

CHARTER OF THE CITY OF BARTLETT¹

CHAPTER NO. 55

HOUSE BILL NO. 1601

By Representatives Byrd, Haley

Substituted for: Senate Bill No. 1613

By Senators Leatherwood, Person, Kyle

AN ACT to repeal chapter 449 of the Acts of 1905, chapter 87 of the Private Acts of 1949, Chapter 88 of the Private Acts of 1949, Chapter 211 of the Private Acts of 1949, Chapter 295 of the Private Acts of 1955, Chapter 57 of the Private Acts of 1961, chapter 496 of the Private Acts of 1967, Chapter 32 of the Private Acts of 1973, Chapter 81 of the Private Acts of 1973, Chapter 286 of the Private Acts of 1982 and Chapter 153 of the Private Acts of 1990, and all other Acts amendatory thereto, and to enact a new Charter for the City of Bartlett.

TABLE OF CONTENTS

| <u>ARTICLE/SECTION</u> | <u>PAGE</u> |
|--|-------------|
| I. INCORPORATION, NAME, GENERAL POWERS, AND CORPORATE LIMITS | C-5 |
| 1. Repeal of acts | C-5 |
| 2. Incorporation, name, and general powers | C-5 |

¹Priv. Acts 1993, ch. 55, is the current basic charter act for the City of Bartlett, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2021 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 to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

| <u>ARTICLE/SECTION</u> | <u>PAGE</u> |
|--|-------------|
| 2. ¹ Corporate limits | C-5 |
| II. CORPORATE POWERS | C-8 |
| 1. General corporate powers | C-8 |
| 2. Miscellaneous corporate powers | C-8 |
| 3. Intergovernmental relations | C-14 |
| 4. Construction | C-14 |
| III. ELECTIONS | C-14 |
| 1. Officers to be elected. Terms of office | C-14 |
| 2. Election dates | C-15 |
| 3. Eligibility to hold elective office | C-15 |
| 4. Qualifications for voting | C-15 |
| 5. Salaries and reimbursement for expenses of officials | C-15 |
| 6. Officials, oath of office | C-15 |
| 7. Vacancy in the office of mayor, vice mayor or aldermen | C-16 |
| 8. Composition of the Board of Mayor and Aldermen | C-17 |
| IV. MAYOR AND BOARD OF ALDERMEN MEETINGS | C-17 |
| 1. Mayor as presiding officer | C-17 |
| 2. Time and place of meetings | C-17 |
| 3. Quorum and adjournment | C-17 |
| 4. Called meetings | C-17 |
| 5. Ordinance procedure | C-17 |
| 6. Authority to codify and revise ordinances | C-18 |
| V. OFFICERS | C-18 |
| 1. Duties of mayor | C-18 |
| 2. Administrative duties of mayor | C-19 |
| 3. Duties of vice mayor | C-19 |
| 4. Sale of Property | C-19 |
| 5. Register | C-19 |
| VI. CITY CLERK | C-20 |
| 1. Appointment | C-20 |
| 2. Shall keep minutes | C-20 |

¹Priv. Acts of 1993, ch. 55, in Article I there are two sections numbered "2."

| <u>ARTICLE/SECTION</u> | <u>PAGE</u> |
|---|-------------|
| 3. Shall be custodian of public records, bonds, etc | C-20 |
| 4. Shall provide and certify copies of records, bonds, etc. | C-20 |
| 5. Shall perform any other duties imposed | C-20 |
| VII. CITY ATTORNEY | C-20 |
| 1. Qualifications | C-20 |
| 2. Appointment, duties and salary | C-21 |
| VIII. JUDICIAL | C-21 |
| 1. Qualifications, oath and salary of the office of city judge | C-21 |
| 2. Election and term of office of city judge | C-21 |
| 3. Jurisdiction, powers, and process | C-21 |
| 4. Imposition of bail | C-22 |
| 5. Maintenance of records | C-22 |
| 6. Maintenance of docket and other court rules | C-22 |
| 7. Separation of powers | C-22 |
| 8. Absence of the city judge | C-22 |
| IX. FINANCE AND BUDGET | C-22 |
| 1. Fiscal year | C-22 |
| 2. Annual budgets required | C-23 |
| 3. Finance director required to prepare and submit annual budget and explanatory message | C-23 |
| 4. Required content and organization of budget | C-23 |
| 5. Public hearing on annual budget | C-23 |
| 6. Budget adoption | C-23 |
| 7. Transfer of unencumbered appropriations | C-23 |
| 8. Emergency appropriations | C-24 |
| 9. Deficits | C-24 |
| 10. Lapsing of appropriations | C-24 |
| 11. Incurrence and discharge of obligations | C-24 |
| 12. Borrowing of funds | C-24 |
| 13. Accounting records, controls and audits | C-24 |
| 14. Competitive bidding and purchasing policies and procedures | C-25 |
| X. TAXATION | C-25 |
| 1. General power to levy taxes | C-25 |
| 2. Assessment and levy | C-25 |

| <u>ARTICLE/SECTION</u> | <u>PAGE</u> |
|--|-------------|
| 3. Penalties and interest on delinquent taxes | C-25 |
| 4. Privilege taxes generally | C-25 |
| 5. Institution of suits to enforce tax liens | C-25 |
| 6. Statutory lien | C-26 |
| 7. Collection of delinquent taxes | C-26 |
| 8. County may collect taxes | C-26 |
| | |
| XI. ADMINISTRATION | C-26 |
| 1. Departments, offices and agencies | C-26 |
| 2. Personal financial interest | C-26 |
| 3. Personnel system | C-26 |
| 4. Prohibitions | C-27 |
| 5. Appointments | C-28 |
| 6. Special contractual appointments | C-28 |
| 7. Employees who handle money shall be bonded | C-28 |
| 8. Provisions for retirement system as determined by the Board of Mayor and Aldermen | C-28 |
| 9. Authority to regulate or prohibit solicitors, peddlers, etc | C-29 |
| 10. Authority to render fire service outside the corporate limits | C-29 |
| | |
| XII. MISCELLANEOUS AND TRANSITIONAL PROVISIONS | C-29 |
| 1. Officers under old charter to hold over | C-29 |
| 2. Bond of officers under old charter to continue in effect | C-30 |
| 3. Property of old corporation to pass to new one | C-30 |
| 4. Licenses and privileges to continue in effect, money due the old corporation now due the new one | C-30 |
| 5. Outstanding obligations of old corporation assumed | C-30 |
| 6. Gender | C-30 |
| 7. Definitions | C-30 |
| 8. Employer benefits | C-31 |
| 9. Cooperative agreements and contracts | C-31 |
| 10. Other general laws | C-31 |
| 11. Severability | C-31 |
| 12. Approval of act | C-31 |
| 13. Act to be effective | C-32 |

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

ARTICLE I

INCORPORATION, NAME, GENERAL POWERS AND CORPORATE LIMITS

SECTION 1. Chapter 449 of the Acts of 1905, Chapter 87 of the Private Acts of 1949, Chapter 88 of the Private Acts of 1949, Chapter 211 of the Private Acts of 1949, Chapter 295 of the Private Acts of 1955, Chapter 57 of the Private Acts of 1961, Chapter 496 of the Private Acts of 1967, chapter 32 of the Private Acts of 1973, Chapter 81 of the Private Acts of 1973, Chapter 286 of the Private Acts of 1982 and Chapter 153 of the Private Acts of 1990, and all other Acts amendatory thereto, are hereby repealed and the following sections shall become the Charter for the City of Bartlett.

SECTION 2. Incorporation, Name and General Powers. The inhabitants of the City of Bartlett, Shelby County, Tennessee, are hereby constituted a corporation and body politic by the name and style of the City of Bartlett, Tennessee, and by that name may sue and be sued, contract and be contracted with, hold real and personal property, assess taxes to improve the streets, public square, waterworks, and electric light plants, cemetery, public schools, and for all lawful purposes, and pass all bylaws and ordinances necessary for the welfare and benefit of the city, and by the name of the City of Bartlett, Tennessee, may have perpetual succession and may have and use a common seal and alter the same at pleasure. Without limiting the foregoing, the municipality shall have all powers authorized by the general statutes of the State of Tennessee relative to the municipality.

