CHARTER OF THE CITY OF LEWISBURG, TENNESSEE[1]

CHAPTER NO. 36

Senate Bill No. 109

(By Crawford (Marshall-Lincoln)

A BILL to be entitled: AN ACT to amend Chapter No. 214 of the Private Acts of the General Assembly of Tennessee for the year 1915, being Senate Bill No. 829, as amended, the same being the Charter of the City of Lewisburg in the County of Marshall and State of Tennessee, and to repeal all Acts, or parts of Acts in conflict herewith.

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[1]Priv. Acts Acts 1915, ch. 214, is the current basic charter act for the City of Lewisburg, Tennessee. However, that act, as amended, was completely rewritten by Priv. Acts 1961, ch. 36. The text of the basic charter act set out herein includes all its amendments through the 2016 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the private acts including the basic charter appears at the end of the charter.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That Chapter No. 214 of the Private Acts of the General Assembly of Tennessee for the year 1915, being Senate Bill No. 829, as amended, be and the same is hereby amended so as to read as follows:

ARTICLE I

Corporate Name, Boundaries and Powers

Section 1. Be it further enacted, That the inhabitants residing within the corporate limits and boundaries, as defined and established by city ordinance, shall be and shall continue a body politic and corporate under the name of "City of Lewisburg" and as such shall have perpetual succession, may have a corporate seal, and sue and be sued. [As amended by Priv. Acts 1982, ch. 361, § 1]

Section 2. Be it further enacted, That the said corporate limits or boundaries of the City of Lewisburg shall be and embrace all of the territory now within the corporate limits of the City of Lewisburg as heretofore defined and established by Act or Acts of the General Assembly of Tennessee and by ordinances of the City of Lewisburg and its Board of Commissioners, or the Commissioners of Lewisburg, and as the same now exist and as now provided by law and ordinance, as aforesaid.[1]

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[1]The corporate boundaries were amended by Ords. #86-5, #88-1, #88-2, #88-3, #88-10, #89-3, #90-1, #92-5, #94-04, #96-08, #96-10, #00-01, #00-06, #00-10, #00-15, #01-02, #02-03, #06-02, #07-16, #08-01, #08-03, #09-03, #12-08, and #13-02.

Section 3. The City Council shall establish city ward boundary lines by ordinance. Subsequent to the publication of any Federal Census of Population, the City Council shall reapportion, if necessary, the city wards to comply with the provisions of the United States Constitution.

In the event of annexation of additional areas or territories to the City of Lewisburg the City Council is hereby authorized and empowered to designate the ward or wards within which the annexed areas or territories shall be and become a part. [As deleted by Priv. Acts 1981, ch. 113, § 1; and replaced by Priv. Acts 1982, ch. 361, § 2][1]

Section 4. Miscellaneous powers by ordinance or resolution. (a) Be it further enacted, That the City of Lewisburg shall have the power by ordinance:

(1) To assess, levy, provide for and collect upon all property and privileges within its limits which are or shall be taxable by the laws of the State of Tennessee, and to assess, levy, provide for and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly forbidden by general laws of the State of Tennessee.

(2) To adopt such classifications with reference to all subjects or objects of taxation, not otherwise expressly prohibited by law.

(3) To make and levy special assessments against abutting or adjoining property for local improvements, and to exercise the specific powers granted under the "Improvements by Special Assessment Law" and the "Improvement Bond Law", as now incorporated in the Tennessee Code Annotated, or as hereafter amended.

(4) To acquire, maintain, hold and operate an electric plant or electric distribution system as provided in the"Municipal Electric Plant Law of 1935" of the State of Tennessee as now incorporated in the Tennessee Code Annotated, or as hereafter amended.

(5) To expend the revenues, monies and property of the city for all lawful municipal purposes.

(6) To effectually exercise the right of eminent domain, and to condemn property, real or personal, or any easement, interest, estate or use therein, either within or without its territorial limits, for present or future public use, such right of eminent domain to be exercised in accordance with the terms and provisions of the Tennessee Code Annotated, or as hereafter amended.

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[1]Priv. Acts 1981, ch. 113, § 1 deleted Article I, § 3 of the charter in its entirety. Priv. Acts 1982, ch. 361, § 2 amended Article I, § 3 of the charter by "deleting the existing language" (of which there technically was none after Priv. Acts 1981, ch. 113, § 1) and substituted the language contained above in Article I, § 3.

(7) To acquire, own, erect, build, construct, maintain and operate, or to sell, lease, mortgage, pledge or otherwise dispose of any public utility or any estate or interest therein, or property, real or personal, used in connection therewith, or any utility of service to the city, its inhabitants, or any part thereof.

(8) To grant to any person, firm, corporation or association, franchises for public utilities and public services to be furnished to the city and its inhabitants. The power to grant franchises shall include the power to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be deemed to be exclusive against any person, firm, corporation, or association, and against the city itself. Franchises may be granted for a period of twenty-five (25) years, but not longer, and the city is fully empowered to prescribe and regulate rates, fares, charges, and other regulations that may be made by the grantee of the franchise. Franchises may, by their terms, apply only to the territory within the corporate limits at the dates of the franchises, or to the territory as the limits may thereafter be enlarged; and to the then existing streets, alleys, and other thoroughfares, or to any other streets, alleys and other thoroughfares that thereafter may be opened.

(9) To make contracts with any person, firm, corporation or association for public utilities and public services to be furnished the city and its inhabitants. The power to make contracts shall include the power to make exclusive contracts; and when an exclusive contract is entered into, it shall be deemed as exclusive not only against any other person, firm, corporation or association, but also against the city itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer, and the city is fully empowered to prescribe in each contract entered into, the rates, fares, charges and regulations that may be made by the person, firm, corporation or association with whom the contract is made. The contracts may, by their terms, apply to the territory within the corporate limits of the city at the date of the contract, and such corporate limits may be enlarged; and to the then existing streets, alleys and thoroughfares, and to any other street, alleys and other thoroughfares that thereafter may be opened.

(10) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel reasonable extensions of facilities for such services, and to require such public utilities to enter into "joint use agreements" for the construction, installation, erection, placement, location, use and maintenance of poles, conduits, structures, and facilities where wires, cables, pipes, lines or similar apparatuses are used and employed by such utilities for the transmission of electric power, energy and/or messages; but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise

granted, or of any exclusive contract entered into under subsections (8) and (9) of this section.

(11) To establish, open, locate, vacate, alter, abandon, widen, extend, grade, improve, repair, construct, maintain, light, sprinkle and clean public highways, streets, alleys, boulevards, parks, squares, bridges, culverts, sewers, drains and public grounds and properties within or without the corporate limits, and to regulate the use thereof within the corporate limits, including sidewalks, walkways or pavements, and to regulate and control the use of all sidewalks, walkways or pavements abutting or adjacent to any public road, street, highway, alley, boulevard, park, parkway, bridge, public way or square within the corporate limits.

(12) To construct and reconstruct, improve and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys, or other public properties within the corporate limits, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, avenues, alleys, or other public properties, as provided by Tennessee Code Annotated, sections 7-32-101--7-37-201.

(13) To license and regulate all persons, firms, corporations or associations engaged in any business, profession, vocation, occupation, or trade not forbidden by law, and to impose a license tax upon any property, thing, business, profession, vocation, occupation or trade not prohibited by law.

(14) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, professions, vocations or trades, uses of property and all other things detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and in conjunction with the powers herein set out to demand and receive fees and costs of permits and inspections incident to effectual regulation.

(15) To prescribe locations, zones and limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, comfort or general welfare of the inhabitants of the city may lawfully be established, conducted or maintained.

(16) To regulate the location, bulk, occupancy, area, lot, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(17) To provide and maintain charitable, educational, curative, recreative, corrective, detentive or penal institutions, departments,

facilities, conveniences and services, or to contract with any outside agency to provide and maintain, or to render the functions and services contemplated herein.

(18) To purchase, acquire, establish and maintain a city workhouse for the confinement and detention of any person convicted in the city court of offenses prohibited by ordinances of the city, who fails to secure the fine and cost imposed upon him, or to contract with Marshall County to keep and confine in the county workhouse any such person, and to provide by ordinance for the commitment of such person to the county workhouse, until such fine and cost shall be fully paid, and to contract with the sheriff of Marshall County for such services.

(19) To enforce all ordinances, rules or regulations by means of penalties or forfeitures, or by action or proceeding in any court of competent jurisdiction; however, no penalty shall exceed the sum of five hundred dollars ($500.00).

