

TITLE 1

GENERAL ADMINISTRATION

CHAPTER

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CHAPTER 1

CODE OF ORDINANCES - GENERAL PROVISIONS¹

SECTION

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1-101. How code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated as "The Code of The City of Johnson City, Tennessee," and may be so cited.² (1985 Code, § 1-1)

¹Charter references
Boundaries: art. II.
Ordinances: art. VI.

²Charter reference
Codification of ordinances: § 34.
State law reference
Adoption of municipal code: Tennessee Code Annotated, § 6-54-508,
et seq.

1-102. Definitions and rules of construction. In the construction of this code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the board of commissioners or the context clearly requires otherwise:

(1) "Board of commissioners" or "city commission." The words "board of commissioners" or "city commission" shall mean the Board of Commissioners of the City of Johnson City.

(2) "Bond." When a bond is required, an undertaking in writing shall be sufficient.

(3) "Building official." The term "building official" shall mean the chief building official of the city or his designee.

(4) "City." The words "the city" shall mean the City of Johnson City, in the counties of Washington, Sullivan, and Carter, and the State of Tennessee, except as otherwise provided.

(5) "Computation of time." The time within which an act is to be done shall be computed by excluding the first day and including the last day; and if the last day is a Saturday, a Sunday or a legal holiday, that shall be excluded.

(6) "County." The words "county" or "the county" shall mean the County of Washington, the County of Carter, or the County of Sullivan, as the case may be, in the State of Tennessee.

(7) "Gender." Words importing the masculine gender shall include the feminine and neuter.

(8) "Health department." The words "city health department" or "health department" shall mean that department designated by the city to perform the functions of a health department under this code and other laws or ordinances.

(9) "Health officer." The words "city health officer" or "health officer" shall mean the person designated by the city to perform the functions of a health officer under this code and other laws or ordinances.

(10) "Joint authority." All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(11) "May." The word "may" is permissive.

(12) "Month." The word "month" shall mean a calendar month.

(13) "Number." Words used in the singular include the plural, and words used in the plural include the singular number.

(14) "Oath." The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(15) "Officials, employees, etc." Whenever reference is made to officials, employees, boards, commissions, departments or other agencies by title only, i.e., "mayor," "police department," etc., they shall be deemed to refer to the

officials, employees, boards, commissions, departments or other agencies of this city.

(16) "Owner." The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

(17) "Person." The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

(18) "Personal property." The term "personal property" shall include money, goods, chattels, things in action, evidences of debt and every other species of property except real property, as herein defined.

(19) "Preceding," "following." The words "preceding" and "following" shall mean next before and next after, respectively.

(20) "Property." The word "property" shall include real and personal property.

(21) "Real property." The term "real property" shall include lands, tenements and hereditaments and all rights thereto and interests therein, equitable as well as legal.

(22) "Shall." The word "shall" is always mandatory and not merely directory.

(23) "Sidewalk." The word "sidewalk" shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(24) "Signature" or "subscription." The term "signature" or "subscription" shall include a mark when the person cannot write, the name being written near the mark and witnessed.

(25) "State." The word "state" shall be construed as if the words "of Tennessee" followed it.

(26) "Street." The word "street" shall mean any public way, road, highway, avenue, boulevard, parkway, alley, lane, viaduct or bridge and the approaches thereto within the city.

(27) "T.C.A." The designation, "T.C.A." shall mean the Official Annotated Tennessee Code, as amended.

(28) "Tenant." The word "tenant" or "occupant" applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether or alone or with others.

(29) "Tense." Words used in the past or present tense include the future as well as the past and present, and the future includes the present.

(30) "Time standard." Whenever certain hours are named, they shall mean standard time or daylight saving time, as may be in current use in this city.

(31) "Writing." The words "writing" and "written" shall include printing, typewriting, engraving, lithographing and any other mode of representing words and letters.

