No town 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 town business.

1-703. Outside employment. No full-time officer or employee of the town shall continue any outside employment if the work interferes with the satisfactory performance of the officer's or employee's duties. In addition, no such employee shall accept any outside employment if the work is incompatible with his town employment, or is likely to cast discredit upon or create embarrassment for the town.

1-704. Use of municipal time, facilities, etc. No town 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.

1-705. Use of position. No town 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.

1-706. Strikes. No town officer or employee shall participate in any strike against the town.