

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

CHAPTER NO. 154

House Bill No. 623

(By Robert Littleton)

AN ACT to provide a Charter for the City of Charlotte.

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<sup>1</sup>Priv. Acts 1955, ch. 154 of Tennessee, is the current basic charter act for the City of Charlotte, Tennessee. It replaced in its entirety Priv. Acts 1901, chapter 422, as amended. 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 in the charter except that the article numbers have been moved to the head of the article titles, the article and sections catchlines have been underlined, and a table of contents has been added to facilitate the use of the charter.

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CHARTER, DEFINITIONS, CITY LIMITS AND CORPORATE POWERS

Section 1.01. This is a Charter. Be it further enacted by the General Assembly of the State of Tennessee, That this Act shall constitute the whole charter of the city of Charlotte. The city of Charlotte, in the county of Dickson, and the inhabitants thereof, are hereby constituted and declared a body politic and corporate by the name and style of the city of Charlotte, Tennessee, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Section 1.02. Definitions. Be it further enacted, That as used in this Act the following words and terms shall have the following meanings:

- (a) "City" shall mean the city of Charlotte.
- (b) "Councilman" shall mean a person elected to the city council as provided in this Act. "Member of the council" shall mean the mayor and each councilman.
- (c) "Non-partisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.

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

(e) "Public way" shall mean any land used by the public as a passage way, including but not limited to streets, roads, highways, expressways, freeways, boulevards, avenues, parkways, alleys, lanes, sidewalks, walks, bridges, viaducts, subways, underpasses, tunnels, and other thoroughfares, and including the rights of way of such public ways.

(f) "Code" shall mean any publication or compilation of rules regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the Federal or state government, or by a municipality, or by a trade association or other organization generally recognized as an authority in its field of activity.

(g) "Agency" shall mean any office, court, utility, board, commission, institution, or other organization in charge of or administering any public function or municipal affair of the city of Charlotte.

(h) "Officer" shall mean and include the mayor, councilmen, city judge, members of the boards and commissions, and any other persons classified as public officers by the laws or judicial decisions of this state. An "officer" as herein defined shall fill an "office" and an "employee" shall fill a "position" of employment.

(i) "Elector" shall mean a person residing or owner of real estate within the city who is qualified to vote therein.

(j) The masculine shall include the feminine, and the singular shall include the plural and vice versa.

Section 1.03. City Limits.<sup>1</sup> Be it further enacted That the boundaries of the city shall be:

6th Civil District of Dickson County, Tennessee.

Beginning at a point in the center of Town branch at the center of State Highway No. 48 runs with the center of the Highway to points: S 17° W 16 poles; S 37° W 54 poles; S 45° W 78 poles; thence, leaving the Highway, S 45° E 10 poles to a point; thence S 45° W 8 poles to a point; thence N 45° W 10 poles to the center of the Highway; thence S 45° W 24 poles to a point in the Highway; thence, leaving the Highway, N 45° W 8 poles to a point, thence N 16° E 50 poles to a point in the "Detour" road; thence, with the road, N 48° W 40 poles; N 31° E 44 poles to the SW corner

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<sup>1</sup>The corporate limits have been amended pursuant to general law by the following annexation ordinances of record in the city clerk's office: Ord. #\_\_\_\_, Jan. 14, 1971; Ord. #\_\_\_\_, Jan. 22, 1973; Ord. #\_\_\_\_, Dec. 20, 1979; Ord. #\_\_\_\_, July 25, 1989; and Ord. #90-9-1, Apr. 1990.

