

HOME RULE CHARTER
LENOIR CITY, TENNESSEE¹

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¹On December 9, 1954, the qualified voters of the City of Lenoir City elected to become a home rule municipality under Amendment Number 7 to the Constitution of Tennessee (now art. XI, § 9). However, the city continued to operate under its then existing Private Acts Charter, Priv. Acts 1933, ch. 127, as amended. In the general election held on November 2, 2004, certain charter options referenced in Ordinance #2004-8-23-1635-A were ratified by the voters as amendments to the official charter for the city. As set out herein all of the general and permanent charter amendments through 2008 have been incorporated.

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ARTICLE I

INCORPORATION

Section

- 1. Incorporation, name and general powers.
- 2. Corporate limits.

Section 1. Incorporation, name and general powers. The municipality of "Lenoir City", in the County of Loudon, and the inhabitants thereof are hereby constituted a body politic and corporate by the name and style "City of Lenoir City" and by such name and style shall have perpetual succession; may sue and be sued, contract and be contracted with, plead and be impleaded in all Courts of law and equity; may purchase and receive by gift or otherwise and hold property, real, personal and mixed within or beyond the corporate limits, to be used for the burial of the dead, for necessary public improvements or other corporation purposes or for purposes necessary for or beneficial to the health and well being of the citizens of said town and may sell, lease or in any other manner dispose of said property as hereinafter provided for the benefit of the town, and may have and use a common seal.

Section 2. Corporate limits. The corporate limits of said city of Lenoir City shall be, and hereby are, defined and established as follows: Beginning at a point on the South right-of-way line of the Southern Railway at its intersection with the west property line of Glendale Street produced; thence in an easterly direction 900 feet, more or less, with said Southern right-of-way line to its intersection with the center line of K Street produced; thence S. 36 degrees 45 minutes E. 1130 feet, more or less, to the South line of the car works property

line; thence North 53 degrees east with the South line of said car works property, one thousand five hundred sixty-five (1565) feet to an iron pin in the car works property line; thence in a northeasterly direction to the northwest corner of the new or present ball park; thence south 40 degrees east 465 feet to the northwest corner of the line of the city water works plant; thence with the west line of the said water works plant 450 feet to the Southwest corner of said property; thence southwardly to the west line of the old intake or old pump station of the water works plant on the north bank of the Tennessee River; thence in an easterly direction along the northern bank of the Tennessee River with its meanders to a point formed by the West line of the old Warehouse, on the Bussell's Ferry Road produced; thence in a northerly direction with the West property line of the Bussell's Ferry Road, 1950 feet, more or less, to the south right-of-way line of the Southern Railway; thence in an easterly direction along the South right-of-way line of said railway 2466 feet, more or less to a stake; thence north 37 deg. west to a point on the northern right-of-way line of the Southern Railway Company; thence north 34 deg. east 940 feet to an iron pipe; thence north 37 deg. west 1574 feet to an iron pipe; thence south 53 deg. w. 900 feet to a stake in the alley back of Second Avenue; thence South 53 degrees West 1160 feet to a stake near the railroad; thence North 52 degrees west 300 feet to a stake; thence north 30 degrees east 265 feet to a stake; thence north 67½ degrees west 500 feet to an iron beam; thence south 80¼ degrees west 1565 feet to north wall of old Town Creek Mill Dam above Tyson Park; thence crossing Town Creek at Old Mill Dam; thence south 63 degrees west 180 feet to Magnet Point Road; thence up said road with its various meanders 1100 feet to the juncture of said road with Kingston Pike and thence up Kingston Pike south to the point of intersection with the south property line of Tenth Avenue; thence to a point formed by the intersection of the west property line of Kingston Street with the south property line of Tenth Avenue; thence in a westerly direction along the south property line of Tenth Avenue 142 feet, more or less to a point; thence S. 37 degrees 15 minutes E. 324 feet, more or less, to the center line of Ninth Avenue; thence in a westerly direction along the center line of Ninth Avenue 2793 feet, more or less, to a point at the intersection of the west property line of "G" Street; thence in a southerly direction along the west property line of said "G" Street 1370 feet, more or less to the intersection of the center line of Fifth Avenue; thence in a westerly direction along the center line of Fifth Avenue 1025 feet, more or less, to a point at the intersection of the center line of "K" Street; thence in a southerly direction along the center line of "K" Street 1068 feet, more or less, to a point at the intersection of the center line of Second Avenue; thence in a westerly direction along the center line of Second Avenue 875 feet, more or less, to a point at the intersection of the west property line of Glendale Street; thence in a southerly direction along the west property line of Glendale Street 954 feet, more or less, to the point of beginning on the south right-of-way line of the Southern Railway Company. Specific reference is made

to Payne's map of Lenoir City, Tennessee, for the more exact location of the aforesaid streets and avenues. [As amended by Priv. Acts 1945, ch. 2]

The corporate limits shall be as established in the preceding paragraph and by any annexations or detachments of territory made pursuant to general law.