SECTION 2¹. Corporate Limits. The boundaries of the city shall be those fixed by Chapter 449 of the Acts of 1905, and all acts amendatory thereof, and annexations made pursuant to general law, and being described as:

BEGINNING at a point in the southwest corner of parcel 86, Block 65, District 1 of the Shelby County Assessor Map; Thence north for a distance of 2,309 feet to a point; Thence northwest for a distance of 370 feet to a point in the northern Right-of-Way of the CSX Railroad; thence northeast for a distance of 331 feet to a point; Thence north for a distance of 3,426 feet to a point in the centerline of Stage Road; Thence

¹Priv. Acts of 1993, ch. 55, in Article I there are two sections numbered "2."

west along the centerline of Stage Road for a distance of 2,593 feet to a point; Thence north for a distance of 1,663 feet to a point; Thence east for a distance of 760 feet to a point; Thence northwest for a distance of 330 feet to a point; Thence east for a distance of 1,406 feet to a point in the centerline of Old Brownsville Road; Thence north along the centerline of Old Brownsville Road for a distance of 4,572 feet to a point; Thence southeast for a distance of 329 feet to a point; Thence east for a distance of 997 feet to a point; Thence south for a distance of 702 feet to a point in the north Right-of-Way of Yale Road; thence east along the northern Right-of-Way of Yale Road for a distance of 2,951 feet to a point; Thence northeast for a distance of 1,737 feet to a point in the eastern Right-of-Way of Billy Maher Road; Thence northwest for a distance of 973 feet to a point; Thence north along the eastern Right-of-Way of Billy Maher Road for a distance of 6,576 feet to a point in the south Right-of-Way of Fiske Road; Thence east for a distance of 2,112 feet to a point; Thence north for a distance of 248 feet to a point; Thence west for a distance of 206 feet to a point; Thence north for a distance of 2,162 feet to a point; Thence northwest for a distance of 498 feet to a point; Thence west for a distance of 687 feet to a point; Thence north for a distance of 320 feet to a point; Thence west for a distance of 234 feet to a point; Thence north for a distance of 2,280 feet to a point in the northern Right-of-Way of Old Brownsville Road; Thence east for a distance of 1,570 feet to a point; Thence north for a distance of 1,034 feet to a point; Thence northeast for a distance of 38 feet to a point; Thence north for a distance of 2,830 feet to a point; Thence east for a distance of 227 feet to a point; Thence east for a distance of 391 feet to a point; Thence east for a distance 241 feet to a point; Thence east for a distance of 325 feet to a point; Thence east for a distance of 204 feet to a point; Thence east for a distance of 182 feet to a point; Thence east for a distance of 2,379 feet to a point; Thence south for a distance of 4,907 feet to a point in the northern Right-of-Way of Old Brownsville road; Thence west for a distance of 1,833 feet to a point; Thence south for a distance of 2,934 feet to a point; Thence east for a distance of 69 feet to a point; Thence south for a distance of 234 feet to a point; thence east for a distance of 110 feet to a point; Thence south for a distance of 1,227 feet to a point; Thence east for a distance of 241 feet to a point; Thence south for a distance of 572 feet to a point in the south Right-of-Way of Fiske Road; Thence east for a distance of 1,983 feet to a point; thence east for a distance of 1,163 feet to a point in the south Right-of-Way of Ellendale Road; Thence south along the south Right-of-Way of Ellendale Road for a distance of 2,617 feet to a point; Thence north for a distance of 706 feet to a point; Thence east for a distance of 241 feet to a point; Thence south for a distance of 58 feet to a point; Thence east for a distance of 2,030 feet to a point; Thence north for a distance of 38 feet to a point; Thence east for a distance of 122 feet to a

point; Thence south for a distance of 39 feet to a point; Thence east for a distance of 654 feet to a point; Thence south for a distance of 237 feet to a point; Thence east for a distance of 728 feet to a point; Thence north for a distance of 39 feet to a point; Thence east for a distance of 2,472 feet to a point in the centerline of the CSX Railroad; thence north for a distance of 2,059 feet to a point; Thence east for a distance of 2,252 feet to a point in the East Right-of-Way of Westbrook Road; Thence south for a distance of 1,605 feet to a point; Thence west, following a curve in the east Right-of-way of Westbrook Road for a distance of 93 feet; Thence west for a distance of 414 feet to a point; Thence south following a curve in the east Right-of-Way of Westbrook Road for a distance of 40 feet to a point; Thence south for a distance of 2,303 feet to a point; Thence southeast for a distance of 198 feet to a point; Thence northeast for a distance of 642 feet to a point; Thence south for a distance of 356 feet to point in the east Right-of-Way of U.S. Highway 70; Thence northeast for a distance of 2,359 feet to a point in the west Right-of-Way of Germantown Road; Thence south for a distance of 2,553 feet to a point; Thence west for a distance of 3,174 feet to a point; Thence south for a distance of 1,416 feet to a point; Thence east for a distance of 1,470 feet to a point; Thence north for a distance of 239 feet to a point; Thence east for a distance of 1,559 feet to a point; Thence south for a distance of 1,113 feet to a point; Thence east for a distance of 70 feet to a point in the west Right-of-Way of Germantown Road; Thence south for a distance of 1,007 feet to a point; Thence south for a distance of 1,757 feet to a point; Thence east for a distance of 2,316 feet to a point; Thence east for a distance 1,985 feet to a point; Thence south for a distance of 74 feet to a point; Thence east for a distance of 892 feet to a point; Thence north for a distance of 255 feet to a point; Thence east for a distance of 519 feet to a point; Thence south for a distance of 1,741 feet to a point; Thence west for a distance of 642 feet to a point; Thence south for a distance of 1,492 feet to a point in the north Right-of-Way of Brunswick Road; Thence west for a distance of 787 feet to a point; Thence south for a distance of 130 feet to a point in the north Right-of-Way of U.S. Highway 64; thence west for a distance of 11,137 feet to a point; Thence west for a distance of 5,507 feet to a point, Thence southwest for a distance of 1,511 feet to a point; Thence south for a distance of 86 feet to a point; Thence west for a distance of 101 feet to a point; Thence southwest for a distance of 3,812 feet in the centerline of Charles Bryan Road; Thence south for a distance of 509 feet to a point; Thence southwest for a distance of 398 feet to a point; Thence northwest for a distance of 556 feet to a point in the centerline of U.S. Highway 70; Thence southwest for a distance of 2,573 feet to a point in the north Right-of-Way of the Tennessee Valley Authority Transmission easement; Thence west for a distance of 4,953 feet to a point in the west Right-of-Way of Bartlett Boulevard; Thence west for a distance of 3,063 feet to the

POINT OF THE BEGINNING, Being in area 15,465 square miles note: all distance approximate.

ARTICLE II

CORPORATE POWERS

SECTION 1. General Corporate Powers. The City of Bartlett shall have perpetual succession, may sue and be sued, grant, receive, purchase and hold real, mixed and personal property, and may have and use a corporate seal and may alter the same at its pleasure.

SECTION 2. Miscellaneous Corporate Powers. The City of Bartlett shall have the power:

- (1) To assess, levy, and collect taxes for all general and special purposes on all subjects, objects of taxation, and privileges authorized by law;
- (2) To adopt such classifications of subjects and objects of taxation as may not be contrary to law;
- (3) To make special assessments for local improvements;
- (4) To contract and be contracted with;
- (5) To incur debts by borrowing money or otherwise and to give any appropriate evidence thereof;
- (6) To issue and give, sell, pledge, or in any manner dispose of negotiable or non-negotiable interest-bearing or non-interest bearing bonds, warrants, promissory notes, or orders of the city, upon the credit of the city or solely upon the credit of specific property used in connection with any public utility owned or operated by the city or solely upon the credit of the proceeds of special assessments for local improvements or upon any two or more such credits.
- (7) To expend the money of the city for all lawful purposes;
- (8) To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein within or without the city or state. Furthermore, to regulate all public grounds belonging to the city, to provide for the erection and repairing of all buildings necessary for the

use of the city, and the power to convey property by sale to any purchaser thereof in any manner provided by the ordinances of the city when a property is no longer required for public use. Further, the city shall, by ordinance, make all necessary rules and regulations for the use of public grounds and property;

(9) To condemn property, real or personal, or any easement, interest, estate, or use therein, either within or without the city, for present or future public use. Such condemnation shall be made and effected in accordance with the terms and provisions of general law;

(10) To take and hold property within or without the city or state upon trust and to administer trusts for the public benefit;

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

(12) To grant any person, firm, association, or corporation franchises or contracts or both for public utilities and public services to be furnished to the city and those therein. Such power to grant franchises and make contracts shall embrace the power hereby expressly conferred to grant exclusive franchises and make exclusive contracts; and whenever an exclusive franchise or contract is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. The board may prescribe in each grant of a franchise, or in each contract respecting same, any or all of the rates, fares, charges, method of determining same, and regulations that may be made by the grantee of the franchise or contract. Franchises or contracts may, by their terms, apply to the territory within the corporate limits of the city at the date of the franchises or contracts into such corporate limits thereafter as same may be enlarged and to the then existing streets, alleys, and to other thoroughfares which may be opened; provided, however, this paragraph shall not affect existing contracts or franchises;

(13) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities and compel from time to time reasonable extensions of facilities for such services, but 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 subsection 11 of Section 2 of this Article;

(14) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, bridges, viaducts, subways, sewers, and drains within or without the corporate limits, assess fees for the use of or impact upon such property and facilities, and to take any appropriate property for such uses as may be provided by general law;

(15) To construct, and improve any streets, highways, avenues, alleys, or other public places within the corporate limits, to take all other action necessary and incidental thereto, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, or alleys under and as provided by general law;

(16) To establish the limits of street and alley rights-of-way when necessary.