of the town cemetery fence; thence N  $87\frac{1}{2}^{\circ}$  E 52 poles to Charlotte High School Ave.; thence, with said Ave., N  $7^{\circ}$  W 43 poles to a point below Ed Dunaway's house; thence West 5.5 poles; thence N  $7^{\circ}$  W 9 poles; thence East 5.5 poles to the Ave.; thence with same N  $13\frac{3}{4}^{\circ}$  W 16 poles; N  $25\frac{1}{4}^{\circ}$  W 21.5 poles; thence leaving said Ave., S  $67^{\circ}$  W 5.5 poles; N  $25\frac{1}{4}^{\circ}$  W 4.5 poles; N  $67^{\circ}$  E 5.5 poles to said Ave., so as to take in John Dunaway's property; thence, on with said Ave., N  $15^{\circ}$  W 30 poles; N  $39^{\circ}$  W 14 poles to Hodson's SE corner; thence, leaving said Ave., N  $61^{\circ}$  W 65 poles; N  $30^{\circ}$  W 69 poles to a point in Berry's E.B.L.; thence N  $3^{\circ}$  E 18.6 poles to the center of State Highway No. 49; thence with the Highway N  $75^{\circ}$  W 23 poles to Berry's NW corner; thence, leaving the Highway, S  $2\frac{1}{4}^{\circ}$  W 15 poles to a point; thence N  $87\frac{1}{2}^{\circ}$  W 82.3 poles; thence N  $70^{\circ}$  W 81.5 poles to a point in Luke's W.B.L. 2 poles southward from the SW corner of the Luke residence; thence N  $18^{\circ}$  W 99 poles to a point in the Loggins road; thence N  $56^{\circ}$  E 15 poles to a point at the East edge of State Highway No. 49 12 feet S  $45^{\circ}$  E from an iron pin, Mrs. Bowers NW corner; thence N  $84^{\circ}$  E 36 poles; N  $64^{\circ}$  E 42 poles to Miller's W.B.L.; thence S  $39\frac{1}{2}^{\circ}$  E 17.6 poles to the center of the St. Paul Church road; thence, with the road, N  $60^{\circ}$  E 6 poles to the center of the Hooper driveway; thence S  $15^{\circ}$  E 94 poles to a white oak tree; thence S  $83\frac{1}{4}^{\circ}$  E 102 poles; S  $32^{\circ}$  E 90.5 poles to a point in Martin's N.B.L. 2 poles west of Garvey's NW corner; thence N  $85\frac{3}{4}^{\circ}$  E 65 poles; thence N  $13^{\circ}$  E 38 poles; thence N  $83^{\circ}$  E, crossing State Highway No. 48 on 15 poles and passing 5 ft. south of the Power pole below the C.N. Williams res., in all 29 poles; thence S  $23^{\circ}$  E 41 poles; S  $17\frac{1}{2}^{\circ}$  E 18.2 poles; S  $29\frac{1}{2}^{\circ}$  E 18.2; S  $46\frac{1}{4}^{\circ}$  E 30.3 poles; N  $88^{\circ}$  E 124 poles; thence S  $18^{\circ}$  E, crossing State Highway No. 49 on 30 poles and passing 2 poles East of Wall's residence, on in all 45 poles; thence S  $53^{\circ}$  W 49 poles to a point in State Highway No. 47; thence S  $78\frac{1}{2}^{\circ}$  W 46 poles to Town Branch; thence up the branch with its meanders to points; S  $50^{\circ}$  W 40 poles; S  $64^{\circ}$  W 12 poles; S  $70^{\circ}$  W 42 poles to the center of State Highway No. 48, the point of beginning.

Section 1.04. Reimbursement Authorized for City Limits Survey. Be it further enacted, That reimbursement in full shall be made from the general fund of the City of Charlotte to that person or persons who paid for the survey of the corporate limits of the city of Charlotte, the preparation of the description of the city limits, the placing of permanent markers, and the preparation of an appropriate map showing said city limits, to the extent that such services may have been provided.

Section 1.05. Corporate Powers. Be it further enacted, That the corporate powers of the city, to be exercised by the city council, shall include the following:

(a) To levy and to provide for the assessment and collection of taxes on all property subject to taxation, but the tax rate for general purposes, exclusive of debt service, shall not exceed one dollar (\$1.00) on each one hundred dollars (\$100.00) of assessed valuation. Provided, however, this tax limitation of one dollar (\$1.00) may be increased upon the approval of a two-thirds' majority of those voting on the question. The council may in its discretion call an election for such purpose, and shall call an election for such purpose within six months after receipt of a petition therefor signed by 10% of the registered voters in the city. Such an election may be held as a special election, or may be held at the same time and place as any local or state election.

(b) To levy and to provide for the collection of license taxes on privileges, occupations, trades, and professions. A collection fee of one dollar (\$1.00) may be added to each such license tax.

(c) To levy and to provide for the collection of registration fees on automobiles and trucks owned by residents of the city, and also on automobiles and trucks owned by non-residents and operated within the city with any regularity. Such registration fees on trucks or automobiles may be graduated according to their tonnage capacities, weight or horsepower.

(d) To appropriate and borrow money to provide for payment of the debts of the city, and to authorize the expenditure of money for any municipal purpose or matter of national or state interest.

(e) To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, inside or outside the city.

(f) To condemn property, inside or outside the city, for present or future use, under sections 3109 to 3134 of the Code of Tennessee, 1932, or under other applicable public acts.

(g) To acquire, operate and dispose of public utilities, subject to the provisions of applicable general laws.

(h) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty years. The council may prescribe the rates, fares, charges, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor.

(i) To regulate the rates and services of public utilities insofar as not in conflict with such regulation by the State Railroad and Public Utilities Commission or other similar state or Federal agency having jurisdiction in such matters.

(j) To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institution, agencies and

facilities, and any other public improvements, inside or outside the city, and to regulate the use thereof, and for such purposes property may be taken under sections 3109 to 3134 and 3397 to 3401, inclusive, of the Code of Tennessee, 1932, or other applicable acts.