ARTICLE II

POWERS

Section

1. Powers and duties of city council.

Section 1. Powers and duties of city council. The powers and duties of City Council shall be:

1. To fill any vacancy which may occur in any city elective office, including any vacancy on the City Council caused by the Vice-Mayor assuming the mayorship upon vacancy in the office of Mayor.
2. To appoint such boards, commissions, committees and authorities not created herein as they in their discretion deem necessary for the efficient operation of the city and to set the compensation, if any, they are to receive for their services.
3. The City Council shall have the duty of preparing, or having prepared, a budget for the City of Lenoir City, and shall have the power to fund the budget in any manner provided by law.
4. To assess, levy, and collect taxes for all general and special purposes on all subjects or objects. Impose all taxes permitted by the laws of the State of Tennessee to be imposed by municipalities or otherwise and to fix the tax rate when not otherwise fixed by the laws of the State of Tennessee. To levy a property tax for all real and personal property within the city and establish the property tax rate.
5. To define the duties of all officers and employees of the city, except elected officials.
6. To contract indebtedness on behalf of the city for any public purpose, to issue its notes, revenue bonds, general obligation

bonds, or otherwise borrow money by any method permitted or allowed by law. No member of the City Council shall become a surety on the official bonds of any of said officers.

7. To exercise on behalf of the city, all powers and privileges conferred upon municipalities of the State by the general laws of the State of Tennessee, and the Constitution thereof, without limitation and notwithstanding any provision of this charter to the contrary.
8. To employ any other employees as the Council shall deem necessary for the efficient operation of the city, including, but not limited to, a City Administrator, clerical employees, policemen, firemen, and maintenance employees. To establish, maintain and operate civil service systems, group insurance plans, and retirement systems for city employees, and to appropriate, expend and use money of the city therefor.
9. To enact such by-laws and ordinances as may be proper to preserve the health, quiet, peace, and welfare.
10. To exercise full and complete control of streets, avenues, alleys, and all thoroughfares, parks, public squares of the city; to prevent the use of the same for any improper purpose; to keep same clean and sanitary, and prevent the deposit or accumulation of anything thereon or therein that is noisome, offensive, or disagreeable.
11. To grant franchises for public utilities and public services to be furnished the city and those therein. Such power to grant franchises shall embrace the power to grant exclusive franchises. Franchises may be granted for the period of twenty-five (25) years or less from the date of granting, but no longer. Such franchises may be renewable at the option of the Council.
12. To ascertain and declare the corporate boundaries.
13. To provide for the improvement and maintenance of streets, bridges, alleys and sidewalks, parks, and public squares. To open, alter, abolish, widen, extend, grade and improve same, by paving or otherwise, and may condemn private property for such purpose and for this purpose may levy special taxes, to build sidewalks at the expense of owners of abutting property when they fail or refuse to build same.

14. To operate water treatment facilities and water distribution facilities both within and without the city and may contract for such at their discretion.
15. To declare what is a nuisance, and to remove same.
16. To license and tax all privileges taxable by the laws of the State.
17. To regulate or prohibit the storage, sale, and use of firecrackers, and all other fireworks, and all kinds of explosives in the city.
18. 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 humanely dispose of the same.
19. To designate in the city certain districts as fire limits or districts.
20. To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the city, and to provide for the enforcement of such standards.
21. To provide for the organization, regulation, equipment, and maintenance of fire and police departments and other departments.
22. To regulate and control the rate charged the public and the city for service by all quasi-public corporations operating within the corporate limits, so that said rates shall be reasonable and not excessive.
23. To enforce any ordinance, by means of fines, forfeitures and penalties and to impose court costs.
24. To prohibit the sale of, or distribution of obscene books, papers, prints, or pictures.
25. To prohibit the building or construction of substandard and unsafe buildings within the corporate limits, and may condemn dilapidated and unrepaired structures.

26. To regulate or prevent the ringing of bells, blowing of horns or whistles, and all other noises which needlessly disturb the peace and quiet of the town; to disperse noisy or disorderly crowds, and to prevent and restrain loud, indecent or profane language on the streets or in any house; or riding in the streets.
27. To establish and enforce such regulations and restrictions as regards the cleansing of the town and private property, and any and all other things, businesses and practices, as may be regarded by the City Council as necessary for the good health, pleasure, safety, and convenience of the citizens within the corporate limits, and to abate, suppress, and remove same.
28. To acquire by lease or purchase, land without the city limits, upon which to deposit all dead animals and garbage removed from the city.
29. To provide for a street committee, a finance committee, and any and all committees which may be necessary or proper, in the judgment of the City Council, for the due administration of the city government under this charter.
30. To prohibit the pollution of springs and streams within the city.
31. To prevent train engines and cars from obstructing public highways where same are crossed by any railways, or standing upon or near the crossing of said highways for a longer time than is necessary.
32. To enact and ordain any and all local laws, not in conflict with the constitution and general laws of the land, for the government of said city in the best interest of the citizens thereof.
33. To collectively bargain with employees of the City of Lenoir City and to recognize and negotiate, bargain and contract with labor organizations representing employees of the City of Lenoir City. Any agreement or employment contract entered into by the city shall contain a provision prohibiting strikes, or other work stoppages, by city employees.
34. To effectuate the objects, purposes, and powers of this charter, to be exercised under the general laws relating to eminent domain.