(17) To assess against abutting property within the corporate limits the cost of removing from sidewalks and other public property all accumulations of snow, ice and earth; cutting and removing noxious weeds and rubbish; street lighting, street sweeping, street sprinkling, street flushing, and oiling; and cleaning and rendering sanitary, or removing, abolishing, or prohibiting of unsanitary conditions in such manner as may be provided by general law or by ordinance of the board, require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands;

(18) To license and regulate, in accordance with applicable law, all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade;

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

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

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

(22) To regulate the location, bulk, occupancy, area, lot, location, height, construction, and materials of all buildings and structures and to inspect all buildings, lands, and places as to their condition for health, cleanliness, and safety, and, when necessary to make them healthful, clean, or safe;

(23) To provide and maintain charitable, education, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services;

(24) To purchase or construct, maintain, and establish a penal facility for the confinement or detention of any person convicted in city court of offenses against the laws and ordinances of the city and who is required to be confined as a result of such conviction or to contract with other governments to keep said persons in their penal facility and to provide by said contract and by ordinance for the commitment of such persons to the penal facility so provided;

(25) To enforce any ordinance, rule or regulation by means of fines, penalties and imprisonment, or by action or proceedings in any court of competent jurisdiction, or by any one or more of such means and to impose costs as a part thereof, as provided by state law;

(26) To establish schools, determine the necessary boards, officers, and teachers required therefor, and fix their compensation; to purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; to purchase or erect all necessary buildings and to do all other acts necessary to establish, maintain, and operate a complete educational system within the city;

(27) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, 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 any manner provided by general laws;

(28) To call elections as hereinafter provided;

(29) To determine the boundaries of the city by appropriate survey or other acceptable method when necessary;

(30) To provide compensation and benefits program for the welfare of the employees and elected officials of the city;

(31) To provide for the establishment and operation of all offices, boards, divisions, and departments not herein enumerated which may be deemed necessary or expedient in the interest of the city;

(32) To provide for and establish a planning commission, design and review commission and a board of zoning appeals pursuant to and consistent with the general law and to invest such bodies with all the powers conferred by general law; and to act upon the plans, plats, decisions, and recommendations made by such bodies respectively, as in the general law provided;

(33) To do all things necessary to provide the city sufficient and safe water; to provide for the regulation, construction, and maintenance of water works, settling basins, pumping stations, water pipes, mains, rights-of-way for the same, reservoirs, and all approximation, whether within or without the corporate limits of the city; to provide for rates and assessments for water service and to provide and fix liens or penalties including withdrawal of service for refusal or failure of the party served to pay for same;

(34) To provide for a sewerage collection, treatment, and disposal facility, whether within or without the corporate limits of the city; to provide for rates and assessments for water service and to provide and fix liens or penalties including withdrawal of service for refusal or failure of the party served to pay for same;

(35) To regulate the collection and disposal of storm water drainage and to license such collection and disposal;

(36) To collect and dispose of sewage, offal, ashes, garbage, and refuse, and to impose a compulsory service charge for such, or to license and regulate such collection and disposal, charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts;

(37) To establish, regulate, license, inspect, test and weigh any article for consumption, or use within the city and to charge reasonable fees therefore;

(38) To provide for health and safety of the citizens, and preservation of property which is in such a state of disrepair as to be

unsafe, unsanitary or unsightly. The city shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made.

(39) To prescribe standards of health and sanitation and to provide for the enforcement of such standards. To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts.

(40) To define, regulate, and prohibit any act, practice, conduct, or use of property, that would be detrimental to the health, morals, safety, security, peace, or general welfare of inhabitants of the city.

(41) To regulate and establish minimum standards for building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the city, and to provide for the enforcement of such standards.

(42) To provide regulations establishing standards of weights and measures and to enforce compliance with such standards.

(43) To regulate, license, and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift, or humane killing when not redeemed as provided by ordinance.

(44) To regulate and license vehicles operated for hire in the city, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(45) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans.

(46) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the city and

its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the state.

In addition, if the present or any future provisions of the general law of the State of Tennessee would grant powers to the city that are not specifically set forth herein, the city shall also have such powers.

SECTION 3. Intergovernmental Relations. The City of Bartlett may exercise any of its powers or perform any of its functions and may participate in the financing, by contract or otherwise, jointly or in cooperation with any one or more state or civil divisions or agencies thereof or the government of the United States or any agency thereof.

SECTION 4. Construction. The powers of the City of Bartlett under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers stated in this article.

ARTICLE III

ELECTIONS

SECTION 1. Officers to be elected. Terms of office. There shall be elected by the qualified voters of the City of Bartlett, a Mayor and six Aldermen in a non-partisan, at-large, general municipal election. The Mayor and Aldermen shall be elected for terms of four (4) years and each shall hold their office until their successor is elected and qualified. It is the intent of this Charter to designate the existing six (6) Aldermanic positions one (1) through six (6). In filing for election any candidate for Alderman or Mayor shall select and identify the position sought. The Mayor and all Aldermen shall be elected from the City-at-Large and one (1) Alderman shall be elected to each position. The candidates receiving the highest number of votes in an election for each designated position shall be declared elected as Mayor and Aldermen. In the event of a tie vote in any Mayor or Alderman's election, the incumbent Board shall decide which of the candidates shall serve. The Mayor at the first regular meeting after each general election and swearing-in shall appoint from the Board's membership a Vice-Mayor for a term of two (2) years. The Board shall also elect from its membership a register for a term of four (4) years. At the regular November election held in 1994, elections shall be held for the position

of Mayor and Aldermen's positions 1, 2, & 3. Persons elected on that date shall serve four (4) year terms. At the regular November election held in 1996, elections shall be held for Aldermanic positions 4, 5 & 6. Persons elected on that date shall serve four (4) year terms. Such staggered elections shall continue thereafter. [As replaced by Priv. Acts 1998, ch. 134, § 1]

SECTION 2. Election Dates. The first election under this charter shall be held at the regular November election on the first Tuesday after the first Monday in November, 1994.

SECTION 3. Eligibility to Hold Elective Office. Every citizen of legal voting age who is entitled to vote in state elections, and has lived within the corporate limits of said corporation for the period of one (1) year immediately preceding the filing deadline for an election shall be eligible to hold any of the elective offices for the City of Bartlett.

SECTION 4. Qualifications for Voting. All persons who are qualified voters under the general law of the state, and reside within the corporate limits of said corporation, shall be qualified voters under this act in all elections held by the City of Bartlett.

SECTION 5. Salaries and Reimbursement for Expenses of Officials. The board of mayor and aldermen is hereby authorized, by resolution entered upon the minutes, to fix the salaries of the mayor. The vice mayor in such sum to be paid in lieu of, rather than in addition to, the regular alderman salary; and to fix the salary of the aldermen.

The board of mayor and aldermen shall have the full right, power and authority to reimburse any elected official for any out of pocket expenses incurred by them in travel, or expenses actually incurred by elected officials in serving the City of Bartlett, Tennessee.

SECTION 6. Officials, Oath of Office. The mayor, aldermen, and any person assuming any office of the city shall, before entering upon the duties of their respective offices, take an oath, before a person authorized to administer oaths in this state, to faithfully, uprightly, and honestly demean themselves as such officers of the city during their continuance in office and shall subscribe to the following oath or affirmation: "I, _____, do solemnly swear, that I will faithfully discharge the duties of _____ for the City of Bartlett, Tennessee, and will uphold the Charter and ordinances of the City of Bartlett, the Constitution and laws of the State of Tennessee and of the United States of America. I further swear, that I shall perform my duties as _____ without favor or partiality, and not affected by personal consideration of gain or conflict. This, I do solemnly swear, so help me God."

SECTION 7. Vacancy in the Office of Mayor, Vice Mayor or Alderman.

A vacancy shall exist in the applicable office if the mayor or an alderman resigns, dies, moves his residence from the city, has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office, accepts or is popularly elected to any federal, state, county, or other municipal office, or is convicted of malfeasance or misfeasance in office, a felony, or a violation of the election of laws of the state, or is adjudicated to have violated the Charter of this city. In the event the mayor or an alderman fails to attend sixty percent (60%) of the regular board meetings in any period of twelve (12) consecutive months, such shall be a reason for declaring a vacancy in the applicable office.

The declaration of a vacancy, as defined herein, in the office of mayor or in the office of alderman may be made by motion of any member of the board at any meeting thereof. Such vacancy shall be deemed to have occurred upon the passage of such motion by the board.

(a) Procedure for Filling Vacancy in Office of Mayor. When a vacancy occurs in the office of mayor, the vice mayor shall immediately assume the office of mayor until the next regular November election, at which time an election will be held to fill the remainder of the unexpired term.

