PART 1

CHARTER[1]

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[1]In the city election of May 10, 1955, the voters of the City of Johnson City elected to become a home rule municipality as authorized by amendment No. 7 of the Limited Constitutional Convention of 1953, codified as paragraphs 3 through 8 of Article XI, § 9 of the Tennessee Constitution.

Except as hereinafter provided, the charter of the City of Johnson City, Tennessee, has been set out herein as enacted by Private Acts 1939, Ch. 189. Amendments have been worked into the charter and may be identified by the citations appearing at the end of the sections. The catchlines appearing in boldface type have been added by the editor for the convenience of the user and should not be taken as a part of the charter. A uniform system of capitalization has been employed and the matter appearing in brackets has been added by the editor for clarity. A uniform system of numbering subsections has been employed as indicated by editor's notes in appropriate places. The sections of the charter have been numbered consecutively but have been cited at the end of the sections as numbered in the original or amendments. Repealed sections are so indicated following the section number. The charter is current through 2012.

Provisions in the state constitution authorizing a charter commission were self executing, and the city properly provided for the qualifications and compensation of members. Washington County Election Commission v. City of Johnson City, 350 S.W. 2d 601 (1961).

Art. XVII. Budget and Appropriations, §§ 83–86
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ARTICLE I. INCORPORATION

Sec. 1. Generally.

Be it enacted by the General Assembly of the State of Tennessee, That the City of Johnson City, in Washington County, Tennessee, be and the same is hereby incorporated under and by this act. [Priv. Acts, 1939, ch. 189, art. I, § 1]

Sec. 2. Limits; powers generally.

The inhabitants of the City of Johnson City, in the County of Washington, within the present limits of the City of Johnson City as hereinafter described, be and they are hereby constituted a body politic and corporate under the name and style of "City of Johnson City"; and as such shall have perpetual succession, shall sue and be sued, implead and be impleaded in all courts of law and equity, and in all actions whatsoever; may, for municipal purposes, purchase, receive and hold property–real, personal and mixed–within or beyond the limits of the city; and may sell, lease or dispose of such property for the benefit of the city, and do all other acts touching the same as may natural persons; may have and may use a common seal, and may change it at pleasure; and exercise all the rights, powers and privileges set forth in the succeeding sections of this act. [Priv. Acts, 1939, ch. 189, art. I, § 2]

Sec. 3. Continuation of assets, liabilities, etc.

That the right, title, and ownership of all property of said city of Johnson City and all its uncollected taxes, assessments, dues, fines, costs, claims, judgments, choses in action, and all its rights of every kind and character whatsoever, shall immediately become and are hereby vested in the municipal corporation created by this act; and said new corporation be, and hereby is

burdened and charged with and made liable for all legal debts, contracts, bonds and obligations of the old corporation which it succeeds, in the same manner and form and to the same extent as the said prior municipal corporation was under existing laws. [Priv. Acts, 1939, ch. 189, art. I, § 3]

Sec. 4. Continuation of laws, etc.

That all laws, ordinances, and resolutions lawfully enacted by the governing body of said city under any preceding charter or charters and not inconsistent with this charter shall be and do remain, in full force and effect under this new charter until such time as the governing body of said city created under and by this act, shall elect to amend, modify, or repeal the same. [Priv. Acts, 1939, ch. 189, art. I, § 4]

ARTICLE II. BOUNDARIES AND WARDS

Sec. 5. Boundaries.[1]

That the boundaries of said City of Johnson City, hereby incorporated, shall be as follows:

> As said boundaries of said City of Johnson City stood fixed on December 31, 1938, by precedent acts of the General Assembly, which acts are here referred to and by reference made a part of this section for the definition of boundaries, additions thereto and exclusions therefrom. See Acts 1887, Chapter 20; Acts 1909, Chapter 125; Private Acts 1923, Chapter 469; Private Acts 1927, Chapter 311; Private Acts 1929, Chapter 401; Private Acts 1933, Chapter 671; Private Acts 1937, Third Extradinary [Extraordinary] Session, Chapter 7 (pp. 408-409).

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[1]The city boundaries have been further amended by subsequent ordinances, on file in the office of the city recorder, approved by referendum of the voters.

An action by the city commission to annex territory by ordinance was reasonable and valid. Morton v. Johnson City, 333 S.W. 2d 924 (1960).

A city has the burden of proving that an annexation ordinance is reasonable, and the issue of reasonableness should be submitted to a jury. State ex rel. Moretz v. City of Johnson City, 581 S.W. 2d 628 (1979).

Ord. No. 2163 was valid and effective, though the City of Watauga attempted to annex some of the same territory. City of Watauga v. City of Johnson City, 589 S.W. 2d 901 (1979).

Said corporate limits being extended so to include the following additional territory:

> Beginning at a planted stone in the present corporation line west of the Ten Row; thence westerly with the property line of the National Soldiers' Home Reservation several courses to a point on or near the easterly boundary of the right-of-way of the C.C. & O. Railway, said point being one hundred twenty (120) feet east of the center of the track of said C.C. & O. Railway; thence in a southerly direction with a line one [hundred] twenty (120) feet from and parallel to the center of the track of said C.C. & O. Railway to a point one hundred twenty (120) feet north of the centerline of the track of the Southern Railway; thence in an easterly direction with a line one hundred [twenty] (120) feet from and parallel to the center of the track of the Southern Railway to the present corporation line; thence with the present corporation line, being also the boundary line of the National Soldiers' Home Reservation, in a north-westerly direction several courses to the beginning, said property being known as the National Soldiers' Home Reservation.
>
> And being reduced so as to exclude the following territory.
>
> Beginning at a point on the present corporate boundary line one hundred (100) feet south from the center of the main line of the Southern Railway track, where said main line enters the present eastern boundary of said city, and following in a westerly direction the main line of the Southern Railway along a line parallel with the main line of the Southern Railway track and one hundred (100) feet south therefrom to a point two hundred (200) feet northeast of Broadway, thence southeast along a line parallel with and two hundred (200) feet east of the eastern margin of Broadway to a point that intersects with the present corporate boundary of the City of Johnson City; thence in an easterly direction along the present corporate boundary line of said city, two (2) courses, to the point of beginning; together with:
>
> > That portion of the Old Milligan Road (known as State Highway No. 67) from its intersection with Grand Avenue, in an easterly direction to a point ninety (90) feet beyond the center of the C.C. & O. Railway.

The following described area or territory is declared to be annexed to and be a part of the City of Johnson City, Tennessee, as of December 31, 1954:

> Located in the Ninth Civil District of Washington County, Tennessee, adjoining the present corporate limits of the City of

Johnson City, Tennessee, and more particularly described as follows: Beginning at a point on the existing corporate boundary, which is a distance of twenty-seven hundred (2700) feet, more or less, from a corner of the existing corporate boundary located at the easterly side of Oakland Avenue as it would intersect with the center line of the Old Bristol Highway; thence in a northerly direction and perpendicular to the corporate line a distance of four thousand (4,000) feet, more or less, to the northeastern corner of the property lime [line] of Monte Vista Cemetery; thence with [the] northern property line of Monte Vista Cemetery in a westerly direction approximately sixteen hundred fifty (1650) feet more or less to a point which is approximately two hundred (200) feet east of the easterly side of the Old Bristol Highway; thence in a northwesterly direction eight hundred fifty (850) feet, more or less, to a point which is approximately two hundred (200) feet north of the north side of Lakeview Drive and approximately two hundred (200) feet east of the east side of the Old Bristol Highway; thence in a westerly direction approximately twenty-seven hundred (2700) feet to a point which is the intersection of said line with the northern boundary line of Idlewilde Addition in a southeasterly direction approximately eighteen hundred fifty (1850) feet to a point where said boundary extended southwesterly would intersect with the western boundary of Mountcastle Drive; thence in a southerly direction two thousand nine hundred (2,900) feet, more or less, to a point which is the northeasterly corner of the Kingsport Pike Addition; thence in a southerly direction approximately six hundred fifty (650) feet with the easterly boundary of the Kingsport Pike Addition to a point where said boundary intersects with the existing corporation line; thence with said corporate line as it meanders in an easterly direction to the point of beginning.

Said corporation limits being extended so as to include the following additional territory:

Tract No. 1. Beginning at the southwest corner of the present city limits of the City of Johnson City, being an iron pin set in the northerly side of the railroad line (locally known as the Clinchfield Railway property highline); thence southerly 58 degrees 10 minutes west two hundred nine and two-tenths (209.2) feet to an iron pin at the corner of East Tennessee State College property and the right-of-way of the Clinchfield Railroad; thence north 39 degrees 57 minutes west seven hundred eighty-one and one-tenth (781.1) feet to an iron pin; thence north 47 degrees 19

minutes west seven hundred fifty (750) feet to the southerly side of Walnut Street; thence north 49 degrees 59 minutes west two hundred sixty-five (265) feet to an iron pin; thence north 39 degrees 49 minutes west five hundred eight (508) feet to a point in the present boundary line of the City of Johnson City, twenty-seven and three-tenths (27.3) feet east of the center of the south gate of the United States Veterans Administration Hospital known as Mountain Home Said addition to the City of Johnson City containing one hundred twelve (112) acres, more or less.

Tract No. 2. Beginning at an iron pin set in the center of Iris Avenue at a point where said avenue intersects with the present boundary line of the City of Johnson City; thence with the centerline of Iris Avenue north 4 degrees 3 minutes west six hundred twenty-two (622) feet to the center of the intersection of Iris Avenue and Lake Drive; thence with the centerline of Lake Drive north 80 degrees 27 minutes east two hundred eighty-eight (288) feet to the center of the intersection of Lake Drive and Oakland Avenue; thence with the centerline of Oakland Avenue south 17 degrees east three hundred sixty and nine-tenths (360.9) feet to the intersection of the centerline of Oakland Avenue and the present boundary line of the City of Johnson City.

Said corporate limits being reduced so as to exclude the following territory:

Beginning at a point in the present corporate line of the City of Johnson City, Tennessee (being the northwesterly line of the recently annexed area), and being the northerly corner of the Steve Lacey "Idlewilde Addition" and also corner to C. C. Cox estate; thence along the northeasterly line of said Steven [Steve] Lacey "Idlewilde Addition" in a southeasterly direction a distance of about four hundred sixty-eight (468) feet to the C. C. Cox property; thence in a southeasterly direction a distance of about thirteen hundred twenty-five (1325) feet, crossing Lakeview Drive, to the westerly side of C. L. Trotter property, corner to Lamons; thence in a northerly direction about two hundred eighty-six (286) feet to the common corner of W. E. Cox. C. L. Trotter, R. V. Rainbolt and W. Ellis Cox; thence in an easterly direction along te divisional line between R. V. Rainbolt and W. Ellis Cox about six hundred thirty-one (631) feet to a point, corner to W. Ellis Cox, Rainbolt and Joe McClure; thence along the westerly line of Joe McClure about five hundred eighty-two (582) feet to a point, corner to McClure and Leon Cox; thence in a northeasterly direction to a point where the

northerly line of Monte Vista Cemetery intersects the easterly line of Old Bristol Highway (now Oakland Avenue); thence in an easterly direction along the northerly line of Monte Vista Cemetery a distance of about two hundred (200) feet to the corporate line of the City of Johnson City, Tennessee; thence with the present corporate line of the City of Johnson City, Tennessee, the following courses and distances to the point of beginning; north about eight hundred fifty (850) feet; west about twenty-seven hundred (2700) feet; southwest about eight hundred forty-five (845) feet to the point of beginning. [Priv. Acts, 1939, ch. 189, art. II, § 1; Priv. Acts, 1939, ch. 501, §§ 2, 3; Priv. Acts, 1947, ch. 566, § 1; Ord. No. 1293, § 1; Priv. Acts, 1951, ch. 615]

Sec. 6. Wards.[1]

The territory described and bounded in section 1 of this article [§ 5] shall be divided into such wards as may now be prescribed by existing ordinances, or as may be hereafter prescribed by ordinance or ordinances, enacted by the governing body of said city created under and by this act. [Priv. Acts, 1939, ch. 189, art. II, § 2]

ARTICLE III. CORPORATE POWERS

Sec. 7. Generally.

That said municipal corporation, in addition to the powers, rights and authority vested in it by the preceding articles and sections, shall have the power by ordinance:

§ 7.1. Taxes.[2] To assess as hereinafter provided and to levy and collect taxes for all general and special purposes on all subjects or objects of taxation and privileges taxable by law for state, county or city purposes, but no privilege tax shall be levied or collected in excess of the amount fixed by the laws of the

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[1]State law reference
Wards: Tennessee Code Annotated, § 6-54-101, et seq.

[2]State law references
Levy of tax: Tennessee Code Annotated, § 67-5-101.
Privilege taxes: Tennessee Code Annotated, § 67-4-101, et seq.
Taxation by municipality: Tennessee Code Annotated, § 67-5-103.

state so fixing such privileges for state purposes, and said city shall not exempt from taxation any property not exempt from state taxes.

§ 7.2. Classification in taxation.[1] To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

§ 7.3. Special assessments.[2] To make special assessments for local improvements.

§ 7.4. Contracts. To contract and be contracted with.

§ 7.5. Borrow money. To anticipate the annual revenues by borrowing money to meet the payments of interest on the bonded debt of the city or other budgeted obligations; provided the amount borrowed in any year shall not exceed fifty (50) per centum of the annual tax levy for that year, which shall promptly be repaid out of such tax collections.

§ 7.6. Refunding bonds. To issue and exchange, sell, pledge, or in any manner dispose of negotiable or nonnegotiable interest bearing or noninterest bearing refunding bonds and fix the interest rate and maturity date thereof to refinance or extend the existing bonded indebtedness of the city, upon the credit of 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 such credits.

§ 7.7. New bonds, issuance.[3] To issue and sell any new interest bearing bonds for any purpose permitted by this charter or permitted by the statutes of Tennessee, to fix the interest rate and maturity dates of such bonds and to issue the same upon the credit of 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 such credits, provided, however, that no ordinance providing for the issuance of any such new bonds,

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[1]State law reference
Tennessee Code Annotated, § 67-5-501, et seq.

[2]State law reference
Tennessee Code Annotated, § 7-32-101, et seq.

[3]State law reference
Bonds to provide funds for public works: Tennessee Code Annotated, § 7-34-109, et seq.

except bonds issued under sections 3408–3493 of the Code of Tennessee, shall be valid unless and until approved by a majority of the qualified voters of the said City of Johnson City voting at any election on the specific question of issuing such bonds, to be called, advertised and held in the same manner in which general municipal elections are required to be held under this charter. In such election it shall not be necessary to submit to the voters any other question than the maximum amount, the maximum interest rate and the purpose or purposes of the bonds proposed to be issued. No bonds shall be issued under this section in such an aggregate amount, including outstanding bonds, as will create or increase the total bonded indebtedness of the city more than ten (10) per cent of the assessed valuation for the preceding year of the taxable property in said city; provided, however, that any bonds or securities redeemable and payable out of funds derived from special assessments for public improvements or any bonds or other obligations primarily secured from revenues of utilities or other sources with the secondary backing of general tax revenues shall not be included within the foregoing limitation.

