

CHARTER OF THE CITY OF WAVERLY, TENNESSEE<sup>1</sup>

CHAPTER NO. 475

Senate Bill No. 658

(By Wiseman of Houston)

AN ACT to incorporate the Town of Waverly, in Humphreys County, Tennessee, and define the rights, powers, duties, etc., of said Town.

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<sup>1</sup>Private Acts of Tennessee for 1947, chapter 475 is the current basic charter act for the City of Waverly, Tennessee. As the basic charter is set out herein all of its amendments through the 2017 session of the Tennessee legislature have been incorporated in the text. When a section of the basic charter has been amended the citations of the official private acts constituting the amendments are contained at the end of this section. No changes have been made in the basic charter as set out herein except for the incorporation of its amendments. A table of contents has been added to facilitate the use of the charter as amended. A list of all private acts amending the basic charter is at the end of the charter.

Reference should be made to all footnotes because they generally reflect important information, including problems, that have a bearing either upon the organization or interpretation of the charter.

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INCORPORATION, NAME, AND GENERAL POWERS

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the City of Waverly, in Humphreys County, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of "The City of Waverly," and shall have perpetual succession. That by this corporate name and style may sue and be sued, contract and be contracted with, grant, receive, purchase, and hold, real, mixed, and personal property, or dispose of the same for the benefit of said City, and shall have an official seal.

CITY LIMITS<sup>1</sup>

Section 2. Be it further enacted, That the corporate limits of the City of Waverly shall be those fixed by Chapter 475, Private Acts of 1947, all Acts amendatory thereof, and annexations made pursuant to general law. [As amended by Priv. Acts 1951, ch. 433, § 2; Priv. Acts 1953, ch. 407; and as deleted in its entirety and replaced by Priv. Acts 1971, ch. 44, § 1]

PROPERTY OWNED BY AND TAXES DUE FORMER CITY

Section 3. Be it further enacted, That all the real and personal property belonging to the City of Waverly, or the Board of Mayor and Aldermen of said City held under and by virtue of Chapter No. 782 of the Private Acts of 1925, and all Private Acts prior thereto, shall continue to belong to the City of Waverly, herein re-incorporated, and all taxes, interest, and penalty thereon,

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<sup>1</sup>The corporate boundaries have been enlarged by the following annexation ordinances which are of record in the office of the city recorder: 1966-8-22-d, 1967-11-13, 1973-2-12A, 1973-2-12B, 1973-11-12, 1988-6, 2002-12, 2002-13, 2003-5, 2003-41, and 2008-18.

due and owing to the City of Waverly are the property of the Corporation of the City of Waverly, and it may enforce the collection of same in the manner and way prescribed by law, or as provided in the Charter herein.

MUNICIPAL ELECTIONS; ELIGIBILITY FOR HOLDING CITY OFFICES;  
CONTINUANCE OF EXISTING ORDINANCES, ETC.; RECORDER'S  
APPOINTMENT, TENURE, ETC.; CITY REGISTRAR AND  
VOTERS' REGISTRATION LIST

Section 4. Be it further enacted, That the first General Election for Mayor and Aldermen, under this Act shall be held in the said City of Waverly on the Second Wednesday of May, 1947, or as soon thereafter as practicable. That the present elected officers of the City of Waverly shall continue to hold offices under this Charter until the Second Monday in June 1947, and the three Aldermen last elected shall hold office until the Second Monday in June 1948, or until their successors have been elected and qualified. Said election shall be opened and held at the Court House in the City of Waverly in the same way and by the same authority as all general elections in the State of Tennessee, and shall be governed by the same laws governing the elections of State and County Officers. Any person who has been a resident of said Town for sixty days immediately preceding said election, and who is qualified to vote for members of the General Assembly under the laws of Tennessee in Humphreys County, shall be entitled to vote in said election and the same qualifications that entitled a resident to vote in said election shall entitle a resident to vote in all subsequent elections held by the said Town. Residence within any area annexed within sixty days preceding an election shall be counted in meeting this requirement. Non-residents having a bona-fide taxable free-hold in said Town and who are qualified voters for members of the General Assembly at some place in Tennessee shall also be entitled to vote. The Board of Mayor and Aldermen shall request the Election Commissioners for Humphreys County to call said election, as provided by law, and said Election Commissioners shall call said election as other elections are called, and on Monday following such election the said Election Commissioners shall meet at noon at the Court House in Waverly and canvass the results of said election, and shall certify the results thereof, showing the names of all candidates voted for, what offices they are voted for, and the number of votes received by each, and shall file one copy of this certificate with the County Court Clerk of Humphreys County and deliver the other copy to the Recorder of the City of Waverly. The candidate receiving the highest number of votes for the office of Mayor, and the three candidates receiving the highest number of votes for Aldermen at the election held on the second Wednesday in May 1947, shall respectively be the Mayor, and the Aldermen of said City. The three Aldermen of the present Board last elected shall hold office until the Second Monday in June 1948, and their successors will be elected on the Second Wednesday in May 1948. The Mayor, and three

Aldermen shall be elected on the Second Wednesday in May each two years after the election in May 1947 and on the Second Wednesday in May each four years after the election in May, 1971. No person shall be eligible to hold the office of Mayor or Aldermen of said Town, unless at the time of his election he is a resident citizen thereof, and has so resided for six months and is a qualified voter in said election in said Town. If in any election there shall be a tie on the vote cast for two or more candidates, for Mayor, Aldermen, or other officers, the Board of Mayor and Aldermen-elect among whom there is no tie shall settle such controversies by a majority vote at their first meeting. No one person shall hold more than one office in said City at the same time, but this provision shall not render Aldermen ineligible to serve on committees such as are usual and necessary in the management of such Municipal Corporations. The present Board of Mayor and Aldermen together with all other officers of said Corporation shall continue in office and perform all the duties now required of them by the Ordinances of said Corporation, until their successors are elected and qualified; and provided, further, that all Ordinances and Resolutions heretofore enacted by the Board of Mayor and Aldermen of said Corporation as they now exist, not in conflict with this Charter and not repealed or rescinded hereby shall be and remain in full force and effect until altered, modified, or repealed by the Board of Mayor and Aldermen organized under the provisions of this Act.

The office of Recorder, as provided for in this Act, shall be filled by appointment by the Mayor, subject to the approval and confirmation of a majority of the Board of Aldermen, and shall serve at the pleasure and will of said Mayor. No person shall be eligible to hold the office of Recorder, unless at the time of his appointment he is a resident citizen of the Town of Waverly, and has so resided for six months and is a qualified voter in elections of said Town.

A permanent registration list of all persons qualified to vote in the Town of Waverly including the address of each voter and the voting precinct in which each voter is entitled to vote shall be kept by a registrar appointed by the Board of Mayor and Aldermen of said Town at a salary fixed by said Board. The Board of Mayor and Aldermen may in their discretion appoint the Registrar at Large for Humphreys County, Tennessee, to perform the duties of the Registrar for the Town of Waverly. It shall be the duty of the Registrar to make available a certified list of the voters eligible to vote in each precinct in said Town to the proper election precinct officers for their use in all municipal elections held in said Town. No person shall be eligible to vote in any municipal election in said Town unless his or her name has been placed on said permanent registration list at least ten (10) days prior to the municipal election in which said voter desires to vote. [As amended by Priv. Acts 1951, ch. 433, § 3; Priv. Acts 1953, ch. 559, § 2; Priv. Acts 1959, ch. 155; and Priv. Acts 1971, ch. 44, §§ 2, 3, and 4]

OATH OF OFFICE FOR MAYOR, ALDERMEN, RECORDER,  
POLICE CHIEF, ETC.