(k) To require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands. A real estate owner shall be liable for any injury or damage sustained by reason of a defective sidewalk adjoining his lot or land and the city shall not be liable for any such injury or damage, if a city officer or employee, authorized to do so by the city council, at least ten days prior to occurrence of the injury or damage served him with personal notice or sent a notice by ordinary mail to the owner of record that the sidewalk should be repaired and placed in a safe condition.

(l) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(m) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such services which, if unpaid, shall constitute a lien against any property of persons served, which lien shall be second in priority only to liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes.

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

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

(p) To regulate and license weights and measures.

(q) To provide that persons given jail sentences in the city court shall work out such sentences on the streets or any public works of the city or in a city workhouse established for this purpose, as provided by ordinance; or the council may provide for the commitment of city prisoners to the county workhouse or jail by agreement with the appropriate county officers.

(r) To regulate and license or 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 for their disposition, by sale, gift, or humane killing, when not redeemed as provided by ordinance.

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



(t) To levy and provide for the collection of special assessments for public improvements.

(u) To provide that the violation of any ordinance, rule, regulation or order shall be punishable as a misdemeanor.

(v) To exercise and enjoy all other powers, functions, rights, privileges and immunities 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 Act as fully and completely as if such powers were fully enumerated herein.

No enumeration of particular powers in this Act 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 under the constitution or applicable public acts of the state.

(w) By ordinance, to fix and change the bounds and limits of the city and to provide for the extension of the said bounds and limits and the annexation of additional territory lying adjacent to the city with or without the consent of the territory and the inhabitants thereof annexed provided, however, that upon introduction of such an ordinance, or an amendment thereof, it shall be published one time, prior to its final passage in the official newspaper for the city, and such ordinance shall not be finally passed until at least thirty days have elapsed after publication. [As amended by Priv. Acts 1990, ch. 204]

## ARTICLE II

### CITY COUNCIL

Section 2.01. Election of Mayor and Councilmen. Be it further enacted, That the duly elected officials of the City of Charlotte, Tennessee, at an election held on January 27, 1955, constitute the members of the council as Mayor, Wayne Sensing; Councilmen, Clyde Buckner, Graham Hicks, John Loggins, and Lawrence Porter; with the additional councilman Henry Garrett. Said mayor and councilmen to serve until the next regular election and their successors have been elected and qualified. That on the Fourth Saturday in June, 1959, a non-partisan election shall be conducted by the county election commissioners at the same hours and places for holding general elections and under the general election laws of the state, to elect a mayor and six councilmen from the city at large. Any elector may be qualified as a candidate by submitting to the county election commissioners, at least thirty days prior to the election, a petition, nominating him and signed by at least ten (10) electors. If an elector signs more than one petition for mayor or more petitions than the number of councilmen to be elected, in the first or succeeding elections, his signature shall be invalid on the petition last filed. Each elector shall be entitled to vote for one candidate for mayor in the first election and in each election held at four year intervals,

thereafter. Each elector shall be entitled to vote for six candidates for councilman in the first election, and in each election held at four year intervals thereafter. Thereafter elections shall be held on the fourth Saturday in June every four years to elect in the same manner, one mayor and six councilmen for four year terms. The terms of office of the mayor and councilmen shall begin at 12:01 A.M. on the First day of the month following the date of the election and they shall serve until their successors have been elected and qualified. No informality shall invalidate such election, providing it is conducted fairly and in substantial conformity with the requirement of this Act and the general election laws of the state.

Section 2.02. Restrictions on Candidates and Their Supporters. Be it further enacted, That if a candidate or any person on his behalf directly or indirectly gives or promises to any person or persons any office, employment, money, benefit, or anything of value in connection with his candidacy, upon conviction thereof he shall be punished by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not to exceed one year, or by both such fine and imprisonment, and shall thereafter be ineligible to hold office or position of employment in the city government for a period of five years.

Section 2.03. City Council. Be it further enacted, That the mayor and six councilmen shall compose the city council, in which is vested all corporate legislative and other powers of the city, except as otherwise provided in this Act. The Council shall be the final judge of the election and qualifications of its members. The councilmen shall serve without salary, except that they may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties, but the council may provide a salary for the mayor which shall not be increased or decreased during a term of office. The council shall hold regular public meetings at a stated time and place, as provided by ordinance. The council shall meet in special session on written call of the mayor or any three councilmen and served on the other members personally or left at their residences at least twenty-four hours in advance of the meeting, but such notice of a special meeting shall not be required if the mayor and three councilmen are present when the special meeting is called. Only the business stated in the written call may be transacted at a special meeting, except by unanimous consent of all members of the council. The council shall exercise its powers only in public meetings. A majority of the council shall constitute a quorum. The council may by ordinance adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling attendance of absent members. The council may subpoena and examine witnesses, to order the production of books and papers, and to have the same powers as a circuit court to punish for refusal to obey such an order or subpoena or for disorderly or contemptuous behavior in the presence of the council.