(20) To establish and maintain schools, provide for the necessary boards, officers and teachers required therefor, and to fix and determine their compensation, to purchase or otherwise acquire lands for school purposes, schoolhouses, playgrounds and other purposes connected with the schools of the city, and to erect all necessary buildings and improvements, and to do all other acts necessary to establish, maintain and operate a complete and adequate educational system within the city, and to enter into agreements and contracts with Marshall County, the State of Tennessee, or any federal agency for the joint maintenance and operation thereof, and to suffer and permit the operation and maintenance thereof within the city by Marshall County.

(21) To regulate tax, license or suppress the keeping or running-at-large of animals within the city; to impound the animals, and, in default of redemption, to sell or otherwise dispose of the animals.

(22) To make all reasonable regulations to prevent the spread of contagious diseases within the city, and to make and enforce regulations to promote sanitation, health and general welfare of the inhabitants of the city, and to enter into agreements and contracts for joint or cooperative efforts to this end with Marshall County, the State of Tennessee, or any federal agency.

(23) To purchase, acquire, hold, establish, construct, equip, improve, maintain and operate for the city a municipal airport or landing field for the use of aircraft, and to acquire by purchase, lease, condemnation or otherwise, real estate situated either within or without the limits of the city, or to set apart any real estate now owned by it to be used for this purpose.

(24) To provide for an adequate system of assessment of property, real, personal or mixed, or for municipal tax purposes; to elect a tax assessor for the city, or to impose the duties of such upon any other city

official, and to fix and define the duties to be imposed in connection therewith; and to fix and determine the method of his election, term of office and salary of such official, as hereinafter provided.

(25) To provide for an adequate system for equalization and adjustment of all tax assessments on real and personal property within the limits of the City of Lewisburg.

(b) Be it further enacted, That the City of Lewisburg shall have the power by resolution:

(1) To contract and be contracted with.

(2) To incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner herein provided, or as otherwise provided by law.

(3) To issue and give, sell, pledge, or in any manner dispose of negotiable or non-negotiable interest bearing or non-interest bearing warrants, bonds, promissory notes or others of the city, upon the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more, or a combination of any two (2) or more, of such credits.

(4) To purchase, acquire, receive, hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, or any estate or interest therein, either within or without the city or state.

(5) To receive and hold property in trust, real or personal, either within or without the city or state, and to administer such trusts for public use and benefit.

(6) To purchase, acquire, hold, construct, maintain and regulate market places, public properties and buildings, bridges, culverts, sewers and other structures, works and public improvements.

(7) To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse in any manner not in conflict with general law, or to license and regulate such collection and disposal.

(8) To call upon the Commissioners of Elections of Marshall County to call, provide for, and control all municipal elections, including all elections respecting bond issues, and to provide for and regulate the registration of voters, and to certify the results of the elections, and to call upon the Commissioners of Elections of Marshall County to furnish and provide all registration records necessary and proper for the conducting and holding of such elections and referenda; and to call upon the Commissioners of Elections to furnish and provide voting machines for municipal elections and referenda.

(9) To purchase, acquire, establish, improve, maintain and operate municipal cemeteries, either within or without the corporate limits of the city and to provide for adequate supervision, care and maintenance thereof, and for this purpose the city is expressly authorized to establish and create out of any available revenues a fund for the perpetual care and maintenance of the cemeteries, with the fund to be kept separate from all other revenues of the city and to be delivered, controlled, supervised and disbursed in a manner as may be provided by ordinance creating the same; and to enter into existing contracts or agreements for the supervision, maintenance and control of existing cemeteries within its corporate limits, and to accept, receive and hold donations and grants from any person or persons and to expend such donations or grants for the maintenance and upkeep of the same.

(c) Be it further enacted, That the City of Lewisburg shall have the power to exercise all lawful powers which it would have now or hereafter have as provided by the constitution of the State of Tennessee, Tennessee Code Annotated, Private Acts of the General Assembly, as fully and as effectively as though enumerated herein. [As amended by Priv. Acts 1984, ch. 185, § 1; Priv. Acts 1993, ch. 66, § 1; and replaced by Priv. Acts 1996, ch. 156, § 1]

Section 5. Be it further enacted, That the enumeration of the particular powers in this Article is not exclusive, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant powers in this Article impair the powers granted in any subsequent Article or Section of this Charter; and whether powers, objects or purposes are expressed conjunctively or disjuntively, they shall be construed so as to permit the City to exercise freely any one or more of such powers as to any one or more such objects for any one or more such purposes.

Section 6. Be it further enacted, That the City Council shall possess no power, and is hereby expressly forbidden, to exempt any property of whatsoever kind or character, or any person, firm, corporation, or association, from taxation, unless such property or persons, firm, corporation or association is exempted from taxation for State and County purposes under the general laws of the State in such cases made and provided.

Section 7. Be it further enacted, That the City Council is expressly forbidden and prohibited from making any appropriation of money, property or other thing of value by way of donation to any person, persons, firm, corporation or association, but this provision is not intended to prevent the City Council from making any appropriation of money or expenditure of money for the purposes of advertisement or making better known the resources, natural or artificial, of the City, or for the purpose of promotion of the City's general welfare, or creation of public good will toward same.

Section 8. Be it further enacted, That no real estate belonging to said City which is used for public utilities shall be sold, transferred or conveyed without referendum to the people having been called and held at which a majority of those voting in said referendum or election shall vote in favor of such sale, and the qualifications for the voters at such election shall be the same as the qualifications for other elections held for municipal purposes. However, any other real estate owned and held by the City which has been found and determined by the City Council not to be necessary for municipal uses and purposes may be sold, transferred and conveyed by resolution in which event such property so found and determined not to be necessary for City uses and purposes may then be sold after advertising the time, place and terms of sale by notices published once a week in a local newspaper for three consecutive weeks, the first publication to be at least twenty (20) days prior to the date of sale, such sale then to be held and made to the highest and best bidder on such terms as may be set forth in the resolution and ordinance authorizing the sale. However, the above resolution and regulations on the sale of real estate belonging to the City shall not apply to real estate acquired, owned or held by the City under the terms and provisions of the Industrial Building Revenue Bond Act of 1951 as now contained in the Tennessee Code Annotated and as the same may be hereafter amended, and said City is hereby expressly authorized and empowered to sell and convey all such real estate acquired and held under said Act including industrial buildings and improvements located thereon, including without regulation the sale and conveyance thereof subject to a mortgage or other lien, for such price and at such time as the City Council may determine, and all such sales may be made publicly or privately and on such terms as may be prescribed by the City Council by resolution and ordinance duly passed and adopted, and any and all funds derived from such sales or property acquired and held under the said Industrial Building Revenue Bond Act shall be kept and maintained in a specific fund for the specific purpose of acquisition of additional land, buildings, or equipment, and such funds shall not revert to the general fund at the end of each fiscal year. [As amended by Priv. Acts 1996, ch. 156, § 2]

ARTICLE II

ELECTIONS

Section 1. Time. Be it further enacted, That a General City Election shall be held on the First Tuesday in May, 1961, and on the First Tuesday in May biennially thereafter.

Section 2. Laws Governing. Be it further enacted, That the Commissioners of Elections for Marshall County shall call elections and appoint the necessary and proper election officers, and such elections shall be held under and pursuant to the general laws prescribed in elections for members of the

General Assembly of the State of Tennessee, and said Commissioners of Elections shall furnish and provide the necessary registration books for the holding of City elections and furnish and provide voting machines therefor.

Section 3. Voters' Qualifications. Be it further enacted, That all persons who are entitled to vote for members of the General Assembly under the General Election Laws of the State of Tennessee, and who shall have resided within the corporation for six (6) months next preceding the date of said election, shall be entitled to vote at said election.

ARTICLE III

MAYOR AND City Council

Section 1. City Council. Be it further enacted, That at the Regular Election to be held on the First Tuesday in May, 1961, there shall be elected by the qualified voters of the City-at-large a Mayor and five (5) Councilmen, and the body thus elected shall constitute and be known as the "CITY COUNCIL", who shall hold office and exercise powers and duties imposed by this Act until their successors are elected and qualified.

Section 2. Mayor Qualifications. Be it further enacted, That any qualified voter of the City, as hereinbefore defined, who shall also reside within the City, shall be eligible for election to the office of Mayor.

Section 3. Term of Office. Be it further enacted, That the Mayor shall hold office for a term of four (4) years, to begin the first day in June following his election, or until his successor is elected and qualified. [As amended by Priv. Acts 1984, ch. 185, § 2]

Section 4. Councilmen. Be it further enacted, That any qualified voter of the City, as hereinabove defined, shall be eligible for election to the office of Councilman from the Ward in which he resides, and in which he has resided for at least six (6) months prior to the date of his election, and each of the five (5) Councilmen, whose election is authorized by this Act, must reside in the Ward from which he is elected, and shall be elected by the qualified voters residing in the respective Ward from which such Councilman is to be elected. Upon the removal of his place of residence from said Ward, his office shall immediately become vacant. [As replaced by Priv. Acts 1981, ch. 113, § 2; amended by Priv. Acts 1982, ch. 361, § 3; and replaced by Priv. Acts 1984, ch. 185, § 3][1] [2]

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[1]Priv. Acts 1981, ch. 113, § 3 without amending any specific section of the charter, provided that "Nothing in this Act shall have the effect of removing an

(continued...)