35. To establish a city court and to try violations of municipal ordinances and to establish reasonable court costs by ordinance.

ARTICLE III

ELECTIONS

Section

1. Date of general city election.
2. General election laws apply.
3. Voter qualification requirements.
4. Election procedure.
5. Term of office.
6. Qualifications for office.
7. Employee participation in elections.

Section 1. Date of general city election. Regular city elections shall be held on the first Tuesday after the first Monday in November to coincide with State General Elections.

Section 2. General election laws apply. All elections shall be conducted by the Loudon County Election Commission in accordance with the state election laws and this charter.

Section 3. Voter qualification requirements. All persons residing within the corporate limits of the city, who are, at the time of the election, qualified to vote for members of the General Assembly of Tennessee, shall be entitled to vote.

Section 4. Election procedure. The Mayor and Aldermen shall be elected by the qualified voters of Lenoir City, at the times and in the manner hereinafter provided for. No person shall be eligible to membership in said City Council unless he is at least 21 years of age, a citizen of Tennessee and has been a resident of Lenoir City at least one year before the day of his election as such. All elected officials shall be elected from at large.

At the first regular election held under the provisions hereof, three (3) of the Aldermen shall be elected for a term of two (2) years and three (3) shall be elected for a term of four (4) years. Thereafter, three (3) Aldermen shall be elected for four (4) year terms at every regular election. The City Recorder/Treasurer shall be elected to a four (4) year term at the next regular election following the expiration of the incumbent's term.

Section 1. (A) The terms of office of the three council members elected in April, 2001, shall be extended from the third Thursday in April, 2005 until the first Tuesday after the first Monday in November, 2006. This will result in an increase of approximately eighteen months in the terms of the council members elected in April, 2001. (B) The terms of office of the three council members elected in April 2003, shall be extended from the third Thursday in April, 2007 until the first Tuesday after the first Monday in November, 2008. This will result in an increase of approximately eighteen months in the terms of office of the council members elected in April 2003. (C) The term of office of the mayor elected in April 2003 shall be extended from the third Thursday in April 2005 until the first Tuesday after the first Monday in November, 2006. This will result in an increase of approximately eighteen months in the term of office of mayor. (D) The term of office of city recorder elected in April 2003, shall be extended from the third Thursday in April, 2007 until the first Tuesday after the first Monday in November, 2008. This will result in an increase of approximately eighteen months in the term of office of city recorder. (E) The term of office of the school board members elected in 2001, shall be extended from the third Thursday in April, 2005 until the first Tuesday after the first Monday in November, 2006. This will result in an increase of approximately eighteen months in the terms of the school board members elected in April, 2001. (F) The term of office of the school board members elected in April 2003, shall be extended from the third Thursday in April, 2007 until the first Tuesday after the first Monday in November, 2008. This will result in an increase of approximately eighteen months in the term of office of school board members elected in April, 2003.

Section 2. (A). The council members and school board members to be elected in the November 2006 general election and every four years thereafter, shall be elected for a four year terms of office. (B). The council members, city recorder and school board members to be elected in the November 2008 general election and every four years thereafter, shall be elected for a four year terms of office. (C) The Mayor to be elected in the November 2006 general election and every two years thereafter, shall be elected for a two year term of office. [As amended by Ord. #2004-12-13-1655, Dec. 2004]

Section 5. Term of office. The terms of office for Aldermen shall be for four year terms. The term of office for Mayor shall be for a two (2) year term. The term of office for the City Recorder shall be for four years.

All incumbent elected officials shall continue to hold their offices until their successors are elected and qualified hereunder.

Section 6. Qualifications for office. No person shall be eligible to membership in said City Council unless he is at least 21 years of age, a citizen

of Tennessee and has been a resident of Lenoir City at least one year before the day of his election as such.

Section 7. Employee participation in elections. Employees are prohibited from participating in elections while on duty, in uniform, or in a city vehicle.

ARTICLE IV

CITY COUNCIL¹

Section

1. Composition.
2. Election of vice-mayor.
3. Qualifications for office.
4. Compensation.
5. Time and place of meetings.
6. Special called meetings.
7. Vacancies.
8. Oath of office.
9. Quorum.
10. Proceedings.
11. Ordinance procedure.
12. Legislative action which must be exercised by ordinance.

Section 1. Composition. That the governing authority of said City of Lenoir City shall be, and hereby is, vested in a Mayor and six Aldermen, who shall constitute and be known as the "City Council"; and the said Mayor and Aldermen shall be elected by the qualified voters of Lenoir City, at the times and in the manner hereinafter provided for.

Section 2. Election of vice-mayor. At the first City Council meeting following the seating of new or re-elected council members, the Council shall elect from its membership a Vice-Mayor to serve for a two-year term, clothing the Vice-Mayor when elected with the power to act for the Mayor and to exercise his duties and powers during the absence of the Mayor as fully and completely and with the same validity as if the same were done by the duly elected Mayor.

Section 3. (See Article III. Elections. Qualifications for office.)