Section 2.04. Mayor as Presiding Officer. Be it further enacted, That the mayor shall preside at meetings of the council, shall have a vote on all matters but no veto power, shall be the ceremonial head of the city, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the council to do so, shall be the officer to accept process against the city, and shall perform other duties imposed by this Act and ordinances not inconsistent with this Act.

Section 2.05. Vice-Mayor. Be it further enacted, That the council at the first regular meeting, after the newly elected councilmen have taken office following each election, shall elect from its membership a vice-mayor for a term of four years. In the event that no decision is reached at such first regular meeting, the council shall, within five ballots to be taken within ten days following such meeting, elect the vice-mayor, otherwise the councilman who received the highest number of votes when he was last elected shall become vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or inability to act, and shall fill out any unexpired term in the office of mayor, in which case a new vice-mayor shall be elected by majority vote of the council.

Section 2.06. Vacancy in Office of Mayor or Councilman. Be it further enacted, That a vacancy shall exist if the mayor or a councilman resigns, dies, has been continuously disabled for a period of six months so as to prevent him from discharging the duties of his office, or is convicted of malfeasance or misfeasance in office, a felony, or a violation of the election laws of the State. The council shall appoint a qualified person to fill such a vacancy for the remainder of the unexpired term. If a tie vote by the council to fill a vacancy is unbroken for fifteen days, the mayor or vice-mayor in case of a vacancy in the office of mayor, shall appoint a qualified person to fill the vacancy. At no time shall there be more than three members so appointed holding office, and if a vacancy occurs with three members so appointed on the council, a special election shall be held by the county election commissioners on the eighth Saturday following occurrence of the vacancy, at which election a mayor or councilman, as the case may be, shall be elected to serve the remainder of the unexpired term of the vacant office; provided that no such election shall be held if a regular election will occur within six months. Candidates in such a special election shall be nominated by petitions as provided in Section 2.01 of this Act.

Section 2.07. Restrictions on Councilmen. Be it further enacted, That the council shall act in all matters as a body, and no member shall seek individually to influence the official acts of the mayor or any other officer or employee of the city, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by the mayor or any other officer or employee. The

council shall deal with the various agencies, officers and employees of the city, except boards or commissions authorized by this Act, solely through the mayor, and shall not give orders to any subordinates of the mayor, either publicly or privately. Nothing herein contained shall prevent the council from conducting such inquiries into the operation of the city government and the conduct of the city's affairs as it may deem necessary. The office of any councilman violating any provision of this section shall immediately become vacant upon his conviction in a court of competent jurisdiction.

Section 2.08. City Clerk. Be it further enacted, That the mayor shall appoint a city clerk, who shall be responsible for keeping and preserving the city seal and all records of the council; attending meetings of the council and keeping a journal of its proceedings at such meetings, including the names of members present and absent, the vote of each member on each question, each motion considered; preparing and certifying copies of official records in his office, for which fees may be prescribed by ordinance; and performing such other duties as may be required by the council or mayor.

Section 2.09. Official City Newspaper. Be it further enacted, That the council by resolution may designate a newspaper of general circulation in the county as the official city newspaper.

Section 2.10. City Legislation. Be it further enacted, That any action of the council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this Act, shall be done only by ordinance. Other actions may be accomplished by resolution or motions. Each ordinance shall be in written form before being introduced. The affirmative vote of at least four members of the council shall be required to pass any motion, resolution or ordinance, including two readings in the case of an ordinance. Each ordinance, before being adopted, shall be read at two meetings not less than one week apart, and shall take effect ten days after its adoption, except that, where an emergency exists and the public safety and welfare require it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by at least five members of the council on two readings on successive days. No ordinance relating to a franchise, exclusive contract, or other special privilege shall be passed as an emergency ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsection, or subsections in their amended form. A code may be adopted by an ordinance which contains only a reference to its title, date and issuing organization, and the city clerk shall file a copy of the code in his office. The city may furnish a copy of any such code to any person for a reasonable fee. After adoption of a code of ordinances, as provided in section 2.11 of this article, the city clerk shall number ordinances consecutively in the order of their final

adoption and shall copy them into a permanent record book used solely for this purpose, and the city clerk shall do likewise for resolutions, using a separate series of numbers and a separate record book. The original copies of all ordinances, resolutions and motions shall be filed and preserved by the city clerk. An abstract of the essential provisions of each ordinance may be published once in the official city newspaper within ten days after its adoption, except that only the title shall be so published of a code adopted by reference as provided in this section.