Section 5. Term of Office. Be it further enacted, That at the Regular Election to be held on the First Tuesday in May, 1961, the Councilmen to be elected from the First and Fifth Wards shall be elected for the initial term of two (2) years only, and the Councilmen to be elected from the Second, Third and Fourth Wards shall be elected for the initial term of four (4) years.

The term of each Councilman shall begin the first day in June following the election at which he was elected.

At the Regular City Election next preceding the expiration of the term of each Councilman, and of every Councilman thereafter, his successor shall be elected for a term of four (4) years.

Section 6.[1] Salary. Be it further enacted, That the salary of the Mayor and each Councilman shall be fixed by ordinance before their election and shall not be increased or decreased during the term for which they were elected. The Mayor and Councilmen may be reimbursed for actual and necessary expenses incurred in the conduct of their official business. [As replaced by Priv. Acts 1977, ch. 31; Priv. Acts 1984, ch. 185, § 4; and renumbered by Priv. Acts 1996, ch. 156, § 3]

(...continued)
incumbent from any city office or abridging his term or altering his salary prior to the end of the term for which such public officer was selected."

Priv. Acts 1996, ch. 156, § 21 without amending any specific section of the charter provided that: "Nothing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was elected."

Priv. Acts 1996, ch. 156, § 22 without amending any specific section of the charter provided that: "Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected."

[2]Compiler's Note: Priv. Acts 1982, ch. 361, § 3 purports to amend Article III, § 4 by deleting the words and punctuation "become vacant, but each shall be elected by the qualified voters of the City-at-large" and substituting "become vacant; and each such councilman shall only be elected by the qualified voters residing in the respective ward from which such councilman is to be elected." However, the words and punctuation to be deleted were a portion of the original text of Article III, § 4 deleted in its entirety and replaced with a new text by Priv. Acts 1981, ch. 113, § 2, which, as the historical citation indicates, was itself deleted and replaced in its entirety by Priv. Acts 1984, ch. 185, § 3.

[1]Priv. Acts 1996, ch. 156, § 3 deleted the existing § 6, Ineligible malfeasance, etc., and renumbered the subsequent sections accordingly.

Section 7. Penalties. Be it further enacted, That it shall be unlawful, and is hereby declared to be a misdemeanor in office and indictable as such, for the Mayor or any Councilman to accept or receive, directly or indirectly, or to vote for himself or other member of the Council, any fees, compensation or remuneration other than as above set out, and upon conviction shall be fined not less than Fifty ($50.00) Dollars, nor more than Five Hundred ($500.00) Dollars, and may be removed from office as part of the sentence. [As renumbered by Priv. Acts 1996, ch. 156, § 3; and amended by § 4]

Section 8. General Legislative Powers. Be it further enacted, That the legislative powers, and all other powers granted said municipality by this Charter, except as otherwise herein provided, are hereby vested in, and delegated to the CITY COUNCIL, and it may by ordinance or resolution, not inconsistent with the provisions of this Charter, prescribe the manner in which all powers of the municipality shall be exercised, provide the necessary administrative means, and do all things and perform all acts within or without the City or State to effectually exercise the powers, herein granted, to protect the rights and interests of said City. [As renumbered by Priv. Acts 1996, ch. 156, § 3]

Section 9. Meetings. Be it further enacted, That the City Council shall meet in regular session at least once each month and it may by ordinance fix the time and place at which regular meetings of said Council shall be held, but unless otherwise provided by resolution the regular meetings of said Council shall be held at the Municipal Building in Lewisburg at 6:30 o'clock P.M. on the Second Tuesday of each month.

Special or Call Meetings of the City Council may be held at such times, and on such dates whenever in the opinion of the Mayor and City Manager, or any three (3) Councilmen, the welfare of the City demands it, and in such case written notice shall be given to the Mayor, Councilmen, the City Manager, Recorder, and City Attorney, either served personally of left at his usual place of residence. Each call for a Special Meeting shall set forth the purpose for which such meeting is called and the character of business to be discussed and considered at such meeting. [As amended by Priv. Acts 1984, ch. 185, § 5; renumbered by Priv. Acts 1996, ch. 156, § 3; and amended by § 5]

Section 10. Presiding officer. Be it further enacted, That the Mayor shall preside at all meetings of the City Council. In the Mayor's absence, the City Council shall elect a Councilman to preside as Mayor Pro Tempore at such meeting. The Mayor Pro Tempore shall be entitled to a voice in and entitled to vote on all matters arising at the meeting. Neither the Mayor nor Mayor Pro Tempore shall have veto power. [As renumbered by Priv. Acts 1996, ch. 156, § 3; and replaced by § 6]

Section 11. Vacancies. Be it further enacted, That whenever a vacancy shall occur in the office of Mayor, or in the office of any Councilman, such vacancy shall be filled for the unexpired term of such office by election by the remaining members of the City Council; provided, however, no vacancy shall be filled by the City Council under this Section when said Council already has two (2) members thereof so elected, but in case of any additional vacancy the City Council shall forthwith by resolution call upon the Election Commissioners of Marshall County to call a Special Election for the purpose of filling such additional vacancy; whereupon said Election Commissioners shall immediately call such Special Election and appoint the necessary officers therefor, and such Special Election shall be held in the same manner as, and subject to the regulations in this Charter respecting general city elections. [As renumbered by Priv. Acts 1996, ch. 156, § 3]

Section 12. Quorum. Be it further enacted, That a majority of the five (5) Councilmen of the City Council shall constitute a quorum for the transaction of business. If less than a quorum is present at a regular or special meeting, no action shall be taken except such number may recess the meeting to a time certain when a quorum may consider any matter which could have been properly considered at the recessed meeting, and such action in recessing the meeting shall be recorded by the recorder. [As renumbered by Priv. Acts 1996, ch. 156, § 3; and replaced by § 7]

Section 13. Procedure. Be it further enacted, That at all meetings of the City Council, each of the five (5) Councilmen shall be entitled to a vote on all matters properly presented to the Council, or before the Council for action, and a majority vote of those present shall be necessary for affirmative or negative action by the Council. The Mayor shall be entitled to a voice at all meetings, but no vote, except in case of a tie in the voting of the Councilmen, in which case the Mayor shall be entitled to a vote and cast the deciding vote.

The City Council may determine and prescribe such other rules of its proceedings, subject to the provisions of this Charter, as it may from time to time deem necessary; and may arrest and punish by fine, not to exceed Fifty ($50.00) Dollars, any of its members or other person who shall be guilty of disorderly or contemptuous conduct in its presence. It shall have the power, and may delegate such power to any of its Departments, to subpoena witnesses and order the production of books, records and papers relating to the affairs of the City; and to call upon any policeman to execute such process, and to arrest and punish by fine, not to exceed Fifty ($50.00) Dollars, any person refusing to obey such subpoena, process or order. In case any witness is subpoenaed before the Council, or before any Department of the City, the presiding officer shall administer oaths to such witness. [As renumbered by Priv. Acts 1996, ch. 156, § 3]

Section 14. Journal of Meetings. Be it further enacted, That the City Council shall be required to keep an accurate Journal of all meetings of the Council, both regular and special, which Journal shall remain open for inspection to the public at all times. [As renumbered by Priv. Acts 1996, ch. 156, § 3]

Section 15. Meetings Held Publicly. Be it further enacted, That all meetings of the City Council shall be held at the Municipal Building in Lewisburg, and shall be public but subject to change of place in case of emergency. [As renumbered by Priv. Acts 1996, ch. 156, § 3]

Section 16. Removal From Office. Be it further enacted, That the Mayor or any Councilman may be removed from office for any malfeasance in office, crime or other offense against either the laws of the State of Tennessee, or prohibited by ordinance of the City, or for any other misconduct showing unfitness for office, or for permanent disability, all remaining members of the City Council voting for such removal.

