

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

CHAPTER NO. 90

HOUSE BILL NO. 1570

By Representative Winningham

Substituted for: Senate Bill No. 1564

By Senator Burks

AN ACT to repeal the Charter of the City of Celina, the same being Chapter 201 of the Private Acts of 1951, as amended by Chapter 346 of the Private Acts of 1974, as amended by Chapter 150 of the Private Acts of 1983, and all acts amendatory thereto; and to enact a new Charter.

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<sup>1</sup>Priv. Acts 1991, ch. 90. is the current basic charter act for the City of Celina, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2021 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

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

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<sup>1</sup>Priv. Acts 1991, ch. 90, did not include a Section 4.03.

<sup>2</sup>Priv. Acts 1991, ch. 90, did not include a Section 5.04.

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

SECTION 1. Chapter 201 of the Private Acts of 1951, as amended by Chapter 346 of the Private Acts of 1974, as amended by Chapter 150 of the Private Acts of 1983 and all acts amendatory thereto is hereby repealed and is replaced in its entirety by the following new Charter:

Section 1.01. Creation. This act shall constitute the whole charter of the City of Celina, repealing and replacing the charter provided by Chapter 201 of the Private Acts of 1951 as amended by Chapter 346 of the Private Acts of 1974, as amended by Chapter 150 of the Private Acts of 1983, and all acts amendatory thereto. Be it enacted: That the City of Celina be and is hereby constituted as a municipal corporation and a body politic under the laws of the State of Tennessee and is therefore entitled to all privileges and responsibilities accorded municipalities under law.

Section 1.02. Boundaries. The boundaries of the City of Celina shall be those in effect at the time of the adoption of this charter and all annexations and additions expanding said boundaries in accordance with law.

Section 1.03. Definitions. As used in this act the following words and terms shall have the following meanings:

(a) "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 Celina.

(b) "Alderman" shall mean a person elected to the "board of mayor and aldermen." As provided in this act, "board of mayor and aldermen" shall mean the mayor and each alderman.

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

(d) "Board" shall mean the board of mayor and aldermen.

(e) "City" shall mean the City of Celina.

(f) "City judge" shall mean the presiding officer of the city court, and shall be an attorney, as licensed by the State of Tennessee.

(g) "Non-partisan" shall mean without any designation of candidates as members of candidates of any state or national political party or organization.

(h) "Officer" shall mean and include the mayor, aldermen, city judge, members of boards and commissions, and any other person 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) "Public way" shall mean any land used by the public as a passageway, 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.

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

Section 1.04. Corporate powers. The corporate powers of the city, to be exercised by the board of mayor and aldermen, shall include the following:

(a) To levy and to provide for the assessment and collection of taxes on all property subject to taxation.

(b) To levy and to provide for the collection of license taxes on privileges, occupations, trades, and professions in accordance with state law.

(c) To levy and to provide for the collection of registration fees on automobiles and trucks in accordance with state law.

(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.

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

(f) To perform planning and zoning activities and functions, as provided by and in accordance with state law.

(g) To condemn property for the present or future use in accordance with state law.

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

(i) To grant franchises or make contracts for public utilities, and public services, not to exceed a period of twenty (20) 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, to the extent permitted under state and federal law.

(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 institutions, 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 state law.

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

(l) 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.

(m) 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.

(n) To regulate and license weights and measures.

(o) To regulate and license or prohibit the keeping or running at large of animals and fowls, and to provide for the disposition or impoundment of same in violation of any ordinance or lawful order and for their disposition, by sale, gift, or humane killing.

(p) 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, or require operators to provide off-street parking facilities.

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

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

(s) To exercise and enjoy all other powers, functions, rights, privileges, 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, to the extent permitted under state and federal law.

## ARTICLE II

### BOARD OF MAYOR AND ALDERMEN

Section 2.01. Election of mayor and aldermen. On the first Tuesday in June, 1993, an 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 Tennessee, to elect a mayor and three (3) aldermen for a term of four (4) years, from the city at large. The terms of office of the mayor and aldermen shall begin at 12:01 A.M. on the first day of July following their election, and they shall serve until their successors have been elected and qualified. Elections for the office of mayor and aldermen shall be non-partisan.

Candidates for the office of mayor and aldermen of the City of Celina shall have lived within the limits thereof for a period of twelve (12) consecutive months previous to being eligible to run for such offices, and shall be qualified voters in the city. Any person elected to the office of mayor or aldermen shall go before a magistrate, the clerk of the county court of Clay County, or before any other person qualified under the laws of Tennessee to issue oaths, and shall make and subscribe to an oath as well, truly, impartially, and faithfully discharge the duties of their respective office, which oaths shall be filed with the recorder.