(32) "Year." The word "year" shall mean a calendar year. (1985 Code, § 1-2)

1-103. Catchlines of sections. The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1985 Code, § 1-3)

1-104. General penalty. Whenever in this code or any other ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or other ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this code or any other ordinance shall be punished by a fine of not more than fifty dollars (\$50.00) for each separate violation. Each day any violation of any ordinance shall continue shall constitute a separate offense for the purposes of this section. (Ord. #3259, Dec. 1994, modified)

1-105. Severability of parts of code. It is hereby declared to be the intention of the mayor and the board of commissioners that the sections, paragraphs, sentences, clauses and words of this code are severable, and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the mayor and the board of commissioners without the incorporation in this code of any such unconstitutional or otherwise invalid word, clause, sentence, paragraph or section.¹ (1985 Code, § 1-5)

1-106. Authority of boards, etc., to issue licenses or permits. Words prohibiting anything from being done, except in accordance with a license or permit, or authority from a board or officer, shall be construed as giving such a board or officer power to license or permit or authorize such a thing to be done. (1985 Code, § 1-6)

1-107. City seal; emblem. (1) A new common seal for the city is adopted, effective on and after July 4, 1976, according to the following

¹Charter reference

Severability of parts of charter: § 188.

description: A circle enclosing a concentric ring with the words "SEAL OF JOHNSON CITY, TENNESSEE" along the bottom perimeter, immediately above which is the wording "Incorporated 1869." Along the top perimeter of the circle is the word "Adopted," below which is the wording "July 4, 1976" and in the center of the circle is a strong abstract symbol.

(2) A bicentennial emblem is adopted, effective on and after July 4, 1976, in celebration of the bicentennial year according to the following description: A circle enclosed in a concentric ring with the wording "Johnson City, Tennessee" along the lower half with the national bicentennial emblem separating the words "City" and "Tennessee" immediately above which is the likeness of the liberty bell and along the top perimeter is a likeness of the American eagle.¹ (1985 Code, § 1-7)

1-108. Provisions not affected by code. Nothing in this code or the ordinance adopting this code shall affect any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this code;

(2) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;

(3) Any right or franchise granted by the city to any person;

(4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city;

(5) Any appropriation ordinance or resolution;

(6) Any ordinance establishing and prescribing the street grades of any street in the city;

(7) Any ordinance providing for local improvements or levying or imposing taxes therefor;

(8) Any ordinance dedicating or accepting any plat or subdivision in the city;

(9) Any ordinance relating to fees of ambulances, fees for reclaiming or adopting impounded animals, license fees consistent with this code or building and other permit fees;

(10) Any zoning ordinance of the city; or

(11) Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with this code; and all such provisions are hereby recognized as continuing in full

¹Charter references

Municipal seal: §§ 2, 58.

force and effect to the same extent as if set out at length in this code. (1985 Code, § 1-8)

1-109. Amendments to code. (1) Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the section number of this code. Such amendments may be in the following language: "That section ___ of the Code of the City of Johnson City, Tennessee, is hereby amended to read as follows: . . ." The new provisions may then be set out in full as desired.

(2) In the event a new section not heretofore existing in this code is to be added, the following language may be used: "That the Code of the City Johnson City, Tennessee, is hereby amended by adding a section to be numbered ____, which section reads as follows: . . ." The new section may then be set out in full as desired.

(3) All sections, articles, chapters or provisions of this code desired to be repealed shall be specifically repealed by title, chapter, or section number, as the case may be. (1985 Code, § 1-9)

1-110. Supplementation of code. (1) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the board of commissioners. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the board of commissioners during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(2) In the operation of a supplement to this code, all portions hereof which have been repealed shall be excluded from reprinted pages.

(3) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(a) Organize the ordinance material into appropriate subdivisions;

(b) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the code printed in the supplement and make changes in such catchlines, headings and titles;

(c) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(d) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ___ to ___" (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated in the code);

(e) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted in the code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code. (1985 Code, § 1-10)

CHAPTER 2

ADMINISTRATION¹

SECTION

- 1-201. Ordinances--designation.
- 1-202. Ordinances--reading prior to adoption.
- 1-203. Ordinances--recordation.
- 1-204. Removal of public records.
- 1-205. Execution of deeds.

1-201. Ordinances--designation. All the bylaws of the city shall be designated "ordinances," and shall be designated by number, in consecutive order, according to the date of passage. (1985 Code, § 2-1)

1-202. Ordinances--reading prior to adoption.² (1) Before its adoption, every ordinance shall be presented on three (3) different days in open public session. The caption shall be read prior to the passage of an ordinance on each of the three occasions at which the ordinance is presented. Unless otherwise provided by ordinance, applicable law, or by majority vote of the commission at the time of its consideration, it shall not required that any ordinance be read in its entirety at any meeting at which it is under consideration. No ordinance shall be read in its entirety more than once unless required by applicable law, and in that instance only immediately prior to consideration at public hearing.