Proceedings to remove the Mayor or any Councilman shall be instituted upon specific charges in writing, made by any person or persons to the Council, and when in the opinion of a majority of the members of the Council the charges are sufficient to warrant a hearing, the Council shall cause a copy of said written charges to be served by any policeman upon the accused, accompanied by a written notice stating time and place of the hearing, when the accused shall have the right to appear and defend in person and by counsel, and shall have the right to process and subpoena of the Council to compel the attendance of witnesses in his behalf. At the termination of the hearing a roll call shall be taken of the Council, exclusive of the accused, and the names of the members voting shall be recorded in the Journal of the meeting, and in the event of a vote for removal, the term of the accused shall be immediately terminated and his official status, power and authority shall cease without further action. Any Councilmal removed under the provisions of this Section shall have the remedy of a writ of certiorari to the proper court of appellate jurisdiction, but pending the determination of the writ of certiorari or appeal his office shall be vacant and the Council shall proceed to fill such vacancy in the same manner as though such vacancy shall have occurred for any other cause. [As renumbered by Priv. Acts 1996, ch. 156, § 3]

ARTICLE IV

ORDINANCES

Section 1. Form. Be it further enacted, That all ordinances adopted by the City Council shall begin: "BE IT ORDAINED BY THE CITY OF LEWISBURG".

Section 2. Passage. Be it further enacted, That all proposed ordinances shall be read in open session before the City Council at three (3) different meetings on separate days and shall be enacted and passed by a majority vote of a quorum of the City Council and any ordinance not so read shall be null and void. At the discretion of the Mayor without objection of the majority of the Councilmen present, a proposed ordinance may be presented for consideration on first, second and third reading by only reading the caption of the proposed ordinance. [As replaced by Priv. Acts 1984, ch. 185, § 6; and Priv. Acts 2010, ch. 62, § 1]

Section 3.[1] Become Effectual, When. Be it further enacted, That no ordinance shall take effect until the lapse of fifteen (15) days after its passage on third and final reading, except that the same be enacted as an emergency ordinance and expressly contain the Statement that an emergency exists, specifically containing recitals of the circumstances and reasons for the existence of an emergency.

Section 4. Amendments. Be it further enacted, That all amendments to existing ordinances shall be in the form of a new ordinance, and adoption of such amendment shall be had in the same manner as a new ordinance.

Section 5. Publication. Be it further enacted, That the Council may by resolution direct that any ordinance pending before the Council, or under consideration by it, be published in some newspaper circulated within the City, before taking final action thereon, and may in like manner direct the publication of any ordinance after its passage on third and final reading, but no such publication shall be mandatory and any and all ordinances duly and regularly passed and adopted by the Council as herein provided shall be effective without publication.

Section 6. Journal Record. Be it further enacted, That after the passage on third and final reading, all ordinances shall be designated by number, recorded in an Ordinance Book, filed and preserved in the Municipal Building and shall at all times be open for inspection by the public. In all cases under the preceding Sections, the vote of each member of the Council shall be determined by ayes and nays, and the names of each member voting for or against an ordinance shall be entered of record on the Journal of the meeting.

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[1]Private Acts 1996, ch. 156, § 8 amended Article IV, § 3 by deleting it in its entirety and replacing the language with that of "Service of process" which is Article V, § 3 and therefore the compiler has replaced Article V, § 3 leaving Article IV, § 3 intact.

Section 7. Code of Ordinances. Be it further enacted, That the City Council is hereby expressly empowered to enact a Code of Ordinances, in which may be embraced ordinances of administration, legislative or penal nature, including any and all ordinances necessary or proper to fully exercise the powers and duties, conferred or imposed by the provisions of this Charter, but the enactment of such Code shall not be mandatory. However, in the case of the enactment or adoption of such Code and if through oversight, mistake, topographical or printing error or inadvertence the taxing power and authority of the City is restricted or limited then the powers granted in this Charter and under the general law and under valid ordinance shall prevail over the provisions of the Code.

ARTICLE V

Mayor

Section 1. Duties, Powers, Etc. Be it further enacted, That the Mayor shall preside at all meetings of the City Council and perform all such other duties as is consistent with his office, or as may be imposed upon it by ordinance.

The Mayor shall have a seat in the City Council and shall preside over the meetings of the Council and shall have a voice in the proceedings and the right and privilege of discussing and stating opinions as to such matters and things as may come before the Council, but he shall not be entitled to a vote as to the affirmative or negative action of the Council on any question or matter except in the event of a tie in the voting of the Councilmen, in which case the Mayor shall be entitled to a vote and to cast the deciding vote. The Mayor shall have no veto power over the proceedings and actions of the City Council. It shall be his duty to sign the Journal of all meetings in his official capacity, and all ordinances passed by the Council on third and final reading, to execute all deeds, bonds, contracts, notes, and other instruments in the name of the City and to acknowledge the execution thereof as Mayor.

The Mayor shall have no power to introduce an ordinance, resolution, or motion before said Council or to take any action at meetings other than as expressly provided herein.

Section 2. Additional Duties, Powers, Etc. Be it further enacted, That the Mayor shall not have any regular administrative duties and as chief executive of the City shall perform all other duties and effectively exercise all such powers as may be conferred or imposed upon him by ordinance, not in conflict with the provisions of this Charter. [As replaced by Priv. Acts 1984, ch. 185, § 7]

Section 3. Service of process. All process against the City shall be served upon the Mayor or City Attorney and in the event they are unavailable for any reason, then upon the City Manager or recorder. If service is upon the Mayor, City Manager or recorder, a copy of such process shall be timely delivered by the Mayor, City Manager or recorder to the City attorney after designating the time, place and manner of service thereon. [As replaced by Priv. Acts 1996, ch. 156, § 8]

ARTICLE VI

OFFICERS AND EMPLOYEES

Section 1. City Manager. Be it further enacted, That the City Council shall appoint at the first regular meeting in June, 1961, i.e., the First Friday in June, 1961, a City Manager, and shall fix the term of his appointment, if any, and for this purpose the Council is hereby fully authorized and empowered to enter into any contract of employment with a City Manager, upon such terms, at such salary and for such period of time as the Council may determine, and upon the inability or failure to so appoint a City Manager at the first regular meeting in June, 1961, then such appointment shall be made as soon as conveniently may be thereafter. The person so appointed to the office of City Manager shall give his full working time to said office and shall have no other employment while holding said office and he shall not be engaged in the carrying on or operation of any industrial, commercial or mercantile business. He shall maintain his office at the Municipal Building in Lewisburg and the City Council shall furnish him with all necessary and proper office supplies, furniture and equipment. The City Manager shall reside within five (5) miles of the city limits of the City of Lewisburg within ninety (90) days of his appointment to said office, otherwise he shall not be eligible to hold said office. [As amended by Priv. Acts 1980, ch. 174]

Section 2. Treasurer, recorder, City attorney and employees. The City Council shall appoint and fix the salary of the treasurer, recorder, and the city attorney and shall make provision by ordinance or resolution for such other officers, agents and employees as deemed necessary. [As amended by Priv. Acts 1984, ch. 185, § 8; and replaced by Priv. Acts 1996, ch. 156, § 9]

Section 3. Bonds. Be it further enacted, That the City Manager and every officer, agent or employee having duties embracing the receipt, custody, handling or disbursement of money, shall, before entering upon his duties, execute a fidelity bond with some surety company, authorized to transact business within the State of Tennessee, as surety in such amounts as may be prescribed by ordinance, and all such bonds shall be approved by appropriate resolution or action by the Council. If, at any time, it shall appear that the

amount of any fidelity bond, directed to be executed hereunder, is insufficient or that the surety or sureties thereon are insufficient, such officer, agent or employee shall be required to give additional bond, and upon failure to do so after twenty (20) days written notice, his office or position shall be vacant.

ARTICLE VII

City Manager

Section 1. Administrative Head of Municipality. Be it further enacted, That in addition to all other powers and duties, conferred and imposed upon the City Manager by ordinance or otherwise, he shall be the administrative head of the municipal government under the direction and supervision of the City Council; he shall be appointed without regard to his political or religious beliefs, and need not be a resident of the City, County or State at the time of his appointment.

When the City Manager is temporarily absent or disabled, the city council may appoint a suitable and qualified person to perform the duties of the city manager during his temporary absence or disability. [As amended by Priv. Acts 1996, ch. 156, § 10]

Section 2. Powers and Duties Enumerated. Be it further enacted, That there is hereby conferred and imposed upon the City Manager the powers and duties following, to-wit:

(a) To see that all laws and ordinances are enforced, and upon knowledge or information of any violations thereof, to see that prosecutions are instituted thereunder in the City Court.

(b) Except for the treasurer, recorder, city judge and city attorney, to appoint and remove all subordinate officers, agents and employees.

(c) To supervise and control the work of the treasurer, recorder, and all other subordinate officers, agents and employees of all departments and divisions created by this charter, or which now may be or hereafter created by ordinance, and to coordinate with the City attorney.

(d) To ascertain that all terms and conditions imposed in favor of the City or any of its inhabitants upon any utility, or by any franchise, are faithfully performed, and upon knowledge of any violation thereof, to call same to the attention of the City Attorney, who is hereby required to take such steps as are proper to enforce the same.