All registered voters who live within the corporate limits of the city, and all registered voters who reside outside the boundaries of the city who own real property within the city limits consisting of a minimum value of two thousand five hundred dollars (\$2,500), as determined by the appraised value assessed by the Clay County property tax assessor for the calendar year preceding the city elections, shall be entitled to vote in all city elections and referenda held in the city. Pursuant to Tennessee Code Annotated, § 2-2-107, in cases of multiple ownership of real property, no more than two (2) owners who are registered voters shall be eligible to vote under this section. [As amended by Priv. Acts 1992, ch. 207; and Priv. Acts 2009, ch. 1, § 1]

Section 2.02. Board of mayor and aldermen. The mayor and three (3) aldermen shall compose the board of mayor and aldermen, in which is vested all corporate, legislative and other powers of the city, except as otherwise provided in this act. The aldermen shall serve and be compensated at the amount of fifty dollars (\$50) for attendance at each regularly scheduled monthly meeting. No compensation shall be paid for attendance at special called meetings; however, the aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties. The mayor shall be compensated at not less than one hundred dollars (\$100) per month and shall be reimbursed for actual and necessary expenses incurred in the conduct of official duties. The compensation for the mayor shall not decrease during a term of office, but may be increased by passage of an ordinance by a majority of the board.

The board shall hold regular public meetings at a stated time and place, as provided by ordinance. The board shall meet in special session on written call of the mayor or any two (2) aldermen, and served on other members of the board personally or left at their residences at least seven (7) days in advance of the meeting. Such notice of a special meeting shall not be required if the mayor and all aldermen 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 board. The board of mayor and aldermen shall exercise its powers only in public meetings. A majority of the board shall constitute a quorum. The board may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The board may subpoena and examine witnesses, order the production of books and papers, and have such powers as may be provided by state law.

Section 2.03. Mayor as presiding officer. The mayor shall preside at meetings of the board, shall have no vote except in case of a tie vote, and no veto power; he 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 board 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 2.04. Vice-mayor. At the first regular meeting after the newly elected mayor and aldermen have taken office, the aldermen with the highest number of votes shall serve as vice-mayor for a term of four (4) years. The vice-mayor shall perform the duties of the mayor during the mayor's absence or inability to act, and shall fill out any unexpired term in the office of mayor.

Section 2.05. Vacancy in office of mayor or aldermen. A vacancy shall exist if the mayor or an alderman resigns, dies, moves his residence from the city, has been continuously disabled for a period of six (6) months, so as to prevent him from discharging the duties of his office, is absent from all meetings for three (3) consecutive months, or is convicted of a malfeasance of misfeasance in office, a felony, a violation of this act, or a violation of the election laws of the state. The board shall appoint a qualified person to fill a vacancy in the office of alderman for the remainder of the unexpired term. If a tie vote by the board to fill a vacancy is unbroken for fifteen (15) days, the mayor shall appoint a qualified person to fill the vacancy.

Section 2.06. Recorder. The mayor shall appoint a recorder, who shall be responsible for keeping and preserving the city seal and all records of the board of mayor and aldermen; attending meeting of the board 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, and the title of each resolution or ordinance considered; preparing and certifying copies of official records in his office, for which fees may be prescribed by ordinance; and performing such duties as may be required by the mayor or the board.

Section 2.07. Official city newspaper. The board of mayor and aldermen by resolution shall designate a newspaper of general circulation in the city as the official city newspaper.

Section 2.08. City legislation. Any action of the board 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 resolutions or motions. Each resolution and ordinance shall be in written form before being introduced. The affirmative vote of at least two (2) members of the board shall be required to pass any motion, resolution or ordinance. Each ordinance, before being adopted, shall be read at two (2) meetings not less than one (1) week apart, and shall take effect ten (10) 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 three (3) members of the board. No ordinance relating to a franchise, exclusive contracts, or other special privilege shall be passed as an emergency ordinance. The original copies of all ordinances and resolutions shall be filed and preserved by the recorder. An abstract of the essential provisions of each ordinance shall be published once in the official city newspaper within ten (10) days after its adoption, or posted at the county court house.

### ARTICLE III

#### ORGANIZATION AND PERSONNEL

Section 3.01. Organization. The city government shall 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. The board of mayor and aldermen 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, departments, and agencies of the city subject to the following exceptions: (a) the number of members and authority of the board, as provided in this act, shall not be changed, and (b) the office of mayor shall not be abolished, nor shall his powers, as provided in this act, be reduced.

Section 3.02. Administrative duties of mayor. 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 request for such purposes. The mayor 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 shall submit to the board annual budgets, reports, and such other information as he may deem necessary or the board may require. He shall have authority to make expenditures of funds within the limits of appropriations and no expenditures 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. The mayor shall appoint a city attorney, who shall be responsible for representing and defending the city in all litigation

in which the city is a party, shall be the prosecuting officer in the city court, shall attend meetings of the board, shall advise the board, mayor and other officers and employees of the city concerning legal aspects of the city's affairs, resolutions, motions, and other official documents, and shall perform such other duties as may be prescribed by the board of mayor and aldermen.

Section 3.04. City court. A city court, presided over by a city judge on a full or part-time basis as 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 general sessions court over offenses against the criminal laws of the state committed within the city. The city judge shall have authority to impose fines, cost, and forfeitures as provided by state law. Warrants, subpoenas and other processes of the city court shall be executed by police officers of the city. The city attorney shall be the prosecuting officer of the court.