(2) Copies of such ordinances shall be available after introduction, during regular business hours, at the office of the city recorder. Copies shall also be available during sessions of the board of commissioners. (1985 Code, § 2-2, as amended by Ord. #2783, Feb. 1989)

¹Charter references

- Board of commissioners: art. V.
- City attorney: art. X.
- City manager: art. IX.
- Corporate powers: art. III
- Departments: art. XVIII.
- Incorporation: art. I
- Mayor: art. VII.
- Officers and employees: art. VIII.

²Charter reference

- Reading of ordinances: § 31.

1-203. Ordinances--recordation. All ordinances shall be recorded at length by the recorder, in the order in which they are passed, in a book kept for that purpose.¹ (1985 Code, § 2-3)

1-204. Removal of public records. All records of the city are hereby declared to be public records, open to the inspection of any citizen of the city, but no official shall permit any book, paper or other document or record to be taken from his office unless on a summons properly served and issued by some court. (1985 Code, § 2-4)

1-205. Execution of deeds. All deeds and leases of land, sold or leased by the city, and all deeds, leases, agreements, indentures, assurances and contracts made and entered into by order of the board of commissioners, shall be signed, and executed by the mayor and countersigned and the seal of the city affixed thereto and delivered by the recorder.² (1985 Code, § 2-5)

¹Charter reference
Recordation of ordinances: § 33.

²Charter reference
Duties of recorder generally: § 58.
Execution of deeds, etc., by mayor: § 35.

CHAPTER 3

BOARD OF COMMISSIONERS

SECTION

- 1-301. Legislative powers.
- 1-302. Rules of procedure.
- 1-303. Compelling members to attend meetings.
- 1-304. Regular meetings.
- 1-305. Meeting place for special meetings.
- 1-306. Special committees.
- 1-307. Vacancies.
- 1-308. Appointment of board and committee members.

1-301. Legislative powers. The legislative powers of the city shall be vested in and exercised by the board of commissioners, in the manner and under the provisions of the charter of the city, as amended.¹ (1985 Code, § 2-22)

1-302. Rules of procedure. The board of commissioners may, by resolution, regulate the conduct of its members during its meetings and prescribe its own rules of procedure. Except as provided in the charter, in all cases where there is no rule, that compilation of rules of procedure known as "Robert's Rules of Order" shall be the guide.² (1985 Code, § 2-23)

1-303. Compelling members to attend meetings. Absent members may be compelled to attend any meeting of the board of commissioners by subpoena issued by the recorder, under the direction of two (2) commissioners, and served by a policeman; and on refusal of such member to answer such summons by his immediate attendance, he shall be fined the sum of twenty-five dollars (\$25.00) by the recorder, for each offense.³ (1985 Code, § 2-24)

1-304. Regular meetings. The regular meetings of the board of commissioners shall be held at 6:00 P.M. on the first and third Thursdays of each month in the commission chamber in the Municipal and Safety building at

¹Charter reference
Powers of board of commissioners: § 18, et seq.

²Charter reference
Rules of procedure: § 27.

³Charter reference
Compelling attendance: § 26.

601 East Main Street, Johnson City, Tennessee.¹ (1985 Code, § 2-25, as amended by Ord. #3035, Nov. 1991, and Ord. #3864, March 2002)

1-305. Meeting place for special meetings. All special meetings of the board of commissioners are to be held at such suitable place or places as the board shall from time to time designate by resolution.² (1985 Code, § 2-26)

1-306. Special committees. Special committees may be appointed, when deemed necessary by the board of commissioners, in the manner prescribed by the resolution constituting such committees. (1985 Code, § 2-27)

1-307. Vacancies. Any vacancy occurring in the board of commissioners shall be filled in accordance with the provisions of the charter.³ (1985 Code, § 2-28)

1-308. Appointment of board and committee members. Members of all boards and committees of the City of Johnson City whose membership has heretofore been appointed by the city manager shall be appointed by a majority vote of the Board of Commissioners of the City of Johnson City. (Ord. #2754, Nov. 1988)

¹Charter references

Regular meetings: § 20.

Participation in meetings by city manager: § 45.5.

²Charter references

Special meetings: § 21.

³Charter references

Filling vacancies: § 23.

CHAPTER 4**RECORDER¹****SECTION**

1-401. Duties of recorder.

1-401. Duties of recorder. (1) The recorder shall be the fiscal officer of the city and, as such, shall perform the duties specified in the city charter and such other reasonable duties as may be required of him by this code or other ordinance or resolution.

(2) The recorder shall certify, under his hand and the seal of the city, all copies of such original documents, records and papers as may be required by any officer or person and charge therefor to individuals such fees for the use of the city as are charged by the clerks of the court for like services. (1985 Code, § 2-47)

¹Charter references

Appointment and salary of city recorder: § 39.