(e) To attend all meetings of the City Council, and to make such reports as is required of him, with the right to take part in the discussions, but having no vote.

(f) To recommend to the City Council for adoption all such ordinances, resolutions or other action, as he may deem proper, necessary or expedient.

(g) To supervise and control and to act as the administrative head of each of the Departments, created hereunder, and to submit with the aid, counsel and advice of the Director of each Department a monthly report to the City Council of the transactions, affairs and conditions of each Department, together with recommendations made by him with respect thereto.

(h) To act jointly with the Treasurer as a Budget Committee of the City, and to keep the City Council fully advised as to the financial condition at all times of the City and each Department thereof.

(i) To act as purchasing agent of the City and to purchase all material, supplies and equipment for the proper conduct of the City's affairs and business. It is hereby made mandatory that the City Council shall prescribe by ordinance the maximum expenditure which the City Manager may make without the specific authorization of the City Council, and shall prescribe all such other limitations upon the purchasing power of the City Manager as they may see fit, as to competitive biddings or otherwise.

(j) To faithfully perform all such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the City Council. [As amended by Priv. Acts 1996, ch. 156, §§ 11 and 12]

ARTICLE VIII

CITY COURT

Section 1. Creation. A City Court is created and established in and for the City of Lewisburg. [As replaced by Priv. Acts 1993, ch. 66, § 2]

Section 2. Judge. The office of City Judge is created for the City of Lewisburg. [As replaced by Priv. Acts 1984, ch. 185, § 9; and Priv. Acts 1993, ch. 66, § 2]

Section 3. Qualifications. The City Judge shall meet the requirements established for judges of inferior courts in Article VIII, Section 4 of the Tennessee Constitution. [As amended by Priv. Acts 1984, ch. 185, § 10; and replaced by Priv. Acts 1993, ch. 66, § 2]

Section 4. Election and Terms. A City Judge shall be elected by the qualified voters of the city-at-large. Such City Judge shall hold office and exercise powers and duties imposed by this act until a successor Judge is elected and qualified. The term of the office of City Judge shall be eight (8) years, except for the initial term, during which the City Council may appoint a qualified person to serve as City Judge until the next regular August General Election in 1994. The first City Judge elected shall be elected at the next regular August General Election in 1994. The person elected at the August 1994 Election shall serve until replaced by a successor elected at the August

regular General Election in 1998 for a full term of eight (8) years. All elections for City Judge shall be held in accordance with Article VII, Section 5, of the Tennessee Constitution. [As replaced by Priv. Acts 1993, ch. 66, § 2]

Section 5. Salary. The salary of the city judge shall be twenty thousand dollars ($20,000.00) per annum, payable in equal monthly installments. Beginning July 1, 1999, and the first day of each succeeding July, the salary of the city judge shall be adjusted to an amount equal to the consumer price index as published by the United States Department of Labor, Bureau of Labor Statistics, for the preceding calendar year; however, no annual adjustment shall exceed four percent (4%) irrespective of the increase in the consumer price index for the preceding year. The salary of the city judge shall not be diminished during his term. [As replaced by Priv. Acts 1984, ch. 185, § 11; Priv. Acts 1993, ch. 66, § 2; and Priv. Acts 1996, ch. 156, § 13]

Section 6. Duties, Powers. (a) The City Judge shall preside over the City Court and shall have power and authority to impose fines, penalties and forfeitures, to punish violations of city ordinances by the imposition of fines or penalties, to preserve and enforce order in the court, to enforce collection of all such fines, penalties, costs and forfeitures imposed by the court, to accept and receive good and sufficient security for any fine, penalty or forfeiture imposed by the court and, in default of payment of such fines, penalties or forfeitures, or security for payment of same, to commit the offender to the City workhouse or other place provided by the City Council for such purposes and to such labor as may be provided by State law until such fines, penalties, costs or forfeitures shall have been fully paid at the rate provided by State law; provided, however, fines, penalties, costs or forfeitures may be paid in such installments as may be ordered by the City Judge.

(b) To effectively exercise all powers herein conferred, the City Judge is expressly empowered to issue warrants or other process, including by not limited to warrants for arrests, search warrants, attachments for contempt, subpoenas for witnesses, attachments to compel the attendance of witnesses and orders to show cause. [As amended by Priv. Acts 1984, ch. 185, §§ 12 and 13; and replaced by Priv. Acts 1993, ch. 66, § 2]

Section 7. Jurisdiction. The City Court shall have jurisdiction to hear and determine all violations of laws and ordinances passed by the City Council, to impose fines, penalties, costs and forfeitures for violations of such laws and ordinances, and to perform such acts and duties as may be imposed upon it by the general laws of the State. The City Court shall be vested with all powers and authority over criminal cases now vested in the Court of General Sessions of Marshall County, Tennessee. [As replaced by Priv. Acts 1993, ch. 66, § 2]

Section 8. Warrants. There shall be inserted in all criminal warrants the following caption: "State of Tennessee, City of Lewisburg". Criminal warrants shall be issued in compliance with Rules 3 and 4 of the Tennessee Rules of Criminal Procedure or as hereafter amended. [As amended by Priv. Acts 1984, ch. 185, § 14; and replaced by Priv. Acts 1993, ch. 66, § 2; and Priv. Acts 1996, ch. 156, § 14]

Section 9. City Court Clerk. There is created the office of City Court Clerk. The Clerk shall be appointed by the City Manager and shall perform such duties normally incident to the office of Court Clerk and other duties as directed by the City Judge. [As added by Priv. Acts 1984, ch. 185, § 15; and replaced by Priv. Acts 1993, ch. 66, § 2]

Section 10. Fines, Penalties. In all cases involving offenses against laws and ordinances, the City Judge shall assess the same costs as are assessed in similar cases by the Court of General Sessions of Marshall County, Tennessee. The City Judge shall certify to the City Manager or the Chief of Police the collection of all fines, penalties, costs and forfeitures imposed for violations of laws and ordinances, and all such fines, penalties, costs and forefeitures shall be paid into the City Treasury. The City Judge shall keep or cause to be kept court dockets containing complete records of all cases heard and determined by the court. The City Court Clerk shall keep a complete and accurate record of all fines, penalties, costs and forefeitures imposed by the court and the amount paid or secured, and the names of the persons securing the such costs. The City Judge shall be responsible for the collection of all fines, penalties, costs or forfeitures imposed by the court. The City Court Clerk shall render a monthly report to the City Council of fines, penalties, costs or forfeitures collected and all assessed and uncollected fines, penalties, costs and forfeitures. [As added by Priv. Acts 1993, ch. 66, § 2]

Section 11. Jurisdiction Extended One Mile. The jurisdiction of the City Court shall extend a distance of one (1) mile beyond the corporate limits of the City of Lewisburg, provided such jurisdiction shall not extend beyond the limits of Marshall County and does not come within one (1) mile of any other incorporated City. [As added by Priv. Acts 1993, ch. 66, § 2]

Section 12. Appeal. The defendant, in any case, shall have the right to appeal from the City Court to the Circuit Court of Marshall County within ten (10) days after judgment, exclusive of Sundays. Such appeals shall be taken in the same manner as are appeals from a judgment from the Court of General Sessions of Marshall County, Tennessee. [As added by Priv. Acts 1993, ch. 66, § 2]

Section 13. Designation of an Alternate Judge. In the case of an extended period of absence or inability of the City Judge, the City Council shall appoint a qualified person to serve until the Judge's return. If the City Judge is temporarily absent or unable to attend any session of City Court, he shall designate in writing a person to hold City Court in his absence. Persons so designated shall possess the qualifications of the City Judge and shall take the same oath. The written designation and signed oath shall be filed with the City Court Clerk. [As added by Priv. Acts 1993, ch. 66, § 2]

ARTICLE IX

CITY ATTORNEY

Section 1. Qualifications. Be it further enacted, That the City Attorney shall be an attorney-at-law admitted to the practice of law within this State and in the Courts of this State.

Section 2. Duties. Be it further enacted, That it shall be the duty of the City Attorney to direct the management of all litigation in which the City is a party; represent the City in all legal matters and functions and proceedings of whatsoever kind or nature, including the function of prosecuting attorney in the City Court; attend all meetings of the City Council; advise the Council and the several Departments of the City as to all legal questions affecting the City's interests; and to approve in writing all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of, or made by or with the City.