Section 2.11. Codification of Ordinances. Be it further enacted, That at any time after this Act becomes effective there may be prepared, under the direction of the mayor, a codification of all ordinances and resolutions having a regulatory effect or of general application which are to be continued in force. Existing ordinances and resolutions may be revised, amended, and consolidated in making the codifications, which shall then be adopted as a single ordinance to be known and cited as the Official Code of the city of Charlotte, and thereupon all ordinances and resolutions in conflict therewith shall be repealed. The ordinance containing the code need not be published in a newspaper, either in full or in abstracted form, but a notice of its adoption may be published once in the official city newspaper. The code may be reproduced in loose-leaf form and may be made available to any person desiring a copy, for which a reasonable fee may be charged. An additional annual fee may be charged for furnishing revisions currently. After adoption of the code each ordinance may be adopted as a numbered section or sections of the code, as amending existing sections or adding new sections. Such new ordinances may be integrated into the code, and at least once a month new pages may be reproduced to replace existing pages (with instructions to destroy existing pages) or to be added to the code, and may be distributed to city officers and employees having copies of the code and to other persons who have paid the annual fee for current revisions. Notes may be inserted at the end of amended or new sections, referring to the dates and numbers of ordinances making the amendments or adding the new sections, and such references may be cumulative if a section is amended more than once in order that the current copy of the code will contain references to all ordinances passed since the adoption of the original code.

Section 2.12. Rules and Regulations. Be it further enacted, That the council may by ordinance authorize officers and agencies of the city to promulgate formal rules and regulations within their respective jurisdictions, subject to such restrictions and standards of guidance as the council may prescribe. No such formal rule or regulation shall take effect until it is filed with the city clerk, who shall file and preserve the original copy in his office. Such rules and regulations may be included as a separate section of the Official Code and may be reproduced and distributed in loose-leaf form as provided by

Section 2.11. Amendments of such rules and regulations may be accomplished only by setting forth complete sections or subsections in their amended form.

### ARTICLE III

#### ORGANIZATION AND PERSONNEL

Section 3.01. Organization. Be it further enacted, That the city government may be organized into a department of general government, department of finance, police department, fire department, and department of public works, unless and until otherwise provided by ordinance, but no such ordinance shall be adopted until after the council has received the written recommendations of the mayor. The council by such ordinances may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city, subject to the following exceptions: (a) the number of members and authority of the council, as provided in this Act, shall not be changed, (b) all officers and employees of the city, except as otherwise specifically provided in this Act, shall be appointed and removed by and shall be under the direction and control of the mayor, (c) the office of mayor shall not be abolished, nor shall his powers, as provided in this Act, be reduced, (d) the city judge shall not hold any other city office or position or employment.

Section 3.02. Administrative Duties of Mayor. Be it further enacted, That the Mayor shall be the executive head of the city government, responsible for the efficient and orderly administration of the city's affairs. He shall be responsible for the enforcement of laws, rules and regulations, ordinances and franchises in the city, and the city attorney shall take such legal actions as the mayor may direct for such purposes. He shall have authority to appoint, promote, demote, transfer, suspend and remove all officers and employees and to direct and control their work, except as otherwise provided in this Act. He may submit to the council annual budgets, reports, and such other information as he may deem necessary or the council may require. He shall have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made without his approval. If no other employee is designated as purchasing agent he shall act as purchasing agent for the city. He may conduct inquiries and investigations into the conduct of the city's affairs and shall have such other powers and duties as may be provided by ordinances not inconsistent with this Act.

Section 3.03. City Attorney. Be it further enacted, That the Mayor may appoint a city attorney, together with such assistant city attorneys as may be

authorized by ordinance. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the city court, may attend all meetings of the council, may advise the council, mayor and other officers and employees of the city concerning legal aspects of the city's affairs, may approve as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents, and shall perform such other duties as may be prescribed by the council or mayor.

Section 3.04. City Court. Be it further enacted, That a city court, presided over by a city judge on a full or part time basis may be prescribed by ordinance is hereby established, which shall have jurisdiction over violations of this Act and ordinances of the city. The city court shall also have concurrent jurisdiction with that of a justice of the peace over offenses against the criminal laws of the state committed within the city. The city judge shall have authority to impose fines, costs, forfeitures, and imprisonment in a jail or workhouse, as provided in this Act and by ordinance, and except as provided in this Act his authority and powers and the procedure in the city court shall be the same as provided by state law for a justice of the peace. Appeals from the city court shall be to the circuit court. Warrants, subpoenas, and other processes of the city court shall be executed by police officers of the city, who for such purposes shall have the same powers and authority of a sheriff in executing process of a circuit court. The city attorney, or assistant city attorney, may be the prosecuting officer of the court.