¹Article III, Section 4, "Election procedure," was amended to provide that all elections for mayor, council members, city recorder, and school board members are held on the general election date: the first Tuesday after the first Monday in November in even-numbered years.

Section 4. Compensation. The City Council shall have the power to determine and set the amount of compensation to be received by the officers and employees of the city including the officers elected by popular vote, except as otherwise set out herein. The compensation of the Mayor shall be not less than the compensation of the members of City Council, plus twenty-five percent.

The City Council shall have the power to allow to themselves and to other offices and employees of the city such expenses as are reasonably necessary in the performance of their duties.

Section 5. Time and place of meetings. The City Council shall fix the time of its regular meetings. The Mayor or any two council members may call special meetings of the City Council.

Section 6. Special called meetings. In addition to the Mayor, any two members of the City Council may call for a special called meeting.

Section 7. Vacancies. In case of a vacancy in the office of Mayor or Aldermen, the City Council shall fill same by election until the next municipal election. When a Councilman or the Mayor moves his primary residence outside the City of Lenoir City he shall vacate the office.

Section 8. Oath of office. After certification of the election by the county election commission, persons elected to the office of council member shall take office upon taking the following oath of office: "I, _____, do solemnly swear that, as Mayor (or council member) of Lenoir City, I will faithfully and impartially, without fear or favor, discharge the duties imposed upon me by law, and by the ordinances and the charter of Lenoir City, to the best of my skill and ability, so help me God."

Section 9. Quorum. Four of said Aldermen, together with the Mayor, shall constitute a quorum for the transaction of business; and in the absence of the Mayor, five of the Aldermen shall constitute a quorum.

Section 10. Proceedings. The Council may determine the rules of its proceedings. It shall have power to subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction; to arrest and punish by fine any person refusing to obey such subpoena or order.

Section 11. Ordinance procedure. All ordinances shall be in writing prior to any vote, shall be approved as to form by the City Attorney and shall be passed on two separate readings with a minimum of 7 days between readings.

Section 12. Legislative action which must be exercised by ordinance. Except as otherwise provided by general law or this charter, legislative action of the Council shall be by ordinance when granting, renewing or extending public franchises; creating, abolishing or combining departments or offices; authorizing the borrowing of money; regulating the rate charged for its services by a public utility; fixing fees, service charges and utility rates; exercising the police power; levying taxes, adopting the budget; providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed; or amending or repealing an existing ordinance.

ARTICLE V

THE OFFICE OF MAYOR¹

Section

1. Duties and powers of the mayor.

Section 1. Duties and powers of the mayor. The duties and powers of the mayor shall be as follows:

He shall, from time to time, give the City Council information relative to the condition of the corporation, and shall, by written message, recommend such measures as he may deem for the best interest of the city;

The Mayor shall have power to appoint one or more persons to examine into the affairs of any department of the city government whenever he shall deem it necessary;

The Mayor shall approve, sign, and return all ordinances passed by the City Council before the next regular meeting thereof; unless he vetoes same, which he has the power to do; and if he vetoes any ordinance, he shall return same to the City Council at its next regular meeting, with his reason, or reasons, therefor, in writing, and such ordinance shall not become valid unless passed over his veto by the affirmative vote of four of the Aldermen; but if he fails to return an ordinance, with his approval or disapproval, to the next regular meeting of the City Council after its passage, it shall be valid without his signature.

¹Article III, Section 4, "Election procedure," was amended to provide that all elections for mayor, council members, city recorder, and school board members are held on the general election date: the first Tuesday after the first Monday in November in even-numbered years.

He may call special sessions of the City Council when he deems expedient; he shall preside at all meetings of the City Council, and in case of a tie vote between the Aldermen, he shall vote, but not otherwise.

The Mayor shall have the authority to terminate employment under policies approved by the Council.

The Mayor shall sign all contracts and agreements entered into by the city and shall receive legal claims against the city.

He shall be ex officio, a member of all the committees and boards herein provided for, including the school board.

The Mayor shall appoint an advisory charter review commission at least every four years to review the city charter and make recommendations to the city council for proposed amendments.

ARTICLE VI

CHIEF OF POLICE

Section

1. Oath of office.
2. Authority and duties.

Section 1. Oath of office. The Chief of Police shall, before entering upon the discharge of his duties, take an oath of office.

Section 2. Authority and duties. The Chief of Police is hereby invested with authority to arrest, without a warrant, any and all persons who, in his presence, violate any of the laws of Tennessee or any of the laws and ordinances of Lenoir City, and any and all persons whom he is reliably informed have violated any of said laws and ordinances of said city. The Police Chief shall perform all the duties imposed upon him by the City Council, either by ordinance, resolution, or motion of record.

ARTICLE VII

CITY ADMINISTRATOR

Section

1. Appointment and removal.
2. Duties.

Section 1. Appointment and removal. The City Council shall have the power to employ a City Administrator. The City Administrator shall serve at the pleasure of the City Council.

Section 2. Duties. The duties of the City Administrator shall be as established by ordinance.