Provided further, that the requirements of this section, or any other provision of this act, as to the approval by a majority of the qualified voters of said city as to the issuance of any bonds, or the limitations [as] to the amount thereof, shall not be applicable to any and all bonds which may be authorized and issued now or hereafter under the provisions of Chapter 33, Extra Session, Public Acts of 1935 (known as the "Revenue Bond Act of 1935"), when such bonds are issued for the purpose of extending or expanding the electric service and electric plant now being operated by said city, or as the same may hereafter be operated.

§ 7.8. Money expended. To expend the money of the city for all lawful purposes.

§ 7.9. Acquisition and disposition of property. To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, without or within the city or state.

§ 7.10. Eminent domain.[1] To condemn property, real or personal or any easement, interest, or estate or use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of sections 3109–3132 of the Code of Tennessee, or in such other manner as may be provided by law.

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[1]State law reference
Eminent domain: Tennessee Code Annotated, § 29-16-101, et seq.

§ 7.11. Property out of city; administration of trusts. To take and hold property within or without the city or state upon trust; and to administer trusts for the public benefit.

§ 7.12. Public utilities. To acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the city, its inhabitants or any part thereof.

§ 7.13. Public utilities grants; franchises; regulations. To grant to any person, firm, association, or corporation, franchises for public utilities and public services to be furnished the city and those therein and to grant rights of way through the city's streets, avenues, alleys, squares, ways and over the bridges and viaducts of the city for the use of public and quasi-public utilities; provided that no exclusive franchise shall be granted; provided further that such new franchise shall not destroy the terms of any existing franchise. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

§ 7.14. Contracts for public utility service. To make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those therein. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The board of commissioners may prescribe in each such contract entered into the rates, fares, charges and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened.

§ 7.15. Regulations of public utilities. To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel, from time to time, reasonable extension of facilities for such services.

§ 7.16. Highways, streets, parks. To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, re-construct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, bridges, viaducts, subways, tunnels, sewers, and drains, within or without the corporate limits and

to regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor under the provisions of the general law.

§ 7.17. Abutting property improvements. To construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places 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 or alleys under and as provided by sections 3408 to 3493, Code of Tennessee, [T.C.A. §§ 7-32-101 to 7-33-124 or any general law of the state, now or hereafter in effect.

§ 7.18. Sanitation charged against abutting property. To assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish; the lighting of streets; the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board of commissioners.

§ 7.19. Market places, public buildings, bridges, etc. To acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all market places, public buildings, bridges, sewers and other structures, works and improvements.

§ 7.20. Drainage, sewage, offal, etc. To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse by discharging same into streams and rivers or otherwise, or to license and regulate such collections and disposal.

§ 7.20.1. That the city shall have power by ordinance to assess against the persons, firms, associations and corporations benefited thereby a monthly charge for their fair proportionate part of any sum expended or necessary to be expended by the city for the removal of garbage, offal, and to provide for the method of collection of such charges.

§ 7.20.2. That in collection of such charges for garbage removal the city may by ordinance provide that such charges shall be added to the monthly water bill of such persons, firms, associations or corporations.

§ 7.21. License tax. To imposes a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law.

§ 7.22. Regulation of business, callings, etc. To define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business,

occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city, and to exercise general police powers.

§ 7.23. Limit occupations liable to become a nuisance. To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

§ 7.24. Inspections, weights and measures. To inspect, test, measure and weigh any article for consumption or use within the city, and to charge reasonable fees therefor; and to provide standards of weights, tests and measures.

§ 7.25. Same. To establish, regulate, license, and inspect weights and measures.

§ 7.26. Buildings, regulated and inspected. To regulate the location, bulk, occupancy, area, lot, location, height, constructions 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 alteration or changes necessary to make them healthful, clean or safe.

§ 7.27. Charitable, educational, corrective institutions. To provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

§ 7.28. Workhouse or city colony: county workhouse. To purchase or construct, maintain and establish a workhouse or farm colony, for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the city who fails to secure the fine and costs imposed upon him or to contract with Washington County to keep said persons in the workhouse of said county and to provide by said contract and by ordinances for the commitment of such persons to the workhouse so provided, until such fine and costs shall be fully paid.

§ 7.29. Enforcement of ordinances; fines and imprisonment. To enforce any ordinance, rule, or regulations, by means of fines, forfeitures, penalties, and imprisonment or by action or proceedings in any court of competent jurisdiction or by any one (1) or more of such means and to impose cost as a part thereof, but

no fine, forfeiture, or penalty shall exceed fifty dollars ($50.00), and no imprisonment shall exceed ninety (90) days.[1]

§ 7.30. Schools. To establish schools, to purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; to purchase or erect all necessary buildings and do all other acts necessary to establish, maintain, and operate a complete educational system within the city, and through its board of education, hereinafter provided for, to determine the necessary school officers and teachers and fix their compensation.

§ 7.31. Animals running at large, to suppress. To regulate, tax, license or suppress the keeping or going at large of animals within the city; to impound the same and in default of redemption to sell or kill the same.

§ 7.32. Bridges and viaducts. To require and compel any steam, gasoline or electric railway company operating within said city and crossing with its lines any of the streets of the city, to build and construct and maintain all necessary bridges, viaducts and underpasses under and over the tracks of said railroad company wherever said track or tracks cross the public streets, alleys, ways and thoroughfares of said city, when in the judgment of the legislative body of said city such bridges, viaducts or underpasses should be built or constructed for the preservation or protection of the public using such streets, alleys, ways, and thoroughfares; and the entire cost of the construction of such bridges, viaducts or underpasses over such railroad or railroads, within the limits of the operating right-of-way of such railroad or railroads, to be paid and borne by such railroad or railroads, and the cost of construction of the approaches to said viaducts or underpasses to the points above indicated to be borne by the City of Johnson City, together with all damages which may accrue to property owners by reason of change of grade, and the portion of such viaducts or underpasses constructed respectively by the railroad or railroads and by the city, to be maintained by them respectively; provided that the said City of Johnson City shall have no right, power or authority to build or require of any railroad or railroads to build any such bridges, viaducts or underpasses unless and until the city shall have available sufficient funds to lay out and construct the approaches to said viaducts, bridges or underpasses available for the purpose and to so certify such fact to such railroad or railroads, the owners or operators thereof. In order to enforce this subsection, the legislative body of said city shall cause the necessary plans and specifications for the construction of such bridge, viaduct or underpass to be made and prepared by competent civil engineers, such plans and

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[1]State law reference
Collection of fines: Tennessee Code Annotated, § 40-24-101, et seq.
Execution on municipal court judgments: Tennessee Code Annotated, § 6-54-303, et seq.

specifications to make due and proper provisions for the safe operation of trains over and under such bridge, viaduct or underpass as well as traffic using said bridge, viaduct or underpass as well as traffic using said bridge, viaduct or underpass and upon approval of such plans and specifications the legislative body of said city may by ordinance order and require the building and construction to be begun not more than sixty (60) days after the passage of such ordinance and the work to be completed within such reasonable time as may be fixed and named in said ordinance, and in case of the failure of the owner or operator of any such railroad or railroads to comply with such ordinance, it shall be subject to a fine of fifty dollars ($50.00) for each day that it fails to comply herewith, such fine to be assessed and collected upon conviction before the city judge of said city; but the city may also by mandatory injunction enforce compliance with such ordinance in the chancery court of Johnson City, Tennessee, or the United States District Court for the Eastern District of Tennessee; or it may proceed to build and construct such bridge, viaduct or underpass charging the cost thereof, as above provided, where the same shall cross any railroad or railroads, to such railroad or railroads, or the owners or operators thereof, and recover such cost and expense with interest thereon by suit instituted for that purpose in any court of competent jurisdiction.

§ 7.33. Particular powers enumerated do not exclude others, when. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this article impair a power granted in any other part of this charter and whether powers, objects, or purposes are expressed, conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one (1) or more such powers as to any one (1) or more such powers as to any one (1) or more such objects for any one (1) or more such purposes.

§ 7.34. Fire department. To establish and maintain a fire department with the necessary or proper employees, fire fighting apparatus and equipment for the prevention and suppression of fires within the city.

> The board of commissioners may, by proper resolution spread on its minutes, authorize the fire department to answer calls to suppress or extinguish fires in the area adjacent to the city and within a reasonable distance outside the city's boundaries.

§ 7.35. Insurance coverage. To take out and carry insurance against loss or damage by fire or other hazards on any city property, equipment or services; and against liability for damage or injury to persons or properly by reason of the operation of any city vehicles or equipment, whether engaged in a governmental or proprietary capacity; provided, however, that the carrying of such insurance

shall not be deemed or construed in any way as a waiver of any governmental immunity. [Priv. Acts, 1939, ch. 189, art. III, § 1; Priv. Acts, 1945, ch. 458, § 2; Priv. Acts, 1947, ch. 661, §§ 2, 3; Priv. Acts, 1949, ch. 377, § 1; Priv. Acts, 1955, ch. 32, § 2; Ord. No. 2744, § 9-8-88]

ARTICLE IV. ELECTIONS[1]

Sec. 8. Generally.

That elections of commissioners under this charter shall be held under the same provisions of the state law under which elections are prescribed to be held for such officials as sheriff or trustee of Washington County, in all things except as to the time and date thereof, upon legal notice of the same, published in one (1) or more of the newspapers of the city, or by posters put up in public places and as provided by law at the precincts prescribed for county elections within the corporate limits.

However, if the city shall have by appropriate ordinance provided precincts in the several wards so that residents of each may vote in the ward where he lives, the election shall be held and the voting places designated accordingly by the county election commission. [Priv. Acts, 1939, ch. 189, art. IV, § 1]

Sec. 9. When candidates names to be placed on ballots.

That all candidates shall be eligible to have their names placed on ballots only on the same conditions and in the same manner prescribed for the placing on the ballot of the names of candidates for such offices as trustee and sheriff of Washington County. [Priv. Acts, 1939, ch. 189, art. IV, § 2]

Sec. 10. State law to govern; eligibility to vote.

That all city elections, including all elections respecting bond issues, shall be held under the supervision of the county board of election commissioners, and in accordance with the law governing all state and county elections, as hereinbefore set out.

This section may be enforced by appropriate ordinance.

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[1]State law reference
Municipal elections: Tennessee Code Annotated, § 6-53-101, et seq.

In any election for commissioners under this charter, all registered voters, otherwise legally qualified to vote in county and state elections, and who shall have been for the sixty (60) days next preceding the election bona fide residents of said city, shall be entitled to vote; provided that no payment of poll tax shall be required as a condition precedent to voting in any municipal election. [Priv. Acts, 1939, ch. 189, art. IV, § 3; Priv. Acts, ch. 338, § 1]

Sec. 11. When terms of commissioners to begin.

That the terms of all city commissioners shall begin on the first Monday in May following the date of their election. [Priv. Acts, 1939, ch. 189, art. IV, § 4; Ord. No. 2744, § 2, 9-8-88]

Sec. 12. Election of commissioners generally.

That the commissioners holding office at the time of adoption of this article shall continue to hold office until they have each served the full term for which they were elected. A municipal election shall be held in said city on the fourth Tuesday in April of each succeeding two (2) years, beginning with 1989, for the election of commissioners who shall succeed the commissioners holding office at the time of adoption of this article, and whose terms shall begin on the third Monday in May thereafter and shall expire on the first Monday in May of the fourth year following their election. Thereafter, elections for members of the board of commissioners shall be held every two (2) years as provided elsewhere herein, and members so elected shall hold office for a term of four (4) years, and until their successors are elected and qualified, with said terms of such members to begin on the first Monday of May following their election. There shall be five (5) members of the board of commissioners. [Priv. Acts, 1939, ch. 189, art. IV, § 5; Ord. No. 2744, § 2, 9-8-88]

Sec. 13. Informalities not to invalidate election.

That no informalities in conducting any election held under this charter shall invalidate it if such election is conducted fairly and in substantial conformity with the requirements of this article. [Priv. Acts, 1939, ch. 189, art. IV, § 6]

ARTICLE V. BOARD OF COMMISSIONERS

Sec. 14. Election of mayor; designation.

That the commissioners, at the first regular meeting after the first and each biennial election, shall elect one (1) of their number mayor for a term of two (2) years, and thus organized the body shall be known as the board of commissioners. [Priv. Acts, 1939, ch. 189, art. V, § 1]

Sec. 15. Eligibility for office – Residence requirements.

That any qualified voter of the city shall be eligible for election to the office of commissioner, provided that a failure to continue to reside in said city shall vacate his office. [Priv. Acts, 1939, ch. 189, art. V, § 2; Ord. No. 2428, § 1, 3-18-83]

Sec. 16. Same – Conviction of certain crimes.

That no person shall become commissioner who shall have been convicted of malfeasance in office, bribery, or other corrupt practice, or crime, or of violating any of the provisions of section 3645 of the Code of Tennessee [T.C.A. § 6-20-108] in reference to elections, and if any commissioner shall be so convicted he shall forfeit his office. [Priv. Acts, 1939, ch. 189, art. V, § 3]

Sec. 17. Compensation.

That the salary of the mayor and commissioners shall be set at such amount as the board of commissioners may determine annually as part of its appropriation ordinance, not to exceed the maximum amount permissible for cities organized under general law charters pursuant to T.C.A. § 6-20-204. [Priv. Acts, 1939, ch. 189, art. V, § 4; Ord. No. 2744, § 2, 9-8-88]

Sec. 18. Manner of exercising city powers generally.

That the legislative and all other powers except as otherwise provided by this charter are delegated to and vested in the board of commissioners; and the board of commissioners may by ordinance or resolution not inconsistent with this charter prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city. [Priv. Acts, 1939, ch. 189, art. V, § 5]

Sec. 19. Powers to be exercised in session.

That the said board shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the board except through proceedings adopted at some regular or special session. [Priv. Acts, 1939, ch. 189, art. V, § 6]

Sec. 20. Meetings – Regular.

That the board of commissioners shall by ordinance fix the time and place at which the regular meetings of said board shall be held, and until otherwise provided by ordinance, the regular meetings of said board shall be held at seven thirty p.m., on the first and third Thursday of each month. [Priv. Acts, 1939, ch. 189, art. V, § 7]

Sec. 21. Same – Special.

That whenever, in the opinion of the mayor, city manager, or of any two (2) commissioners the welfare of the city demands it, the mayor or the recorder shall call special meetings of the board of commissioners upon at least twelve (12) hours' written notice to each commissioner, the city manager, recorder, and city attorney or attorneys, serviced personally or left at his usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. [Priv. Acts, 1939, ch. 189, art. V, § 8]

Sec. 22. Same – Mayor to preside.

That the mayor shall preside at all meetings of the board of commissioners. [Priv. Acts, 1939, ch. 189, art. V, § 9]

Sec. 23. Filling vacancies.