Recorder as finance officer: art. XII.

Recorder and taxation: art. XI.

CHAPTER 5**CITY MANAGER¹****SECTION**

1-501. Powers.

1-502. Duties.

1-501. Powers. (1) The city manager shall be the chief executive officer of the city and may, in such manner as he deems proper, inform himself as to conditions prevailing in any city offices, and shall have the right to inspect books, papers and records in such offices, and may call upon any officer, clerk or deputy for such information as he desires. He shall report to the board of commissioners all violations or neglect of duty by any city official that comes to his knowledge.

(2) The city manager shall have charge of the executive work of the city in its various departments and, except as otherwise provided in the city charter, he shall have sole charge of all employees of the city; but the city manager shall be subject to the control of the board of commissioners; except, that it shall not direct the city manager to make any expenditure, when there is no available cash on hand to meet the expenditure, unless at the same time the board provides means to obtain the necessary funds to meet such expenditure. (1985 Code, § 2-60)

1-502. Duties. (1) The city manager shall see that this code and all other ordinances are properly enforced; he shall have control of the police force, and is hereby empowered to call to his aid the entire force and as many other persons as he may require, to preserve the peace, to prevent or quell any unlawful assembly or riot and to preserve order and decorum in all meetings of the board of commissioners, and all persons, so called by him, shall be subject to his order while on the duty for which they are called.

(2) The city manager shall perform such other duties and exercise such other powers as are imposed upon him by law, by charter or by this code or other ordinance or resolution of the board of commissioners not in conflict with any provisions of such laws or charter. (1985 Code, § 2-61)

¹Charter reference

City manager: art. IX.

Supervision of departments: § 89.

Municipal code reference

Supervision of police department: § 6-101.

CHAPTER 6

CITY ENGINEER

SECTION

1-601. City engineer generally.

1-601. City engineer generally.¹ The city engineer shall be a graduate of some approved technical school in the civil engineering course, or land surveyor, who has graduated in the municipal engineering course, in some approved correspondence school, and shall have had at least three (3) years' practical experience. He shall make all the surveys, maps, profiles, specifications and estimates of cost for all public improvements; set all grade and line stakes for such work; supervise repairs and cleaning of streets and sewers; and generally do all work of an engineering nature required of him by the board of commissioners or city manager. He shall preserve monuments and benchmarks and establish new ones when necessary. He shall make and keep suitable records, in books and on plats, so plain and complete that any competent engineer can from them retrace and check all work. He shall have charge of all surveying instruments, plans, profiles, measurements and books, properly belonging to his office, and shall turn same, together with all other city property in his possession, over to his successor in the office or to the recorder, as the board may direct. He shall obtain the full and correct names of every person owning or having any interest in the lands abutting any street or way proposed to be laid out, altered, widened, graded or otherwise improved, and shall present to every person waivers of notice and damage, for his signature. Nothing in this section shall be construed to interfere with or abridge the right of the board to employ a consulting and designing engineer or architect for special work or to advise with the city engineer and supervise the work for which he is responsible. (1985 Code, § 2-48)

¹Charter references

Appointment and salary of city engineer: § 39.

Supervision of engineer: § 45.3.

CHAPTER 7

ELECTIONS¹

SECTION

1-701. Conduct of persons near ballot boxes.

1-702. Ward boundaries.

1-701. Conduct of persons near ballot boxes. It shall be unlawful for any person or groups of persons to hand out or distribute cards, pamphlets, pictures or literature, or in any way loaf, loiter or remain within three hundred (300) feet of any ballot box during the hours between 9:00 A.M., and 7:00 P.M., on the day of any election or primary held and conducted within the city, or to do any act whatsoever for the purpose of attempting to or influencing the vote of any eligible voter within three hundred (300) feet of any ballot box. (1985 Code, § 9-1)

1-702. Ward boundaries. The city is divided into wards, or voting precincts, as shown on the maps as prepared by the respective election commissions of Washington, Sullivan, and Carter Counties for official purposes.² (1985 Code, § 9-2)

¹Charter references.

Elections: art. IV.

State law reference

Municipal elections: Tennessee Code Annotated, § 6-53-101, et seq.

Wards: Tennessee Code Annotated, § 6-54-101, et seq.

²Charter reference

Wards: § 6.

State law reference

Wards: Tennessee Code Annotated, § 6-54-101, et seq.