ARTICLE VIII

CITY RECORDER¹

Section

1. Compensation, specific requirements, powers and duties of office.
2. Shall keep minutes.
3. Shall be the custodian of public records, bonds, etc.
4. Shall provide and certify copies of records, papers, etc.
5. Shall generally supervise and keep records of fiscal affairs.
6. Shall be the treasurer.
7. Shall serve as city court clerk.
8. Appointment of recorder pro tempore.

Section 1. Compensation, specific requirements, powers and duties of office. The City Recorder, before entering upon the duties of the office, shall take the oath of office prescribed by the laws of Tennessee for county officers, and shall enter into bond, payable to Lenoir City, in such sum as the City Council may prescribe, and the Recorder shall pay over to the Treasurer all public moneys collected. The compensation of the City Recorder shall be established by the City Council. The City Recorder/Treasurer shall be charged with all the duties and responsibilities imposed by the statutes of the State of Tennessee, this charter, and the ordinances of the city.

In addition to the duties already herein set out, the City Recorder shall also serve as secretary to the Purchasing Committee and shall keep all records and shall do all other things that may be required in this capacity.

Section 2. Shall keep minutes. The Recorder shall keep and record the minutes of all meetings of City Council and preserve the same as permanent records of the city.

¹Article III, Section 4, "Election procedure," was amended to provide that all elections for mayor, council members, city recorder, and school board members are held on the general election date: the first Tuesday after the first Monday in November in even-numbered years.

Section 3. Shall be the custodian of public records, bonds, etc.

The Recorder shall keep the city tax records, books, and other documents in connection therewith, with the names of the taxpayers, the description of property, and assessed values from the books of the County assessment, after the County and State Boards of Equalization have passed upon same, but in so doing, the Recorder may make any necessary and proper corrections as to the description of the property and separate the property within corporate limits from that without. When the tax books are completed, the Recorder shall give public notice of the time taxes are due and payable, and after which time taxes will become delinquent.

Section 4. Shall provide and certify copies of records, papers, etc.

The City Recorder shall provide certified copies of city records, papers, etc. upon request. The Recorder may charge a reasonable fee as established by the City Council.

Section 5. Shall generally supervise and keep records of fiscal affairs. The City Recorder shall account for all moneys in accordance with applicable law, and keep full records thereof in accordance with accepted accounting procedures.

The City Recorder shall make a full report of the financial condition of the city to the City Council at least once per month at a regular or special meeting of City Council. The recorder shall take all necessary steps to collect delinquent taxes owed to the city in accordance with applicable law.

Section 6. Shall be the treasurer. The Recorder shall be the Treasurer of the city; and as such it shall be the Treasurer's duty to collect, receive and receipt for the taxes and all other revenues and bonds of the city, and the proceeds of its bond issues, and to disburse the same.

Section 7. Shall serve as city court clerk. The Recorder/Treasurer shall be the Clerk of the City Court.

Section 8. Appointment of recorder pro tempore. In the event of the temporary absence or disability of the Recorder, the Mayor may appoint a recorder pro tempore who shall have and exercise all the powers of the regular Recorder.

ARTICLE IX
CITY ATTORNEY

Section

1. Qualifications.
2. Appointment, duties, and compensation.

Section 1. Qualifications. The City Attorney shall be licensed to practice in the courts of the State of Tennessee.

Section 2. Appointment, duties, and compensation. The City Attorney shall be appointed by the City Council and shall direct the management of all litigation in which the city is a party, including the function of prosecuting attorney in the city court; represent the city in all legal matters and proceedings in which the city is a part or interested, or in which any of its officers is officially interested; attend all meetings of the Council; advise the Council, and committees or members thereof, the City Administrator, and the heads of all departments and divisions as to all legal questions affecting the city's interests; and approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city. The City Attorney's compensation shall be fixed by the City Council.

ARTICLE X
ADMINISTRATION

Section

1. Departments, offices, and agencies generally.
2. Direction and supervision of departments, offices, and agencies.
3. Personnel rules.
4. Officers, employees, etc., who handle money shall be bonded.
5. Oath of office required.

Section 1. Departments, offices, and agencies generally. The Council may establish city departments, committees, offices or agencies in addition to those created by this charter, and may prescribe the functions of all departments, committees, offices and agencies not inconsistent with this charter. Departments, committees, offices, or agencies created by the Council may be abolished or combined.

Section 2. Direction and supervision of departments, offices, or agencies. The Council may appoint a City Administrator to supervise

departments, offices, or agencies and shall establish and operate using standard operating procedures.

Section 3. Personnel rules. The Council shall adopt personnel rules which shall include but not be limited to: a. A job classification plan. b. A pay plan. c. The hours of work, attendance regulations and provisions for sick and vacation leave.

The City Council shall create a civil service system for all employees of the City of Lenoir City in accordance with the laws of the State of Tennessee and/or the United States of America.

Section 4. Officers, employees, etc., who handle money shall be bonded. Every officer, agent, and employee having duties embracing the receipt, disbursement, custody, or handling of money shall execute or be covered under a fidelity bond with some surety company authorized to do business in the State of Tennessee as surety in such amount as shall be prescribed by ordinance of the City Council. The cost of making or providing these bonds is to be paid by the city.