Section 5. Be it further enacted, That the Mayor, Aldermen, Recorder, and Chief of Police before entering upon the discharge of their duties, shall each take and subscribe to an oath "that they will honestly and faithfully discharge the duties of their offices, without partiality, or favor, and that they will actively assist in keeping order in said Town, and in bringing violators of its Ordinances to a speedy hearing or trial, and that they will, to the best of their ability, carry out and enforce the provisions of the Charter of said City and Support Constitutions of the State and the United States." [As amended by Priv. Acts 1971, ch. 44, § 5]

VACANCIES IN OFFICE OF MAYOR, VICE-MAYOR, ALDERMAN;  
ELECTION OF ALDERMEN FROM THREE WARDS;  
CHANGE OF WARD BOUNDARIES

Section 6. Be it further enacted, That said Mayor and Aldermen shall on the Second Monday in June, or as soon thereafter as practicable, meet, organize, and shall hold their offices as herein provided until their successors in office shall have been elected and qualified. The Board of Mayor and Aldermen, at the first regular meeting after the newly elected aldermen have taken office following each biennial election, shall elect from its membership a vice-mayor for a term of two years. 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 an alderman shall be elected by a majority vote of the Board of Mayor and Aldermen to serve the unexpired term as vice-mayor. In the event of a vacancy in the office of Alderman from any cause, such vacancy shall be filled with a qualified elector of the ward affected, selected by the vote of the remaining members of the Board of Mayor and Aldermen to serve until the next election of officers of the City of Waverly at which time an alderman shall be elected by the voters of that ward to fill any unexpired term. In the case of Alderman, two Aldermen shall be elected from each of the three wards in the Town of Waverly as now instituted, and in the event an alderman shall move from one ward to another, such office shall be declared vacant. The Board of Mayor and Aldermen may change the boundaries of said wards by Resolution of the Board, but such change shall only take effect on the second Monday of June in any year. [As amended by Priv. Acts 1951, ch. 432, § 2; Priv. Acts 1953, ch. 559, § 3; and Priv. Acts 1971, ch. 44, § 6]

TENURE OF MAYOR AND ALDERMEN

Section 7. Be it further enacted, That at the first election held hereunder on the Second Wednesday in May 1947, the officers, as hereinbefore stated, shall

be elected and shall hold office, after being sworn in on the Second Monday in June 1947 for two years, or until their successors are elected and qualified; and the three present Aldermen last elected, one from each Ward, shall stand for election on the Second Wednesday in May 1948, and shall be sworn in on the Second Monday in June 1948, and shall hold office for two years or until their successors are elected and qualified and thereafter an election shall be held to fill said offices every two years, one year a Mayor, three Aldermen, shall be elected, and the next year three Aldermen shall be elected until the election to be held on the second Wednesday in May, 1971. The Mayor and three Aldermen then elected shall hold office for four years or until their successors are elected and qualified and thereafter an election shall be held to fill said offices every four years. The three Aldermen last elected who have completed their full statutory term shall hold their offices until the second Monday in June, 1975 and shall stand for election on the second Wednesday in May, 1975 for a two year term which would expire on the second Monday in June, 1977, and beginning with the election on the second Wednesday in May, 1977, they shall hold office for four years or until their successors are elected and qualified and thereafter an election shall be held to fill said offices every four years. [As amended by Priv. Acts 1951, ch. 432, § 3; Priv. Acts 1953, ch. 559, § 4; Priv. Acts 1971, ch. 44, § 7; Priv. Acts 1971, ch. 105, § 1; and Priv. Acts 1975, ch. 22, § 1]

#### GENERAL CORPORATE AUTHORITY AND LEGISLATIVE POWERS

Section 8. Be it further enacted, That the corporate authority of said City of Waverly shall consist of and be vested in a Board of Mayor and Aldermen and such officers as herein provided for, or as may be elected, or appointed in pursuance of law. The Legislative powers of said Corporation shall be vested in and exercised by said Board of Mayor and Aldermen. The Board of Mayor and Aldermen shall be composed of a Mayor and six Aldermen, who shall be elected as hereinbefore provided and shall be vested with all corporate, legislative, and other powers of the city, except as otherwise provided in the charter. The Mayor and Board of Aldermen of the said City of Waverly shall have all the power delegated to municipal corporations in Section 3226 (and sub-sections 1 to 19 inclusive, thereunder) of Michie's Tennessee Code of 1938, and in addition to said powers, shall have the powers hereinbefore delegated, or to be so delegated hereinafter in this Charter. [As amended by Priv. Acts 1971, ch. 44, § 8]

#### MISCELLANEOUS ORDINANCE POWERS ENUMERATED

Section 9. Be it further enacted, That the Board of Mayor and Aldermen shall have the following powers by Ordinance:

(1) To levy and collect taxes upon all property, real or personal, polls, and privileges taxable by law for State purposes.

(2) To appropriate money and provide for the payment of the debts and expenses of the City.

(3) To establish a system of free schools and regulate the same so as to avoid Sectarian influences.

(4) To make regulations to secure the general health, quiet, peace, and good order of said City; to elect and appoint sanitation officers, and to pass and enforce Ordinances relating to sanitation and the general health of the Community; to declare and remove nuisances; to establish and maintain quarantine regulations not to exceed two miles outside the City limits as the occasion may require.

(5) To provide the City with electric lights and water by contract, or by purchase, or by construction of electric light plants, and water works within or beyond the City limits, or provide for supplying the City with electric lights or water otherwise, and may construct, own and operate water lines outside of the corporate limits and collect revenues therefrom; to provide for the prevention and extension of fires, and to organize, establish, and maintain fire companies, and to grade, drain, and improve the streets and public passways of the City, and to install public sewer systems, and make such other public improvements as may be necessary.

(6) To license, tax, and regulate automobiles, hacks, hackney carriages, carts, omnibusses, dummies, wagons, drays, trucks, and taxicabs, and fix the rate to be charged for the carriage of persons and property within the City. And shall have the right by Ordinance to require taxicab operators, before they can operate cabs in the City, to first apply to the Board of Mayor and Aldermen for a permit, which application shall be sworn to, and state the name of the applicant, his age, the name or names of his drivers, their ages, and shall further state that neither the applicant nor his drivers have been arrested and convicted in any Court of any offense involving moral turpitude, violation of the liquor laws, or driving while intoxicated, within five years preceding the date of the application; and no permit for the operation of taxicabs in the City of Waverly shall be granted by the Recorder until such applications have been considered by the Board of Mayor and Aldermen at a regular or call meeting and signed by at least three Aldermen and the Mayor; and at the time of the filing of such application the sum of Five (\$5.00) Dollars shall be deposited with the Recorder for each application, Two (\$2.00) Dollars of which shall be the Recorder's fee, and the remainder shall go into the General Funds of the City, and such applicants shall also file with the Recorder at the time such permits may be granted liability insurance policies covering each automobile or cab to be used in such amounts as may be established by Ordinance; and such applicants shall pay to the Recorder before receiving such permits, such fees or use-tax, as may be imposed by Ordinance of the City for the use of its streets and privileges of operating thereon.

And the City by Ordinance shall have the power to impose a use-tax upon all drays, trucks or other vehicles using the streets of the City for delivery

purposes, unloading or loading, and to regulate the operation of such vehicles in said City.

(7) To make appropriations to open, alter, abolish, widen, establish, grade, pave or otherwise improve, clean and keep in repair, streets, alleys, and sidewalks, or to have same done, and to erect, establish, install and keep in repair bridges, culverts, sewers, and gutters and to make appropriations for lighting the streets and other public passways, and for the erection of all buildings and facilities for the use of the City; and to install, or cause to be installed, parking meters, or other facilities for the control of parking and traffic.

(8) To license, tax, regulate, and suppress theatrical exhibitions, shows, moving picture shows, circuses, carnivals, and other amusements including sports exhibitions.

(9) To regulate or prohibit and suppress all gambling houses, bawdy houses, houses of ill fame, houses or business places, where intoxicating liquor or beer are illegally sold, and to suppress obscene pictures and literature.