(b) Procedure for filling the vacancy in office of Vice-Mayor. When the Vice-Mayor assumes the office of Mayor, or when his term as Vice-Mayor expires, or if the Alderman serving as Vice-Mayor should vacate his/her office for any other reason, so that the office of Vice-Mayor is vacant, the Mayor within thirty (30) days after such vacancy occurs, shall appoint from the membership of the Board a Vice-Mayor to serve for the unexpired term of the Vice-Mayor who has vacated the office.

(c) Procedure for Filling Vacancy in Office of Register. When a vacancy occurs in the office of register, the board shall elect from its membership, within thirty (30) days after such vacancy occurs, an alderman to serve for the remainder of the unexpired term.

(d) Procedure for filling vacancy in the office of Alderman. Within thirty (30) days after a vacancy occurs in the office of Alderman, the Board shall appoint to such office a citizen, who would be eligible for election thereto, to serve the office of Alderman until the next regular November General Election, at which time an election will be held to fill the remainder of the unexpired term. [As amended by Priv. Acts 1998, ch. 134, §§ 2 and 3]

SECTION 8. Composition of the Board of Mayor and Aldermen. The mayor and six (6) aldermen elected under this charter shall compose the board of mayor and aldermen, in which is vested with all corporate, legislative and other powers of the city, except as otherwise provided in this Charter.

ARTICLE IV

MAYOR AND BOARD OF ALDERMEN MEETINGS

SECTION 1. Mayor as Presiding Officer. The mayor shall preside at meetings of the board and may vote on any item brought before the board for consideration.

SECTION 2. Time and Place of Meetings. The mayor shall fix the time and place at which the regular meetings of the board shall be held. Regular meetings of the board of mayor and aldermen shall be held at least monthly for the conduct of such business as may properly come before the board. Adequate public notice of all meetings shall be given.

SECTION 3. Quorum and Adjournment. A majority of the board of mayor and aldermen, excluding any vacancies, shall constitute a quorum. The mayor, vice mayor, or the presiding alderman shall have a vote on all questions and shall have the authority to introduce or second any motions. The mayor shall at all times be included for purposes of constituting a quorum.

A regular meeting at which a quorum is present may be adjourned by a majority vote, either from day to day or from time to time; but no such adjournment shall continue to a scheduled date beyond the day preceding the next regular meeting; and any adjourned meeting shall continue as a regular meeting through said adjournment.

SECTION 4. Called Meetings. The board shall meet in special session on written notice of the mayor or any three (3) aldermen. Notice of called meetings shall be personally served on the parties entitled to such notice. Adequate public notice of called meetings shall be given.

SECTION 5. Ordinance Procedure. All ordinances passed heretofore by and for the city are hereby declared valid and binding and are to continue in effect unless they conflict with the provisions of this Charter. Ordinances proposed hereafter shall be passed in the following manner:

All ordinances shall be passed on three (3) different days at a regular, adjourned, or called meeting of the board. Ordinances may be amended up to and at the third and final reading. A public hearing shall be held

prior to or at the third and final reading of an ordinance, and notice of such hearing shall be published in a newspaper of general circulation within the community and posted at city hall. Ordinances shall be made available for public inspection. Each ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Ordinances shall be signed by the mayor, acting mayor, or the register, placed in an ordinance book, and thereby attested by the signature of the city clerk and filed and preserved.

SECTION 6. Authority to Codify and Revise Ordinances. The City of Bartlett, in the preparation of any digest of its local laws, ordinances or contracts, is hereby authorized and empowered to codify, revise and collect in the form of a code, all ordinances of a general nature; and in so doing, the mayor and aldermen shall have full power without special ordinance referring to each ordinance amended, altered, repealed or modified, to amend, alter, repeal or modify any ordinance of a general nature other than contract ordinances, franchises, ordinances relating to bond issues, or other ordinances in or by which the town has assumed such contract obligations as are protected by the Constitution of the United States or the State of Tennessee, so long as the intent of the ordinance is not changed.

Such code shall be in the form of an ordinance, and shall be passed by the mayor and aldermen in the same form and manner as is now provided, however, it shall not be necessary to publish any such ordinance, and the fact that the code established by such ordinance has not been published shall not affect its validity.

The provisions of any such code shall be conclusively held to be the law in the City of Bartlett at the time of its passage, with respect to any subject or provisions contained therein, and no person shall be permitted to impeach any such code provision on the ground that it was not duly and regularly passed in accordance with the laws existing at the time of its passage.

Such code, or copy thereof, which purports to be published by authority of the City of Bartlett, may be read in evidence in any court in this state, without further proof of its passage.

ARTICLE V

OFFICE

SECTION 1. Duties of the Mayor. The mayor shall be the executive head of the city, responsible for enforcement of the ordinances of the city and the laws of the state within the city. The mayor shall have such powers and duties as are

specified in this Charter, as may be provided by ordinance not inconsistent with this Charter, or as are otherwise provided by law. It shall be the duty of the mayor to preside at all meetings of the board.

SECTION 2. Administrative Duties of Mayor. The mayor shall have the powers of a business manager; he shall have supervision and control of all the administrative affairs of the city; and he shall be the city's chief executive. He shall have access to all of the books, records, offices and papers of every kind pertaining to the city's business and shall require their proper maintenance and safekeeping. He shall present his recommendations to the board, either verbally or in writing, at any time he deems necessary.

The mayor shall have control over all municipal improvements and property and he shall have the exclusive power to make all expenditures within the budget after the same have been appropriated by the board.

The mayor shall take all proper measures for the preservation of public order and preservation of the peace and he may call upon the Governor for military aid.

The mayor shall appoint, subject to confirmation by the board, any employee who is designated a department head or appointed official. All department heads, all appointed officials and all city personnel deemed management staff shall serve at the will and pleasure of the mayor and may be discharged with or without notice and with or without cause by the mayor.

He shall have authority to make appointments, promotions and transfers of employees; to make demotions, suspensions and removals of officers and employees for cause; and may delegate such authority as he deems necessary.

SECTION 3. Duties of the Vice Mayor. The vice mayor of the City of Bartlett, in the absence, sickness, or the inability or disqualification of the mayor for any reason to perform his official duties, shall be authorized to act in the room and stead of the mayor, and all powers and authority that are in said Charter conferred on the mayor are hereby conferred on the vice mayor when he is acting as mayor as fully and completely as if the same were set out to detail.

SECTION 4. Sale of Property. The mayor may sell city property which is obsolete, surplus or unusable; provided, however, that any sale for more than \$500.00 or any sale of real estate shall be subject to approval by the board.

SECTION 5. Register. The register shall have such powers and duties as are specified in this Charter, as may be provided by ordinance, or as

otherwise provided by law. The register shall execute by counter-signature with mayor or vice mayor, all ordinances, resolutions, minutes, and other documents of the city.

ARTICLE VI

CITY CLERK

SECTION 1. Appointment. The city clerk shall be nominated by the mayor and confirmed by majority vote of the board of aldermen at such salary and with such other benefits incidental to the position as is provided by the board.

SECTION 2. Shall Keep Minutes. It shall be the duty of the city clerk to be present at all meetings of the board and to prepare and maintain a full and accurate record of all business transacted by the same.

SECTION 3. Shall Be Custodian of Public Records, Bonds, Etc. The city clerk shall have custody of and preserve in his office the city seal, the public records, ordinance books, minutes of the board, contracts, bonds, titles, deeds, certificates and papers, all official indemnity or security bonds, and all other bonds, oaths, and affirmations, and all other records, papers and documents not required by this Charter or by ordinance to be deposited elsewhere, and register them by numbers, dates, and contents, and keep an accurate and current index thereof.

SECTION 4. Shall Provide and Certify Copies of Records, Papers, Etc. The city clerk shall provide and, when required, certify copies of records, papers and documents in his office and charge therefor, for the use of the city, such fees as may be provided by ordinance; and cause copies of ordinances to be published as may be directed by the board and kept in his office for distribution.

SECTION 5. Shall Perform Any Other Duties Imposed. The city clerk shall also perform any other duties imposed upon him by this Charter or by ordinance.

ARTICLE VII

CITY ATTORNEY

SECTION 1. Qualifications. The city attorney shall be an attorney at law licensed to practice in the courts of the State of Tennessee.

SECTION 2. Appointment, Duties and Salary. The city attorney shall be appointed by the mayor and board of aldermen and shall direct management of all litigation in which the city is a party; represent the city in all legal matters and proceedings in which any of its officers is officially interested; attend meetings of the board as requested and advise the board of mayor and aldermen and committees and members thereof, heads of all departments, offices, or agencies as to all legal questions affecting the city's interests; and approve as to form, all contracts, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of, or made by, or with the city. His salary and other benefits incidental to his position shall be fixed by the board, and he shall serve at the will and pleasure of the mayor.