Section 3.05. City Judge and City Court Clerk. Be it further enacted, That the council may appoint and fix the salary of the city judge for terms of two years, and such salary shall not be changed during a term of office. The councilman may impeach and remove the city judge for neglect or refusal to enforce the laws of the state and ordinances of the city, or for other misconduct in office or neglect of duty, but any person so removed may appeal to the circuit court and thence to the supreme court of the state. The council may fill a vacancy in this office by appointment for the unexpired term. The city judge shall excuse himself from a case in which (a) he is interested, (b) he is related to the defendant by blood or marriage within the third degree, or (c) for any reason he believes that he will be prejudiced, and such a case, as well as cases during the absence or disability of the city judge, shall be heard and decided by an acting city judge appointed by the mayor. The mayor may remove the acting city judge at any time without cause. The compensation of an acting city judge shall be fixed by ordinance. The council may authorize a city court clerk and other personnel, to assist and to be appointed and removed by the city judge, to perform such duties as may be prescribed by ordinance or by the city judge.

Section 3.06. Other Officers and Employees. Be it further enacted, That the council by ordinance, after receiving the written recommendations of the mayor, may establish offices and positions of employment and may abolish, combine or modify them in accordance with such recommendations. The powers and duties of such offices and positions of employment may be defined by ordinance, and if not defined by ordinance shall be defined in formal rules and regulations issued by the mayor as provided in Section 2.12 of this Act, but in any event the mayor may require offices and employees of the city, except those appointed by and accountable to the council, to perform such additional duties as may be considered necessary by him for the proper and efficient conduct of the city's affairs. Public utilities owned or operated by the city may be under the supervision of the mayor and employees appointed by him may be under boards or commissions appointed by and answerable to the council, as provided by ordinance. The salaries of all employees of the city shall be fixed by ordinance under a pay plan applying uniformly to all employees having similar responsibilities and doing like work.

Section 3.07. Appointment, Suspension, and Removal of Employees. Be it further enacted, That all employees of the city, except as otherwise provided in this Act, shall be appointed, promoted, demoted, transferred, suspended and removed by the mayor, providing, however, that any suspension of an employee for more than 30 days or removal of an employee shall be subject to approval by the council.

Section 3.08. Oath of Office. Be it further enacted, That before a person takes an office in the city government, he shall take, subscribe to, and file with the city clerk the following oath or affirmation:

"I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the charter and ordinances of the city of Charlotte, Tennessee, and that I will faithfully discharge the duties of the office of \_\_\_\_\_".

Section 3.09. Official Bond. Be it further enacted, That the mayor and every officer, agent, and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees as may be required by ordinance, shall give a fidelity bond or faithful performance bond, as provided by ordinance, with some surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by ordinance. All such bonds and sureties thereto shall be subject to approval by the council. The cost of such bonds shall be paid by the



city. All such bonds shall be kept in the custody of the city clerk, except that the city clerk's bond shall be in the custody of the mayor.

Section 3.10. Political Activity Prohibited. Be it further enacted, That no officer or employee of the city, other than the mayor and councilmen, shall continue in the employment of the city after becoming a candidate for nomination or election to any public office. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with any test, appointment, proposed appointment, promotion, or proposed promotion to any office or position of the city government. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose from any officer or employee of the city. An officer or employee of the city, other than the mayor and councilmen, shall not make any contribution to the campaign funds of any candidate in any city election, and shall not take part in the management, affairs, or political campaign of any city election, other than in the exercise of his rights as a citizen to express his opinions and to cast his vote. Any person who by himself or with others willfully or corruptly violates any provision of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than fifty (\$50.00) dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. Any person who is convicted under this section shall be ineligible to hold any office or position of employment in the city government for a period of five years thereafter, and if he be an officer or employee at the time of conviction shall immediately forfeit and vacate the office or position he holds.

Section 3.11. Officers and Employees not to Profit From Connections with City. Be it further enacted, That no officer or employee of the city shall profit personally, directly or indirectly, from any contract, purchase, sale, or service, between the city government and any person or company, nor shall any officer or employee accept any fee or preferred service, benefits or concessions from any person or company, except that free transportation may be provided to policemen and firemen on official duty.

## ARTICLE IV

### FISCAL ADMINISTRATION

Section 4.01. Fiscal Year. Be it further enacted, That the fiscal year of the city government shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year, but another fiscal year may be fixed by ordinance for the entire city government or for any utility.