That when any vacancy in said board shall occur, the election commissioners of the county shall immediately call a special election for the purpose of filling such vacancy for the unexpired term; whereupon said election commissioners shall appoint the necessary officers therefor and said special election shall be held within thirty (30) days after said call in the same manner and subject to the regulations in this charter respecting general city elections. [Priv. Acts, 1939, ch. 189, art. V, § 10]

Sec. 24. Mayor pro tempore – Election.

That at the first meeting of the board, and thereafter at the first meeting after a general city election, said board shall choose from its membership a member to act in the absence, inability, or failure to act of the mayor. [Priv. Acts, 1939, ch. 189, art. V, § 11]

Sec. 25. Same – Duties; to fill vacancy in office of mayor.

That such member shall act as mayor during any temporary absence, inability, or failure to act of the mayor, and whenever a vacancy occurs in the office of mayor such member shall become mayor and hold office as such for the unexpired term. [Priv. Acts, 1939, ch. 189, art. V, § 12]

Sec. 26. Quorum; compelling attendance.

That a majority of all the members of said board shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time and may compel the attendance of the absentees in such manner and under such penalties as the board may provide. [Priv. Acts, 1939, ch. 189, art. V, § 26]

Sec. 27. Adoption of rules of procedure; subpoena powers; administering oaths; journal.

That said board may determine the rules of its proceedings, subject to this charter, and may arrest and punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous behavior in its presence. It shall have power and may delegate it to any committee, to subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction; to call upon its own officers or the chief of police to execute its process, and to arrest and punish by fine or imprisonment, or both, any person refusing to obey such subpoena or order.

No fine for any one (1) offense under this section shall exceed fifty dollars ($50.00) nor shall any imprisonment for any one (1) offense exceed ten (10) days, but each day's continuance in any refusal as aforesaid shall be a separate offense.

Its presiding officer or the chairman of any committee may administer oaths to witnesses. It shall keep a journal of its proceedings, and the yeas and nays on all questions shall be entered thereon. [Priv. Acts, 1939, ch. 189, art. V, § 14]

Sec. 28. Sessions to be public.[1]

That all sessions of the board shall be public and subject to change of plan in case of emergency. [Priv. Acts, 1939, ch. 189, art. V, § 15]

Sec. 29. Removal of city officers generally.

That the provisions of the statute of Tennessee known as the Act for the "removal of unfaithful public officers," and commonly referred to as the General Ouster Law of the State of Tennessee, being sections 1877 to 1902, inclusive, of the Code of Tennessee [T.C.A. §§ 8-47-101–8-47-126] shall apply to and be in force as to the board of commissioners, the board of education, the mayor, the city manager, the city judge, and the juvenile judge; and all such officers shall be subject to removal from office under the provisions of said law, and for violation thereof. [Priv. Acts, 1939, ch. 189, art. V, § 16]

ARTICLE VI. ORDINANCES

Sec. 30. Ordaining clause.

That all ordinances shall begin "Be it ordained by the City of Johnson City as follows:" [Priv. Acts, 1939, ch. 189, art. VI, § 1]

Sec. 31. Reading; effective date; emergency ordinances; amendments.

That every ordinance shall be considered on three (3) different days in open session before its adoption, and not less than one (1) week shall elapse between the first and third considerations, and any ordinance not so considered shall be null and void.

The City of Johnson City may establish by ordinance a procedure for the consideration of ordinances, the minimum requirement of which shall be that the caption of an ordinance be read on each of the three (3) occasions at which the ordinance is considered as provided in the preceding paragraph. Unless otherwise provided by ordinance, applicable law, or by majority vote of the commission at the time of its consideration, it shall not be 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

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[1]State law reference
Public meetings: Tennessee Code Annotated, § 8-44-101, et seq.

required by applicable law, and in that instance only immediately prior to consideration at public hearing.

Copies of ordinances under consideration shall be available after introduction, during regular business hours at the office of the city recorder and during sessions of the board of commissioners in which the ordinance is considered.

An ordinance shall take effect immediately upon final passage thereof, unless otherwise specified by the board of commissioners or prohibited by law.

No ordinance shall be amended except by a new ordinance. [Priv. Acts, 1939, ch. 189, art. VI, § 2; Ord. No. 2310, § 1, 10-2-80; Ord. No. 2744, § 2, 9-8-88]

Sec. 32. Votes to be recorded.

That in all cases under the preceding section, the vote shall be determined by yeas and nays; the names of the members voting for or against an ordinance shall be entered upon the journal. [Priv. Acts, 1939, ch. 189, art. VI, § 3]

Sec. 33. Numbering and recordation.

That every ordinance shall be immediately taken charge of by the recorder and by him numbered, copied in an ordinance book, filed and preserved in his office. [Priv. Acts, 1939, ch. 189, art. VI, § 4]

Sec. 34. Publication.

That all ordinances of a penal nature passed shall be published at least once in a newspaper of the city, and no such ordinance shall be in force until it is so published; provided, however, that as to any ordinance embodying a building, plumbing, or electric code or any ordinance regulating as to sanitation in the interest of public health, a single type of occupation, business or industry, if it appears to the board of city commissioners that, in view of the length of the ordinance, the newspaper publication is unnecessarily expensive, such fact shall be stated in the ordinance and such ordinance may be published by posting a certified copy thereof on a bulletin board which shall be maintained by the city for that purpose at the city hall, for a period to be prescribed in such ordinance, which shall not be less than ten (10) days, and after such publication, such ordinance shall be in full force and effect.

It shall be the duty of the city manager to keep on hand for distribution, without charge, to persons affected by such building, plumbing or sanitary

ordinances a supply of printed, type-written or mimeographed copies of such ordinances; provided, however, that as to any ordinance compiling and/or codifying the laws and ordinances of the city, the board of city commissioners, if they believe it advisable, may have such ordinance printed in book form rather than published in a newspaper, and such ordinance shall be in full force and effect immediately after such printing.

It shall be [the] duty of the city manager to keep on hand a supply of such ordinances for distribution to persons affected thereby; provided, that the city manager may charge for each volume an amount to be fixed by the board of city commissioners, which amount shall not exceed the cost of the city preparing and publishing same. [Priv. Acts, 1939, ch. 189, art. VI, § 5; Priv. Acts, 1945, ch. 457, § 2; Priv. Acts, 1951, ch. 676]

ARTICLE VII. MAYOR

Sec. 35. Powers and duties generally.

That the mayor shall preside at all meetings of the board of commissioners and perform such other duties consistent with his office as may be imposed by it and he shall have a seat, a voice, and a vote, but no veto. He shall sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and he may introduce ordinances in the board of commissioners. [Priv. Acts, 1939, ch. 189, art. VII, § 1]

Sec. 36. Compliance with ordinances.

That the mayor shall have the power and it is hereby made his duty to perform all acts that may be required of him by any ordinance duly enacted by the board of commissioners, not in conflict with any of the provisions of this charter. [Priv. Acts, 1939, ch. 189, art. VII, § 2]

Sec. 37. Service of legal process against the city.[1]

That all legal process against the city shall be served upon the mayor, city manager, or recorder, and it shall be his duty forthwith to transmit the process to the city attorney, after writing thereon the time, place and manner of service. [Priv. Acts, 1939, ch. 189, art. VII, § 3]

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[1]State law reference
Process: Tennessee Code Annotated, § 20-2-101, et seq.

ARTICLE VIII. OFFICERS AND EMPLOYEES

Sec. 38. Appointment, term, compensation, eligibility and removal of city manager.

The board of commissioners shall appoint a city manager, by a majority vote of its entire membership solely on the basis of executive qualifications, who need not at the time of appointment be a resident of the city or state. The board of commissioners shall fix the compensation of the city manager who shall serve at the pleasure of the board of commissioners. No member of the board of commissioners shall at any time be chosen as city manager. The city manager shall be removable from office under the provisions of the General Ouster Law of Tennessee, being [T.C.A. sections] 8-2701 to 8-2726 [8-47-101 to 8-47-126], inclusive, of the Code of Tennessee, and as the same may be supplemented or amended, and for violation of said law. [Priv. Acts, 1939, ch. 189, art. VIII, § 1; Priv. Acts, 1943, ch. 394, §§ 1, 2; Priv. Acts, 1949, ch. 593, § 2; Priv. Acts, 1951, ch. 486; Ord. No. 1590, § 1; Ord. No. 2182, § 1(7), 3-16-78]

Sec. 39. Appointment and compensation generally.

That the said board of commissioners shall fix the salaries of the city manager and the city attorney or attorneys. The board of commissioners shall establish and make provisions in the appropriation ordinance for such other officers, agents and employees as may be necessary. The recorder, chief of police, fire chief, city engineer, city physician and all other officers, agents and employees, except the city judge, juvenile judge, city attorney or attorneys and members of and employees under the supervision of the board of education, and employees with civil service status as hereinafter provided, shall be appointed by the city manager and removed by him at any time. [Priv. Acts, 1939, ch. 189, art. VIII, § 2; Ord. No. 2744, § 2, 9-8-88]

Sec. 40. Oath.

That every officer, agent, and employee holding a position upon an annual salary, shall before entering upon his duties, take and subscribe and file with the recorder, an oath or affirmation that he has all the qualifications named in this charter for the office or employment he is about to assume, that he will support the constitution of the United States and of this state and the charter and ordinances of the city and that he will faithfully discharge the duties of his office or employment. [Priv. Acts, 1939, ch. 189, art. VIII, § 3]

Sec. 41. Interference with personnel by board.

That neither the board nor any of its committees or members shall interfere in any way with the appointment or removal of any of the officers and employees in the administrative service, except under civil service regulations set out in Article XXVI hereof. Except for the purpose of inquiry, the board and its members shall deal with that part of the administrative service for which the city manager is responsible, solely through the city manager. [Priv. Acts, 1939, ch. 189, art. VIII, § 4]

Sec. 42. Bond – Required; payment of premiums.

That the city manager and every officer, agent and employee having duties embracing the receipts, disbursement, custody, or handling of money shall, before entering upon his duties, execute a fidelity bond with some surety company authorized to do business in the State of Tennessee, as surety (except that bonds for five hundred dollars ($500.00) or less may be given with personal surety, in such amount as shall be prescribed by ordinance of the board of commissioners, except where the amount is prescribed in this charter). All such bonds and sureties thereto shall be subject to the approval of the board of commissioners. The cost of making said bonds is to be paid by the city. [Priv. Acts, 1939, ch. 189, art. VIII, § 5]

Sec. 43. Same – Vacation of office upon failure to make sufficient.

That if at any time, it appears to the mayor, city manager, or recorder that the surety or sureties on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give additional bond within twenty (20) days after he shall have been notified, his office shall be vacant. [Priv. Acts, 1939, ch. 189, art. VIII, § 6]

ARTICLE IX. CITY MANAGER

Sec. 44. Administrative head of municipal government; substitute.

That in addition to all other powers conferred upon the city manager, he shall be the administrative head of the municipal government under the supervision of the board of commissioners.

During the absence or disability of the city manager, the board of commissioners may designate some properly qualified person to perform the functions of the city manager. [Priv. Acts, 1939, ch. 189, art. IX, § 1]

Sec. 45. Powers and duties generally.

That the powers and duties of the city manager shall be:

§ 45.1. Enforcement of ordinances. To see that the laws and ordinances are enforced, and upon knowledge or information of any violation thereof, to see that prosecutions are instituted in the city court.

§ 45.2. Appointment and removal of officers and employees. Except as in this charter provided, to appoint and remove all heads of departments and all subordinate officers and employees, all appointments to be made upon merit and fitness alone; provided, however, that all such present officers and employees shall continue to hold [office] until removed and/or their successors are so appointed.

> It is further provided that the city manager shall make no appointment, or appointments, except temporary appointments for a period as hereinafter provided in section 45.11. The city commission may, by a majority vote of said commission, approve or disapprove any appointment made by the city manager. If any appointment made by the city manager is disapproved by a majority of the city commission, the person so appointed shall, at once, be relieved of his duties and the City of Johnson City shall not be liable in damages for the action of said city commission.
>
> The city manager shall, at each and every meeting of the city commission, report to the city commission in writing any appointment, or appointments, made by him since the date of the last meeting of the city commission.

§ 45.3. To supervise and control the work of the recorder, the city engineer, the city physician, the chief of police, the fire chief, the city attorney or attorneys, and all other officers, except the city judge and juvenile judge and members of the board of education, and to so supervise and control the work of all departments and divisions other than the department of education, created by this charter or which hereafter may be created by the board of commissioners.

§ 45.4. Public utilities and franchises. To see that all terms and conditions imposed in favor of the city or its inhabitants on any public utility or franchise are faithfully done, kept and performed and, upon knowledge or information of any violation thereof, to call the same to the attention of the city attorney, or attorneys, who are hereby required to take such steps as are necessary to enforce the same.

§ 45.5. Meetings of board; discussion but no vote. To attend all meetings of the board of commissioners, with the right to take part in the discussion, but not to vote.

§ 45.6. Recommendation to board. To recommend to the board of commissioners for adoption such measures as he may deem necessary or expedient.

§ 45.7. Budget commissioner; financial condition. To act as budget commissioner and to keep the board of commissioners fully advised as to the financial conditions and needs of the city.

§ 45.8. Purchasing agent. In addition to his other powers and duties, the city manager of Johnson City shall act as purchasing agent for the city and shall purchase material, supplies, equipment and services for the proper conduct of the city's business. He shall have the power to delegate the authority and responsibility of the daily procurement activities and shall establish a central purchasing office responsible for management and direction of the full spectrum of procurement activities.

The board of commissioners shall prescribe by ordinance the maximum expenditure which the city manager may make without specific authorization of the board to the maximum amount authorized by applicable law and shall approve the operating procedures and policies relating to procurement and materials management.

§ 45.9. Other duties. To perform such other duties as may be prescribed by this charter or required of him by resolution or ordinance of the board of commissioners.

§ 45.10. Traffic regulation. In addition to the powers now vested in the board of commissioners as to traffic regulation, the city manager shall have power, when instructed so to do by resolution of the board of commissioners, to designate by clearly visible signs, through-streets, stop-streets, no-parking areas on streets, ways or alleys, one-way streets, and limitation of time as to parking; that all such signs now so erected shall be deemed to have been erected by resolution of the board of commissioners, and all ordinances heretofore enacted by the city prescribing penalties for violation of such signs are hereby validated, ratified and confirmed. Any person failing or refusing to obey such traffic signs shall be subject to such penalties as have been or may be prescribed by ordinance.

§ 45.11. Temporary appointments. The city manager of the City of Johnson City shall have the right and power, in addition to all his other rights

and powers, to make temporary appointments for a period of not more than ninety (90) days. [Priv. Acts, 1939, ch. 189, art. IX, § 2; Priv. Acts, 1943, ch. 394, §§ 5, 6; Priv. Acts, 1949, ch. 593, § 5; Priv. Acts, 1953, ch. 81, § 2; Priv. Acts, 1953, ch. 493, § 2; Ord. No. 2182, § 1(6), 3-16-78; Ord. No. 2744, § 2, 9-8-88]

ARTICLE X. CITY ATTORNEY

Sec. 46. Generally; bureau of law; assistants and special counsel.