ARTICLE VIII

JUDICIAL

SECTION 1. Qualifications, Oath and Salary of the office of City Judge. The office of city judge shall constitute the city court. The city judge shall take the oath prescribed by law, and shall receive such salary and benefits incidental to his position as may be provided by the board.

SECTION 2. Election and Term of Office of City Judge. The city judge shall be elected by a popular vote of the registered voters of the City of Bartlett. The term of office of the city judge shall be eight (8) years, except for any initial term which may be shorter. Upon the effective date of this section, the board may appoint a qualified person to serve as city judge until the next regular November election. The first city judge popularly elected pursuant to this section shall be elected at the election held pursuant to Article III Section 2 of this charter. Any person elected city judge pursuant to the provisions of this section must meet the requirements and qualifications established in Article 6, Section 4, of the Tennessee Constitution for judges of inferior courts. Any person elected city judge shall also be a resident of the city of Bartlett.

The board shall establish, by ordinance, provisions for filling the office of city judge in the event of a vacancy. The person appointed, however, may serve only until the next regular November election. At this election, a person shall be elected to serve any unexpired term if the full term is not to be filled at the election.

SECTION 3. Jurisdiction, Powers, and Process. The jurisdiction of the city judge shall extend to the trial of all offenses in violation of the ordinances of the city and shall be concurrent with the court of General Sessions of Shelby County, Tennessee in all cases for violation of the criminal laws of the state. Costs in trials of offenses against the ordinances of the city shall be provided by

ordinance. The city judge shall have the power to levy fines, penalties, and costs, to issue all necessary process, to administer oaths, and to maintain order, including the power to punish for contempt by fine or confinement, but not exceeding the limits provided by general law.

SECTION 4. Imposition of Bail. The bail of persons arrested and awaiting trial and persons appealing the decision of the city judge shall be fixed by the city judge. The city judge shall require such security for bail as in his or her discretion is deemed necessary or as may be provided by ordinance.

SECTION 5. Maintenance of Records. The city court clerk shall have the duty of maintaining all records of the city court in accordance with applicable laws.

SECTION 6. Maintenance of Docket and Other Court Rules. The board shall require the proper maintenance of the docket of the city court and other records of the court, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the court as are deemed necessary.

SECTION 7. Separation of Powers. The city judge shall be the exclusive judge of the law and facts in every case before him and no official or employee of the city shall attempt to influence his or her decision except through pertinent facts presented to the court.

SECTION 8. Absence of the City Judge. In the event of the temporary absence or disqualification of the city judge, the judge shall designate an acting city judge who shall have the same general qualifications for city judge as set forth herein.

In the event of temporary disability of a judge, as determined by the board, the board shall designate an acting or alternate city judge, said judge to have the same general qualifications as set forth for city judge, and to receive such salary and benefits as may be provided by the board.

ARTICLE IX

FINANCE AND BUDGET

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, unless otherwise provided by law.

SECTION 2. Annual Budgets Required. The adoption of an annual budget shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

SECTION 3. Finance Director Required to Prepare and Submit Annual Budget and Explanatory Message. At least forty-five (45) days before the beginning of the fiscal year, the finance director shall prepare and submit to the board a budget for the ensuing fiscal year and an accompanying message. The message shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year with respect to financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position, and include any other material which the finance director deems necessary or the board may require.

SECTION 4. Required Content and Organization of Budget. The budget shall provide a complete financial plan for the upcoming fiscal year and, except as required by law or this Charter, shall be in such form as the finance director deems necessary or the board may require.

SECTION 5. Public Hearing on Annual Budget. After considering the finance director's proposed annual budget and any modification thereto, the board shall schedule a time and place for a public hearing and shall give proper notice of the time and place of the public hearing, a summary of the annual budget tentatively approved by the board, and a notice of when and where the entire annual budget may be inspected. Notice of public hearing must be given at least seven (7) days in advance of the date of the hearing.

SECTION 6. Budget Adoption. After the public hearing, the board shall adopt the budget, with such modifications or amendments as the board deems necessary, for the following year on or before the last day of the current fiscal year. If the board fails to adopt a budget by this date, the appropriations for the current fiscal year shall become the appropriations for the next fiscal year until adoption of a new budget ordinance.

Adoption of the budget shall be by ordinance. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

SECTION 7. Transfer of Unencumbered Appropriations. At any time during the fiscal year, the finance director upon request of the department director, may transfer part or all of any unencumbered appropriation within a department, office, or agency. Any such transfers shall be reported to the board. The board, by appropriate resolution may authorize the finance director to

transfer moneys from one (1) department, office or agency to another subject to such limitations and procedures as it may prescribe.

SECTION 8. Emergency Appropriations. Upon a declaration by the board that there exists a public emergency affecting life, health, property, or the public peace, the board may make emergency appropriations. To the extent that unappropriated revenues are not available to meet such emergencies, the board is authorized to borrow funds sufficient to meet the needs of the emergency by issuing evidence of the city's obligations. Provision shall be made in the budget for the following fiscal year for the payment of such obligations.

SECTION 9. Deficits. If at any time during the fiscal year it appears probable to the finance director that the available revenues will be insufficient to meet the amount appropriated, he shall report to the board without delay the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other actions required. The board shall then take such action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce appropriations.

SECTION 10. Lapsing of Appropriations. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be credited to the balance of the respective fund.

SECTION 11. Incurrence and Discharge of Obligations. No payment shall be made or obligation incurred against any appropriation unless the finance director 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 to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

SECTION 12. Borrowing of Funds. The board may authorize the city to issue bonds or to borrow money in conformance with the laws of the State of Tennessee.

SECTION 13. Accounting Records, Controls and Audits. Adequate accounting records shall be maintained in accordance with generally accepted accounting principles. Constant and comprehensive budgetary control shall also be maintained. An audit of the financial statements of the city shall be required by action of the board and same shall be made after the end of each fiscal year by an independent certified public accountant.

SECTION 14. Competitive Bidding and Purchasing Policies and Procedures. All purchases of goods and services by authorized officials of the city, using or encumbering municipal funds, shall be made in accordance with board policies and applicable laws of the State of Tennessee.

ARTICLE X

TAXATION

SECTION 1. General Power to Levy Taxes. The board of mayor and aldermen shall have and are hereby given the power to levy taxes for all corporate purposes upon all taxable property, real, personal and mixed, and upon all taxable privileges within the limits of the city, the board of mayor and aldermen shall also have the power to license, tax and regulate anything regulated by the state and the county.

SECTION 2. 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 3. Penalties and Interest on Delinquent Taxes. The City of Bartlett, Shelby County, Tennessee, shall establish due and delinquent dates for payment of property taxes and shall be allowed to assess penalties and collect interest on delinquent taxes which may be due the municipality as are now or may hereafter be assessed and/or collected by the state and county. Taxes shall be due on December 1st of each year, and declared delinquent if not paid in full on or before March 1 of the following year.

SECTION 4. Privilege Taxes Generally. The City of Bartlett shall be authorized to fix by ordinance, in accordance with the general laws of the state a business privilege tax on all businesses, pursuits, occupations and professions carried on in the city.

SECTION 5. Institution of Suits to Enforce Tax Liens. Before March 1 of the second year following the year for which tax was assessed, the city clerk shall certify to the city attorney the list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes and assessments, and said attorney shall proceed at once to file suits in the chancery court for the collection of said taxes, assessments, penalties and interest and enforcement of tax liens. Upon filing of suit an additional penalty of ten percent (10%) shall accrue upon all delinquent taxes as attorney's fees. Suits may be filed, prosecuted and the land sold in the same manner as for the enforcement of tax liens for delinquent county taxes, or as otherwise provided by general law.

SECTION 6. Statutory Lien. All municipal taxes on real estate in the City of Bartlett, and all penalties and costs accruing thereon are hereby declared to be a lien on said real estate from and after February 28 after the year for which the same are assessed.

SECTION 7. Collection of Delinquent Taxes. The board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the mayor for the sale of goods and chattels to be executed by any police officer of the city under the laws governing execution of such process from a justice of the peace; or by the county trustee 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; by garnishment; by suits in chancery; or by any two or more of the foregoing methods, or by use of any other available legal processes and remedies.

SECTION 8. 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.

ARTICLE XI

ADMINISTRATION

SECTION 1. Departments, Offices and Agencies. The board may establish by ordinance 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 in conflict with this charter.

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

SECTION 2. Personal Financial Interest. Any city officer or employee who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city shall make known that interest and shall refrain from voting upon or otherwise participating in his or her capacity as a city officer or employee in the making of such sale or in the making or performance of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the city board.

SECTION 3. Personnel System.

(a) Merit principle. The personnel system of the City of Bartlett shall be based upon the merit principle to assure optimal utilization of

the human resources of the city. All appointments and promotions shall be based upon an objective evaluation of merit and fitness, using openly competitive selection procedures, examinations or other evidence of fitness.