Section 4.02. Mayor to Submit Annual Budget. Be it further enacted, That on or before a date fixed by the council but not later than forty-five days prior to the beginning of each fiscal year, the mayor may submit to the council a proposed budget for the next fiscal year, showing separately for the general fund, each utility, the school system (if there is a separate city school system), and each other fund the following: (a) revenue and expenditures during the preceding fiscal year, (b) appropriations and estimated revenue and expenditures for the current fiscal year, (c) estimated revenue and recommended expenditures for the next fiscal year, (d) a comparative statement of the assets, liabilities, reserves, and surplus at the end of the preceding year and estimated assets, liabilities, reserves and surplus at the end of the current fiscal year, and (e) such other information and data, such as work programs and unit costs, in justification of recommended expenditures, as may be considered necessary by the mayor or requested by the council. The mayor may recommend and estimate additional revenue measures, providing such estimates are separated clearly from normal revenue estimates. The budget may be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget and such other comments and information as he may deem pertinent. A sufficient number of copies of the mayor's message may be reproduced to furnish a copy to any person desiring one, and a copy of the budget in full may be filed with the council and furnished to each councilman.

Section 4.03. Public Hearing. Be it further enacted, That after receiving the budget from the mayor, the council may fix a time and a place for a public hearing thereon, and may cause a public notice thereof to be published once in the official city newspaper at least ten days in advance of the date of the hearing. The public hearing may be held before the council at the stated time and place and all persons present may be given an opportunity to be heard.

Section 4.04. Action by Council on Budget. Be it further enacted, That after the public hearing if held and before the beginning of the ensuing fiscal year the council may adopt an appropriation ordinance, based on the mayor's budget with such modifications as the council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department and agency. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year may lapse and be credited to the general fund, except that any balance remaining in any other fund at the end of a fiscal year may remain to the credit of that fund and be subject to further appropriation. That at the end of each month the mayor may submit a detailed budget report to the council, showing estimated and actual receipts and expenditures or encumbrances for that month and the fiscal year to the end of

that month, as well as the amount encumbered or expended in excess of any of the itemized estimates of expenditures supporting the appropriations.

Section 4.05. Allotments. Be it further enacted, That the mayor shall have authority to make periodical allotments of appropriated funds, and no contracts or purchases, may be made in excess of the amount allotted by the mayor for any allotment period. Any expenditures may be reduced or eliminated through such allotment control.

Section 4.06. Centralized Purchasing. Be it further enacted, That all contracts and purchases, except those that may be reserved to the council by ordinance, shall be made by the city purchasing agent, who shall be the mayor or an employee appointed by him. Any expenditure or contract for more than one thousand (\$1000.00) dollars shall be made only after publication, advertisement and competition by sealed bids, as prescribed by ordinance and an award shall be made to the lowest and best bidder; provided that bids need not be required for professional services or for services for which the rates or prices are regulated by public authority. Competition by bids shall not be required for the purchase of equipment, materials or supplies from any other governmental agency. [As amended by Priv. Acts 1988, ch. 158]

Section 4.07. Sale of City Property. Be it further enacted, That the mayor may sell any city property which is obsolete, surplus or unusable, if the proceeds do not exceed five hundred (\$500.00) dollars, without taking bids, but sealed bids shall be taken or a public auction shall be held for any sale producing more than five hundred (\$500.00) dollars; provided that any sale for more than one thousand (\$1,000.00) dollars or any sale of real estate shall be subject to approval by the council.

Section 4.08. Annual Audit. Be it further enacted, That the council may employ a certified public accountant to make an annual audit of all financial books and records of the city. The accountant shall file his report with the council, at a time agreed to between him and the council, and shall prepare a summary of the report which shall be published once in the official city newspaper. A member of the council may make such audits if otherwise qualified.

Section 4.09. Property Taxes. Be it further enacted, That all property subject to taxation, including the capital stock of merchants and public service companies, assessed as of January 10 in each year, shall be subject to the property tax levied by the city, based on the county assessment.

Section 4.10. Tax Levy. Be it further enacted, That the council shall make a tax levy, expressed as a fixed rate per hundred (\$100.00) dollars of

assessed valuation, and if no tax levy is made within ninety days prior to the tax due date, or within ninety days prior to the due date of a second installment if two installments are authorized by ordinance, the property tax rate in effect the last fiscal year shall continue in effect as the tax rate for the new fiscal year.

Section 4.11. Tax Due Dates and Tax Bills. Be it further enacted, That the due dates of property taxes shall be fixed by ordinance. The city shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax. Property taxes shall become delinquent thirty days after a due date, at which time a penalty of five percent (5%) shall be added and thereafter such taxes shall be subject to interest at the rate of one-half of one percent ( $\frac{1}{2}$  of 1%) for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the city shall have the force and effect of a judgment of a court of record.