(10) To regulate, restrain, or suppress the manufacture of substances dangerous in causing or producing fires, and to prevent and suppress the sale of firearms, fireworks, roman candles, fire crackers, sky rockets, toy pistols, and other forms of fire works; and to regulate and suppress and prohibit the carrying of concealed weapons.

(11) To regulate the storage of gun powder, tar, pitch, resin, salt petre, guncotton, coal oil, and all other combustible, explosive and inflammable material, and to regulate and control the use of lights, candles, lamps and steam pipes in stables, shops and other buildings and places where there may be danger of causing fire.

(12) To provide for the weighing or measuring of coal, coke, gas, hay, corn, oats and other farm products, and livestock sold or consumed in said City.

(13) To provide for and regulate the inspection of beef, pork, fish, fowls, and all meats to be sold in the City for food.

(14) To regulate and provide for the inspection of milk, butter, lard, vegetables, and all other food sold in the City of Waverly, and to establish and regulate markets.

(15) To impose fines, forfeitures, and penalties for the breach of any of the Ordinances and provide for their appropriation by the Recorder.

(16) To pass all Ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full extent and meaning of this Act, and to accomplish the object of the same.

(17) To provide for the arrest and imprisonment of all riotous and disorderly persons within the City by day or night, and for the punishment of all breaches of the peace, noise, disturbances, or disorderly assemblies.

(18) To impose penalties upon the owner or owners, occupants, or agents of any house, wall, sidewalk, or other structure which may be considered

dangerous or detrimental to the citizens, unless after due notice, to be fixed by Ordinance, the same be removed or repaired.

And in the event, after notice, such dangerous condition is not remedied by the property owner, or the person in control of said property, the City may cause same to be removed or repaired, and shall have a lien upon the property for the costs of such repairs, work, etc.

(19) To regulate, tax, license, or suppress the keeping and running-at-large of animals within the City, to impound same, and in default of redemption in pursuance of the Ordinance, to sell or kill the same.

(20) To provide for inclosing, improving, and regulating all public grounds belonging to the City, in or out of the Corporate limits.

(21) To provide for the appointment or election of a police force, to impose fines, forfeitures, and penalties, and the terms of imprisonment for the breach of any Ordinance, but no fine or penalty shall exceed Fifty (\$50.00) Dollars.

(22) To regulate and provide for the construction and repair of sidewalks, foot pavements, and curbs and gutters, at the cost and expense of the owners of the abutting property, and if the owners of such abutting property shall fail to comply with the provisions of said Ordinance, or such Ordinances, within such time as may be prescribed by the Ordinance or Ordinances, the Board of Mayor and Aldermen may contract for the construction or repair of such sidewalk, pavements, curbs and gutters, and the City shall pay for the same, and the amount so paid shall be a lien upon such abutting lot or property, and may be enforced by attachment in law or equity, or the amount may be recovered against said owner or owners by suit before any Court of competent jurisdiction, and to compel the owners of buildings to erect fire escapes, and take other necessary precautions, for the safety of occupants, guests, or the public.

(23) To grant the right-of-way through the streets, avenues, and other public property of said City for the purpose and use of electric lights and water works companies, and for the use of railroads and other public utilities, and for such other purposes as the Board of Mayor and Aldermen may deem to the best interest of the City and so provide by Ordinance; provided, that the Board of Mayor and Aldermen shall not grant the exclusive franchise to any one person, firm or corporation; provided further that no franchise or right in relation to any highway, avenue, street, lane or alley, either on, above, or below the surface of same shall be granted to any person or corporation for a longer period than fifty years, but such grant may, at the option of the City, provide for giving to the Grantee the rights on a re-valuation, including in such re-valuation the value derived from said franchise or right, to renew not exceeding in the aggregate fifty years, and that every franchise so granted shall be granted on condition that the Grantee shall not destroy or injure the private property of citizens, nor destroy nor damage the shade trees in the City, nor endanger the safety of the lives or property of the people of the City.

(24) To take and appropriate grounds for the widening of streets, avenues, alleys, squares, parks, promenades, roadways, passageways, and for the construction of new streets, avenues, alleys, squares, parks, and other public passways, and to change elevation and grade of such, when the public convenience requires it under the provisions of Sections 3390, 3391, and 3392, and Sections 3398 through Section 3404, and Section 3109 through 3133 of Michie's Tennessee Code of 1938.

(25) To regulate or prohibit the introduction or use of convict labor in the State; and to regulate the activities, picketing, etc., of labor unions and other labor organizations in the City.

(26) To provide for the temporary or permanent closing of wells and springs used by the public during epidemics, or when epidemics are threatened, or whenever the use of water from such springs or wells may be injurious to health.

(27) To take and appropriate grounds adjacent to the City for electric lights and water works purposes, and for the site for power plant, pumping station, reservoir, disposal plant, sewer lines, and for rights-of-ways for light wires, water pipes and sewer lines, upon the payment of damages therefor, under condemnation proceedings or otherwise; and to buy and hold property outside of the City limits for the purpose of maintaining and operating such plants, and for the purpose of operating and maintaining dumping grounds or depository for filth and rubbish removed from the City. In exercising the power herein granted in this subsection the Board of Mayor and Aldermen shall by Ordinance designate the grounds and instruct the City Attorney to proceed with the acquisition of such property under the general laws of eminent domain of the State of Tennessee, unless title to such lands can be obtained by the City at a price satisfactory to the Board.

(28) To pass all Ordinances necessary for the health, peace, convenience, safety and good order of the City, and for the suppression and prohibition of any and all Acts and things made criminal by the laws of the State of Tennessee, and to provide punishment for the breach of same.

(29) To prohibit the illegal sale, handling, storage and use of all intoxicating liquors and beer in said City and to provide a penalty for the violation of this provision.

(30) To prevent engines or trains or parts of trains from blocking streets, alleys or roadways in said City, and to regulate their speed through the City, and to provide and fix fines and penalties for the violation of same.

(31) To make suitable regulation for the preservation of life and property from fire and other casualty, and to pass Ordinances requiring all persons, before erecting any building in the City, to obtain written permission from a building committee, which shall be appointed by the Board, and to make suitable rules and regulations as to the type and character of buildings that may be so constructed in the City; and the Board of Mayor and Aldermen is hereby further vested with authority to create zones within the City for fire purposes,

building purposes, safety purposes, and to require certain types of building construction in certain zones, and to designate the minimum costs thereof.

(32) To purchase, receive, hold and to sell and dispose of real estate for school purposes, for public schools provided in this Charter, and to sell, dispose of or trade school property for other more desirable property, when to the interest or in promotion of the interest of the public schools in said City.

(33) To establish and maintain a system of public free schools for and within said City of Waverly and to determine and fix the grade of same as to studies or branches of learning to be taught therein above and in addition to those prescribed by the State law for primary schools and secondary schools, and that to this end there shall be elected by the Mayor and Board of Aldermen five (5) School Directors, one from each of the three Wards of the City and two from the City at large. The said directors shall possess the qualifications required of School Directors under the general law of the State, and who shall before entering upon the discharge of their duties take the oath prescribed for the other officers of said City.

To be eligible to serve as a School Director one must be a resident of the City of Waverly, at least six months prior to his election. At the first regular meeting of the Mayor and the Board of Aldermen in June, 1953, the said Mayor and Board of Aldermen shall elect one director from the First Ward whose term shall expire in one year, one director from the Second Ward whose term shall expire in two years, one director from the Third Ward whose term will expire in three years; and two directors from the City at large whose terms shall expire in four and five years, respectively. And at the expiration of these terms the Mayor and Board of Aldermen shall elect directors to replace them for a full five year term each, and in the event a vacancy shall exist in said Board of School Directors, the Mayor and the Board of Aldermen shall elect such successors who shall hold office for the unexpired term of the person he was elected to replace. A vacancy will exist in case a director elected to serve in a Ward should move from there to another Ward in the City, or in case the two directors elected at large should remove from the City itself and in the case of death or a resignation.