Section 3. Term of Office; Salary. Be it further enacted, That any additional qualifications, salary and term of office of the City Attorney shall be fixed by the Council. [As replaced by Priv. Acts 1984, ch. 185, § 16]

ARTICLE X

RECORDER

Section 1. Office of City Recorder. The City Council shall fix the qualifications, salary and term of office of City Recorder. [As replaced by Priv. Acts 1984, ch. 185, § 17; and Priv. Acts 1993, ch. 66, § 3]

Section 2. Powers and Duties. Be it further enacted, That the Recorder shall have a seat in the City Council and a voice, but no vote. He shall, by his signature and the City Seal, attest all instruments signed in the name of the City and all official acts of the Mayor. He shall have power to administer oaths. [As amended by Priv. Acts 1993, ch. 66, § 5]

Section 3. Additional Powers, Etc. Be it further enacted, That it shall be the duty of the Recorder to be present at all meetings of the City Council and to correctly keep and preserve a full and accurate record of all business transacted at such meetings, same to be preserved in a permanent book form. He shall have custody of and preserve in his office, the City Seal, the public records, original ordinances, ordinance books, minutes and Journals of the meetings of the City Council, contracts, deeds, bonds, certificates and other papers, records and documents not required by the Charter to be deposited elsewhere, and he shall keep and register the same, insofar as possible, by numbers, dates and contents, and shall keep and maintain an accurate and modern index thereof.

Section 4. Be it further enacted, That the Recorder shall provide, and, when required by any other officer or person, certify copies of records, papers, and documents in his office, and charge therefor reasonable, such fees. [As amended by Priv. Acts 1996, ch. 156, § 15]

Section 5.[1] Be it further enacted, That the Recorder shall also perform any other duties imposed upon him by this Charter or by ordinance. [As renumbered by Priv. Acts 1984, ch. 185, § 18]

Section 6. Be it further enacted, That in the event of the temporary absence or disability of the Recorder, then the City Council may temporarily appoint a Recorder pro tempore. [As renumbered by Priv. Acts 1984, ch. 185, § 18]

Section 7. Be it further enacted, That the office of the Recorder shall be kept and maintained at the Municipal Building in the City of Lewisburg and the City shall furnish and provide all necessary and proper office supplies, equipment and furniture for the maintenance and operation of the office. [As renumbered by Priv. Acts 1984, ch. 185, § 18]

ARTICLE XI

TREASURER

Section 1. Appointment. Be it further enacted, That as hereinbefore provided by Section 2 of Article VI, the City Council shall, at the first regular meeting in June, 1961, appoint a Treasurer, and shall establish and make provisions by ordinance his term of office, if any, and shall fix his salary and

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[1]Priv. Acts 1984, ch. 185, § 18 deleted in its entirety § 5 of Article 10 and provided for the renumbering of §§ 6 through 8 accordingly.

prescribe his duties in addition to such duties as are imposed by this Article and the next succeeding Article.

Section 2. Powers, Duties, Etc. Be it further enacted, That the Treasurer shall exercise a general supervision over the fiscal affairs of the City, and general accounting supervision over all the City's property, assets and the disposition thereof. He shall be the general accountant and auditor of the City; shall have custody of all papers, records and vouchers relating to the fiscal affairs of the City, and the records in his office shall show the financial operations and condition, property, assets, claims and liabilities of the City, all expenditures authorized, and all contracts in which the City is interested. He shall require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to him by the several departments and officers of the City, including all agents and employees of his department who may be charged with the collection or expenditure of money, and shall control and continually audit the same. He shall, at least once each month, adjust the settlements of officers engaged in the collection of revenue, including but not limited to the monthly report required to be submitted by the City Judge, as provided by Section 6 of Article VIII of this Charter.

Section 3. Budget Committee. Be it further enacted, That the Treasurer act jointly with the City Manager as a Budget Committee of the City, and keep the City Council fully advised as to the financial condition at all times of the City and each Department thereof.

Section 4. Tax Collector. Be it further enacted, That it shall be the duty of the Treasurer to collect, receive and receipt for the taxes and other revenues and bonds of the City, and to place such funds in depositories, designated by resolution of the City Council, and the Treasurer is hereby made the legal custodian of the City tax books and is made Tax Collector of the City.

Section 5. Disbursements of Revenues. Be it further enacted, That except as otherwise provided by ordinance, the Treasurer shall prescribe and regulate the manner of paying creditors, officers and employees of the City. He shall audit all payrolls, accounts and claims against the City and certify thereon the balance as stated by him, but no payroll, account or claim, or any part thereof, shall be audited against the City or paid unless authorized by law, or ordinance, and approved and certified by the City Manager and the head of the Department for which the indebtedness was incurred, and the amount required for payment of the same appropriated for that purpose by ordinance, and in the Treasury.

Section 6. Issuance of Warrants. Be it further enacted, That subject to the provisions of the foregoing Section, and unless otherwise provided by

ordinance, all warrants of the City shall be issued by the Treasurer and countersigned by the City Manager. Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund.

Section 7. Limitation of Authority. Be it further enacted, That no contract, agreement or other obligation involving the expenditures of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the City Council, or be authorized by any officer of the City unless the Treasurer shall first certify to the City Council, or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the Treasury, or safely assured to be forthcoming and available in time to comply with or meet such contract, agreement, obligation or expenditure; and no contract, agreement, or other obligation involving the expenditure of money payable from the proceeds of bonds of the City shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of the applicable law or ordinance under which the same are issued.

Section 8. Further Restrictions. Be it further enacted, That no contract liability shall be incurred without previous authority of law or ordinance, but the City Council may by ordinance empower the proper officials to pay out money or incur liability for the City for the necessary preservation of the City's credit, or in other extreme emergency, under such restrictions as may be provided in said ordinance; provided, that any such liability shall mature not later than one year from the date the same is incurred.

Section 9. Sinking Funds. Be it further enacted, That the Treasurer shall be the custodian of all sinking funds, established for the retirement of bonds of the City to be handled and controlled in accordance with the provisions of this Charter, or the provisions of the ordinance creating such sinking funds.

Section 10. Be it further enacted, That the Treasurer shall also perform all other duties imposed upon him by ordinance and by other Sections of this Charter.

Section 11. Treasurer Pro Tempore. Be it further enacted, That in the event of the temporary absence or disability of the Treasurer, the City Council may appoint a Treasurer pro tempore.

ARTICLE XII

TAXATION AND REVENUE[1]

Section 1. Subjects and objects of taxation. Be it further enacted, That the City of Lewisburg is hereby expressly empowered to assess, levy and collect taxes upon all property and privileges within its limits, which are or shall hereafter be taxable by the laws of the State of Tennessee, and to assess, levy and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly prohibited by general laws of the State of Tennessee.

Section 2. Be it further enacted, That the assessment, levy and collection of taxes and special assessments shall be under the general supervision and control of the City Treasurer subject to the limitations elsewhere found in this Charter. [As replaced by Priv. Acts 1984, ch. 185, § 19]

Section 3. Be it further enacted, That as soon as practicable in each year after the assessment books for the State and County are complete (which shall be after the Equalization Board provided for by general law shall have finished their work), it shall be the duty of the City Treasurer to prepare or cause to be prepared from the assessment books of the County and of the Public Service Commission of Tennessee, a tax book similar inform to that required by the laws of the State to be made out for the County Trustee, embracing, however, only such property and persons as are liable for taxes within the City. Such tax books, when certified to be true, correct and complete by the City Treasurer, shall be the assessment for taxes in the City for all municipal purposes; provided that there may be an assessment by the City Treasurer at any time, of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment book of the City. [As replaced and renumbered by Priv. Acts 1984, ch. 185, § 21]

Section 4. Be it further enacted, That the City Council shall have full power to levy and collect taxes as of January 10 of each and every year. [As replaced and renumbered by Priv. Acts 1984, ch. 185, § 23]

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[1]Each of the following sections of Priv. Acts 1984, ch. 185 deleted in their entirety the indicated sections of Article XII and provided for the renumbering of the remaining sections of Article XII accordingly:

Section 20 deleted Section 3 of Article XII.
Section 22 deleted Section 5 of Article XII.
Section 25 deleted Section 8 of Article XII.
Section 29 deleted Section 15 of Article XII.