Section 5. Oath of office required. The City Administrator and every appointive officer shall before taking office take and subscribe to the same oath of office required of the Mayor and Council.

ARTICLE XI

FINANCE

Section

1. Fiscal year.
2. Annual departmental budget required.
3. Finance committee required to prepare and submit annual budget and explanatory message.
4. Required content and organization of budget.
5. Amendments to budget, when budget must be adopted, and effect of adoption.
6. Supplemental appropriations.
7. Emergency appropriations.
8. Deficits.
9. Transfer of unencumbered appropriations.
10. Lapsing of appropriations.
11. Incurrence and discharge of obligations.
12. Borrowing.
13. Accounting records and audits.

14. Competitive bidding and purchasing procedures.

Section 1. Fiscal year. The fiscal year of the city shall be set by ordinance.

Section 2. Annual departmental budget required. The adoption of an annual budget shall be prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

Section 3. Finance committee required to prepare and submit annual budget and explanatory message. At least 60 days before the beginning of the fiscal year the finance committee shall prepare and submit to the Council a budget for the ensuing fiscal year and an accompanying message. The message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include other material as deemed necessary.

Section 4. Required content and organization of budget. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the finance committee deems desirable or the Council may desire.

Section 5. Amendments to budget, when budget must be adopted, and effect of adoption. After the first reading the Council may adopt the budget with or without amendment, but no amendment shall decrease expenditures required by law for debt service. The budget shall be adopted for the ensuing fiscal year before the end of the current fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 6. Supplemental appropriations. If during the fiscal year the Recorder certifies that there are available for appropriations revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

Section 7. Emergency appropriations. Upon a declaration by the Council that there exists a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations by ordinance. To the extent that there are no available unappropriated revenues to meet such

appropriations Council is authorized to borrow funds sufficient to meet said emergency by issuing negotiable notes. Provision shall be made in the budget for the succeeding fiscal year for the payment of such notes.

Section 8. Deficits. If at any time during the fiscal year it appears probable to the Recorder that revenues available will be insufficient to meet the amount appropriated, the Recorder shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce appropriations.

Section 9. Transfer of unencumbered appropriations. At any time during the fiscal year the Recorder may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Recorder, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

Section 10. Lapsing of appropriations. Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered.

Section 11. Incurrence and discharge of obligations. No payment shall be made or obligation incurred against any appropriation unless the Recorder certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. The Mayor, Vice-Mayor and the Treasurer shall be authorized to sign checks, with the requirement that any two of the three may sign checks.

Section 12. Borrowing. The City Council is hereby authorized and empowered to contract indebtedness on behalf of the city.

Section 13. Accounting records and audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. The same account titles shall be used throughout the accounting records, the budget and financial statements. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the city shall be required by action of the City Council and same shall be made after the end of each fiscal year by a certified public accountant.

Section 14. Competitive bidding and purchasing procedures. The City Council shall establish competitive bidding and purchasing procedures for all operating departments, committees, or agencies.

ARTICLE XII

TAXATION

Section

1. Assessment and levy.
2. Due and delinquent dates; penalties and interest.
3. Collection of delinquent taxes.
4. Publication of notice to taxpayers.
5. Statutory lien.
6. Merchants' privilege and ad valorem taxes.

Section 1. Assessment and levy. All property within the city not exempt by general law shall be assessed for taxation upon the same principles established in regard to state and county taxation. Assessments made by the county tax assessor may be adopted by the city.

Section 2. Due and delinquent dates; penalties and interest. Property taxes shall be payable on and after October 1 in the year for which assessed and shall become delinquent on March 1 following. The Council by ordinance shall fix penalties and interest on delinquent taxes.

Section 3. Collection of delinquent taxes. The City Council may provide by ordinance for the collection of delinquent taxes by distress warrants issued and executed in accordance with general law. If not otherwise collected, the City Attorney, or other attorney designated by the Council, shall, at the Council's direction, file suit for collection of all delinquent taxes not later than 18 months following date of delinquency.

Section 4. Publication of notice to taxpayers. In February of each year there shall be published once a week for two consecutive weeks a notice to taxpayers informing them the date after which penalties and interest on property taxes will be due.

Section 5. Statutory lien. All municipal taxes on real estate in Lenoir City, and all penalties and cost accruing thereon are hereby declared to be a lien on said real estate from and after February 28 after the year for which the same are assessed.

Section 6. Merchants' privilege and ad valorem taxes. That all merchants doing business within the corporate limits of Lenoir City shall pay annually a privilege tax, for the use of said city. The City Recorder will collect said tax from merchants, and is hereby empowered and authorized to ascertain the average amount of capital invested by each, in the same manner as County Court Clerks in Tennessee ascertain same for the purpose of collecting State and County taxes.

ARTICLE XIII

CITY JUDGE

Section

1. Election of judge, oath, compensation, and restrictions.
2. Absence or disability of city judge.
3. Duties and powers of city judge.
4. Imposition of bail, fines, costs, and sentences.
5. Maintenance of docket and other court rules.