The board of commissioners of said city is hereby vested with power and authority, and it shall be its duty, to create and establish a bureau of law, and to name, appoint, and employ a director of such bureau who shall also be known as the city attorney and shall be an attorney at law, practicing in Washington County; to provide for [and] appoint such assistant or assistants to said director as it shall determine; to determine and prescribe the powers, duties, and functions of such bureau, and the director thereof and his assistant or assistants; and to fix and determine the compensation of said director and any assistant or assistants. In addition to the duties of such director [of] the bureau of law as provided by the board of commissioners, the said director or city attorney shall perform the duties imposed upon city attorneys by any general laws of this state.

In fixing the compensation of the said director or any assistant to the director, the board of commissioners shall have the right to determine whether such compensation shall be in the form of a retainer or salary or on the basis of charges for specific services, or both. The board, in its discretion, may also employ competent and efficient counsel to aid the director or city attorney in special matters and/or litigation in which the city is involved or interested and fix his compensation therefor, or in special matter[s] and/or litigation the board may employ such special counsel as it shall see fit to sit without the aid of the city attorney and fix his compensation therefor. [Priv. Acts, 1953, ch. 83, § 2]

Sec. 47. Repealed by Priv. Acts, 1953, ch. 83.

Sec. 48. Collection of delinquent taxes.

In addition to or in lieu of the method now provided by the charter of the City of Johnson City for the collection of delinquent taxes, the board of city commissioners may by resolution require the city recorder to certify to the trustee of Washington County a list of all real estate upon which municipal taxes remain due and unpaid for any year or years set out in such resolution, and in such event suits shall be filed by the attorney designated by the trustee, with the approval of the county judge or chairman of the Washington County

Court for the collection of such delinquent taxes and the property shall be sold under the provisions of section 1591 of the Code of Tennessee [T.C.A. §§ 67-5-2405, 67-5-2406, 67-5-2412–67-5-2415, 67-5-2501] and all acts amendatory thereof. In such event, the compensation to the said attorney and the costs and statutory fees of the sheriff and the clerks of the courts shall be as provided by section 1590 of the Code of Tennessee [T.C.A. § 67-5-2410] and all acts amendatory thereof. [Priv. Acts, 1943, ch. 394, § 3]

ARTICLE XI. RECORDER AND TAXATION

Sec. 49. Recorder to submit statement of total valuation; assessment set by board of commissioners.

That it shall be the duty of the recorder, in each year, as soon as the assessment roll for the city is complete, to submit to the board of commissioners 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 assessment of all railroad, telephone, telegraph, and other public utility properties), together with a certified statement of the revenue derived by the city from privilege taxes, merchants' ad valorem taxes, fines for the preceding fiscal year, and miscellaneous revenues. Upon the presentation of such statements by the recorder, the board of commissioners shall proceed by ordinance to make the proper levy to meet the expenses of the city for the current fiscal year. [Priv. Acts, 1939, ch. 189, art. XI, § 1]

Sec. 50. Extension of levy.

That it shall be the duty of the recorder, immediately after the levy of taxes by the board of commissioners, to cause the said levy to be extended upon the said tax book prepared by the recorder in the same manner that extensions are made upon the tax books in the hands of the county trustee. [Priv. Acts, 1939, ch. 189, art. XI, § 2]

Sec. 51. Due date for payment of taxes; recorder as custodian of tax books; issuance and execution of distress warrants.

That all taxes due the city, except privilege and merchants' ad valorem taxes, shall, until otherwise provided by ordinance, be due and payable on the thirty-first day of December of the year for which the taxes are assessed.

The recorder shall be custodian of the tax books and shall be the tax collector of the city; provided, however, that the board, by ordinance, may

provide for one (1) or more assistant tax collectors, who may be compensated either by salary, commission, or both, as the board may determine.

Distress warrants may issue for the collection of taxes and any such distress warrant shall be executed by the chief of police or any policeman of the city by a levy upon, and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process of justices of the peace. [Priv. Acts, 1939, ch. 189, art. XI, § 3]

Sec. 52. Lien of assessments; validity of assessment generally; correction of errors.

That all municipal taxes on real estate in the city, and all penalties and costs accruing thereon are hereby declared to be a lien on said realty from and after the tenth day of January of the year for which same are assessed, superior to all other liens except the liens of the United States, State of Tennessee and Washington County, for taxes legally assessed thereon, with which it shall be a lien of equal dignity. No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid. The board of commissioners shall have power to correct any errors in the tax assessments upon a certificate filed by the assessor or assessing body. [Priv. Acts, 1939, ch. 189, art. XI, § 4]

Sec. 53. Penalty for delinquency.

That on the first day of January of the year following that for which the taxes are assessed, or other date provided by ordinance, a penalty of one and one-half (1-1/2) per centum upon all taxes (other than privilege and merchants' ad valorem taxes) remaining unpaid shall be imposed and collected by the city and paid into the city treasury. An additional penalty of one and one-half (1-1/2) per centum shall be added to each month thereafter until paid. In addition to said penalties said taxes shall bear interest at one (1) per centum per annum above the average of the prime rate as established by those banks maintaining a commercial banking business within said city from and after the due date. Said act as to penalties and interest shall be retroactive as of the beginning of the 1983 tax year commencing on the first day of January, 1983. [Priv. Acts, 1943, ch. 394, § 4; Ord. No. 2423, § 1, 3-18-83]

Sec. 54. Due date and delinquent date may be changed by ordinance; provision for semi-annual payment.

That the board of commissioners may, by ordinance passed by a majority vote, change the due date and delinquent date of all taxes, and may provide for the semi-annual payment of taxes and allow [a] discount for the prompt payment thereof.

In case a semi-annual installment of taxes is made due and payable before the assessment and levy of taxes in the city for the current year is complete, the amount of the installment so collected as a part of the tax upon any property shall not be more than fifty (50) per cent of the taxes levied on said property for the preceding year, such installment to be credited on the current year's taxes when determined and levied. [Priv. Acts, 1939, ch. 189, art. XI, § 6]

Sec. 55. Collection of delinquent taxes generally.[1]

That the recorder shall, under the provisions of the state law for the collection of delinquent taxes, certify to the city attorney, or firm of attorneys, a list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes, and the same shall be sold in like manner and upon the same terms and conditions as real estate is sold for delinquent state and county taxes. [Priv. Acts, 1939, ch. 189, art. XI, § 7]

Sec. 56. Collection of special assessments by chancery proceedings.[2]

That the board of commissioners shall have the power, and is hereby given authority, to file bills in the chancery court in the name of the city for the collection of assessments and levies made for payment for improvements or services in said city, such as paving, sidewalks, curbing, guttering, sewers and other improvements, or services for which assessments may be made under the charter or by any other acts of the legislature, and the cost of which is made a charge on property, the suits commenced by said bills to be conducted as other suits in chancery for the enforcement of like liens and under the rules of law and practice provided for the same; provided, that the bills shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention that all persons in the same assessment and levy for improving any portion of the city as aforesaid, and on whose property said

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[1]State law reference
Delinquent taxes: Tennessee Code Annotated, § 67-5-2001, et seq.

[2]State law reference
Proceedings in chancery: Tennessee Code Annotated, title 21.

assessment or levy is a lien, shall be made parties defendant to one bill. [Priv. Acts, 1939, ch. 189, art. XI, § 8]

ARTICLE XII. RECORDER AS FINANCE OFFICER

Sec. 57. Appointment; to be head of department of finance; compensation; bond.

That the city manager shall appoint and remove at will a recorder; and the recorder, under the supervision of the city manager, shall be the head of the department of finance.

The salary of the recorder shall be fixed by the board of commissioners. The recorder shall execute a surety bond in the sum of not less than twenty-five thousand dollars ($25,000.00), the premium on which bond shall be paid by the city. [Priv. Acts, 1939, ch. 189, art. XII, § 1]

Sec. 58. Duties generally.

That it shall be the duty of the recorder to be present at all meetings of the board of commissioners, and to keep a full and accurate record of all business transacted by the board, which record shall be preserved in permanent book form.

The recorder shall have custody, and preserve in his office, the city seal, the public records, original rolls of ordinances, ordinance books, minutes of the board of commissioners, contracts, bonds, title deeds, certificates, and papers, all official indemnity or surety bonds, and all bonds, oaths and affirmation[s], and all other records, papers and documents not required by this charter or by ordinance to be deposited elsewhere, and he shall register them by numbers, dates and contents, and keep an accurate and modern index thereof. The bond of the recorder shall be filed with the mayor.

When required by an officer or citizen, the recorder shall provide certified copies of records, papers and documents in this office, and charge therefor, for the use of the city, such fees as may be provided by ordinance; and he shall cause copies of ordinances to be printed, as may be directed by the board of commissioners, and keep them in his office for distribution.

The recorder, as the head of the department of finance, shall exercise a general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets, and claims and the disposition thereof. He shall be the general accountant and auditor of the city; he shall

have custody of all records, papers 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 by him, by the several departments and officers of the city, including all deputies or employees of his department charged with the collection or expenditure of money, and shall control and audit the same. He shall daily adjust the settlements of officers engaged in the collection of revenue.

The recorder, with the approval of the city manager, shall cause an efficient system of accounting for the city to be installed and maintained, and as provided for in the annual appropriation ordinance. The recorder shall serve as the custodian of the public school funds and these funds shall be disbursed and reflected in the city accounts in the same manner as all other funds of the municipality.

The recorder shall also serve as the treasurer of the city, and it shall be his duty to collect, receive and receipt for the taxes and all other revenue of the city, and all special assessments, the proceeds of its bond issues, and to disburse the same, under the direction of the city manager. [Priv. Acts, 1939, ch. 189, art. XII, § 2]

Sec. 59. Regulating manner of paying claims; auditing of accounts; liability for loss to municipality.

That except as by this charter or by law or ordinance otherwise provided, and subject to the approval of the city manager, the recorder 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 is appropriated for that purpose by ordinance and in the treasury. Whenever any claim shall be presented to the city recorder, he shall have power to require that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent, or employee of any department of the municipality, or any other person, and examine him upon oath or affirmation relative thereto. The city manager, recorder, and head of the department concerned, and their sureties, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the municipality. [Priv. Acts, 1939, ch. 189, art. XII, § 3]

Sec. 60. Issuance of vouchers; signing of checks.

That subject to the provisions of the foregoing section, vouchers shall be issued by the recorder and all checks in payment of such vouchers shall be signed by the recorder and countersigned by the city manager. Each voucher shall specify the particular department fund against which it is drawn and shall be payable out of no other fund. Any officer or employee in the recorder's office may be designated by him to draw vouchers with the same effect as if signed by the recorder, such designation to be in writing, in duplicate, filed with the city manager, and approved by him; provided, that the city manager may make such designation if the recorder be absent or disabled and there be no one in his office designated to act. Any such designation may be revoked by the city manager or recorder while acting as such by filing the revocation, in duplicate, with the other executive at interest. [Priv. Acts, 1939, ch. 189, art. XII, § 4]

Sec. 61. Certification of availability of funds prerequisite to appropriation.

That no contract, agreement, or other obligation involving the expenditure of money shall be entered into, or [nor] shall any ordinances, resolution or other [sic] for the expenditure of money be passed by the board of commissioners or be authorized by any officer of the city, unless the recorder shall first certify to the board of commissioners or 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 the 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 this charter in reference to city bonds. [Priv. Acts, 1939, ch. 189, art. XII, § 5]

Sec. 62. Authority required for contracting liability.

That no contract liability shall be incurred without previous authority of law or ordinance, but the board of commissioners may, by ordinance, empower the proper officials to pay out money or incur contract 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 (1) year from the date of its incurrence. [Priv. Acts, 1939, ch. 189, art. XII, § 6]

Sec. 63. Custodian of sinking funds; designation of depositories.

That the recorder shall be custodian of all sinking funds established for retiring bonds of the city to be managed in accordance with the provisions of this charter and the law governing such sinking fund.

Depositories of the city funds shall be designated by ordinance. [Priv. Acts, 1939, ch. 189, art. XII, § 7]

Sec. 64. Numbering and accounting for forms; recorder pro tempore.

That the recorder shall cause all forms used either in connection with the receipt or disbursement of city funds to be numbered consecutively, and all spoiled or unused forms shall be accounted for.

The recorder shall also perform any other duties imposed upon him by this charter, by ordinance, or by the city manager.

In the event of the temporary absence or disability of the recorder, the city manager may appoint a recorder pro tempore. [Priv. Acts, 1939, ch. 189, art. XII, § 8]

ARTICLE XIII. TAXATION AND REVENUE

Sec. 65. Supervision by department of finance.

That the levy and collection of taxes and special assessments shall be in charge of the department of finance, subject to the limitations elsewhere found in this charter. [Priv. Acts, 1939, ch. 189, art. XIII, § 1]

Sec. 66. Generally.

That all property, real, personal and mixed subject to state, county and city taxes, and all privileges taxable by law, shall be taxed and taxes thereon collected by the city for municipal purposes as hereinafter provided. [Priv. Acts, 1939, ch. 189, art. XIII, § 2]

Sec. 67. Assessment and collection of certain ad valorem taxes.

That the ad valorem tax upon merchants' stocks, accounts, and equipment may be assessed and collected in like manner as state and county merchants ad valorem tax is assessed upon the same property. It shall be the duty of the

county tax assessor and of the railroad and public utilities commission of Tennessee to prepare a separate assessment book or roll showing real, personal and mixed property assessable by him (or it) lying within the limits of the city. [Priv. Acts, 1939, ch. 189, art. XIII, § 3]

Sec. 68. Certification of records to recorder.

That these records shall be certified to the recorder of the city upon the completion of the work of the boards of equalization, after they have been copied by the county court clerk of the county or the proper officer of the state. [Priv. Acts, 1939, ch. 189, art. XIII, § 4]

Sec. 69. Power of board of commissioners generally.

That the board of commissioners of the city shall have full power to levy and collect taxes as of January tenth of each and every year. [Priv. Acts, 1939, ch. 189, art. XIII, § 5]

Sec. 70. Preparation of tax book.

That as soon as practicable in each year after the assessment books for the state and county are complete (which shall be after equalization boards provided for by general law shall have finished their work), it shall be the duty of the recorder to prepare or cause to be prepared from the said assessment books of the county and of the railroad and public utilities commission of Tennessee a tax book similar in form to that required by 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 recorder, shall be the assessment for taxes in said city for all municipal purposes; provided, that there may be an assessment by the recorder 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 books of the city. [Priv. Acts, 1939, ch. 189, art. XIII, § 6]

Sec. 70.1

That all revenues received by the City of Johnson City from the one-fourth (1/4) cent sales tax increase proposed by Ordinance No. 3194 of the City of Johnson City shall be used for the purpose of retiring indebtedness incurred through a bond issue or bond issues of the City of Johnson City for the purpose of building or completing educational facilities as outlined in the Peoples Education Plan, including the Johnson City Public Library as the same may be approved or amended by the Board of Commissioners.