Section 5. Tax Schedules, Etc. Be it further enacted, That the City Council is hereby fully authorized and empowered to enact, by ordinance, all requirements as to forms, schedules for personalty, and other administrative features for an adequate collection of taxes, not otherwise forbidden or prohibited by law, and to impose such other and additional duties upon the City Treasurer as may from time to time become expedient. [As replaced and renumbered by Priv. Acts 1984, ch. 185, § 24]

Section 6. Utility assessment, etc. Be it further enacted, That the City Treasurer shall obtain from the Public Service Commission of Tennessee an assessment roll showing all property, real, personal and mixed assessed by it which shall, as soon as practicable in each year, be incorporated into the tax book required by Section 3, Article XII, and be subject to the provisions of said section. [As replaced and renumbered by Priv. Acts 1984, ch. 185, § 26]

Section 7. Be it further enacted, That until such time as the City Council shall by ordinance provide for and regulate an assessment to be made by its own assessors, as hereinbefore provided, then it is hereby made the duty of the City Treasurer to obtain and use the assessment books and records previously prepared by the former City Clerk of the City of Lewisburg and all such assessments shall remain in full force and effect until and unless changed or altered by the Board of Equalization and shall be binding upon the property owners so assessed and it shall be the duty of the City Treasurer to collect the taxes so assessed. [As renumbered by Priv. Acts 1984, ch. 185]

Section 8. Be it further enacted, That all property, real, personal and mixed, subject to State, County and City taxes, and privileges taxable by law, when the same shall have become duly assessed for taxation as now provided by law and ordinance of the City of Lewisburg, shall be the basis upon which property shall be taxed and taxes collected by the City of Lewisburg for municipal purposes, until such time as the City Council makes provision by ordinance for its own tax assessment system, as above provided. [As amended by Priv. Acts 1984, ch. 185, § 27; and renumbered by Priv. Acts 1984, ch. 185]

Section 9. Be it further enacted, That all taxes shall be due and payable at such time as may be prescribed by law or ordinance, but unless otherwise provided by law or ordinance the same shall be due and payable on the first day of October of the year for which the taxes are assessed. [As replaced and renumbered by Priv. Acts 1984, ch. 185, § 28]

Section 10. Penalty and Interest. Be it further enacted, That on the first day of March of the year following that for which taxes are assessed, or on such other date as may be provided by ordinance, a penalty of one-half of one per centum and interest of one-half of one per centum shall be imposed upon all

taxes remaining unpaid and collected by the City and paid into the City Treasury. An additional penalty of one-half of one per centum and additional interest of one-half of one per centum shall be added for each month thereafter until the same is paid in full. [As renumbered by Priv. Acts 1984, ch. 185]

Section 11. Semi-Annual Installments. Be it further enacted, That the City Council may by ordinance change the due date and delinquent date of all taxes and may provide for the semi-annual payment of taxes and a discount for the prompt payment thereof. [As renumbered by Priv. Acts 1984, ch. 185]

Section 12. Delinquent Taxes, Collection. Be it further enacted, That after the expiration of one month from the date when taxes levied or assessed on personality shall become delinquent, as provided in this Article, or as may be provided by ordinance, the tax books in the hands of the City Treasurer shall have the force and effect of a judgment of a Court of Record, and the City Treasurer shall have the power to issue distress warrants, alias and pluries distress warrants in the name of the City of Lewisburg, to enforce the collection of said taxes against the person owning the property on the 10th date of January of the year for which the taxes are assessed, by a levy upon the personality of such taxpayer; and such distress warrant shall be executed by any policeman of the City of Lewisburg by a levy upon and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process from a Justice of the Peace. [As renumbered by Priv. Acts 1984, ch 185]

Section 13. Delinquent Taxes, Collection. Be it further enacted, That all municipal taxes on real estate within the City of Lewisburg, and all penalties, interests and costs accruing thereon, are hereby declared to be a lien on said real estate from and after the 10th day of January of the year for which the same are assessed, and for the purpose of enforcing collection of said taxes and liens securing the same, the City Council may by proper action direct the City Attorney or the Tax Attorney of Marshall County, to institute actions to enforce collection of delinquent taxes due the City, in which event the Treasurer shall certify a list of all real estate upon which municipal taxes remain due and unpaid to the City Attorney, or the said County Tax Attorney, who in turn shall file proper bills to enforce the liens of taxes due the municipality under the provisions of the present statutes, or any future laws in such cases made and provided. [As renumbered by Priv. Acts 1984, ch. 185]

Section 14. Improvement and Service Liens. Be it further enacted, That the City Council shall have the authority in like manner to file bills in the Chancery Court of Marshall County for the collection of assessments and levies made for payment of improvements or service in said City, such as paving, sidewalk, curbing, gutters, sewers and other improvements for which assessments may be made under this Charter, the cost of which is made a

charge on property owners abutting said improvements and a lien on abutting property, the suits thus commenced to be conducted as other suits in Chancery for the enforcement of similar liens. [As renumbered by Priv. Acts 1984, ch. 185]

ARTICLE XII-A

COMBINATION OF OFFICES

Section 1. Be it further enacted, That any reference by law, this Charter or ordinance to City Tax Assessor shall mean City Treasurer and all authority, duties and responsibilities of City Tax Assessor whether by law, this Charter or ordinance are that of the City Treasurer. [As replaced by Priv. Acts 1984, ch. 185, § 30]

ARTICLE XIII[1]

BUDGET AND APPROPRIATIONS

Section 1. Budget Committee Commissioner. Be it further enacted, That there is hereby created a Budget Committee for the City of Lewisburg, composed of the Treasurer and the City Manager, the latter being hereby designated as Budget Commissioner, whose duties and functions are hereinafter set out. [As amended by Priv. Acts 1996, ch. 156, § 16]

Section 2. Duties, Powers, Etc. Be it further enacted, That the fiscal year of the City shall begin on the first day of July and end on June 30, of the following year, until otherwise provided by ordinance. It is hereby made the duty of the City Manager on or before the first day of July of each year to prepare and submit to the Budget Committee an estimate of the revenues and expenditures of the City for the ensuing fiscal year. This estimate shall be compiled from detailed information in respect of the several departments on proper forms furnished the City Manager, and this estimate of expenditures shall be classified for the principal functional divisions of each of the five departments, and shall indicate in parallel columns the following information:

1. A detailed estimate of the expense of conducting each department as submitted by the department.
2. Expenditures for corresponding items for the last fiscal year.

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[1]Priv. Acts 1984, ch. 185, § 31 deleted in its entirety Article XIII and provided for the renumbering of subsequent articles accordingly; therefore, articles bearing the number XIV through XXII before the passage and local approval of Priv. Acts 1984, ch. 185 are now Articles XIII through XXI.

3. Expenditures for corresponding items for the current year, including adjustments of an estimate necessary to complete the current fiscal year.

4. Amount of supplies, materials, funds, etc., on hand at the date of the preparation of the estimate, and amount of supplies, materials, etc., contracted for but undelivered.

5. Increase or decrease of appropriations proposed by each department, compared with the corresponding appropriations for the current year.

6. Such other information as is required by the Budget Committee, or that the City Manager may deem advisable to submit.

Such estimate shall be considered by the Budget Committee and appropriate action taken by it after which time the said estimate bearing the recommendations or action taken by the Budget Committee shall be submitted to the City Council at its next regular meeting, and an appropriation ordinance for the ensuing year shall be finally adopted not later than the regular meeting of the City Council in July following.

Section 3. Tax Levy. Be it further enacted, That it is hereby made the duty of the Treasurer in each year as soon as the assessment roll for the City is complete, to submit to the City Council a certified Statement of the total amount of the valuation or assessment of the taxable property for the year within the City limits (including the assessments of all railroads, telephone and telegraph properties and other utilities) together with a certified Statement of the revenues derived by the City from privileges, merchants' ad valorem taxes, fines for the preceding fiscal year, and all miscellaneous revenue. Upon the presentation of such Statements by the Treasurer, the City Council shall proceed by ordinance to make the proper levy to meet the expenses of the City for the fiscal year, together with a sufficient amount to be transferred into a sinking fund for the retirement of the bonded indebtedness of the City.

Section 4. Balances. Be it further enacted, That at the end of each year all unencumbered balances of appropriations in the Treasury except as to funds derived from industrial development property or sales from such properties, shall revert to the general fund and be subject to further appropriations. Such balances shall be considered as unencumbered only when the City Manager shall certify in writing that the purpose for which the same were appropriated has been completely accomplished and that no further expenditure in connection therewith will be necessary.

Section 5. Monthly Reports. Be it further enacted, That it is hereby made the duty of the City Manager at each regular meeting of the City Council to submit in writing a detailed report for the preceding month of each department created hereunder, in which shall be clearly shown, among other

things, the total amount of money appropriated to each department for the fiscal year, the amount expended during the preceding month, together with the total amount appropriated but not expended.

ARTICLE XIV

SINKING FUND

Section 1. Be it further enacted, That all sinking funds of the City may be invested in bonds of the United States, of the State of Tennessee, of the County of Marshall, or of the City of Lewisburg such investment to be made by the Treasurer only by and with the consent of the City Council evidenced by resolution. The Treasurer, by and with the consent of the City Council, may sell the securities belonging to a sinking fund, or any part of them, at any time when the proceeds thereof may be needed for the payment of bonds or interest thereon. Likewise, the Treasurer, by and with the consent of the City Council, may exchange any bonds held in the sinking fund for bonds of the City whenever such exchange may be advantageous for the City.

Section 2. Be it further enacted, That any monies remaining in a sinking fund, after payment of the particular bonded indebtedness for which it was accumulated, shall be paid into the general fund of the City.