As soon after their election as practical, the said Board of School Directors shall meet and at its first meeting elect one of its members as Chairman and another of its members as Secretary.

A majority of the School Directors shall constitute a quorum and the Chairman of the School Directors shall be entitled to vote on all matters as any other member and in case there should be a tie on some matter, he shall be entitled to an additional vote as Chairman.

It shall be the duty of said Board of School Directors to maintain, manage, and control said City Schools, to employ teachers for same and to dismiss them for inattention, inefficiency, neglect, mismanagement, or misconduct, and to pay such teachers their salaries each month, making rules and regulations concerning personnel and pupils that do not conflict with State laws or the State

Board of Education rules and regulations, and the Board of School Directors in general shall have every other power that does not conflict with existing State laws that is necessary for the management and control of the schools.

The said Board of School Directors or their agent is hereby empowered to draw upon and receive from the Trustee of Humphreys County and from the proper authorities of the State of Tennessee and from the City of Waverly, the funds due to the Board of School Directors for school purposes, as provided by law. And the said Board of School Directors shall keep or cause to be kept complete records showing the receipts, disbursements, and finances of the school and they shall preserve and arrange in a systematic way all of the records of the school which shall be opened to the inspection of the public at all reasonable times.

The directors shall annually submit a budget to the Mayor and Board of Aldermen and a quarterly report on the finances of the School.

(34) To provide for and elect, if the Board deems expedient, a Superintendent of City Schools, and to prescribe his duties, and fix his compensation.<sup>1</sup>

(35) To pass all Ordinances necessary to regulate the sanitation and cleanliness of the City, and to promote the health and safety of the people, by regulating the type, size and manner of constructing septic tanks, cess pools and other disposal facilities, and to condemn and suppress all such disposal facilities in the City of Waverly when such are deemed unhealthy, unsafe and improper and injurious and offensive to the public; and to provide penalties for the violation of such ordinances; and to provide and regulate by ordinance all necessary rules and regulations with reference to keeping livestock within the City limits, and permitting livestock and other animals including dogs to run-at-large in the city.

(36) To levy and collect a tax for the operation of any picture show, place of amusement, carnivals, circuses, or any other kinds of shows or plays, games or other sports displays, in an amount not to exceed Three Hundred (\$300.00) Dollars per annum, which tax shall be paid on an annual basis, and which tax may be graduated by Ordinances so as to give consideration to the length of time such shows or displays may operate within the City.

(37) To regulate or suppress the operation of pool rooms in the City of Waverly, define zones in which pool rooms may be operated and prescribe the time of opening and closing, and make other necessary rules and regulations with reference to the operation of pool rooms that may be deemed to the best interest of the City.

(38) 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, conscience,

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<sup>1</sup>See the footnote to section 38.

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 fully 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.

(39) Intergovernmental cooperation and contracts. Be it further enacted, that in addition to other powers granted in this Charter, the city council 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 exercise of any power or function which the city is authorized to undertake by this Charter.

The city council may exercise the powers conferred in this article by ordinance or resolution setting out the terms to be included in any such contract or cooperative action. The parties to such contract or cooperative action, or any of them, may acquire, by gift or purchase, or by the power of eminent domain exercised by one or more of the parties, the lands, buildings, and other property necessary or useful for the purposes of the contract or cooperative action, either within or without the corporate limits of one or more of the contracting parties, and shall have the power to hold or acquire such property jointly. The city may provide for the financing of its share or portion of the cost or expenses of such a contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

Such a contract also may provide for the establishment and election of a joint commission, officer or officers to supervise, manage, and have charge of a joint service or project, and may provide for the powers and duties, terms of office, compensation, if any, and other provisions relating to the members of such joint commission, office, or officers. Such contract may include and specify terms and provisions relative to the termination or cancellation of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. Such cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share of the cost or expense incurred prior to the effective date of any such cancellation or termination.

Immunities and liabilities of officers. All public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this article shall enjoy the same immunities and be subject to the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

Handling of funds. All money received pursuant to any such contract or cooperative action, under the provisions of this article, unless otherwise provided by law, shall be deposited and disbursed in accordance with the

provisions of such contract or cooperative action. [As amended by Priv. Acts 1951, ch. 433, § 4; Priv. Acts 1953, ch. 558; Priv. Acts 1953, ch. 559, § 5; Priv. Acts 1971, ch. 44, § 9; and Priv. Acts 1975, ch. 22, § 2]

### CHARTER AND ORDINANCES, ETC., AS EVIDENCE

Section 10. Be it further enacted, That this Act is declared to be a Public Act, and may be read in evidence in all Courts of Law and Equity, and all Ordinances, Resolutions and proceedings of the Board of Mayor and Aldermen may be proved by the Seal of the Corporation. The same may be received in evidence in all Courts and places when attested by the Recorder, printed and published by the Authority of the Corporation and certified by the Recorder.

### DONATIONS BY CITY FORBIDDEN

Section 11. Be it further enacted, That the Board of Mayor and Aldermen are forbidden to make any appropriation of money or credit in the way of donation to festivities, pageants, excursions or parades.

### MISCELLANEOUS PROHIBITED APPROPRIATIONS, ETC.

Section 12. Be it further enacted, That the Board of Mayor and Aldermen are forbidden to make any appropriation or subscribe for stock in any railroad company or other corporation, except under the General Laws of the State, or to give or lend money, aid or credit to any person or corporation whatever, and they are hereby prohibited to employ or appropriate the revenues and tax money in any other manner than for the purposes strictly municipal and local and according to the provisions of this Act.

### STANDING COMMITTEES OF THE BOARD OF MAYOR AND ALDERMEN

Section 13. Be it further enacted, That the Board of Mayor and Aldermen shall by Ordinance or Resolution determine the number of standing Committees, the number composing each, and shall designate the character and duties of each Committee. The Mayor shall appoint said Committees annually on the Second Monday in June, and designate the Chairman of each. The Mayor shall be ex-officio a member of all standing committees.

### ORDINANCES AND RESOLUTIONS

Section 14. Be it further enacted, That all Ordinances shall begin an enacting clause as follows: "Be it Ordained by the Board of Mayor and Aldermen of the City of Waverly," and shall at the end of each Act contain the

provisions that "This Ordinance shall take effect from and after its passage, the welfare of the City requiring it," otherwise it shall not take effect until thirty days after its passage.

The Board of Mayor and Aldermen shall insure that all ordinances are available for public inspection at City Hall at any reasonable time. [As amended by Priv. Acts 1977, ch. 89, § 1]

### TAX RATE

Section 15. Be it further enacted, That the Board of Mayor and Aldermen shall have the power to determine a tax rate on taxable property within the corporate limits of the city, according to the assessed valuation as taken each year from Humphreys County assessments, according to Humphreys County tax books turned over to the County Trustee. [As deleted in its entirety and replaced by Priv. Acts 1977, ch. 89, § 2]

### GENERAL LIMITATION ON APPROPRIATIONS, ETC.

Section 16. Be it further enacted, That the Board of Mayor and Aldermen shall not appropriate or contract for, in any one year, any greater sum of money than the income of that particular year from all sources; provided this Section shall not apply to the issuance of bonds or interest-bearing warrants or notes where the Board makes provisions for the orderly payments of such bonds, warrants or notes and interest upon maturity.

### ORDERS MAKING APPROPRIATIONS

Section 17. Be it further enacted, That no appropriation for work, materials, improvements, or other objects shall be made without the object being fully stated in the Order making such appropriation.