Section 1. Election of judge, oath, compensation, and restrictions. The City Judge shall be elected for an eight (8) year term as per the requirements of article VI, Section 4 of the Constitution of Tennessee for judges of inferior courts. He shall receive such compensation as may be provided by ordinance.

Section 2. Absence or disability of city judge. A vacancy in the office shall be filled by appointment by the City Council to serve until the next regular August general state election held more than 30 days after said appointment. In the temporary absence or inability of the City Judge the City Judge shall appoint a qualified person to serve until the judge's return. In the event the City Judge is incapacitated or unable to make the temporary appointment, the City Council may appoint a temporary judge to serve until the judge returns.

Section 3. Duties and powers of the city judge. The City Judge shall try all cases properly brought before him for violations of city ordinances, including misdemeanors, hereinbefore adopted from state laws.

The City Judge shall have authority to issue warrants for the arrest of persons charged with violations of city ordinances under the same conditions as state warrants may be issued. The City Judge shall hold court at two (2) times per month for the disposition of cases properly brought before the judge, and may impose such penalties as are prescribed by ordinance together with costs.

The City Judge shall have power to administer oaths or take affirmations like unto that of a judge of a county General Sessions Court.

The City Judge shall have power to issue subpoenas for witnesses to appear in City Court, for one side or the other, and shall so do on timely demand by any party, where such demand will not result in delay of a previously scheduled trial.

The City Judge shall not be prohibited from the practice of law, insofar as it does not conflict with the duties as City Judge.

The City Court shall have concurrent jurisdiction with the General Sessions Court for disposition of state misdemeanors committed within the corporate limits, as provided by state law.

Section 4. Imposition of bail, fines, costs, and sentences. The bail of persons arrested and awaiting trial and persons appealing the decision of the City Judge shall be fixed by the City Judge and upon such security as in his discretion he deems necessary or as otherwise provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officials other than the City Judge as provided by ordinance, but no officer shall accept cash bail unless the person arrested shall be given a receipt which shall explain the nature of the deposit. The receipt shall be in duplicate and a copy with the money deposited shall be filed with the City Judge. Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. The City Council shall set court costs and other fees payable to the city.

Section 5. Maintenance of docket and other court rules. The City Judge shall keep a docket.

ARTICLE XIV

EDUCATION

Section 1. City, school board; borrowing for school purposes. The City Council shall provide for the election of a city school board¹ in the same way and in the same manner and on the same ticket as that provided for other city officials. Such election shall be held thereafter biennially. The school board shall consist of five members, each of whom shall be elected to serve for a term

¹Article III, Section 4, "Election procedure," was amended to provide that all elections for mayor, council members, city recorder, and school board members are held on the general election date: the first Tuesday after the first Monday in November in even-numbered years.

of four years. In addition to the five elected members, the Mayor of the City of Lenoir City, Tennessee, shall be an ex officio, non-voting member of the school board. Each school board member shall be elected for a term of four (4) years at every regular election. All members of the school board, including those members holding office at the time of the adoption of this charter, may be elected to succeed themselves in office. The school board shall choose one of its elected members to serve as chairman of the school board. The city school board is hereby authorized to make rules and regulations for the government of the schools of Lenoir City, Tennessee, including plans of instruction and organization, and is hereby empowered to employ all persons necessary for proper conduct of the public schools. Said school board shall have the management and control of all schools now established or that may hereafter be established by the City of Lenoir City, Tennessee.

ARTICLE XV

UTILITIES

Section

1. Utilities board.
2. Powers and duties.

Section 1. Utilities board. There is hereby created a body to be known as "The Lenoir City Utilities Board" which shall be composed of the six (6) members of the City Council of the City of Lenoir City, Tennessee, together with the Mayor, who shall be ex officio chairman of said board and who shall have the power to vote only in case of a tie vote of the members. Five members of the board shall constitute a quorum. Chapter 205 of the State Private Acts is hereby retained and reaffirmed as a part of this charter section by reference, as if copied herein.

Section 2. Powers and duties. The utilities board shall have the following powers and duties:

1. To fix the dates for their regular meetings at the offices of the board and to keep a record of all their actions and proceedings.
2. To have the management, control, supervision, and operation of all utilities services provided by the City of Lenoir City.
3. To hire all employees, which in their judgment, are necessary for the efficient management and operation of the utility systems, and to fix the compensation and salaries of such employees.

4. To insure that all customers of the utilities systems are billed promptly and accurately for services furnished, and to take all proper steps for the collection of accounts.
5. To prescribe uniform rules and regulations applicable to all customers alike for the operation of the utility systems.
6. They shall have the right to discharge any employee for failure to perform his or her duties efficiently, or to terminate employment of any employee whose services the board deems no longer to be necessary.
7. To elect a manager or superintendent to serve at the pleasure of the board.
8. The board shall have power to issue warrants upon the City Treasury for all lawful and proper expenditures of the board and/or to maintain all necessary banking accounts for the efficient operation of the utilities systems. All warrants or checks shall be signed by the manager or superintendent and countersigned by the Mayor.
9. The board shall keep the City Council informed at all times of the financial condition of the utilities systems.
10. The board shall have the right and power to make any and all necessary repairs and extensions of the systems when the board deems appropriate and feasible, either inside or outside the municipal boundaries.
11. The board shall have power to make any and all necessary purchases of equipment and supplies for the efficient operation of the utilities systems.
12. All funds collected by the board from whatever source shall be handled and accounted for in accordance with law and detailed accountings shall be kept in accordance with accepted accounting practices.
13. The compensation for each of the members of the board and the chairman, together with the necessary expenses for each shall be set by the board, provided that City Council may by resolution or ordinances fix the maximum compensation which may be received by them.