ARTICLE XV

POLICE DEPARTMENT

Section 1. Appointment. Be it further enacted, That the City Manager shall appoint a Chief of Police and such policemen and other members of the police force. [As amended by Priv. Acts 1996, ch. 156, § 17]

Section 2. Duties. Be it further enacted, That it shall be the duty of the Chief of Police and members of the Police force to preserve order in the City, protect the inhabitants and property owners therein from violence, crime, and all criminal acts, prevent the commission of crime, violence, violations of the law and of the City ordinances and perform a general police duty; to execute and return all processes, notices and orders of the City Court, the City Judge, Mayor and City Manager, and to execute all other processes, notice and orders as may be provided in this Charter or by ordinance.

Section 3. Duties. Be it further enacted, That members of the police force, whenever necessary, for the purpose of enforcing the ordinance of the City, shall procure the issuance of warrants, or citations serve the same and appear in the City Court as prosecutors, relieving complaining citizens, insofar as

practicable, of the burden of instituting cases involving the violations of the City ordinances, but this shall not be construed to relieve any person from the duty of appearing in Court and testifying in any case. [As amended by Priv. Acts 1996, ch. 156, § 18]

Section 4. Emergencies. Be it further enacted, That the Mayor or the City Manager, or chief of police in time of riot or other emergency, shall have the power to summon any citizens of the City to assist the police force. [As amended by Priv. Acts 1996, ch. 156, § 19]

ARTICLE XVI

FIRE DEPARTMENT

Section 1. Appointment. Be it further enacted, That the City Manager shall appoint a Chief of the Fire Department and such other members of the Fire Department. [As amended by Priv. Acts 1996, ch. 156, § 20]

Section 2. Duties. Be it further enacted, That it shall be the duty of the Chief of the Fire Department and the members thereof to take all proper steps toward the prevention and suppression of fires.

Section 3. Powers. Be it further enacted, That the City Manager, as well as the Chief of the Fire Department, or any assistant to the Chief, shall have the same police powers at such fire as the Chief of Police, under such regulations as may be prescribed by ordinance.

Section 4. Fire Marshall. Be it further enacted, That the City Manager may appoint a Fire Marshall, whose duty it shall be, subject to the Chief of the Fire Department, to investigate the cause, origin and circumstances of fires, and the loss occasioned thereby, and assist in the prevention of arson.

Section 5. Be it further enacted, That the City Council of the City of Lewisburg shall have full power and authority by resolution to authorize the use of the City's fire fighting equipment and personnel outside the corporate limits to suppress and extinguish fire, subject to such conditions and limitations of such Act as the City Council may by resolution impose. [As added by Priv. Acts 1963, ch. 161]

ARTICLE XVII

BOARD OF EDUCATION

Section 1. Be it further enacted, That in pursuance of subsection (26), Section 4 of Article I of this Charter, the City Council is hereby fully empowered by ordinance to appoint and elect a Board of Education of the City of Lewisburg, to prescribe the qualifications of members of said Board of Education, to fix the term of office, and to prescribe the powers and duties of said Board, not inconsistent with the general laws of the State of Tennessee.

ARTICLE XVIII

Section 1. Be it further enacted, That persons holding offices under the Charter existing at the time of the adoption of this act shall continue to hold those offices until their successors are elected or appointed and qualified according to the terms and provisions herein set forth, and all valid existing ordinances of the City of Lewisburg shall remain in full force and effect unless hereafter amended or repealed.

Section 2. Be it further enacted, That the City of Lewisburg shall continue to operate and function under the Charter existing before the passage of this Amendatory Act until the City Council provided for herein shall be elected and qualified as herein provided, and all legal and outstanding bonds, taxes, assessments, obligations, liabilities, actions, claims, contracts, and prosecutions arising under the Charter of the City of Lewisburg in force at the time of the passage hereof shall remain and effect; and the City Council herein provided for shall after their election and qualification take charge and control of all the property and assets of the City of Lewisburg and administer the same for the benefit of said City under the provisions of this Act, and shall assume and discharge all legal and subsisting obligations arising under the Charter existing prior to the passage and adoption of this Amendatory Act.

ARTICLE XIX

Be it further enacted, That the provisions of this Act are hereby declared to be severable, and if any section, or part of a section of the same shall be declared to be invalid or unconstitutional, the validity, force and effect of any other section, or part of a section, shall not thereby be affected, unless it clearly appear that such other section, or part of a section, is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

ARTICLE XX

LOCAL APPROVAL

Be it further enacted, That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within twenty (20) days after the approval of this Act by the Governor, it shall be the duty of the county board of election commissioners of the County in which is located the municipality to which this Act applies to call an election for such City to be held not less than twenty (20) nor more than forty (40) days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County board of election commissioners upon the first Monday occurring five (5) or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder. The expenses of the election held pursuant to this Act shall be paid by the City of Lewisburg.

ARTICLE XXI

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

PASSED: January 26, 1961.

Wm. D. Baird,
Speaker of the Senate.

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

APPROVED: February 9, 1961.

Buford Ellington,
Governor.

This is to certify that according to the official records on file in this office, Senate Bill Number 109, which is Chapter Number 36, of the Private Acts of 1961, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

Joe C. Carr,
Secretary of State.

PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY OF LEWISBURG, TENNESSEE

YEAR	CHAPTER	SUBJECT
1961	36	Basic charter act.
1963	161	Added art. XVII, § 5, fire department.
1977	31	Replaced art. III, § 7, salary of mayor and councilmen.
1980	174	Amended art. VI, § 1, city manager.
1981	113	Deleted art. I, § 3, city limits and replaced art. III, § 4, councilmen.
1982	361	Amended art. I, § 1, name; replaced art. I, § 3, wards; and purports to amend art. III, § 4, election of councilmen.
1984	185	Amended art. 1, § 4, miscellaneous powers by ordinance; amended art. III, § 3, term of office; replaced art. III, § 4, election of councilmen; replaced art. III, § 7, salary of the mayor; amended art. III, § 10, day of meeting; replaced art. IV, § 2, passage of ordinances; replaced art. V, § 2, additional duties of mayor; amended art. VI, § 2, treasurer, recorder, city attorney; replaced art. VIII, § 2, judge; amended art. VIII, § 3, duties, powers; replaced art. VIII, § 5, warrants; amended art. VIII, § 6, fines, costs, etc.; amended art. VIII, § 8, appeal; added art. VIII, § 9, city judge--absence of; amended art. IX, § 3, term of office of city attorney; replaced art. X, § 1, office of city recorder; deleted

YEAR	CHAPTER	SUBJECT
		art. X, § 5, and renumbered subsequent sections accordingly; replaced art. XII, § 2, tax duties of city treasurer; deleted art. XII, § 3 tax assessor; replaced art. XII, § 4, treasurer to prepare tax assessment book; deleted art. XII, § 5, equalization board; replaced art. XII, § 6, power to levy and collect taxes; replaced XII, § 7, city council to enact ordinances for tax collection and additional duties for city treasurer; deleted art. XII, § 8, merchants' ad valorem; replaced art. XII, § 9, treasurer to obtain assessment roll; amended art. XII, § 11, property and persons subject to taxes; replaced art. XII, § 12, due date for taxes; deleted art. XII, § 15, poll tax and renumbered subsequent sections accordingly; replaced art. XII-A, § 1, city tax assessor shall mean city treasurer; deleted art. XIII, Departments and renumbered subsequent articles accordingly.
1993	66	Replaced art. I, § 4(25), miscellaneous powers by ordinance; replaced art. VIII, city court; replaced art. X, § 1, office of city recorder; and amended art. X, § 2, powers and duties of recorder.
1996	156	Replaced art. I, § 4, miscellaneous powers ordinance; amended art. I, § 8, procedure for selling real estate; deleted art. III, § 6, ineligible malfeasance, etc. and renumbered the subsequent sections accordingly; amended art. III, § 8, penalties; amended art. III, § 10, meetings;

YEAR	CHAPTER	SUBJECT
		replaced art. III, § 11, presiding officer; replaced art. III, § 13, quorum; replaced art. V, § 3, service ofprocess; replaced art. VI, § 2, treasurer, recorder, city attorney; amended art. VII, § 1, administrative head of municipality; replaced art. VII, § 2(b) and 2(c), powers and duties of city manager; replaced art. VIII, § 5, salary of city judge; replaced art. VIII, § 8, warrants; amended art. X, § 4, recorder to certify copies of records, papers, and documents; amended art. XIII,§ 1, budget committee commissioner; amended art. XV, police department, § 1, appointments; amended art. XV, § 3, duties; amended art. XV, § 4, emergencies; and amended art. XVI, § 1, fire department appointments.
2010	62	Replaced art. IV, § 2, ordinance passage.