### CERTAIN OFFICIALS TO BE BONDED

Section 18. Be it further enacted, That all of the Officers of the City who handle any funds, or have in their control or custody any of the funds or the records of the City, or who make or contract any debts against the City, shall each enter into bond with good and solvent sureties for the safe-keeping of the fund, property or the faithful and efficient services in behalf of the city respectively, and the said bond shall be in an amount to be determined and fixed by the Board of Mayor and Aldermen each year, and said bond shall be renewed each year and approved by the Board before the officer enters upon the discharge of his duty, and the same to be afterwards examined by the Mayor and City Attorney, and if defective in form or the sureties not solvent, in the opinion of the said Mayor and City Attorney, then they shall require the said

Official to make a new bond or procure other and solvent sureties, and unless this is done the said office shall become ipso facto vacant, and a new official shall be elected to fill the place. The bonds of all officials so required to enter into bonds shall be so examined by the said Mayor and City Attorney every six months, or at times to be designated by the Board of Mayor and Aldermen. All of said bonds shall be made payable to the "CITY OF WAVERLY," and it may enforce the payment of the same in an action in its own name in any courts of law or equity having jurisdiction of the matter in the State of Tennessee.

#### CHIEF OF POLICE; ASSISTANT POLICEMEN

Section 19. Be it further enacted, That the Mayor shall have the power to appoint a Chief of Police at a salary to be set by the Board of Mayor and Aldermen, but if said appointment is not approved by a majority of the Board of Aldermen within thirty (30) days, said appointment shall be invalid and a new Chief of Police shall be appointed in the same manner. The Mayor shall have the power, in the same manner, to appoint as many Assistant Policemen as may be needed, or as are necessary to preserve the peace and good order of the city, but the Chief of Police in case of emergency may summon or deputize assistants. The Mayor shall also have the power, in the manner heretofore specified, to appoint one or more policemen for night duty, and direct the time and places that such Policemen shall work. [As amended by Priv. Acts 1949, ch. 526, § 1; Priv. Acts 1951, ch. 433, § 5; and Priv. Acts 1971, ch. 44, §§ 10, 11, 12 and 13]

#### FIRE DEPARTMENT; PARKING METERS; SUPERINTENDENTS OF STREETS, WATERWORKS; PUBLIC WORKS EMPLOYEES

Section 20. Be it further enacted, That the Board of Mayor and Aldermen shall have the power to create a fire department, elect a Chief, and fix the compensation of the members of this Department. And the Board of Mayor and Aldermen shall further have the power in the regulation of traffic in said City to install parking meters, and collect a fee for the use of streets for parking, and to designate the Chief of Police or Policeman as traffic officer, whose duty it shall be to look after traffic, parking, and service the meters, and the Board is authorized to fix the compensation<sup>1</sup> of such officer. The Board of mayor and Aldermen is further authorized and empowered to create the positions of Superintendent of Streets and Superintendent of City Water Works, to define the duties of each, to fix the compensation of each, and may assign either or both positions to another city employee or may appoint a person to fill either or both positions. The Superintendent of Streets and Superintendent of Water Works

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<sup>1</sup>See the footnote to section 38.

may, with the approval of the Mayor, employ necessary help for street work, water works and other city projects.<sup>1</sup> [As amended by Priv. Acts 1949, ch. 526, § 2; Priv. Acts 1951, ch. 433, § 6; and Priv. Acts 1971, ch. 44, §§ 14, 15 and 16]

#### EXECUTION OF LEGAL PROCESS; POWERS OF POLICEMEN

Section 21. Be it further enacted, That the Chief of Police, and his assistants shall have the power to execute within said city limits and for one mile outside said city limits all criminal and other process issued by the City Recorder or City Magistrate of said City, and shall possess all the common law and statutory power of Constable except for the service of civil process. [As amended by Priv. Acts 1971, ch. 44, § 17]

#### DUTIES OF POLICEMEN

Section 22. Be it further enacted, That it is hereby made the duty of the said Chief of Police and his Assistants at all times of day and night to preserve the peace, prevent crime, detect and arrest offenders, enforce the Ordinances and general laws, suppress riot, protect the rights of persons and property, guard the public health, preserve order at elections, remove nuisances, suppress and restrain disorderly houses, houses of ill fame, and gambling houses, and to assist, advise and protect strangers and travelers in public streets and other public places, and to enforce every law relating to the suppression and punishment of crime, and to promote public health and safety. [As amended by Priv. Acts 1971, ch. 44, § 18]

#### STATE OFFENSES ADOPTED; FINES; ARREST AUTHORITY OF POLICEMEN

Section 23. Be it further enacted, That all disorderly acts, offenses, and practices forbidden by the State of Tennessee shall be offenses against the Town of Waverly if committed within the corporate limits of said Town or within one mile of the corporate limits of said Town. The members of the police force for the Town of Waverly shall have the power and authority to immediately arrest, without warrant, and take into custody any person who shall commit, threaten, or attempt to commit in the presence of such officers, or within his view, any breach of the peace or offense directly prohibited by Act of the Legislature or by Ordinance of the Board of Mayor and Aldermen, but such member of the police

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<sup>1</sup>See Ords. #1996-10 (May 1996), 2001-17 (Sept. 2001), 2001-19 (Oct. 2001), 2003-27 (Aug. 2003), and 2003-32 (Oct. 2003) of record in the recorder's office for ordinances entering into a mutual aid agreement regarding fire, police, public works service, and emergencies and natural disasters.

force shall immediately and without delay upon such arrest convey in person such offenders before the proper officers that they may be dealt with according to law with a speedy trial.

All such offenses committed within the corporate limits of said Town, or within one mile of the corporate limits of said Town are hereby declared to be a misdemeanor against said Town and any offenders may be tried in the City Court of said Town, and if found guilty shall be fined not less than Two (\$2.00) Dollars nor more than Fifty (\$50.00) Dollars. [As amended by Priv. Acts 1959, ch. 317, and Priv. Acts 1961, ch. 219]

### WORKHOUSE

Section 24. Be it further enacted, That the Board of Mayor and Aldermen may establish a work house in or near the City, in which it may confine, or work on the streets or any public improvements of said City, any or every person committed to the work house for failure to pay, or legally secure the fine and costs that may be imposed upon him for a violation of any of the Ordinances of said City, and he or she shall be required to work at such labor as his or her health and strength may permit, within or without said City, not exceeding ten hours each day, and shall be humanely treated, and the person thus laboring shall be allowed One Dollar per day until the whole amount of said fine and costs is discharged.

### PROPERTY TAX ASSESSMENTS AND POLL TAXES

Section 25. Be it further enacted, That it is hereby made the duty of the Recorder of said City to make out the Tax books of the City, and in doing so he shall use and be governed by the assessment made out by the County Tax Assessor and turned over to the County Trustee for collection for State and County purposes; and should any property subject to taxation not appear on the tax books of the City, the said Recorder shall assess said property and collect the tax thereon, and report such taxes a pick-up taxes. [As amended by Priv. Acts 1971, ch. 44, § 19]

### PROPERTY TAXES

Section 26. Be it further enacted, That the said tax book shall be made out by the first day of October of each year, on which day said taxes shall become due and payable, and the said Recorder shall proceed at once to collect said taxes due the City for said year, and he shall report to the Mayor on the first day of each month the amount of taxes so collected by him from all sources, including privilege taxes, fines, etc.; and on the first day of March following the year for which said taxes are assessed, said taxes shall become delinquent, and draw interest and penalty at the rate of one per cent per month while delinquent

and unpaid; and immediately after the first day of March of each year the Recorder shall make out a list of all unpaid taxes for the preceding year, and certify to same, and turn said list over to the City Attorney, who, by Resolution of the Board of Mayor and aldermen shall be instructed to file suit for the collection of said delinquent taxes in the proper Court having jurisdiction thereof, and such suits for the collection of delinquent taxes for the City shall be governed by the laws of the State of Tennessee for the collection of all State and County delinquent taxes.

### LIEN FOR PROPERTY TAXES

Section 27. Be it further enacted, That the taxes assessed by said City shall be a lien on the respective property against which the same are respectively assessed until paid, subject only to the lien of the State and Humphreys County for unpaid taxes.

### SUITS FOR COLLECTION OF DELINQUENT TAXES

Section 28. Be it further enacted, That the City Attorney in bringing suit for the collection of delinquent taxes for the City of Waverly under the direction of the Board of Mayor and Aldermen may bring such suits in the name of the corporate name of the City.