(b) Personnel rules and regulations. The rules and regulations under which the personnel system of the City of Bartlett shall be governed shall be prepared by the mayor and shall become effective when adopted by the board. These rules and regulations may be amended from time to time and shall set forth personnel policies and procedures, including procedures for the handling of grievances prior to their appeal to the personnel board.

SECTION 4. Prohibitions.

(a) Activities prohibited.

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(4) No person who holds any compensated city position shall be required to make, solicit or receive any contribution to the political campaigns, parties or candidates pertaining to the city elections, or take part in the political campaigns of said elections unless such activities are for said person's own campaigns, but he or she may exercise his or her rights as a citizen to express his or her opinions and to cast his or her vote.

(5) No employee of the City of Bartlett shall be permitted to continue in said employment and hold office as mayor or other member of the board.

SECTION 5. Appointments. No person may serve as an appointed member of any board of the City of Bartlett while that person is an appointed member of another compensated board of the city except as provided by ordinance or state law.

SECTION 6. Special Contractual Appointments. The city board shall also be empowered to appoint special consultants, architects and auditors when deemed advisable or necessary.

SECTION 7. Employees Who Handle Money Shall Be Bonded. The mayor 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 a surety company authorized to do business in this state, as surety, in such amount as shall be prescribed by ordinance. All such bonds and sureties shall be subject to the approval of the board, and the board may provide for blanket bonds. The cost of all bonds shall be an expense of the city.

SECTION 8. Provisions for Retirement System as Determined by the Board of Mayor and Aldermen. The board of mayor and aldermen may by ordinance or resolution adopt a plan to pay retirement benefits to employees of the municipal corporation of Bartlett, Tennessee. Such plan may provide for retirement insurance which may be paid for entirely by the municipality, or part of the cost of said insurance may be assessed and paid by the employees of said municipal corporation, as the board of mayor and aldermen may by ordinance or resolution determine. The mayor and aldermen may be eligible to receive said retirement benefits, and all other features and conditions necessary to be followed; and further to determine the amount to be paid on retirement, the age at which said retirement shall begin, and all other circumstances and conditions surrounding said employment. Said board of mayor and aldermen are hereby granted the power and authority to make rules and regulations to carry into effect all of the details of the retirement plan herein authorized. The city shall make the contributions required to fund the cost of the benefits provided by the City of Bartlett retirement system (the "retirement plan"). The city shall make such annual contributions as are necessary to fund the retirement plan based on reasonable actuarial statistics, and assuming any unfunded actuarial accrued liability will be amortized over a period of not less than ten (10) years and not greater than thirty (30) years.

SECTION 9. Authority to Regulate or Prohibit Solicitors, Peddlers, Etc. The mayor and aldermen of Bartlett are hereby authorized, by ordinance, to regulate or prohibit the practices of solicitors, peddlers, hawkers, itinerant merchants, transient vendors of merchandise, not having been requested or invited by the owners or occupants of private residences, for the purpose of soliciting orders for the sale of goods, wares or merchandise, or disposing of, peddling or hawking the same.

SECTION 10. Authority to Render Fire Service Outside the Corporate Limits. The City of Bartlett, Tennessee, is hereby empowered, in its governmental capacity, to use its firefighting equipment and personnel outside its corporate limits, when and under such circumstances, limitations and conditions as its governing body may in its sole discretion determine. Said equipment and personnel may be used outside of the corporate limits without limitations as to distance or area, except as may be hereafter limited by ordinance adopted by the city's governing body.

Such governing body of Bartlett may, in its discretion, agree to such terms, limitations, restrictions or conditions as it may deem proper or advisable with respect to such outside use of said equipment and personnel; or it may refuse to permit any such outside use. In the absence of action by the city's governing body, the mayor shall have authority to act for the governing body in authorizing the use of such equipment or personnel outside of the corporate limits of the city, and he may likewise have authority to refuse to permit such outside use.

Whenever said firefighting equipment and personnel are used and employed in fighting fires outside of the corporate limits of the city, the elected officials of the city, and the agents, servants, employees or volunteers authorizing or performing any such service, shall be entitled to all the immunities and protections from liability to which they are entitled with respect to similar services within the corporate limits of Bartlett. It is expressly enacted that the performance of said service shall constitute the discharge of a governmental function.

ARTICLE XII

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

SECTION 1. Officers Under Old Charter to Hold Over. All of the officers of said City of Bartlett now holding office shall remain and hold their respective office in the corporation formed by this act, with all the powers, privileges duties and emoluments of same, and they shall hold their respective offices until the

term for which they were elected shall expire and until their successors are elected and qualified.

SECTION 2. Bonds of Officers Under Old Charter to Continue in Effect. All bonds and obligations entered into and given by any officer elected and holding office under the present board of mayor and aldermen of the City of Bartlett shall be binding on them as officers holding office under this act of incorporation.

SECTION 3. Property of Old Corporation to Pass to New One. All property, personal, real or mixed, owned by the old corporation of Bartlett at the time of the passage of this act of incorporation shall be and the same is hereby vested in the corporation formed under this act of incorporation, with all the title, powers, exemption and encumbrances belonging to and attached to before the passage of this act.

SECTION 4. Licenses and Privileges to Continue in Effect. Money due the Old Corporation Now Due the New One. All licenses and privileges which the City of Bartlett had heretofore granted, and which has not expired at the time of passage of this act of incorporation, shall continue to be in full force and effect until the expiration of same, and all moneys due and collectible by the officers of the old corporation of Bartlett shall be due and collectible by the officers holding office under this act of incorporation.

SECTION 5. Outstanding Obligations of Old Corporation Assumed. All outstanding obligations, claims and indebtedness against the old corporation of the City of Bartlett which was formed under Chapter 449 of the Acts of 1905, and all acts amendatory thereto, and the holders of such obligations, claims or evidences of indebtedness against the corporation formed under this act, as they are entitled to and had against the old corporation.

SECTION 6. Gender. Any person used herein or any reference to the term alderman shall be construed to mean the proper gender of the person to whom it shall apply under the circumstances.

SECTION 7. Definitions. As used in this Charter the following words and terms shall have the following meanings:

(a) "Alderman" shall mean a person elected to the office of alderman as provided in this Charter.

(b) "At large" shall mean the entire city, as distinguished from representation by wards of other districts.

(c) "Board of mayor and aldermen" and "board" shall mean the legislative body of the city, which shall be composed of the mayor and six (6) aldermen elected as provided in this Charter.

(d) "Elector" shall mean a qualified voter residing within the city.

(e) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.

(f) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

SECTION 8. Employer Benefits. All elected and appointed officials of the City of Bartlett are entitled to full employee benefits including, but not limited to, sick days, vacation days, health and welfare program and pension benefits as specifically adopted by the City of Bartlett board of mayor and aldermen.

SECTION 9. Cooperative Agreements and Contracts. In addition to other powers granted in this Charter, the board shall have power to contract and cooperate with any other municipality or other political subdivision of the state, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or state government, for the exercises of any power or function which the city is authorized to undertake by this Charter.

SECTION 10. Other General Laws. Notwithstanding any provision of this Charter, the board may elect to operate under or adopt any general law or public act available to municipalities of the state, in lieu of or in addition to provisions of this Charter.

SECTION 11. Severability. If any article, section, subsection, paragraph, sentence or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter.

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the mayor and aldermen of the City of Bartlett not later than one hundred twenty (120) days after passage of this act. Its approval or nonapproval shall be proclaimed by the presiding officer of the board of mayor and aldermen of the City of Bartlett and certified to the Secretary of State.

SECTION 13. 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 12.

PASSED: April 5, 1993

s/Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

s/John S. Wilder
JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 14th day of April 1993

s/Ned McWherter
NED McWHERTER, GOVERNOR

RELATED PRIVATE ACTS

Priv. Acts 1997, ch. 97
"Hotel/Motel Tax" C-34

Priv. Acts 2007, ch. 47
"Animal Control Program" C-40

CHAPTER NO. 97

HOUSE BILL NO. 1977

By Representative Hargett

Substituted for: Senate Bill No. 1984

By Senators Leatherwood, Kyle, Person

AN ACT to amend Chapter 449 of the Acts of 1905, and any other acts amendatory thereto, relative to the levy of a privilege tax on the occupancy of any rooms, lodgings or accomodations furnished to transients by any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration in the city of Bartlett.

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

SECTION 1. Chapter 449 of the Acts of 1905, and any other acts amendatory thereto, is amended by adding the following new section:

Section _____. (a) Definitions.

As used in this act unless the context otherwise requires:

(1) "City" means the city of Barlett, Tennessee.

(2) "Consideration" means the consideration charged, whether or not received, for occupancy in a hotel valued in money, whether to be received in money, goods, labor or otherwise including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(3) "Finance Director" means the finance director of the city of Bartlett.

(4) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn,

tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings, or accommodations in any hotel for a period of less than thirty (30) continuous days.

(6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(8) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodation in any hotel for a period of less than thirty (30) continuous days.

(b) Levy of Occupancy Tax.