14. The board shall not lease, sell or encumber any property belonging to the city except in the ordinary course of its business operations except upon approval of the City Council.
15. The board shall have all other powers incidental to the operation of a utilities system, not in conflict with applicable law or directives of the City Council.
16. The City of Lenoir City shall have full power and authority to construct, maintain and operate a municipal utility system both inside or outside the corporation, including electric, water, sewer, gas, telecommunications and other utilities.

ARTICLE XVI

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Section

1. Corporate existence; existing ordinances and resolutions.
2. Expiration of terms of elected officers.
3. Conflicting provisions.

Section 1. Corporate existence; existing ordinances and resolutions. The corporate existence of the City of Lenoir City is continued. All existing ordinances, resolutions or other actions by the City Council not inconsistent with this charter shall remain in full force and effect until amended or repealed in the manner herein provided.

Section 2. Expiration of terms of elected officers. The Mayor, Council, and City Recorder in office when this charter is effective shall continue in office with all powers provided by this charter, until their successors are elected and qualified.

Section 3. Conflicting provisions. That all laws or parts of laws contrary to, inconsistent with, or in conflict with the provisions of this charter be and the same are hereby repealed.

ACTS AND ORDINANCES COMPRISING THE CHARTER OF THE
CITY OF LENOIR CITY, TENNESSEE

YEAR	CHAPTER	SUBJECT
1933	127	Basic charter act.
1935	581*	Authorized issuance of bonds to fund and/or refund outstanding obligations.
1935	719*	Authorized \$50,000.00 bond issue for general improvements.
1937	413*	Validates proceedings providing for issuance of funding bonds.
1937	669	Raised salary of city recorder.
1937	670	Raised salary of city treasurer.
1939	583*	Authorized \$100,000.00 bond issue for building or purchasing, electric, water and sewer systems.
1941	92	Provided for a water and light commission.
1941	100	Authorized short term borrowing for school purposes.
1941	357*	Authorized \$453,000.00 refunding bond issue and \$65,000.00 funding bond issue.
1941	407	Extended term of office for elected officials.
1943	241	Repealed Priv. Acts 1933, ch. 127, § 9 and provided for a city board of education.

*This act, since of a temporary nature, has not been codified in the charter as set out herein.

YEAR	CHAPTER	SUBJECT
1943	242	Amended Priv. Acts 1941, ch. 92 and created a four member water and light commission.
1943	264*	Authorized \$45,000.00 funding bond issue.
1945	2	Amended Priv. Acts. 1933, ch. 127, § 4 by changing the description of the boundary lines.
1945	373*	Authorized \$250,000.00 bond issue for high school.
1945	374*	Authorized \$75,000.00 funding bond issue for outstanding indebtedness.
1947	474	Repealed Priv. Acts 1943, ch. 241 by abolishing the city board of education and providing for a school board.
1947	543*	Authorized \$225,000.00 bond issue for buildings.
1947	593*	Authorized \$75,000.00 bond issue for the water plant.
1947	878*	Authorized \$45,000.00 funding bond issue for outstanding indebtedness.
1949	454	Amended Priv. Acts 1937, ch. 670 by raising the salary of city treasurer.
1949	723	Amended Priv. Acts 1933, ch. 127 by providing for an admissions tax for amusement.

*This act, since of a temporary nature, has not been codified in the charter as set out herein.

YEAR	CHAPTER	SUBJECT
1951	47	Amended Priv. Acts 1943, ch. 242 by replacing the water and light commission with a water, light and gas commission.
1951	48	Amended Priv. Acts 1933, ch. 127 by removing the limitation on compensation paid to city attorneys and police officers.
1951	49	Amended Priv. Acts 1937, ch. 127 by raising the salary of city recorder.
1951	312*	Authorizing \$40,000.00 funding bond issue for outstanding indebtedness.
1951	317	Amended Priv. Acts 1933, ch. 127 by fixing a salary for councilmen and provided for forfeiture of office for nonattendance at meetings.

*This act, since of a temporary nature, has not been codified in the charter as set out herein.

YEAR	ORDINANCE	SUBJECT
1982	---	Deleted § 3 on sale or lease of utility plants; amended § 7 on elections, voter qualifications, and terms of office for aldermen and city recorder/treasurer; § 8 on powers and duties of city recorder/treasurer; § 9 on school board; replaced § 9a on family utilities board; amended § 11 on city court and city judge; § 18 on powers and duties of council; and § 27 on misdemeanors.
1988	1988	Amended § 9 on school board; § 9a on utilities board; § 11 on city judge; added § 25(A) on labor organizations; and § 25(B) on civil service.