### CITY ATTORNEY

Section 29. Be it further enacted, That the Board of Mayor and Aldermen shall elect a City Attorney, who shall hold his office for two years, whose duty it shall be, in addition to the duties herein already set forth, to attend the meetings of the Board and give such legal counsel touching the interests of said municipality as may be required of him by action of the Board of Mayor and Aldermen, and to prepare Ordinances, to attend to all litigation wherein the City may be made a party, and to transact such other business connected with the government of said City as may be imposed upon him by Ordinance. And the Board of Mayor and Aldermen are hereby authorized to fix the compensation of the City Attorney for his regular work in attending Board Meetings, and to fix special compensation for litigation, bond issues, and other additional work.<sup>1</sup>

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<sup>1</sup>See the footnote to section 38.

CITY RECORDER; CITY JUDGE AND COURT; DISTRESS WARRANTS  
FOR COLLECTION OF PRIVILEGE TAXES; EXECUTIONS ON  
CITY COURT JUDGMENTS

Section 30. Be it further enacted, That it shall be the duty of the Recorder of said City to act as the Recorder and Secretary of the Board of Mayor and Aldermen and keep a record of their proceedings; to act as Treasurer of the City and receive all money due the City from all sources, collect all privilege taxes on property up to the first day of March succeeding the year for which they were assessed, or until such delinquent taxes are turned over to the City Attorney by direction of the Board, and during such delinquent period the Recorder will collect penalty and interest, and to pay out all money he may have received, under the directions of the Board of Mayor and Aldermen, and to perform all other duties required of him by Ordinance. He shall give bond in such sum as may be required by the Board of Mayor and Aldermen to be approved by the Board of Mayor and Aldermen as hereinbefore provided.

The Recorder and Mayor shall have all the power and function of a Justice of the Peace, and shall be entitled to fees accruing to such office. It shall be the duty of, and the Recorder is hereby authorized to issue distress warrants for double the amount of the highest privilege tax required of any person, firm, or corporation who shall enter upon or engage in any business in said City, the running or operation of which makes them liable to the payment of a privilege tax under the laws of the State and/or the Ordinance of said City, and who have not paid nor taken out licenses so required for the operation of said business, which distress warrant may be addressed to the Chief of Police of said Town, or to a Constable or Sheriff of said County of Humphreys, and which shall command such officer to levy the same on the property of said delinquent and to sell the same and apply the proceeds to the payment of said taxes, costs, and penalties therein provided. Any said Officer to whom said distress warrant comes shall execute the same at once on penalty of being liable himself, on motion of the Recorder, for double the tax, costs, and damages lost by his delay, in the Circuit Court. The said Officer shall sell said goods so levied upon after giving ten days notice of the time and place of said sale as required by law in execution sales by Sheriffs, and apply the proceeds to the payment of said taxes, penalties, costs, etc. The said Recorder may issue an execution on any judgment rendered by him against the party or parties against whom he so renders said judgment for costs, fines or penalty, which execution shall be directed to the City Chief of Police or to the Sheriff of the County, who shall levy upon any property of the Defendant or Defendants in said execution, or against whom same is issued, not exempt from execution under the laws of the State, and which property shall be sold by such officer in the manner required in execution sales by sheriffs under State laws.

A city judge shall hold the city court and try all offenses against the city, but may excuse himself on account of sickness, absence, incompetence, or for

any other reason, and in such case, he shall designate someone else to hold the court and they are hereby empowered to act in his stead and to try all cases and assess all fines and punishment as the judge might have if present. The judge shall be elected by the Board of Mayor and Aldermen for a two year term and shall be a person well versed and learned in the law, of at least 21 years of age and may be the General Sessions Judge of Humphreys County, Tennessee, or such other person with qualifications as stated herein. The judge shall have authority to appoint a clerk of the court, deputy clerk, or other necessary court officers and the city judge or court officers may likewise serve the city in other capacities and do and perform other duties of a different nature for the city without violating any governmental prohibitions for holding two offices with the city and the clerk and deputies shall possess all the rights and powers for the city court that a circuit clerk and deputies have for the general sessions court, the city clerk and deputies have the right to issue warrants', mittimus, set bonds, and so forth, in the same sense that the circuit court clerk has for the general sessions court. The compensation of the judge, clerk and other court officers shall be in an amount determined by the Board of Mayor and Aldermen. [As amended by Priv. Acts 1971, ch. 44, § 20, and Priv. Acts 1975, ch. 146, § 1]

MAYOR'S POWERS AND DUTIES; PASSAGE OF ORDINANCES;  
RESTRICTIONS ON SALES AND PURCHASES BY CITY

Section 31. Be it further enacted, That it shall be the duty of the Mayor to preside at the Meetings of the Board; to carefully examine the bills and Ordinances passed, and should any of them, in whole or in part not meet with his approval, he shall return them to the next regular meeting of the Board of Mayor and Aldermen with his objections in writing, either to the whole or any part of such bills or Ordinances, and no bill nor Ordinance, in whole or in part, so vetoed by the Mayor shall go into effect unless same be passed by two-thirds vote of the whole number of the members of the Board of Mayor and Aldermen. The Mayor may veto part and approve part of any bill or Ordinance, and that part he approves shall go into effect at once, but the part vetoed shall not go into effect unless passed by two-thirds vote, as above provided. No bill or Ordinance shall become a law without first having been read and passed at two separate meetings by a majority of said Board of Aldermen, and not until said bill or Ordinance shall have been signed by the Mayor, or without his signature, as provided in this Act. The role of members shall be called and the vote of each member voting shall be recorded in the passage of all bills and ordinances on each reading. If the Mayor fails to return any bill or Ordinance at the next regular meeting after its passage, he shall be deemed to have approved same, and it shall become a law without further action. The Mayor shall have the power to make pro tempore appointments to fill vacancies caused by sickness, absence or other disability of any city officer, and to suspend any City Officer or Officers for misconduct in office or neglect of duty, reporting his actions, with his

reasons therefor, to the next meeting of the Board of Mayor and Aldermen by whom final action shall be taken; but he shall not have the power to fill vacancies or suspend members of the Board of Mayor and Aldermen. He may, whenever in his judgment the good of the City requires it, cause special meetings of the Board of Mayor and Aldermen, and when so called he shall state in the call the object for which it has been called, and the business of such meeting shall be restricted to the object or objects so stated, which message and call shall be entered on the Minutes of the special meeting. The Mayor shall at least once every six months cause the Recorder to present to the Board of Mayor and Aldermen a full and complete statement of the financial condition of the City. The Mayor shall from time to time communicate to the Board of Mayor and Aldermen such information and recommend such measures as may in his judgment tend to promote the general welfare of the City. He shall appoint such Committees from the Board of Mayor and Aldermen as may be necessary for the speedy and efficient transaction of the public business and promotion of the public good. He shall take care and see that all laws and ordinances of the City are duly respected and observed within the City, and perform such other duties as may by the Charter and Ordinances of the Board of Mayor and Aldermen be required of him. The compensation<sup>1</sup> of the Mayor shall be such an amount as the Board of Mayor and Aldermen shall by Resolution or Ordinance adopt. The Mayor shall, before entering upon the duties of his office, take the oath as hereinbefore provided. He shall have the power and exercise the functions of the Justice of the Peace for the purpose of trying cases, as hereinbefore provided, and keeping the peace within the City. He shall have the power and it is made his duty to bid in for the City, at all tax sales and judicial sales, when the City is a party all property so sold, to the extent of the aggregate debt due the City. The Mayor may vote, and it shall be his duty to do so, in cases of tie votes among the Aldermen, and his vote shall decide the question. In cases of appropriations of more than Five Hundred (\$500.00) Dollars, and in bond issues, the vote on such questions must be carried by a majority of all the Aldermen, or three Aldermen and the vote of the Mayor, in case of a tie among the six Aldermen; but in all other cases a legal vote shall be the majority of the Aldermen present, providing there is a quorum of four present, and providing that the question receives as many as three votes from Aldermen, or two Aldermen votes and the vote of the Mayor, in the case of a tie among four Aldermen. [As amended by Priv. Acts 1971, ch. 44, § 21; Priv. Acts 1975, ch. 22, § 3; and Priv. Acts 1993, ch. 34, § 1]

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<sup>1</sup>See the footnote to section 38.