All interest income from any proceeds of the aforementioned bond issue or bond issues, while awaiting construction disbursement, shall be utilized solely for the construction, maintenance, or renovation of educational facilities operated by the Johnson City Public School System, or for such other capital expenditures for related purposes as may be approved by the Johnson City Board of Education and the Johnson City Board of Commissioners.

After the bond indebtedness mentioned hereinabove is retired, all revenues received by the City of Johnson City from the aforementioned one-fourth (1/4) cent sales tax increase shall be pledged, earmarked and dedicated for the construction, maintenance, and renovation of educational facilities by the Johnson City Public School System, or for such other capital expenditures for related purposes as may be approved by the Johnson City Board of Education and the Johnson City Board of Commissioners.

All revenues received by the City of Johnson City by virtue of the aforementioned one-fourth (1/4) cent sales tax increase shall be accounted for in the City of Johnson City's annual budget document as a separate fund wholly apart from the general fund and any enterprise funds. Such accounting shall detail, by generally accepted accounting practices for municipalities, all revenue received from the aforesaid one-fourth (1/4) cent sales tax increase and shall account for all expenditures for the construction, renovation, and maintenance of facilities as set forth in the People's Education Plan.

After the bond indebtedness mentioned hereinabove is retired, a referendum may be initiated as provided in Section 9 of Article 11 of the Tennessee Constitution clearly indicating the purpose or purposes for which the funds derived by the City of Johnson City from the aforesaid one-fourth (one-quarter) cent sales tax increase, or any portion thereof, shall thereafter be spent. In the event that such amendment shall be proposed in an appropriate manner, a referendum shall be held thereon at the next election following such verification and certification of said referendum question, in accordance with the applicable general election laws of the State of Tennessee. The provisions of this section notwithstanding, nothing contained herein shall authorize, by referendum or otherwise, the abrogation of lawful bond convenants entered into in connection with bonded indebtedness secured by revenue derived from the one-fourth (one-quarter) cent sales sax increase mentioned hereinabove, issued by the Board of Commissioners of the City of Johnson City prior to the provision for referendum as provided herein.

The trust indenture for any bond issue secured by the aforementioned one-fourth (1/4) sales tax increase shall contain convenants which pledge, earmark and dedicate the proceeds from the aforesaid one-fourth (1/4) cent sales tax increase for the purpose contained herein, and such covenants shall

constitute a binding obligation of the City of Johnson City. [Ord. #3214, April 1994]

ARTICLE XIV. LICENSE TAXES

Sec. 71. Generally.

That license taxes may be imposed by ordinance upon any and all privileges, businesses, occupations, vocations, pursuits, or callings, or any class or classes thereof, now or hereafter subject to such taxation under the laws of Tennessee; and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm or corporation.[1]

The recorder shall enforce the collection of merchants' taxes and all other license taxes, and for the purpose shall have and exercise the powers by law vested in, and follow the procedure and methods prescribed for, county court clerks. [Priv. Acts, 1939, ch. 189, art. XIV, § 1]

ARTICLE XV. CITY BONDS

Sec. 72. Purposes for which bonds may be issued.

That some of the purposes hereby specifically authorized for which the bonds of the city may issue and be given, sold, pledged, or disposed of on 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 upon any two (2) or more credits, are the following:

For the acquiring of lands, for the purchase, construction, reconstruction, or extension of waterworks, public sewers, streets, alleys, buildings and equipment for the fire department, bridges, and viaducts, gas or electric light works, power plants, police patrols and fire alarm systems; for hospitals, jails, workhouses, and other charitable, corrective and penal institutions, for courthouses, libraries, and other public buildings, public parks, parkways, boulevards, grounds, squares, and any other public improvements which the city may be authorized or permitted to make; for the purchase of lands or other property, real or personal, for school purposes, the construction or purchase of buildings and equipment for school purposes, and for the purchase of playgrounds, either in connection with the schools or separate therefrom, and

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[1]State law reference
Tennessee Code Annotated, § 67-4-701, et seq.

for paying, refunding, or removing any bonded indebtedness of the city. The foregoing enumeration shall not be construed to limit any general provisions of this charter authorizing the city to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purpose had been mentioned and the authority to issue bonds for any of the purposes as aforesaid is cumulative and shall not be construed to impair any authority to make any public improvements. [Priv. Acts, 1939, ch. 189, art. XV, § 1]

Sec. 73. May be payable on specified date or serially, etc.

That bonds may be so issued as to be payable on a specified date or serially or subject to call and redemption. [Priv. Acts, 1939, ch. 189, art. XV, § 2]

Sec. 74. Estimation of probable life of improvements.

That the board of commissioners shall estimate the probable life of improvements proposed to be erected or purchased with the proceeds of any such bonds and the term of such bonds shall not exceed such probable life, provided that such estimate, if erroneous, shall not affect the validity of such bonds. [Priv. Acts, 1939, ch. 189, art. XV, § 3]

Sec. 75. Long term bonds to be sinking fund bonds.

That all long term bonds shall be sinking fund bonds and that amount of the annual installments to be paid into the sinking fund shall be fixed by the board of commissioners for each bond issue. [Priv. Acts, 1939, ch. 189, art. XV, § 4]

Sec. 76. When assent of qualified voters required.

That no bonds of the city, except bonds for paying, refunding, or removing bonded indebtedness, and except bonds issued under the provisions of sections 3408–3493, Code of Tennessee [T.C.A. §§ 7-32-101–7-33-120] shall be issued without the assent of a majority of the qualified voters actually voting at an election held for the purpose, in the manner heretofore provided. [Priv. Acts, 1939, ch. 189, art. XV, § 5]

Sec. 77. Cancellation; exhibition and verification of cancelled bonds, etc.

That whenever any bonds, interest coupons, or other written evidence of the city's debt shall be paid and discharged, they shall be cancelled by the recorder.

Interest coupons and other evidence of debt shall be cancelled by stamping and punching, immediately upon their redemption.

The cancelled bonds, coupons, and other evidences of debt shall be exhibited to and verified by the board at its next meeting and shall be filed and presented for examination in annual audits. [Priv. Acts, 1939, ch. 189, art. XV, § 6]

ARTICLE XVI. SINKING FUND

Sec. 78. Investment.

That all the sinking funds of the city may be invested by the city manager and recorder, by and with the consent of the board of commissioners, in bonds of the United States, of the State of Tennessee or of the City of Johnson City at the best price obtainable. [Priv. Acts, 1939, ch. 189, art. XVI, § 1]

Sec. 79. Sale of securities for payment of bonds.

That the city manager and recorder, by and with the consent of the board of commissioners, 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, on the best obtainable terms. [Priv. Acts, 1939, ch. 189, art. XVI, § 2]

Sec. 80. Exchange of securities for bonds of the city.

That the city manager and recorder, by and with the consent of the board of commissioners may exchange any bonds belonging to a sinking fund for bonds of the city whenever such exchange may be advantageous for the city. [Priv. Acts, 1939, ch. 189, art. XVI, § 3]

Sec. 81. Omission of levy when funds sufficient to pay bonds.

That if the amount of any sinking fund, with the interest or revenue thereof, computed to the maturity of the city bonds be sufficient to pay at

maturity all of the bonds for which it is held, the levy of the tax for such sinking fund may then be omitted, but, if by reason of interest or depreciation of investments or other cause said fund shall not be sufficient, the levy shall be resumed. [Priv. Acts, 1939, ch. 189, art. XVI, § 4]

Sec. 82. Disposition of surplus funds.

That if [sic] any moneys remaining in a sinking fund, after payment of the entire bonded debt for which it was accumulated, shall be paid into the general fund. [Priv. Acts, 1939, ch. 189, art. XVI, § 5]

ARTICLE XVII. BUDGET AND APPROPRIATIONS[1]

Sec. 83. City manager to be budget commissioner; fiscal year; preparation of budget.

That the city manager shall be budget commissioner. The fiscal year of the city shall begin on the first day of July.

The city manager shall, on or before the first Tuesday in May of each year, submit to the board of commissioners an estimate of the expenditures and revenue of the city for the ensuing fiscal year.

This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished the city manager.

The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments and shall give in parallel columns the following information:

(a) An accurate statement of any operating deficit for the preceding fiscal year.

(b) A detailed estimate of the expense of conducting each department as submitted by the department.

(c) Expenditures, when possible, for corresponding items for the last two (2) fiscal years, stated separately.

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[1]State law reference
Municipal Budget Law of 1982, Tennessee Code Annotated, § 6-56-201, et seq.

(d) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations, plus an estimate of expenditures necessary to complete the current fiscal year.

(e) Amount of supplies and materials on hand at the time of the preparation of the estimate.

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

(g) Such other information as is required by the board of commissioners or that the city manager may deem advisable to submit.

(h) The recommendation of the city manager as to the amounts to be appropriated with reasons therefor in such details as the board of commissioners may direct. Such estimates shall be published not less than three (3) days before transmission to the board of commissioners in a newspaper of the city, and sufficient copies of such estimates shall be prepared and submitted that there may be copies on file in the office of the recorder for inspection by the public.

Upon receipt of such estimates, the board of commissioners shall prepare a tentative appropriation ordinance which shall also be published in a newspaper of the city not less than one (1) week before it is taken up for consideration by the board of commissioners, and, before acting upon such tentative appropriation ordinance, the board of commissioners shall consider same at the next regular meeting and all voters and taxpayers may appear at said meeting and be heard in person or by attorney. The appropriation ordinance for each fiscal year shall be finally adopted before the first day of the fiscal year. [Priv. Acts, 1939, ch. 189, art. XVII, § 1]

Sec. 84. Surplus funds to revert to general fund.

That at the end of each year, all unencumbered balances or appropriations in the treasury shall revert to the general fund and be subject to further appropriations. Such balances shall be considered unencumbered only when the city manager shall certify in writing that the purposes for which they were appropriated have been completely accomplished, and that no further expenditure in connection with them shall be necessary. [Priv. Acts, 1939, ch. 189, art. XVII, § 2]

Sec. 85. Deficit appropriation.

That in the event the budget for the preceding year should have been exceeded, contrary to the provisions of this charter an appropriation for the resulting deficit shall be made in the appropriation ordinance, for the year following that in which the deficit was created, and any such deficit so accruing shall be paid out of any and all revenues collected during the current fiscal year. [Priv. Acts, 1939, ch. 189, art. XVII, § 3]

Sec. 86. Expenditures and obligations to be limited to appropriations.

That the city manager shall be responsible for limiting expenditures and obligations to the amounts of appropriations for all departments and shall establish and maintain such system of allotments and require the installation and maintenance of such system of accounts and record and prescribe such purchasing procedure as may be necessary to that end. He shall present a monthly budget statement to the board of commissioners comparing amounts of receipts and of expense allotted to the elapsed portion of the fiscal year with the receipts actually realized and the expense actually incurred, and in general disclosing the condition of the budget. If it appears that the revenue will not be sufficient to cover the appropriations authorized for the year or if for other reasons it appears to be necessary to reduce or adjust the appropriations he shall make recommendations to the board of commissioners for such reductions or adjustments as may be required to maintain a balanced budget. The city manager and the board of city commissioners shall do all other things not in conflict with this charter which may be necessary to maintain a balanced budget for the city government. [Priv. Acts, 1939, ch. 189, art. XVII, § 4]

ARTICLE XVIII. DEPARTMENTS

Sec. 87. Designated.

That the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there are hereby established the following departments:

(1) Department of finance;

(2) Department of public safety;

(3) Department of public works;

(4) Department of public welfare;

(5) Department of education;

(6) Department of public utilities. [Priv. Acts, 1939, ch. 189, art. XVIII, § 1]

Sec. 88. Fixing salaries generally; creating, combining, or abolishing departments.

That the board of commissioners shall fix all salaries, not fixed by this charter, in all departments except the department of education, prescribe the duties and functions of all departments except as fixed by this charter, and may by a two-thirds vote of its entire membership create new departments, combine or abolish existing departments, or establish temporary departments for special work. [Priv. Acts, 1939, ch. 189, art. XVIII, § 2]

Sec. 89. Supervision generally.

That the city manager shall supervise and control all departments, other than the department of education, now or hereafter created except as otherwise provided by this charter. [Priv. Acts, 1939, ch. 189, art. XVIII, § 3]

ARTICLE XIX. POLICE FORCE

Sec. 90. Appointment of chief and members; duties generally.

That the city manager shall appoint a chief of police and such patrolmen and other members of the police force as may be provided by ordinance.

It shall be the duty of the chief of police and the 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, violations of law and of the city ordinances, and perform a general police duty, execute and return all processes, notices, and legal orders of the mayor, city manager, city attorney or firm of attorneys, and recorder, and all other processes, notices, and orders as in this charter, or by ordinance, may be provided. [Priv. Acts, 1939, ch. 189, art. XIX, § 1]

Sec. 91. Powers of mayor or city manager in time of emergency; manner of enforcing city ordinances generally.

That in time of riot or other emergency the mayor or the city manager shall have power to summon any number of male inhabitants to assist the police force.

Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same and appear in the city courts as prosecutors, relieving complaining citizens, insofar as practical, of the burden of instituting cases involving the violation of city ordinances, but this section shall not be construed to relieve any person from the duty of appearing in court and testifying in any case. [Priv. Acts, 1939, ch. 189, art. XIX, § 2]

Sec. 92. Compensation.

That the chief of police and other members of the police force shall receive salaries to be fixed by the board of commissioners. [Priv. Acts, 1939, ch. 189, art. XIX, § 3]

ARTICLE XX. FIRE BUREAU

Sec. 93. Appointment of chief and members; duties generally.

That the city manager shall appoint a chief of the fire bureau, and such other members of said bureau as may be provided by ordinance.

It shall be the duty of the chief of the fire bureau and the members thereof to take all proper steps for fire preventions and suppression, and elimination of conditions which create fire hazards. [Priv. Acts, 1939, ch. 189, art. XX, § 1]

Sec. 94. Police powers.

That the chief of the fire bureau, or any assistant of such chief in charge at any fire, shall have the same police powers at such fire as the chief of police, under such regulations as may be prescribed by ordinance. [Priv. Acts, 1939, ch. 189, art. XX, § 2]

Sec. 95. Fire marshal.

That the city manager may appoint a fire marshal or designate a member of the fire bureau whose duty shall be, subject to the chief of the fire bureau, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson. [Priv. Acts, 1939, ch. 189, art. XX, § 3]

ARTICLE XXI. WATERWORKS

Sec. 96. Authority of city manager; compensation of officers and employees.