The Legislative Body of the City of Bartlett is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed five percent (5%) of the rate charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

(c) Collection by Operator; Inclusion in Rate.

(1) Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient for the occupancy of the operator's hotel. Such tax shall be collected by the operator from the transient and remitted to the City of Bartlett.

(2) When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him or her, and the operator shall receive credit for the amount of such tax if previously paid or reported to the City of Bartlett.

(d) Remittance of Tax by Operator.

(1) The tax levied shall be remitted to the Finance Director or his designee by all operators who lease, rent or charge for rooms or spaces in hotels within the City, and the Finance Director is charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect such tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the City of such tax shall be that of the operator.

(2) For the purpose of compensating the operator in accounting for and remitting the tax authorized and levied pursuant hereto and the related ordinances of the city, the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the city in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

(e) Collection of Tax by city.

(1) The Finance Director shall be responsible for the collection of such tax and shall place the proceeds of such tax in the general funds account of the city. A monthly tax return shall be filed under oath with the Finance Director by the operator with such number of copies thereof as the Finance Director may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the Finance Director and approved by the Board of Mayor and Aldermen of the city prior to use. The Finance Director may cause an audit of each operator in the City once per year and shall report on the audits made to the Board of Mayor and Aldermen of the City.

(2) The Board of Mayor and Aldermen is hereby authorized to adopt reasonable rules and regulations for the implementation of the provisions of this act.

(f) Disclosure of Tax.

No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be

assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

(g) Failure of operator to Collect Tax.

Taxes collected by an operator which are not remitted to the Finance Director on or before the due dates shall be delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful failure or refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of five hundred dollars (\$500). In addition, it is unlawful for any operator to knowingly file a false tax return, of which a violation shall be punishable by a civil penalty of not more than five hundred dollars (\$500).

(h) Rules and regulations: Reports: Records.

(1) It is the duty of every operator liable for the collection and payment to the City of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the City. The Finance Director, his designee or any accounting firm or accountant employed by the City, shall have the right to inspect such records at all reasonable times.

(2) In administering and enforcing the provisions of this ordinance the Finance Director has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for County Clerks and/or municipal officers.

(3) Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided in Tennessee Code Annotated, Title 67, Chapter 23, it being the intent of this act that the provisions of law which apply to the recovery of State taxes illegally assessed and collected shall also apply to taxes illegally assessed and collected under the authority of this act. The Finance Director shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707 for County Clerks with respect to the adjustments and refunds of such tax.

(4) With respect to the adjustment and settlement with taxpayers, all errors of taxes collected by the Finance Director under the authority of this act shall be refunded by the City.

(5) Notice of any tax paid under protest shall be given to the Finance Director, and suit may be brought for recovery of such tax against the Mayor of the City in such Mayor's official capacity.

(i) Allocation of Funds.

The proceeds of the tax authorized by this ordinance shall be allocated to such funds as the Board of Mayor and Aldermen of the City shall direct.

(j) The privilege tax levied by this act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

(k) The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 2. If any provision of this act or the application thereof to any person or circumstances 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 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Bartlett. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the City of Bartlett and certified to the Secretary of State.

SECTION 4. 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 3.

PASSED: MAY 28, 1997

s/Jimmy Naeifeh
JIMMY NAEIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

s/John S. Wilder
JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this ____ day of _____ 1997

DON SUNDQUIST, GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had House Bill No. 1977 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.

CHAPTER NO. 47

HOUSE BILL NO. 2378

By Representatives Lollar, Coley

Substituted for: Senate Bill No. 2359

By Senators Stanley, Norris

AN ACT relative to establishing an animal control program in Bartlett.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

SECTION 1. There is hereby established an animal control program in
the City of Bartlett.

SECTION 2. The following words, terms and phrases, when used in this
act, shall have the meanings ascribed to them in this section, except when the
context clearly indicates a different meaning:

1. "Animal" means any live domesticated vertebrate creature
not regulated by the state pursuant to Tennessee Code Annotated,
Section 70-4-401 et seq.;

2. "Animal shelter" means any facility operated by a humane
society or the city, or the authorized agents thereof, for the purpose of
impounding or caring for animals held under the authority of this act or
state law;

3. "Auction" means any place or facility where animals are
regularly bought, sold or traded, except for those facilities otherwise
defined in this act. This term does not apply to isolated sales of individual
animals by owners;

4. "Commercial animal establishment" means any pet shop,
grooming shop, auction or kennel;

5. "Dangerous dog" means any dog which attacks or bites a
person or a domestic animal on any public or private property without
provocation. Owning or harboring a dog primarily or in part for the
purpose of dog fighting or training a dog for fighting is illegal;

6. "Grooming shop" means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed;

7. "Humane officer" means any person designated by the state, the city or a humane society as a law enforcement officer in accordance with state law;

8. "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or a place where four (4) or more cats or dogs, or any combination of four (4) such animals, are kept, whether by the owners of the animals or by other persons, with or without compensation;

9. "Livestock" means all equine as well as animals that are being raised primarily for use as food or fiber for human utilization or consumption, including but not limited to, cattle, sheep, swine, goats and poultry;

10. "Non-livestock animal" means a domesticated pet normally maintained in or near the household or households of its owner or owners or any other pet not classified as livestock, including but not limited to pet chicks, ducks and pot-bellied pigs;

11. "Owner" means any person owning, keeping or harboring one (1) or more non-livestock animals. A non-livestock animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more. If the owner of an animal is a minor, the parent or guardian of such minor shall be considered the owner;

12. "Nuisance animal" means any non-livestock animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds or private property;
- (4) Is repeatedly at large;
- (5) Damages private or public property;

(6) Barks, whines, howls or makes any noise natural to its species in an excessive, continuous or untimely fashion so as to disturb the peace; or

(7) Creates excessive offensive odor;

13. "Performing animal exhibition" means any spectacle, display, act or event in which performing non-livestock animals are used, excluding any animal regulated by the state pursuant to Tennessee Code Annotated, Section 70-4-401 et seq.;

14. "Pet" means any non-livestock animal kept for pleasure rather than utility;

15. "Pet shop" means any person, partnership or corporation, whether operated separately or in connection with any other business enterprise except for a licensed kennel, that buys, sells or boards any domesticated species of animal;

16. "Physical restraint" means muzzled and on a heavy chain leash not to exceed three feet and controlled by an adult physically capable of controlling such dog. The muzzle must not cause injury to the dog but must prevent it from biting any person or animal;

17. "Potentially dangerous dog" means any dog which chases or approaches a person or an animal on any public or private property in a menacing fashion or apparent attitude of attack;

18. "Restraint" means any leash, lead or other physical restraint;

19. "Riding school or stable" means any place which has available for hire, boarding or riding instruction any horse, pony, donkey, mule or burro;

20. "Secure enclosure" means a secure enclosure that is a minimum of five (5) feet wide, ten (10) feet long and five (5) feet in height above grade, and with a horizontal top covering such area, all to be at least nine (9) gauge chain link fencing with necessary steel supporting posts. To prevent escape of the non-livestock animal, the floor shall be at least three (3) inches of poured concrete with the bottom edge of such fencing embedded in the concrete or extending at least one (1) foot below grade. The gate must be of the same material as the fencing, fit closely

and be securely locked. The enclosure must contain and provide protection from the elements for the animal;

21. "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member or organ;

22. "Veterinary hospital or clinic" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries of animals;

23. "Vicious animal" means any non-livestock animal not regulated by the state pursuant to Tennessee Code Annotated, Section 70-4-401 et seq. that constitutes a threat to human beings or animals;

SECTION 3.

a. Any person owning, keeping, harboring or having custody of any dog over three (3) months of age or cat over six (6) months of age within the city, but not operating a kennel or animal shelter, must obtain a license as provided in this section.

b. A license shall be issued only after application in writing which shall include the name, address and telephone number of the applicant, a description of the dog or cat, certification as to the dog's or cat's breeding capability, proof of vaccination against rabies issued by a licensed veterinarian, and date of revaccination, and only after payment of a fee as specified in this section.

c. Application for a license shall be made within thirty (30) days after a dog attains the age of two (2) months or a cat attains the age of five (5) months, or within thirty (30) days after the first day a dog over three (3) months of age or a cat over six (6) months of age is owned, kept or harbored within the city.

d. Unless revoked, a license shall be valid for one (1) year from the date of issue.

e. License fees, which shall not be refundable, shall be established by the board of mayor and aldermen.

f. Upon proper application and payment of the applicable fee, the city shall issue a suitable license tag bearing an identifying number which shall be recorded in a public record.

g. License tags shall be affixed to the collar or harness and worn by the dog or cat when off the premises of the owner.

h. Duplicate license tags may be obtained upon payment of a fee as established by the board of mayor and aldermen.

i. No person shall place a license tag on any dog or cat other than the dog or cat for which the tag was issued.

j. Guide dogs in compliance with Tennessee Code Annotated, Section 62-7-112 and police dogs of the police department shall be exempt from complying with this section.