### MAYOR PRO TEMPORE

Section 32. Be it further enacted, That in the absence of the Mayor and Vice-Mayor, the Board of Aldermen shall elect one of their number to discharge the duty of the office of Mayor, and in case of resignation, removal, death, or the nonresidence of the Mayor his office shall be filled in the manner as provided by Section 6. The Mayor pro tempore herein provided for shall have the right as an Aldermen to vote on all questions and in case of a tie vote shall have the right to vote again, but this right shall vest in him only while serving as Mayor pro tempore. [As amended by Priv. Acts 1961, ch. 180, § 3, and Priv. Acts 1971, ch. 44, § 22]

### STREET WORK

Section 33. Be it further enacted, That the street committee, when established by the Board of Mayor and Aldermen as provided for in Section 13, shall have the power, and it is hereby made its duty to make all contracts, for material and other expenditures necessary for the working and keeping in repair of said streets and alleys of the City, subject to the approval of the Board, and payment for such work or materials or supplies shall be made in the way and manner hereinbefore provided. [As amended by Priv. Acts 1971, ch. 44, § 23]

### MUNICIPAL RECORDS

Section 34. Be it further enacted, That the Mayor, Recorder, City Attorney, and other officers of said City shall preserve and arrange in a systematic way all the records of their respective offices, which shall be open to the inspection of the public at all reasonable hours.

### SEAL OF THE CITY

Section 35. Be it further enacted, That the said Mayor shall attach the Seal of the City to all warrants and official acts except his approval of bills and ordinances, and he is hereby made custodian of the Seal of the City.

### ANNUAL AUDIT

Section 36. Be it further enacted, That at the end of each year the Mayor shall appoint two citizens of the City, at least one of whom shall not be an officer thereof, who, in conjunction with the City Attorney shall constitute an auditing committee, which shall thoroughly examine the financial condition of the City in all its departments and make an itemized report of the financial conditions of the City, showing the number and amount of all warrants issued and taken

up, and compare and check the Mayor's and Recorder's register of warrants issued with the register of warrants taken up, both of which registers the Mayor and Recorder are required to keep. The said Committee shall show in their report whether all of the officials have kept their office in proper shape, and whether they have discharged the duties thereof faithfully and efficiently, and have properly accounted for all the funds that came into their hands or should have come into their hands, as well as the amount of monies on hand, how and where kept, the amount of the indebtedness of the City, to whom owing and for what purposes. However, if in the opinion of the Mayor and Board of Aldermen it would be to the best interest of the City, the said Mayor and Board of Aldermen are hereby authorized and empowered to employ an auditor or accountant to completely audit and check the entire records of the City at the end of each fiscal year. And the said auditor or accountant shall make a financial report of his findings of the condition of the City to the Mayor and Board of Aldermen. [As amended by Priv. Acts of 1953, ch. 406]

BOARD OF MAYOR AND ALDERMEN AUTHORIZED  
TO SUPPLY OMISSIONS

Section 37. Be it further enacted, That whenever in this Act any omissions are made in defining the duty or authority of any of the officers provided for herein, and which is essential to properly carry out the object of this Act, the Board of Mayor and Aldermen are hereby granted authority to supply such omissions, and they are further given the power and authority to do any and everything necessary to carry out the object of this Act.

COMPENSATION OF OFFICERS;<sup>1</sup> REGULAR MEETINGS OF  
BOARD; EMPLOYMENT OF CITY MANAGER

Section 38. Be it further enacted, That the compensation and salary of any of the employees and officials of the City shall be commensurate with their duties and shall be in such an amount as may be established and determined by the Board of Mayor and Aldermen in a regular meeting of said body. There shall

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<sup>1</sup>Priv. Acts 1963, chapter 260, amended the charter generally (but no specific section) to provide as follows:

Said Chapter 475 and any amendments thereto wherein it refers to compensation or salary of any of the employees and officials of the City is hereby deleted, and the compensation to said employees and officials of the City shall be commensurate with their duties and shall be in such an amount as may be established and determined by the Board of Mayor and Aldermen in a regular meeting of said body.

not be a residence requirement for any employee as they shall be selected according to their qualifications without regard as to where they reside.

That the second Monday of each month shall be the regular meeting date for said Board and the Board at its option may also hold a regular meeting on the fourth Monday of each month, and all business heretofore transacted by the Board on the second and fourth Mondays is hereby validated. The Board of Mayor and Aldermen (Council) may at their discretion employ a City Manager or Supervisor whose duties shall be prescribed by a resolution and which can include but need not be limited to those of a "City Manager" as enumerated in the Code of the State of Tennessee. Said manager can be given the powers and duties of supervising all departments and functions of the city or such parts as the council may want to designate, except of course, he can in no way have any supervisory powers over the council. Said manager or supervisor, if appointed, shall be answerable only to the council and shall serve at their pleasure. He would be appointed by the Mayor with the approval of the Board of Aldermen. [As amended by Priv. Acts 1959, ch. 301, § 2; Priv. Acts 1961, ch. 180, § 2; Priv. Acts 1971, ch. 44, § 24; and Priv. Acts 1975, ch. 22, § 4]

#### ISSUANCE OF BONDS

Section 39. Be it further enacted, That the Board of Mayor and Aldermen are hereby authorized to contract indebtedness on behalf of the City and upon the credit thereof, by issuing bonds of the City and disposing of them for the purpose of obtaining money for all public improvements that are legal and lawful under the General law, and for the purpose of constructing buildings that may be used in whole or in part for factories and industries that will increase employment in the City of Waverly; that at no time shall the bonds issued under this Authority for said purposes exceeding thirty per cent of the taxable values of real estate and personal property of said City, as shown by the assessment at that time; provided, that before any bonds are issued under this Authority the Mayor and Board of Aldermen shall draw up a proposition in writing that shall fully disclose the amount of bonds to be issued, the length of time they are to run, the rate of interest they are to draw, and the purpose or purposes for which they are to be issued, and shall cause said proposition to be posted at some public place in the City, or published in some newspaper published in the City of Waverly, at least thirty days before the day of election, which election shall be called and held by the Humphreys County Election Commission, upon request from the Board of Mayor and Aldermen of the City, under the general election laws of the State, but in the event the Humphreys County Election Commission should neglect or refuse to hold such election, the Board of Mayor and Aldermen may cause an election to be held under rules and regulations prescribed by Resolution of the Board; and at such election the said proposition shall be submitted to a vote in said City; provided that bonds issued principally for refunding outstanding indebtedness, and for other purposes for which the

General Law of the State requires no election, no elections shall be necessary or a prerequisite to issuance of such bonds. All qualified persons qualified at the time to vote for Mayor and Aldermen shall be entitled to vote in said election, and no bonds shall be issued under said proposition unless a majority of the votes cast in said election shall be in favor of the proposition; provided further that the defeat of any proposition shall not preclude its resubmission; and provided, further, that no bonds issued under this authority shall bear a greater rate of interest than six per cent per annum, and shall not be sold for less than par. When any bonds are issued hereunder for any legal purpose, the Mayor and Board of Aldermen shall have the power to pass and enforce any and all ordinances necessary to effectuate and carry out the purposes of which said bonds are issued, and may create any and all necessary boards and commissioners, and pass ordinances regulating their actions and duties. Whenever any bonds are issued hereunder the Board of Mayor and Aldermen shall annually levy a tax upon all taxable property and polls within the corporate limits of said City of a sufficient amount and for the purpose of paying the interest on said bonds and liquidating said bonds as they mature; and provided that all bonds so issued shall be secured by the full faith and credit of the said City of Waverly, and shall be made payable in current money of the United States, and shall not be taxable by the United States, the State or any County or Municipality thereof. That the Board of Mayor and Aldermen shall have the power to issue interest bearing warrants or notes and shall provide sufficient tax levy for the payment of said warrants and interest, which interest shall not exceed six per cent. [As amended by Priv. Acts 1959, ch. 301, § 3; Priv. Acts 1961, ch. 183; Priv. Acts 1971, ch. 44, § 25; and as purported to be amended by Priv. Acts 1977, ch. 89, §§ 3, and 4)<sup>1</sup>