Section 3.05. City judge and city court clerk. The board may appoint and fix the salary of the city judge for a term of two (2) years, and such salary shall not be changed during the term of office. The board may 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. The board shall fill a vacancy in this office by the appointment of a qualified person for the unexpired term.

The city judge shall recuse 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, or by the vice-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.

Section 3.06. Other officers and employees. The board by ordinance may establish offices and positions of employment and may abolish, combine or modify them. 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, but in any event the mayor may require officers and employees of the city, except those appointed by and accountable to the board, 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, or may be under boards or commissions

appointed by and answerable to the board of mayor and aldermen 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. All employees of the city, except as otherwise provided in this act, shall be appointed, promoted, demoted, transferred, suspended, and removed by the mayor. During a suspension, an employee's salary may be reduced or eliminated, as determined by the board of mayor and aldermen.

Section 3.08. Oath of office. Before a person takes any office in the city government, he shall take, subscribe to, and file with the recorder 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 Celina, and that I will faithfully discharge the duties of the office of \_\_\_\_\_."

Section 3.09. Official bond. 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 board. The cost of such bonds shall be paid by the city. All such bonds shall be kept in the custody of the recorder, except that the recorder's bond shall be kept in the custody of the mayor.

## ARTICLE IV

### FISCAL ADMINISTRATION

Section 4.01. Fiscal year. 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. Before the beginning of the ensuing fiscal year the board shall adopt an appropriation ordinance, based on the mayor's budget with such modifications as the board considers necessary

or desirable. Appropriations need not be in more detail than a lump sum for each department and agency. The board shall not make any appropriations in excess of estimated revenue and surplus except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the city; providing the board unanimously agrees there is such an emergency. Amendments may be made to the original appropriation ordinance at any time during a current fiscal year on five (5) days notice published once in the official city newspaper, or posted at the courthouse, provided that increased appropriations may be made only after the mayor has certified in writing that a sufficient amount of unappropriated revenue will be available, except for emergency appropriations as provided above. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall 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. At the end of each month the mayor shall submit a detailed budget report to the board, 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 4.04.<sup>1</sup> Central purchasing. All contracts and purchases, except those that may be reserved to the board by ordinance, shall be executed by the mayor or an employee appointed by him. Purchasing policies shall be set by ordinance or by applicable state law.

Section 4.05. Sale of city property. The board may sell any city property which is obsolete, surplus, or unusable, if the proceeds do not exceed one hundred dollars (\$100), without taking bids. The board shall take sealed bids, or a public auction shall be held, for any sale producing more than one hundred dollars (\$100). The sale of real estate shall be subject to approval by the board.

Section 4.06. Property taxes. All property subject to taxation for state or county purposes, assessed as of January 10 in each year, shall be subject to the property tax levied by the city.

Section 4.07. Tax levy. The board shall make a tax levy expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation, and if no tax levy is made within ninety (90) days prior to the tax due date, the property tax

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<sup>1</sup>Private Acts 1991, ch. 90, did not include a Section 4.03.

rate in effect the last fiscal year shall continue in effect as the tax rate for the new fiscal year.

Section 4.08. Tax due dates and tax bills. The due dates of property taxes shall be fixed by ordinance and provision may be made for equal semi-annual installments. The city may send tax bills to taxpayers, showing the assessed valuation, 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 after a due date, at which time a penalty in accordance with state law shall be added, and thereafter such taxes shall be subject to interest in accordance with state law.

Section 4.09. Collection of delinquent taxes. The board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the recorder for the sale of goods and chattels to be executed by any police officer of the city under the laws governing execution of such process from a general sessions court, 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 (2) 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 4.10. Special assessments. The city may assess all or part of the cost of constructing, reconstructing, widening, or improving any public way, 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 assessments shall become delinquent sixty (60) days after their due dates or after the due date of each installment if paid on an installment basis, shall thereupon be subject to a penalty of six percent (6%), and shall thereafter be subject to interest at the rate as set by the board 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 4.11. Disbursements by checks. All disbursements shall be made by checks signed by the recorder and countersigned by the mayor.

Section 4.12. Official depository. The board 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.

## ARTICLE V

### MISCELLANEOUS

Section 5.01. Authority to dispatch safety vehicles. The City of Celina shall have power to send safety vehicles outside corporate limits, under such rules and regulations as the board by ordinance may adopt.

Section 5.02. General laws may be used. The board 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. Severability. 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 will 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.<sup>1</sup> Effective date. This act shall be effective on and after its passage, the public welfare requiring it.

Section 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Board of Mayor and Aldermen of the City of Celina. Its approval or nonapproval shall be proclaimed by the presiding officer of the board of mayor and aldermen and certified to the Secretary of State.

Section 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

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<sup>1</sup>Private Acts 1991, ch. 90, did not include a Section 5.04.

PASSED: May 2, 1991

s/Jimmy Naifeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

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

APPROVED this 14th day of May 1991

s/Ned McWherter  
NED McWHERTER, GOVERNOR

ACTS COMPRISING THE CHARTER OF THE CITY OF  
CELINA, TENNESSEE

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YEAR	CHAPTER	SUBJECT
1991	90	Basic charter act.
1992	207	Amends § 2.01.
2009	1	Amends § 2.01.