That the city manager shall be supervisor of the system of waterworks and may employ such subordinate officers, agents, and employees, as may be necessary to transact the business necessarily connected with the operation and maintenance of said waterworks system, and may delegate to such subordinate officers, agents, and employees any business connected therewith, but they shall not have the right or authority to make any contracts binding upon the city, except and unless they are authorized and directed to do so by ordinance of said city duly and regularly passed. The salaries and compensation of all such subordinate officers, agents, and employees shall be fixed by ordinance and shall be paid out of the revenue belonging to the water department. [Priv. Acts, 1939, ch. 189, art. XXI, § 1]

Sec. 97. Disposition of revenues generally.

That the funds of the water department shall be kept in a separate account and, except as herein provided, shall not be transferred to the general fund of the city; provided, however, that at the end of each fiscal year all funds in said separate account not necessary to meet debt service payments, accrued general operating expense, accrued cost of maintenance and an adequate sinking fund for the payment of interest and retirement of the maturing bonds of the water department, may be transferred to the general fund of the city by a resolution passed by a majority vote of the entire membership of the board of commissioners. [Priv. Acts, 1939, ch. 189, art. XXI, § 2]

Sec. 98. Promulgation of rules and regulations; rates.

That the board of commissioners of said city shall have full power and authority, by ordinance, to make and enforce reasonable rules and regulations and to fix water rates, tolls, or the price for the use of water, to prescribe discounts for prepayment, and may, for said purposes, enter upon the premises

where water is used, or desired to be used, for the purpose of inspection, repairs, or other work, in introducing or regulating the use of water, or where water is to be cut off on account of nonpayment of water rents, or for any other reason whatever; and said board of commissioners shall have full power and authority to collect and enforce collection of all moneys due for the use of water or arising out of the operation of said plant; and in case of failure to pay water rents, to cut off the supply and discontinue the furnishing of water until all arrearages are paid, and until all expense for cutting off and turning on water shall have been paid, said city shall have the power to grant the use of water free of charge to persons who are objects of charity and to charitable institutions.

Full power is vested in the board of commissioners to prescribe different and higher rates for any water it may be willing to supply to consumers located outside the corporate limits and to regulate the size and number of connections to be made to the water mains in such outside territory. [Priv. Acts, 1939, ch. 189, art. XXI, § 3]

Sec. 99. Reserved.

Editor's note – Ordinance No. 2744, § 1, adopted Sept. 8, 1988, repealed § 99 in its entirety; formerly, § 99 pertained to the submittal of a report, concerning the condition of the water department, by the city manager to the board of commissioners, and derived from Priv. Acts 1939, ch. 189, art. XXI, § 4.

ARTICLE XXII. CITY COURT AND JUDGE

Sec. 100. City court established; jurisdiction generally.

That there be, and hereby is, established and constituted for said City of Johnson City a city court with exclusive jurisdiction to try all offenses for the violation of the city ordinances and bylaws; and said court shall have all of the power and exercise all of the functions of, and concurrent jurisdiction with, justices of the peace within the corporate limits of the city with respect to cases or actions involving violations of the state criminal laws, but not otherwise. [Priv. Acts, 1939, ch. 189, art. XXII, § 1]

Sec. 101. Powers generally; exclusive rights of city judge to remit, suspend, etc., fines and costs.

That the said court shall have power and authority to impose fines, costs, and forfeitures; and to punish by fine or imprisonment, or both, for violation of city ordinance; to enforce and preserve order in court; to enforce the collection of all such fines, costs and forfeitures imposed, and, in default of the payment

or of good and sufficient security given for the payment of any such fine, cost or forfeiture imposed, shall have the power, and it shall be the duty of the court to commit the offender to the workhouse or to other place provided for such purpose and to such labor as may be provided by ordinance, until such fine and costs, or forfeiture shall be fully paid, at the same rate of allowance per day as is prescribed by law in case of violations of the laws of the state in small offense cases. The city judge shall have the exclusive right to remit or suspend, with or without condition, fines and costs imposed for violation of any ordinance or charter provisions. [Priv. Acts, 1939, ch. 189, art. XXII, § 1]

Sec. 102. Authority to release prisoners, etc.

That no person, officer, or employee, whomsoever other than the city judge shall have the right or power or be permitted to remit in whole or in part any fine or cost imposed by the city judge, or to release any prisoner whether awaiting trial or otherwise, except on order of the city judge; and any person violating this section shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars ($50.00), nor more than two hundred fifty dollars ($250.00) and shall forfeit his office, provided that in case of emergency incident to illness or accident, prisoners may be released on order of the city physician. [Priv. Acts, 1939, ch. 189, art. XXII, § 3]

Sec. 103. Appeals from city court; bond.

That any person dissatisfied with the judgment of the court, in any case or cases heard and determined by the court, may within two (2) entire days thereafter, Sundays excluded, appeal to the next law court at Johnson City, upon giving bond with good and sufficient surety as approved by the city court for the successful prosecution of the appeal, provided, however, that in prosecutions for violations of city ordinances the bond shall not exceed two hundred fifty dollars ($250.00). [Priv. Acts, 1939, ch. 189, art. XXII, § 4]

Sec. 104. Issuance of warrants generally.

That a warrant may be issued for each offender for each offense upon affidavit; provided, that it shall be unnecessary to issue warrants in case of violation of city ordinances, except at the time of the trial of such offenses. [Priv. Acts, 1939, ch. 189, art. XXII, § 5]

Sec. 105. Disposition of fines; labor to be performed for city.

That all fines imposed by the city court for violations of city ordinances shall belong to and be paid into the treasury of the city; and any labor performed in the execution of a workhouse or prison sentence for such violation or

violations shall be performed for the city under the direction of the city manager, or by official agreement for the county through the county workhouse. [Priv. Acts, 1939, ch. 189, art. XXII, § 6]

Sec. 106. Costs and their disposition; enforcement of collection of fines, costs, etc.

That the city judge in all cases heard or determined by him for offenses against the corporate laws and ordinances shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace for similar work in state cases, and in addition shall add thereto one dollar ($1.00), as a tax on same; in lieu of the state tax. He shall certify to the chief of police, for collection, all fines, costs and forfeitures, imposed by him for offenses against the laws and ordinances of the city. All costs taxed by the city court, in cases involving offenses against the state criminal laws or against the corporate ordinances, for or on account of work performed in the case by anyone paid a fixed salary by the city shall belong to the city, and when collected, be paid into the city treasury; provided, that in no case shall costs be paid to the city out of the treasury of Washington County. It shall be the duty of the city judge to receive and receipt for all money paid on fines, costs and forfeitures imposed by him and he shall render a daily report together with a full remittance of funds collected to the city recorder and a monthly report to the board of commissioners for all fines and costs collected and all assessed and uncollected. The city judge shall enforce the collection of fines, costs and forfeitures imposed by him by execution in the same manner as do justices of the peace and clerks of courts of record. [Priv. Acts, 1939, ch. 189, art. XXII, § 7]

Sec. 107. Court dockets.

That the city judge shall keep or cause to be kept a court docket or dockets embodying complete detailed records of all cases handled by him. [Priv. Acts, 1939, ch. 189, XXII, § 8]

Sec. 108. Appointment and compensation of city judge; term; oath.

That the said city court be presided over and held by the city judge; and said office of city judge shall be held by G. C. Sharp until the tenth day of July, 1939, at a compensation of one hundred dollars ($100.00) per month. Thereafter the said city judge shall be elected by the board of commissioners. The term of office of city judge shall be two (2) years and shall begin immediately after the election by the board of commissioners; provided, that the person so elected as city judge by the board of commissioners shall hold the office until his successor shall be duly elected and qualified. Before entering upon the duties of his office

he shall take and subscribe to the oath provided for other city officials. [Priv. Acts, 1939, ch. 189, art. XXII, § 9]

Sec. 109. Compensation of city judge.

That the city judge elected by the board of commissioners shall be paid a salary in such amount as may be determined by the board of commissioners, which salary shall not be changed during his term of office, nor shall the city judge be entitled to any other compensation, fees, or emoluments, as such city judge. [Priv. Acts, 1951, ch. 116; Ord. No. 2182, § 1(5), 3-16-78]

Sec. 110. Eligibility for office of city judge.

That any qualified voter of Johnson City who is a duly licensed attorney of Tennessee, who has resided in said city continuously for the two (2) years immediately preceding his election, [and] has attained the age of twenty-five (25) years, shall be eligible for the office of city judge; provided, that a failure to continue to reside in said city shall operate to vacate said office, and his successor shall be elected as hereinafter provided. [Priv. Acts, 1939, ch. 189, art. XXII, § 11; Ord. No. 2426, § 1, 3-18-83]

Sec. 111. City recorder to act in absence of city judge; filling vacancies.[1]

That in the event of the absence, incompetency, or other disability of the presiding officer of said court, the city recorder is hereby authorized and empowered to act in his stead, and while so acting he shall be invested with the same powers, and shall perform the same duties hereby bestowed and imposed upon the presiding officer of said court. In the event said office shall become vacant for any cause, the board of commissioners shall elect some suitable person to fill out the unexpired term. [Priv. Acts, 1939, ch. 189, art. XXII, § 12]

Sec. 112. Service of process.

That the chief of police and all assistant policemen are hereby empowered and required to serve process of any kind or character issued out of the city court, and to serve process in criminal matters issued by any justice of the peace within the city; also to serve any and all processes which may be issued by any court in Washington County in any proceeding instituted for the enforcement of any city ordinance, or to punish for the violation thereof, or for the collection of any fines or forfeitures which may be incurred under the ordinances of the city. [Priv. Acts, 1939, ch. 189, art. XXII, § 13]

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[1]See § 112.1.

Sec. 112.1. Special judge.[1]

That when the judge finds it necessary to be absent from the court, he may designate the name of a special judge to hold court in his place and stead, said person to be a person who shall have the same qualifications as such judge, and who shall take the same oath and have the same authority as the regular judge to hold court for the occasion. Such designation shall be in writing and filed with the city recorder.
[Ord. No. 2427, § 1, 3-18-83]

Sec. 113. Issuance of subpoenas for witnesses.

That subpoenas for witnesses issued from said city court may be served in any county in this state by any executive officer thereof, under the same rules governing like process issuing from the courts of record in this state. [Priv. Acts, 1939, ch. 189, art. XXII, § 14]

Sec. 114. Additional duties for city judge; bond.

That said city judge shall also perform such other duties as may be imposed upon him by the board of commissioners in connection with his office as city judge, and he shall give a bond, in the amount fixed by the board of commissioners conditioned to faithfully account for any pay to the city treasurer all fines and costs collected by him. [Priv. Acts, 1939, ch. 189, art. XXII, § 15]

ARTICLE XXIII. DEPARTMENT OF EDUCATION

Sec. 115. Created; composition.

That there is hereby created a board of education, of and for the City of Johnson City, Tennessee, which shall consist of seven (7) members. [Priv. Acts, 1939, ch. 189, art. XXIII, § 1]

Sec. 116. Powers generally.

That except as herein otherwise provided said board of education shall have full and exclusive power and authority as trustees or directors to manage, control, and regulate the public or city schools, to elect or employ competent and qualified teachers and a superintendent of schools, and prescribe all needful rules and regulations for the government, control and operation of said schools and teachers and superintendent thereof. Said board of education shall also

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[1]See § 111.

adopt and prescribe all necessary rules and regulations for its own conduct, and the dispatch of its business. [Priv. Acts, 1939, ch. 189, art. XXIII, § 2]

Sec. 117. Eligibility for office.

That the members of said board of education shall be at least twenty-five (25) years of age, and shall be citizens of and reside within the corporate limits of the City of Johnson City; and no person shall be eligible as a member of said board of education who is a candidate for or a member of the board of commissioners of the City of Johnson City. [Priv. Acts, 1939, ch. 189, art. XXIII, § 3]

Sec. 118. Filling vacancies.

That the board of education, in the event of [that] a vacancy shall occur in the membership of said board, caused by death, resignation, removal from the city, or otherwise, shall have power to provide an incumbent for said office until the next regular city election coming thereafter, at which time the qualified voters of the City of Johnson City shall fill said office for the unexpired term. [Priv. Acts, 1939, ch. 189, art. XVIII, § 4]

Sec. 119. Officers; records.

That said board of education shall elect from their number a chairman, a vice-chairman, and a secretary; and that said board of education shall keep minutes of all its proceedings in a well bound book signed by the chairman and attested by the secretary. [Priv. Acts, 1939, ch. 189, art. XXIII, § 5]

Sec. 120. Compensation of school personnel.

That salaries of the superintendent, principals, teachers and other employees of the schools shall be fixed by the board of education before their election, and said salary schedule shall be written into the minutes of said board of education. [Priv. Acts, 1939, ch. 189, art. XXIII, § 6]

Sec. 121. Budget procedure generally.

That the board of education shall keep within and shall not, at any time, exceed the budget provided and authorized by the board of commissioners of the city, with respect to the expense of operating and running the city school system. The board of education shall each year submit to the said city manager a suggested and tentative list of the superintendent, principals, teachers, and employees required for the next school year, together with the proposed salary of each, and the amount of any other contemplated expenditure for schools and

the purpose thereof, and, in response thereto, the said board of commissioners, with the aid and advice of the city manager, shall furnish the said board of education with the school budget for the next school year, showing just what sum or sums may be expended for all school purposes for said year. Thereupon, the board of education shall elect the teachers, principals and superintendent for the next school year and fix the salaries thereof; and furnish a complete schedule thereof to the city manager.

The board of education shall be empowered to enter into a contract of employment with the superintendent for such period of time as it shall determine by majority vote of the entire board, such contract being always subject to the appropriation of the board of commissioners of the city from year to year as herein provided. [Priv. Acts, 1939, ch. 189, art. XXIII, § 7; Priv. Acts, 1949, ch. 593, §§ 6, 7; Ord. No. 2182, § 1(4), 3-16-78; Ord. No. 2396, § 1, 9-2-82]

Sec. 122. Liability for creation of debts in excess of appropriation.

That any member of the board of education who shall vote to create debts beyond the legitimate income provided in the school budget for any school year, as adopted and fixed by the board of commissioners, or any superintendent who shall incur obligations in excess of said budget shall be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), and shall forfeit his office. [Priv. Acts, 1939, ch. 189, art. XXIII, § 8]

Sec. 123. Payment of teachers and employees generally.

That it shall be the duty of the city manager and city recorder to pay the teachers and employees of the schools of said city in accordance with the salary schedule as legally adopted by said board of education within the limits of the budget as fixed by the board of commissioners, as aforesaid. [Priv. Acts, 1939, ch. 189, art. XXIII, § 9]

Sec. 124. Continuing duty of city governing body.

That this act shall in no wise relieve the governing body of said city of the responsibility of furnishing suitable school buildings, equipment, and supplies for the operation of the schools, but is only intended to vest in said board of education the employment and discharge of teachers and other employees of the schools and the right to fix their compensation and the general supervision and control of the city schools and the operation of the city school system, within the limitations herein provided. [Priv. Acts, 1939, ch. 189, art. XXIII, § 10]

Sec. 125. Initial members designated.