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<sup>1</sup>Private Acts 1977, chapter 89, section 3 does not amend section 39 of the charter; rather it purports to amend Private Acts 1971, chapter 44, section 25 which did amend section 39 of the charter. However, Private Acts 1977, chapter 89, section 3 is so confusing it was not possible for this compiler to determine the intent of the authors of that Act. The confusion is further compounded by Private Acts 1977, chapter 89, section 4, which does amend section 39 of the charter. The language of both acts is set out as follows:

Private Acts 1977, chapter 89, section 3:

Chapter 475 of the Private Acts of 1947 as amended by chapter 301 of the Private Acts of 1959, chapter 183 of the Private Acts of 1961, chapter 44 of the Private Acts of 1971, and all other acts amendatory thereof is amended, in section 25 of chapter 44 of the Private Acts of 1971, by deleting the amendatory words in their entirety and inserting instead the following:

The city may issue interest-bearing warrants or notes in such  
(continued...)

WHEN ANNUAL TAX LEVY TO BE MADE

Section 40. Be it further enacted, That the tax levy for the year 1947 be made by the Board of Mayor and Aldermen at a regular meeting in July 1947, and that the annual tax levy thereafter shall be made in July of each year, or as

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(...continued)

amount as may be determined by the Board of Mayor and Aldermen.

Private Acts 1977, chapter 89, section 4:

Chapter 475 of the Private Acts of 1947 and all other acts amendatory thereto is amended in section 39 by deleting the last words in the sentence, which read "which interest shall not exceed 6 percent," and inserting instead the following:

The city may issue interest-bearing warrants or notes with such interest rate as may be determined by the Board of Mayor and Aldermen.

As Private Act 1977, chapter 89, section 4 indicated, section 39 of the basic charter was amended by at least three prior private acts. However the only effect of Private Acts 1959, chapter 301, section 3 and Private Acts 1961, chapter 183, section 2 was to respectively increase the amount of interest hearing warrants the Board of Mayor and Aldermen had the authority to issue from the \$25,000 in the basic charter to \$75,000 and \$125,000. Then Private Acts 1977, chapter 44, section 25 deleted the language imposing the \$125,000 reduction. There have been no other amendments to section 39 except the two generated by Private Acts 1977, chapter 89, sections 3 and 4 which create the problem of interpretation of section 39.

The problem is that trying to satisfy the language deletion and replacement requirements of Private Acts 1977, chapter 89, section 3 creates a portion of section 39 of the charter that makes no grammatical sense. Presumably the author of Private Acts 1977, chapter 89, section 3, did not intend the deletion of the language of section 39 of the charter in its entirety or else he would not have in section 4 of that Act amended the last sentence of section 39. However, because this compiler is not certain as to the affect of Private Acts 1977, chapter 89, sections 3 and 4, at least in a grammatical sense, the changes in section 39 of the charter provided for therein have not been incorporated in section 39. Private Acts 1977, chapter 89, sections 3 and 4 are set out above as an aid to the reader to make his own interpretation of the grammatical affect of this Act on section 39.

soon thereafter as practical. Said taxes, when levied, shall have the force and effect given by the State laws relative to State taxes in the State of Tennessee.

DIVISION OF CITY INTO WARDS

Section 41. Be it further enacted, That the said City of Waverly may be divided into as many as three Wards by Ordinance of the Board of Mayor and Aldermen, but the election shall be general over the whole City, and the party or parties receiving a majority of all votes of the City shall be deemed elected to the office to be filled, but not more than two Aldermen and one School Board Director shall be elected from any one Ward.

LAWS REPEALED

Section 42. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and Chapter No. 782 of the Private Acts of 1925 is hereby expressly repealed.

DATE OF EFFECT

Section 43. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1947.

George O. Benton,  
Speaker of the Senate.

W. B. Lewallen,  
Speaker of the House of Representatives.

Approved March 4, 1947.

Jim McCord,  
Governor.

PRIVATE ACTS COMPRISING THE CHARTER OF WAVERLY,  
TENNESSEE

YEAR	CHAPTER	SUBJECT
1947	475	Basic charter act.
1949	526	Amended §§ 19 and 20 of the charter by increasing the salaries for the city marshall and the superintendent of city water works.
1951	432	Amended §§ 6 and 7 of the charter by striking the word "Recorder" from both sections.
1951	433	Amended § 2 of the charter by changing the corporate limits; inserting a second paragraph in § 4; adding a new paragraph in § 9(33); replacing § 19; and increasing the compensation of the superintendent of water works in § 20.
1953	406	Amended § 36 of the charter relative to the annual audit.
1953	407	Amended § 2 of the charter relative to the corporate limits.
1953	558	Amended Priv. Acts 1951, ch. 433, § IV, which had the affect of amending § 39 of the charter.
1953	559	Amended § 4 of the charter; amended § 6 relative to vacancies in office; amended § 7 relative to tenure of mayor and aldermen; and replaced § 9(33) relative to public schools.
1959	155	Amended § 4 of the charter by adding a paragraph relative to voting.

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YEAR	CHAPTER	SUBJECT
1959	301	Amended § 38 by increasing the compensation for the mayor and aldermen; and amended § 39 relative to the issuance of bonds.
1959	317	Amended § 23 relative to state offenses, fines and arrest authority of policemen.
1961	180	Amended § 32 relative to mayor pro tempore and § 38 relative to regular meetings of the board.
1961	183	Amended § 39 relative to the issuance of bonds.
1961	219	Amended Priv. Acts 1959, ch. 317, § 1, which had the affect of amending § 23 of the charter.
1963	260	Amended the charter with respect to compensation of employees and officials.

YEAR	CHAPTER	SUBJECT
1971	44	Amended § 2 relative to city limits; amended § 4 relative to resident voters of the town; amended § 5 relative to oath of office for officials; amended § 6 relative to the vice-mayor and vacancies in office; amended § 7 relative to tenure of mayor and aldermen; amended § 8 relative to corporate powers; amended § 9 by adding subsection (38); amended § 19 relative to the chief of police; amended § 20 by creating a superintendent of streets; amended § 21 relative to powers of policemen; amended § 22 relative to duties of policemen; amended § 25 relative to property taxes; amended § 30 relative to the collection of taxes; amended § 31 by increasing the amount of appropriations; amended § 32 relative to mayor pro tempore; amended § 33 relative to street work; amended § 38 relative to the compensation of employees and officials; and amended § 39 relative to the issuance of bonds.
1971	105	Amended Priv. Acts 1971, ch. 44, § 7, which had the affect of amending § 7 relative to the tenure of mayor and aldermen.
1975	22	Amended § 7 relative to the tenure of the mayor and aldermen; amended § 9 relative to ordinance powers; amended § 31 relative to purchases by the city; and amended § 38 relative to compensation of officers.
1975	146	Amended § 30 relative to city judge.

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YEAR	CHAPTER	SUBJECT
1977	89	Amended § 14 relative to ordinances and resolutions; amended § 15 relative to the tax rate; and amended Priv. Acts 1971, ch. 44, § 25 which had the affect of amending § 39 of the charter.
1993	34	Amended § 31 by deleting the last two paragraphs relative to the sale of surplus property and purchases or contracts.