Section 4.12. Collection of Delinquent Taxes. Be it further enacted, That the council 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 office 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 and/or county taxes, or by any two or more of the foregoing methods, and by the use of any available legal processes and remedies. A lien shall exist against all property on which city property taxes are levied as of the assessment date of January 10 of each year, which shall be superior to all other liens except that it shall have equal dignity with those for Federal, state or county taxes.

Section 4.13. Special Assessments. Be it further enacted, That the city may assess all or part of the cost of constructing, reconstructing, widening, or improving any public ways, sewers, or other utility mains and appurtenances, against the abutting property owners, under such terms and conditions as may be prescribed by ordinance. Such special assessment shall become delinquent thirty days after their due dates (after the due date of each installment if paid on an installment basis), shall thereupon be subject to a penalty of five percent (5%), and shall thereafter be subject to interest at the rate of one-half of one percent ( $\frac{1}{2}$  of 1%) for each month or fraction thereof until paid. A lien shall exist against the abutting property superior to all other liens, except that it shall be of equal dignity with liens for county and city property taxes, and said lien shall be enforceable by the same procedures and under the same remedies as provided in this article for city property taxes.

Section 4.14. Disbursement by Checks. Be it further enacted, That all disbursements shall be made by checks signed by the city clerk and countersigned by the mayor.

Section 4.15. Official Depository. Be it further enacted, That the council shall designate an official depository or depositories for deposit and safekeeping of the funds of the city, and may require such collateral security as it deems necessary.

Section 4.16. General Obligation Bond Issues. Be it further enacted, That no general obligation bonds shall be issued unless authorized by two-thirds (2/3) of those voting on the question in a special election, or in an election held at the same time and place as any local or state election.

Section 4.17. Tax Rate on Property and License Rates. Be it further enacted, That the property tax rate be fifty cents (\$0.50) on each hundred dollars (\$100.00) of valuation and all licenses shall be fixed at the rate provided for cities by Public Acts and/or counties unless otherwise set by city council.

## ARTICLE V

### MISCELLANEOUS

Section 5.01. Restrictions on Actions for Damages Against City. Be it further enacted, That no action shall be maintained against the city for damages unless a written statement by the claimant or by his agent, attorney or representative, setting forth the basis for his claim, shall have been filed, with the mayor within sixty days after such cause of action shall have occurred, except that when the claimant is an infant or non compos mentis, or an injured persons dies within such sixty days, the time limit for filing a claim shall be one hundred and twenty days. No officer or employee of the city may waive this requirement.

Section 5.02. General Laws May Be Used. Be it further enacted, That the council in its discretion may elect to use the provisions of any general laws of the state in addition to or instead of the provisions of this Act.

Section 5.03. Penalties. Be it further enacted, That the violation of any provision of this Act, for which a penalty is not specifically provided herein, is hereby declared to be a misdemeanor and shall be punished by a fine of not more than fifty dollars (\$50.00), or by imprisonment not to exceed one year, or by both such fine and imprisonment.

Section 5.04. Severability. Be it further enacted, That if any article, section, subsection, paragraph, sentence, or part thereof, of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this Act unless it clearly appears that such other parts are wholly and necessarily dependent upon the part or parts held to be invalid or unconstitutional, it being the legislative intent in enacting this Act, that each article, section, subsection, paragraph, sentence, or part thereof, be enacted separately and independently of each other.

Section 5.05. Local Approval. Be it further enacted, That this Act shall have no effect unless the same shall have been approved by two-thirds (2/3) vote (of the legislative body of any municipality to which it may apply) on or before the next regular meeting (of such legislative body of such municipality) occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Section 5.06. Effective Date. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 1, 1955.

James L. Bomar,  
Speaker of the House of Representatives.

Jared Maddux,  
Speaker of the Senate.

Approved: March 3, 1955.

Frank G. Clement  
Governor.

This is to certify that according to the official records on file in this office, House Bill Number 623, which is Chapter Number 154 of the Private Acts of 1955, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

G. Edward Friar,  
Secretary of State.

PRIVATE ACTS COMPRISING THE CHARTER OF  
CHARLOTTE, TENNESSEE

YEAR	CHAPTER	SUBJECT
1901	422	Basic charter act.
1935	597	Repealed and replaced Priv. Acts 1901, ch. 422.
1947	91	Amended Priv. Acts 1935, ch. 597, by delegating the power to levy taxes to the board of commissioners.
1951	450	Amended Priv. Acts 1935, ch. 597, by restricting the levying and collecting of taxes.
1951	451	Authorized the issuance of bonds for the construction of a hospital.
1955	154	Repealed and replaced Priv. Acts 1935, ch. 597.
1988	158	Amended Priv. Acts 1955, ch. 154 by increasing the maximum amount of contracts before public advertisement bids are required.
1990	204	Amended Priv. Acts 1955, ch. 154 by deleting the maximum amount of money the city can borrow.