SECTION 4.

a. No dog shall be allowed to run at large within the city. Each dog not confined behind a fence shall be placed on a leash and controlled by a person physically capable of controlling such dog.

b. No owner shall fail to exercise proper care and control of such owner's non-livestock animals to prevent them becoming a nuisance.

c. Every female dog in heat shall be confined in a building or enclosure in such a manner that such female dog cannot come in contact with a male dog except for planned breeding.

d. No owner shall keep, harbor or maintain on or off such owner's premises any dangerous or potentially dangerous dog, unless such dog is within the owner's house, in a secure enclosure or physical restraint, or unless such dog is under the control of a law enforcement officer on official duties. Any dog found in violation of this section shall be immediately impounded. A summons shall be issued to the owner of the dog.

e. No person owning, keeping, harboring or possessing any animal shall permit such animals to go at large any time within the limits of the city, to the damage or annoyance of any resident of the city.

SECTION 5.

a. Unrestrained dogs and nuisance non-livestock animals shall be taken by the police, animal control officers, humane officers, or deputy animal control officers, and impounded in a humane manner.

b. Unclaimed impounded dogs or nuisance non-livestock animals shall be kept for not less than three (3) working days, after which if not reclaimed, adopted or released for adoption, the impounded dogs or nuisance non-livestock animals may be humanely euthanized. The city shall not be liable for any disposition of such animal in accordance with this act. If not reclaimed, adopted or released for adoption after a reasonable length of time the dogs or nuisance non-livestock animals shall be humanely euthanized.

c. If by a license tag or by other means the owner of an impounded non-livestock animal can be identified, the city, immediately upon impoundment, or as soon as practical thereafter, shall attempt to notify the owner by telephone or certified mail.

d. An owner claiming an impounded non-livestock animal shall pay reasonable fees and expenses as the city may, from time to time, adopt or approve by appropriate administrative ordinance or resolution. All costs, including medical care, for care of an impounded non-livestock animal are the responsibility of the owner of the non-livestock animal.

e. Minimal emergency medical care may be given to any sick or injured animal found at large within the city. Such animal may be taken to any veterinarian for minimal emergency care or euthanasia, in which case the veterinarian shall notify an animal control officer immediately. If the owner of such animal can be identified, the animal control officer shall attempt to notify the owner immediately or as soon as practical thereafter. In any case, such owner shall be liable for any expense incurred with respect to such animal. If the owner of such animal cannot be identified within twenty-four (24) hours, the animal shall become the property of the city. If, during the initial twenty-four hour period, it is recommended in writing by a veterinarian that the animal is in pain and has no reasonable hope of recovery, the animal may be humanely euthanized as authorized in writing by a designated agent of the city. The reasonable and necessary expense of emergency medical care or euthanasia, with respect to such animal, as expressly authorized by the city, shall be paid by the city. The city shall not be liable for any expense with respect to such animal at any time unless expressly authorized by the city. If after minimal emergency care such animal can

be safely impounded, the animal control officer may impound such animal, subject to disposition in accordance with this act.

SECTION 6.

a. Every owner shall provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

b. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight or bullfight, or any other combat between animals or between animals and humans.

c. No owner of an animal shall abandon such animal.

d. No person shall sell chickens or ducklings younger than eight (8) weeks of age in quantities of less than twenty-five (25).

e. No person shall give away any live animal as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter any place of amusement; or offer any vertebrate as an incentive to enter into any business agreement wherein the offer was for the purpose of attracting trade.

f. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance is likely to be eaten by an animal, provided that it shall not be unlawful for a person to expose on such person's own property common rat poison mixed only with vegetable substances.

g. The animal control officer, a deputy animal control officer or any humane officer or police officer may initiate before a city judge a search warrant for any premises upon a showing of probable cause that a violation of any provision of this section is occurring or has occurred within a reasonable time; and take charge of and impound the non-livestock animals or fowl involved in such violations. The disposition of any such animal shall be determined by a city judge.

SECTION 7. No person shall keep or permit to be kept on such person's premises any vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. The provisions of this section shall not apply to zoological parks, performing wild animal exhibitions, circuses or any other event

governed by the state pursuant to Tennessee Code Annotated, Section 70-4-401 et seq.; and

SECTION 8.

a. No performing animal exhibition, or agents or employees thereof, or individual owner of a performing animal, shall induce or encourage any animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or will be likely to cause physical injury or suffering.

b. All equipment used on a performing animal shall fit properly and be in good working condition.

SECTION 9. The owner of any non-livestock animal shall remove any excreta deposited by such owner's animal on public walks, recreation areas, public streets, or private property except where attendants are employed for the purpose of removing the deposits, such as in a horse show arena, at a riding stable or other event or establishment.

SECTION 10. No unclaimed dog or cat shall be released for adoption from an impoundment without being sterilized or without a written agreement from the person adopting the dog or cat guaranteeing that such animal shall be sterilized at the earliest possible time as determined by a licensed veterinarian. The city shall collect at the time of adoption the applicable fees to cover the cost of sterilization and rabies vaccination. In addition, if the animal is a dog that is to be domiciled within the city, the appropriate dog license fee will be collected.

SECTION 11.

a. The animal control officer and the officer's deputies shall enforce the provisions of this act. It shall be a violation of this act to interfere with any such person in the performance of the person's duties, or to take any animal from that person without designated authority.

b. The animal control officer shall have the powers and privileges of a police officer of the city solely for the purpose of enforcing the provisions of this act.

SECTION 12. The animal control officer and deputies under the officer's jurisdiction are prohibited from carrying or using firearms in connection with their responsibilities relating to animal control. The animal control officer is authorized to request the assistance of a police officer, and the police officer is

authorized to employ the use of firearms in the apprehension of any animal that, in the police officer's opinion, constitutes a threat to human beings or animals.

SECTION 13. The animal control officer or any duly appointed deputy under the officer's jurisdiction is authorized to issue a citation to or seek a subpoena for any individual who, in the officer's opinion, is in violation of the terms and conditions of this act.

SECTION 14.

a. All dogs three (3) months of age or older or cats six (6) months of age or older shall be immunized against rabies by a licensed veterinarian. The owner must have in such person's possession a current vaccination certificate subject to the inspection of the animal control officer, or designated agent of the city.

b. If any dog or cat has bitten any person or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, the animal control officer may cause such dog or cat to be confined or isolated for such time as deemed necessary. The animal may be confined at the animal shelter or a private veterinary hospital. Any charges incurred shall be the responsibility of the owner of the animal.

SECTION 15. The city shall designate an animal control officer and deputy animal control officers whose primary responsibilities include the enforcement and implementation of this act and regulations promulgated thereunder. The animal control officer shall coordinate and administer the activities involving the animal control program and shall be under the direction and supervision of the city administration.

SECTION 16.

a. The determination of whether a dog is declared dangerous or potentially dangerous shall be made by the municipal court. No dog shall be declared dangerous or potentially dangerous if the threat, injury, or damage caused by such dog was sustained by a person who was committing a crime, or if the dog was provoked by a person cruelly abusing or tormenting him or her.

b. Any dog, whether or not previously declared dangerous or potentially dangerous, that attacks a person causing death or serious bodily injury, or bites and breaks the skin of a person, shall be impounded and quarantined the proper length of time for rabies observation and testing, if necessary. A summons shall be issued to the owner of such dog

allowing the owner five (5) days from receipt to respond and show cause why the municipal court judge should not impose fines, require additional security measures be taken, or order the dog destroyed pursuant to Tennessee Code Annotated, Section 44-17-120(b). This subsection shall not apply if the municipal court judge determines that the injury caused by such dog was sustained by a person who was committing a crime, or was provoked by a person cruelly abusing or tormenting the dog.

SECTION 17. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Bartlett. Its approval or nonapproval shall be proclaimed by the presiding officer of Bartlett and certified to the secretary of state.

SECTION 18. 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 as provided in Section 17.

PASSED: May 17, 2007

s/ Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

s/ Ron Ramsey
RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 5th day of June 2007

s/ Phil Bredesen
PHIL BREDESEN, GOVERNOR

CHARTER AND RELATED ACTS FOR THE CITY OF
BARTLETT, TENNESSEE

| YEAR | CHAPTER | SUBJECT |
|------|-----------------|---|
| 1993 | 55 | Basic charter act |
| 1997 | 97 ¹ | Privilege tax on the occupancy of any rooms, etc. |
| 1998 | 134 | Amends Art. III, § 1; Art. III, § 7(b); and Art. III, § 7(d). |
| 2007 | 47 | Establishes animal control program. |

¹Private Acts 1997, ch. 97 amends chapter 449, acts of 1905 by adding a new section. However, Private Acts of 1993, ch. 55 the Basic Charter Act, repealed Private Acts 1905, ch. 449. Therefore the Related Private Act included with this compilation is only the context of Private Acts 1997, ch. 97.