That there are hereby named as members of the said board of education the following: John M. Masengill and John Anderson to serve until the third Monday in May 1939; D. R. Beeson, Mrs. H. C. Black and Paul Jones to serve until the third Monday in May, 1941; Mrs. W. A. Starrit and Walter T. Martin to serve until the third Monday in May, 1943. [Priv. Acts, 1939, ch. 189, art. XXIII, § 11]

Sec. 126. Election of members; terms.

That the members of the board of education holding office at the time of adoption of this article shall continue to hold office until they have each served the full term for which they were elected. Beginning at the regular election for mayor and commissioners for the city held in April, 1989, and every two (2) years thereafter until the members holding office at the time of adoption of this article have completed their terms as provided in the preceding sentence, there shall be elected by the qualified voters of the city the successors to such members, whose terms shall begin on the third Monday in May thereafter, and shall expire on the first Monday of May of the fourth year following their election. Thereafter, elections for members of the board of education shall be held every two (2) years at the time of the regular election for mayor and commissioners for said city, and members so elected shall hold office for a term of four (4) years and until their successors are elected and qualified, with said terms of such members to begin on the first Monday of May following their election. [Priv. Acts, 1939, ch. 189, art. XXIII, § 12; Ord. No. 2429, § 1, 3-18-83; Ord. No. 2513, § 1, 3-7-85; Ord. No. 2744, § 2, 9-8-88]

Sec. 127. Petition of candidates for office.

That each candidate for the office of member of said board of education shall file his or her petition with the commissioners of election of Washington County, Tennessee, not less than ten (10) days before the date of the election, asking that his or her name be placed upon the ballot. [Priv. Acts, 1939, ch. 189, art. XXIII, § 13]

ARTICLE XXIV. ADVERTISING FOR PUBLIC WORKS

Sec. 128. Procedure generally.

That any public work or improvement, costing more than one thousand dollars ($1,000.00), shall be executed by contract, except when a specific work or improvement is authorized by the board of commissioners and approved by the city manager, to be done by the city's own employees.

All contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder, after such publication, advertisement, and competition, as may be prescribed by ordinance; but no contract for any public work or improvement shall be awarded except on condition that the contractor gives bond with some bonding company authorized to transact business in the State of Tennessee as surety, in a sum equal to at least fifty (50) per cent of the contract price of the particular work or improvement, for the faithful performance of such contract.

But the city manager shall have the power to reject all of the bids and to perform the work with the city's own forces and all advertisements shall contain a reservation of this right. [Priv. Acts, 1939, ch. 189, art. XXIV, § 1]

ARTICLE XXV. JUVENILE COURT AND JUDGE

Sec. 129. Juvenile court established; jurisdiction generally.

That there is hereby created for said City of Johnson City a Juvenile Court which shall have original and exclusive jurisdiction of all matters coming within the terms and provisions of this article. [Priv. Acts, 1939, ch. 189, art. XXV, § 1]

Sec. 130. Juvenile judge – Office created; election; term.

That the juvenile court shall be presided over and held by the juvenile judge, said juvenile judge to be elected by the qualified voters of the City of Johnson City at the regular August election. The term of office of the juvenile judge shall be for eight (8) years, and such judge shall be not less than thirty (30) years of age, and shall, before his election, have been a resident of the state five (5) years and of the city one (1) year. [Priv. Acts, 1953, ch. 513]

Sec. 131. Same – Compensation.

The juvenile judge shall be paid a salary in such amount as may be determined by the board of commissioners, which salary shall not be changed during his term of office, nor shall the juvenile judge be entitled to any other compensation, fee or emoluments, as such juvenile judge. [Priv. Acts, 1953, ch. 171; Priv. Acts, ch. 513; Ord. No. 2182, § 1(3), 3-16-78]

Sec. 132. Reserved. Priv. Acts of 1953, ch. 577, § 1, repealed § 132.

Sec. 133. Juvenile judge of county to substitute for juvenile judge of city; filling vacancies in office of juvenile judge.

In the absence, incompetency or other disability of the juvenile judge of said court, the juvenile judge of Washington County, Tennessee, shall perform all the duties of juvenile judge of such court. In the event said office shall become vacant for any cause, the governor of Tennessee shall appoint some suitable person to serve as such juvenile judge until the next biennial election held in August more than thirty (30) days after such vacancy. [Priv. Acts, 1953, ch. 513]

Sec. 134. Records.

That the said court shall be a court of record, and the judge shall keep a minute record of its proceedings, and all supplies necessary to the keeping of such record shall be provided by the city. [Priv. Acts, 1939, ch. 189, art. XXV, § 6]

Sec. 135. Probation officer.

The juvenile judge shall appoint, with the approval of the board of commissioners, a probation officer of the juvenile court, who shall receive a fixed monthly salary or compensation in such amount as may be determined by the board of commissioners, and he shall be entitled to no other compensation as such probation officer. The qualifications of such probation officer shall be fixed by resolution of such board of commissioners, which qualifications shall include not less than a college degree in social work and at least one (1) year's experience in probation work or their equivalent. The probation officer shall serve at the will of the juvenile judge. He shall have the power of a peace officer but shall not be required to serve process in civil cases. It shall be the duty of the officer to serve the citations and other process of the juvenile court; to take into custody and detain children and present them to said court for disposition, and otherwise aid the court in carrying out its orders.

It shall be the duty of the probation officer to investigate all cases brought before the court and also all cases reported to him or coming to his knowledge, and to make written reports to the juvenile court.

He shall also visit the homes or places of residence of children and endeavor, as far as it is in his power, to remedy or remove the causes of dependency and delinquency, and shall do and perform such duties as shall effectually aid in carrying out this article. [Priv. Acts, 1939, ch. 189, art. XXV, § 7; Priv. Acts, 1949, ch. 593, § 4; Priv. Acts, 1953, ch. 171, § 3; Priv. Acts, 1953, ch. 513, § 7]

Sec. 136. Assistant probation officers.

That in addition to the regular probation officer herein provided for, the judge shall have the right to appoint as many assistant probation officers, male or female, as he may deem desirable, but such additional probation officers shall serve without compensation.

They shall have the same powers and perform the same duties as the regular probation officer. [Priv. Acts, 1939, ch. 189, art. XXV, § 8]

Sec. 137. Meaning of dependent or delinquent child.

That a dependent or delinquent child, within the meaning of this article, shall be any child, male or female, under seventeen (17) years of age:

§ 137.1. Who is found beginning or receiving alms, whether actually begging or begging under the guise of selling or offering to sell anything; or

§ 137.2. Who is found in any road or public place so begging or receiving alms; or

§ 137.3. Who is a vagrant; or

§ 137.4. Who is found wandering and without home or settled place of abode, or proper guardianship or visible means of subsistence; or

§ 137.5. Who is without parent or guardian or without parent or guardian willing and able to exercise proper parental control; or

§ 137.6. Who is destitute; or

§ 137.7. Whose home, through fault or misfortune of parents or guardian or custodian, is unfit for the child; or

§ 137.8. Who frequents the company of reputed criminals, vagrants or prostitutes; or

§ 137.9. Who is found living or being in any house of prostitution or assignation; or

§ 137.10. Who habitually visits any saloon, poolroom or place where liquors are disposed of; or

§ 137.11. Who persistently refuses to obey the reasonable and proper orders and directions of his parents or guardian; or

§ 137.12. Who is incorrigible; that is, beyond the control and power of parents, guardians or custodian owing to his vicious conduct or nature; or

§ 137.13. Whose father is dead or has abandoned his family or is an habitual drunkard or drug addict or does not provide for him, and the child is destitute of a suitable home or of adequate means of obtaining an honest living; or who is in danger of being brought up to lead an idle or immoral life, or where both parents are dead, or the mother (the father being dead) cannot properly support and care for the child; or

§ 137.14. Who is an habitual truant within the meaning of any act to enforce the educational rights of children and providing penalties for the violation thereof, at present in force, or which may become in force, or who is not placed in a parochial school thereunder, or who being under seventeen (17) refuses to go to school as directed by parents, duly authorized guardian or legal custodian; or

§ 137.15. Who habitually drinks intoxicating liquors or smokes cigarettes, or who habitually uses opium, cocaine, morphine, or other harmful drugs; or

§ 137.16. Who violates any law or statute of this state not punishable by life imprisonment or death, and who violates any ordinance of any municipal corporation. [Priv. Acts, 1939, ch. 189, art. XXV, § 9]

Sec. 138. Initiation of proceedings.

That any reputable person having knowledge or information that a child residing or living within said city is dependent or delinquent, within the meaning of this act, may file with the juvenile court a verified petition, which may be upon information and belief, and bring the child within the provisions of this article.

The title of the proceeding shall be: "In the matter of (inserting the name of the child) a child under seventeen (17) years of age." The petition shall set forth the name and residence of the child and of the parents, if known to the petitioner, and the name and residence of the person having the guardianship, custody, control or supervision of such child, if known, and, if unknown, that fact shall be stated.

If it appears from said petition that the child is embraced within the operation of this act and the welfare of the child requires that its custody be immediately assumed, the court shall issue a citation directing the officer serving the citation to take the child within his custody. In the meantime, the child shall be admitted to bail or released from the custody of the officer without bail; but, when not so released, the child shall be detained, pending the hearing of the case, in the place provided for that purpose.

The juvenile judge may, of his own motion, direct any probation or peace officer to bring any child before him in all cases when such child may be dealt with upon a formal citation as herein provided. [Priv. Acts, 1939, ch. 189, art. XXV, § 10]

Sec. 139. Procedure on citation generally.

That upon the filing of a petition, verified as provided herein, and upon the judge endorsing thereon an order for citation, the citation shall be duly served upon the parents, if any; otherwise, such citation shall be served upon the person having the guardianship, custody, control or supervision of the child named in the citation. The return of the officer upon the citation shall be made substantially as the law requires in the case of writs in either civil or criminal cases; and the wilful failure to obey the citation by the person upon whom it is served, shall be a contempt of court, and shall subject the offenders to such punishment as the law now permits in cases of contempt. [Priv. Acts, 1939, ch. 189, art. XXV, § 11]

Sec. 140. Powers relative to habeas corpus; appointment of counsel for infant.[1]

That the juvenile judge shall have the power of a circuit judge with respect to the granting of writs of habeas corpus in the case of any child subject to the jurisdiction of the juvenile court.

The juvenile judge may, at any stage of the proceeding, appoint any practicing attorney in the city, guardian ad litem for said infant, and it shall be the duty of such attorney to appear for such infant and on its behalf, without compensation. [Priv. Acts, 1939, ch. 189, art. XXV, § 12]

Sec. 141. Hearing generally.

That upon the return of the citation, or when a child may be otherwise brought before the court, and at the time fixed for hearing the matter, the court shall proceed to hear and determine the case. The judge may conduct examination of witnesses without the aid of counsel, take testimony, and inquire into the habits, conditions, surroundings and tendencies of the child, so as to enable the court to make such order as shall be best adapted to carry out the intent and purpose of this article. The care, custody, punishment and discipline of children shall approximate as nearly as possible that which should be given or inflicted by parents in a given case; and, in so far as practicable, such children shall not be treated as criminals, but as being misdirected, misguided, neglected, or as needing aid and encouragement, as the case may be. [Priv. Acts, 1939, ch. 189, art. XXV, § 13]

Sec. 142. Disposition of child brought before court generally.

That the juvenile judge may, in proper cases, as in cases of crimes or misdemeanors, bind any child subject to the jurisdiction of the juvenile court, to the criminal court of Washington County, or may fine such child and collect the fine as a magistrate might do for the same offense, or he may commit the child to the workhouse of Washington County, as a magistrate may do under the provisions of the law relating to small offenses; and said court may commit children to the custody of a probation officer, confine them in a house of detention, commit them to a state, county or private industrial school, place them in a private family, apprentice or bind them out as now provided by law, leave them in their own homes subject to the orders and directions of the court,

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[1]State law references

Application for habeas corpus: Tennessee Code Annotated, § 37-1-308.

Appointment of guardian ad litem: Tennessee Code Annotated, § 37-1-149.

and require them to report to the court or to any probation officer at such time and place as said court may designate, or the court may do any and all acts for the benefit and welfare of said children. When one (1) jurisdiction has been obtained of a child by the court, it shall continue for the purposes of this act until such child has attained twenty-one (21) years of age. The court shall have power to modify or revoke any order made by him respecting such child, remit fines, in whole or in part, release, parole, recommit or bind to the criminal court, at his discretion. No adjudication shall operate as a disqualification of the child for any office under any state or municipal service; and the child shall not be denominated a criminal by reason of such adjudication, nor shall such adjudication be denominated a conviction. No testimony given in any matter by a child in any proceeding under this act shall be heard against such child in any other suit or proceeding of any kind whatsoever. [Priv. Acts, 1939, ch. 189, art. XXV, § 14]

Sec. 143. Disposition of child when examination waived or when child charged with violation of city ordinance; appeal.

That whenever a child is charged with the violation of any law or statute he or she shall have the right to waive an examination by the court, in which even [event] the court shall commit the child to the county jail or take bond in such sum as is otherwise provided by law for such offense, for the appearance of the child before the criminal court of the county.

Where any child is charged with the infraction of a city ordinance, and in all other cases of dependency and delinquency as herein defined, an appeal may be taken from any final order of the court to the next circuit court at Johnson City, such appeal to be taken within two (2) days thereafter, Sundays excluded. Such appeal may be taken by the child or by the parents of the child, or by the guardian or person having custody of the child, upon giving an appeal bond in the penalty of two hundred fifty dollars ($250.00), with good and sufficient security as approved by the said juvenile court, for the successful prosecution of the appeal; or such appeal may be taken by the guardian ad litem of the child, without an appeal bond, upon the guardian ad litem taking oath that the persons interested in the child are unable to give appeal bond by reason of their poverty. Trials upon any appeal taken under the terms of this act shall be had at the first term after appeal. [Priv. Acts, 1939, ch. 189, art. XXV, § 15]

Sec. 144. Effect upon powers of justice of the peace.

That nothing in this act contained shall be so construed as to prevent justices of the peace from issuing warrants for the arrest of any child charged with an offense against the state laws or municipal ordinance, nor to prevent any peace officer from making arrests in any case where they are now

authorized to make arrests and execute process; but whenever a child shall be brought before a justice of the peace or is arrested by any peace officer such child shall be sent immediately into the custody of an officer of the juvenile court, and when so delivered to the court, the jurisdiction of such justice of the peace, city judge or peace officer shall cease, and said juvenile court shall deal with the child as herein authorized, and nothing herein contained shall be construed as forbidding the grand juries of said county to find presentments and indictments against any person charged with crime, as now authorized by law to do; but the criminal court of said county is hereby authorized to place under control of said juvenile court and its officers any child arraigned for trial or tried in said court or he may revoke any other order respecting the child that said criminal court is now authorized by law to make and enter in the premises. [Priv. Acts, 1939, ch. 189, art. XXV, § 16]

Sec. 145. Place of proceedings; maintenance, etc., of detention homes.

That all hearings and proceedings conducted by the juvenile judge shall be held in some suitable place, room, or office provided by the board of commissioners of the city. Such hearings or proceedings may be held behind closed doors, if desired. No children subject to the jurisdiction of the juvenile judge shall be confined in the jail of the county or city, if their confinement in said places can be reasonably avoided. The jurisdiction herein conferred on the juvenile court shall be so administered to dissociate children, as far as practicable, from criminals.

It shall be the duty of the county court and the board of commissioners of the City of Johnson City to provide a suitable place of detention of children, while awaiting trial and final disposition by the juvenile court; and it shall also be the duty of the board of commissioners to provide a suitable place where the court may be held.[1] [Priv. Acts, 1939, ch. 189, art. XXV, § 17]

Sec. 146. Funds for maintenance for detention homes; matron.

That the board of commissioners of the City of Johnson City shall include in its annual budget an amount sufficient to maintain the two (2) homes hereinbefore provided for, to be known as "detention homes," and to provide a matron to be selected and appointed by the juvenile judge, and who shall supervise the conduct of the detention homes. [Priv. Acts, 1939, ch. 189, art. XXV, § 18]

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[1]Archaic language deleted by the codifier.

Sec. 147. Authority of judge to arrange for detention of child with private association, etc.

That the judge may arrange with any incorporated association or voluntary society, or some suitable individual maintaining a suitable place of detention for children subject to the jurisdiction of said court, for the use thereof as a shelter or temporary detention home or for the care of the children, and he may enter an order which shall be effectual for that purpose. [Priv. Acts, 1939, ch. 189, art. XXV, § 19]

Sec. 148. Inspection of institutions by judge.

That it shall be the duty of the judge, at least once a year, to visit each institution in which there shall be at the time a child under commitment pursuant to this act, and the managers and officers of said institution shall accord to the judge full opportunity to inspect the said institution in all its departments to the end that the judge may be advised as to the propriety of continuing the use of said institution as a custodian agency; and the judge may examine witnesses under oath or appoint a referee for the purpose of obtaining any information as to the efficiency and character of such institution. [Priv. Acts, 1939, ch. 189, art. XXV, § 20]

Sec. 149. Witness fees, etc., not allowed.

That no witness fees or other allowances shall be allowed other than that now allowed by said county for taking said child to reform and vocational schools, except as specifically set forth herein. [Priv. Acts, 1939, ch. 189, art. XXV, § 21]

Sec. 150. Territorial jurisdiction.

That the territorial jurisdiction of the judge of the juvenile court of the City of Johnson City shall extend and be co-extensive with the territorial jurisdiction of the judge of the city court of the City of Johnson City, as provided by this charter, relative to violation of the state laws and ordinances of the City of Johnson City. [Priv. Acts, 1939, ch. 189, art. XXV, § 22]

ARTICLE XXVI. CIVIL SERVICE COMMISSION FOR PUBLIC SAFETY DEPARTMENT[1]

Sec. 151. Composition of commission.

There is hereby created a commission to be composed of five (5) members, to be known as the civil service commission of the City of Johnson City. [Ord. No. 2586, § 1(1), 8-27-86]

Sec. 152. Qualifications of members; compensation.

The board of commissioners of the City of Johnson City shall have the power to fix the qualifications and compensation of the members of the civil service commission and to pass such ordinances as may be required to carry out the purposes and provisions of this article. Additionally, the civil service commission shall have the authority to adopt rules and regulations governing its procedures; provided that such rules and regulations are subject to final approval by resolution adopted by a majority of the full membership of the board of commissioners and that they may not conflict with these charter provisions or other ordinances regulating the civil service. [Ord. No. 2586, § 1(2), 8-27-86]

Sec. 153. Appointment of members.

The board of commissioners shall appoint a civil service commission consisting of five (5) members who shall be qualified electors and residents of the City of Johnson City and shall not be employees of the City of Johnson City. Two (2) members of the civil service commission shall be selected and recommended by the employees of the police bureau and appointed by the board of commissioners, one (1) member of the civil service commission shall be selected and recommended by employees of the fire bureau and appointed by the board of commissioners, and two (2) members shall be recommended and appointed by the board of commissioners. The members of the civil service commission shall serve staggered two-year terms.

Nothing in this section shall be construed to mean that the board of commissioners is required to appoint any individual recommended by the

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[1]Ordinance No. 2586, § 1, adopted Aug. 27, 1986, pursuant to Art. XI, § 9, Constitution of the State of Tennessee, amended the Charter by deleting Art. XXVI, §§ 151–168, and enacting in lieu thereof a new Art. XXVI, §§ 1–17, which have been designated as §§ 151–167 of new Art. XXVI. Formerly, Art. XXVI pertained to the civil service commission for the police force and fire bureau and was derived from Ordinance No. 2496, § 1, adopted Aug. 16, 1984, and approved at referendum Nov. 6, 1984.

employees of either bureau, and the board of commissioners expressly shall have the authority to require additional recommendations. In the event that either bureau fails to submit additional recommendations in the time prescribed by the board of commissioners, then the board of commissioners shall have the authority to fill any outstanding vacancies on the civil service commission. Any vacancy in the membership of the civil service commission may be temporarily filled by appointment by the board of commissioners for a period of up to ninety (90) days, and any permanent appointment shall be filled by the same selection process that resulted in the appointment of the member who vacated the commission. The members of the civil service commission shall select a chairman who shall serve for a term of one (1) year but shall not be prohibited from serving successive terms. Three (3) members shall constitute a quorum to conduct business including trial board hearings. In order to prevent the possibility of a tie vote in a trial board hearing to review a disciplinary appeal, the trial board shall consist of either five (5) or three (3) members. In the event that only one (1) member is unable to attend a trial board hearing, a panel of any three (3) members of the commission shall be selected by a random selection process. In the event the chairman is unable to attend, the other members of the commission may elect a substitute chairman for that hearing. [Ord. No. 2586, § 1(3), 8-27-86]

Sec. 154. Oath of commissioners.

The said commissioners shall qualify and take an oath to uphold the Constitutions of the United States and of the State of Tennessee, and faithfully to discharge the duties of their respective offices, and, upon the organization thereof, shall undertake the duties of said office. [Ord. No. 2586, § 1(4), 8-27-86]

Sec. 155. Removal of commissioners.

Any commissioner may be removed for cause during his term of office by a majority vote of the full membership of the board of commissioners, but only after such commissioner shall have been served with a statement in writing of the reasons alleged to justify his removal, and allowed an opportunity to be represented and publicly heard in his defense before the board of commissioners. Said action of the board of commissioners shall be final. [Ord. No. 2586, § 1(5), 8-27-86]

Sec. 156. Powers and duties of commissioners.

The civil service commission shall have the power and it shall be its duty to conduct hearings to review disciplinary actions, limited to suspensions, dismissals, or demotions of any employees not exempted from the provisions of this article. In the course of any hearing conducted under the provisions of this

article, the civil service commission shall have power to administer oaths, to subpoena and require the attendance of witnesses and the production by them of books and papers pertinent to any matter or inquiry, and to examine such witnesses under oath in relation to any matter properly involved in such proceeding. For such purposes, the commission may invoke the power of any court of record within Washington County, or judge thereof, to compel the attendance and testimony of witnesses and the production of books and papers in compliance with such subpoena. [Ord. No. 2586, § 1(6), 8-27-86]

Sec. 157. Termination, suspension, or demotion of employee.

The city may terminate, suspend, or demote officers of the police bureau and fire bureau for just cause, and the employee shall be given a written notice of the reasons for the action. Just cause shall exist when the employer had a reasonable basis for the action taken. Enumeration of the above-stated disciplinary actions, which are reviewable by the commission, shall not be construed as a limitation on powers of the city to impose other less stringent disciplinary measures which shall not be reviewable by the commission. Before an officer is terminated he should be allowed an opportunity to respond to the charges against him in the presence of the bureau chief or his designee. [Ord. No. 2586, § 1(7), 8-27-86]

Sec. 158. Appeals to commission.

Any sworn officer of the fire department and police department, not in his initial probationary period, who has been suspended, terminated, or demoted, may appeal to the commission within ten (10) calendar days after notification in writing of such action. The civil service commission shall have authority to grant a hearing if the appeal was not timely, provided that the employee shows good cause for the failure to appeal within ten (10) days. [Ord. No. 2586, § 1(8), 8-27-86]

Sec. 159. Hearings.

Upon an officer's appeal from his termination, demotion, or suspension, a hearing shall be held before the commission within a reasonable time thereafter, not to exceed sixty (60) days from filing of the appeal, except that the employee may consent to a delay and that the commission may grant a continuance to either side for good cause shown. Any employee who has been indicted by a federal or state grand jury or against whom a presentment or information has been filed shall be granted, upon his request and at his election, a postponement of hearing before the civil service commission until such indictment, presentment, or information has been finally disposed of by a court of competent jurisdiction. A majority vote shall be required to reverse or sustain

the disciplinary action of the city. At such hearing both the appealing employee and the official whose actions are being reviewed shall have the right to be heard and to present evidence and to be represented by themselves or by legal counsel of their choosing. The burden of proof required to sustain the action of the city shall be by a preponderance of the evidence. If, after a presentation of the proof, the commission finds that there exists a reasonable basis for the disciplinary action taken, the action of the city shall be sustained. The decision of the commission shall be appealable by either the city or the employee as provided by state law.

The city manager shall designate the director of personnel or other employee to act as secretary to the civil service commission, who shall keep the minutes of the commission, convene members for hearing boards, notify parties of hearings, and perform other duties as required by ordinance. [Ord. No. 2586, § 1(9), 8-27-86]

Sec. 160. Hearing officer.

The civil service commission, upon recommendation by the city manager and approval by the board of commissioners, shall be authorized to employ an attorney licensed in the State of Tennessee to attend a trial board hearing and act as a hearing officer. It shall be the duty of the hearing officer to preside at the hearing, rule on questions of admissibility of evidence, swear witnesses, advise commission members as to the law of the case, and ensure that the proceedings are carried out in accordance with these provisions, other applicable law and ordinances. When a hearing officer is employed for a trial board hearing, he shall also act as chairman, and the chairman of the commission, if present, shall participate and vote as any other member of the commission. The hearing officer shall not take part in the determination of a question of fact or have a vote in deciding a case. A hearing officer, upon his own motion or timely motion of a commissioner or party, may decide any procedural question of law.

A hearing officer is not a requirement for a trial board hearing, and nothing in this section shall be construed as requiring the appointment of a hearing officer. [Ord. No. 2586, § 1(10), 8-27-86]

Sec. 161. Examinations for applicants for employment.

All applicants for employment or promotion in positions protected by this article shall be subjected to competitive job-related examinations under such rules and regulations as may be adopted by the civil service commission. The examinations to be provided for shall be of a practical nature and relate to such matters as will fairly test the relative competency of the applicant to discharge the duties of the particular position. These examinations should be developed

in conjunction with other tools of personnel assessment and complemented by sound programs of job design to aid significantly in the development and maintenance of an efficient work force and in the utilization and conservation of human resources. No question in any examination shall relate to political or religious opinions or affiliations. The examination shall be conducted and controlled by the director of personnel.

The civil service commission shall certify the list of applicants in rank order with the top scoring applicant first and the lowest scoring applicant last. The civil service commission shall furnish the certified list of all qualified applicants to the city manager, from which list the city manager, bureau chief, and personnel director, shall select applicants for existing vacancies by selecting a candidate for each vacancy from the top five (5) candidates. As a candidate is either selected, withdraws from consideration, or is disqualified because of failure to meet the minimum requirements for this position, the next highest candidate shall become eligible.

In holding examinations, the director of personnel and the civil service commission shall act without partisan distinction or control and all examinations shall be for the purpose of determining the qualifications and fitness of the person or persons so examined to discharge the duties of a public safety officer. The civil service commission shall approve the methods of testing in all categories and the procedures to be used and administered in the test. [Ord. No. 2586, § 1(11), 8-27-86]

Sec. 162. Eligibility for taking examination.

No applicant shall be permitted to attend or participate in an examination until he shall have produced before the civil service commission satisfactory evidence that he is a person of good moral character and standing, and if he is related by affinity or consanguinity within the second degree to any member of the civil service commission, such member shall be incompetent to act or vote in his cause. [Ord. No. 2586, § 1(12), 8-27-86]

Sec. 163. Eligibility for appointment.

A person successfully passing the civil service examination as provided in this article shall be eligible for appointment to the public safety department for a period of three (3) years from the date of the examination, provided that if a new test for public safety officers is administered within the three-year period, the applicant may be required to take such new test. In the event that an applicant is not employed in the public safety department before the expiration of one (1) year after the civil service examination, he may be required again to

submit to a physical examination for the purpose of determining his fitness for the position. [Ord. No. 2586, § 1(13), 8-27-86]

Sec. 164. Maintenance of files.

The personnel director shall file the original application for examination, the original examination papers, and the entire record of each and every person examined by the civil service commission, and shall establish and maintain a separate file for each and every person so examined. The date on which the employee's seniority starts shall be considered to be the original date of employment, except that if there is a break in service the date shall be the most recent employment date. If the break in service does not exceed one (1) year, the employee shall receive credit for his original employment. [Ord. No. 2586, § 1(14), 8-27-86]

Sec. 165. Temporary appointments.

The city manager, who supervises the department of public safety, may make temporary appointments for a period not to exceed ninety (90) days, except in case of an emergency, and only then where there is no qualified applicant for a position in the public safety department who has successfully passed the civil service examination. [Ord. No. 2586, § 1(15), 8-27-86]

Sec. 166. Appointment and promotion on probation.

No appointment, employment, or promotion of any sworn officer in the public safety department shall be deemed complete or permanent until after a period of one (1) year has elapsed after such appointment or promotion. Within the one-year probationary period a new employee may be discharged at any time and a promoted employee may be reduced to his former rank at any time upon the recommendation of the department head to the city manager. However, if no discharge or demotion shall be made within such one-year period, then such appointment, employment, or promotion shall be deemed to be permanent, and said employee shall hold his office or employment during good behavior, or until reduced, discharged, or suspended in accordance with provisions of this act.

The approval of the civil service commission is not necessary when the city manager, or officer acting under his authority, discharges an employee still on probation whose appointment has not become complete or permanent, nor is the approval of the civil service commission necessary when the city manager, or officer acting under his authority, reduces a promoted employee to his former rank during the probationary period. [Ord. No. 2586, § 1(16), 8-27-86]

Sec. 167. Reports required.

From time to time, as often as shall be required by the board of commissioners, the civil service commission shall render reports of its accomplishments and actions. [Ord. No. 2586, § 1(17), 8-27-86]

ARTICLE XXVII. REGULATION OF TAXICABS

Secs. 169 – 188. Repealed by Ord. No. 2430, § 1, 3-18-83.