

SENATE BILL 3815

By Barnes

AN ACT to amend Chapter 252 of the Private Acts of 1929; as amended by Chapter 280 of the Private Acts of 1959; Chapter 249 of the Private Acts of 1961; Chapter 158 of the Private Acts of 1965; Chapter 195 of the Private Acts of 1967; Chapter 288 of the Private Acts of 1967; Chapter 291 of the Private Acts of 1967; Chapter 377 of the Private Acts of 1968; Chapter 378 of the Private Acts of 1968; Chapter 50 of the Private Acts of 1969; Chapter 241 of the Private Acts of 1972; Chapter 261 of the Private Acts of 1972; Chapter 117 of the Private Acts of 1973; Chapter 240 of the Private Acts of 1978; Chapter 259 of the Private Acts of 1980; Chapter 121 of the Private Acts of 1981; Chapter 138 of the Private Acts of 1981; Chapter 139 of the Private Acts of 1981; Chapter 152 of the Private Acts of 1983; Chapter 173 of the Private Acts of 1984; Chapter 222 of the Private Acts of 1984; Chapter 101 of the Private Acts of 1985; Chapter 176 of the Private Acts of 1986; Chapter 183 of the Private Acts of 1988; Chapter 202 of the Private Acts of 1988; Chapter 225 of the Private Acts of 1990; Chapter 45 of the Private Acts of 1991; Chapter 177 of the Private Acts of 1992; Chapter 178 of the Private Acts of 1992; Chapter 253 of the Private Acts of 1992; Chapter 49 of the Private Acts of 1993; Chapter 99 of the Private Acts of 1993; Chapter 75 of the Private Acts of 1997; Chapter 51 of the Private Acts of 1999; Chapter 116 of the Private Acts of 2002; Chapter 49 of the Private Acts of 2005; Chapter 70 of the Private Acts of 2005 and Chapter 62 of the Private Acts of 2008; and any other acts amendatory thereto; relative to the City of Clarksville.

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

SECTION 1. Chapter 252 of the Private Acts of 1929; as amended by Chapter 280 of the Private Acts of 1959; Chapter 249 of the Private Acts of 1961; Chapter 158 of the Private Acts of 1965; Chapter 195 of the Private Acts of 1967; Chapter 288 of the Private Acts of 1967; Chapter 291 of the Private Acts of 1967; Chapter 377 of the Private Acts of 1968; Chapter 378 of the Private Acts of 1968; Chapter 50 of the Private Acts of 1969; Chapter 241 of the Private Acts of 1972; Chapter 261 of the Private Acts of 1972; Chapter 117 of the Private Acts of 1973;

Chapter 240 of the Private Acts of 1978; Chapter 259 of the Private Acts of 1980; Chapter 121 of the Private Acts of 1981; Chapter 138 of the Private Acts of 1981; Chapter 139 of the Private Acts of 1981; Chapter 152 of the Private Acts of 1983; Chapter 173 of the Private Acts of 1984; Chapter 222 of the Private Acts of 1984; Chapter 101 of the Private Acts of 1985; Chapter 176 of the Private Acts of 1986; Chapter 183 of the Private Acts of 1988; Chapter 202 of the Private Acts of 1988; Chapter 225 of the Private Acts of 1990; Chapter 45 of the Private Acts of 1991; Chapter 177 of the Private Acts of 1992; Chapter 178 of the Private Acts of 1992; Chapter 253 of the Private Acts of 1992; Chapter 49 of the Private Acts of 1993; Chapter 99 of the Private Acts of 1993; Chapter 75 of the Private Acts of 1997; Chapter 51 of the Private Acts of 1999; Chapter 116 of the Private Acts of 2002; Chapter 49 of the Private Acts of 2005; Chapter 70 of the Private Acts of 2005 and Chapter 62 of the Private Acts of 2008; and any other acts amendatory thereto, relative to the City of Clarksville, is hereby amended to read as follows:

**ARTICLE I: CHARTER AMENDMENT, DEFINITIONS, CORPORATE LIMITS AND POWERS**

**Section 1. City of Clarksville; body politic and corporate; succession; seal.**

The inhabitants of the City of Clarksville, in the County of Montgomery, Tennessee, shall be and continue as, a body politic and corporate by the name and style of Clarksville, Tennessee, and by that name shall have perpetual succession, and may have and use a common seal which may be changed at the pleasure of the City Council.

**Section 2. Definitions.**

(a) As used in this Charter the following words and terms shall have the following meanings:

(1) "Agency" means any office, court, utility, board, commission, institution or other organization in charge of or administering any public function or municipal affair of the City of Clarksville;

(2) "City" means the City of Clarksville;

(3) "Code" means any publication or compilation of rules, regulations, specifications, standards, limitations or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state

government, or by a municipality, or by a trade association or other organization generally recognized as an authority in its field of activity;

(4) "Councilman" means a person elected to the City Council as provided in this Charter;

(5) "Member of the Council" means the Mayor and each Councilman;

(6) "Officer" means and includes the Mayor, Councilman, City Judge, members of boards and commissions and any other persons classified as public officers by the laws or judicial decisions of this state. An "officer" as herein defined shall fill an "office," and an "employee" shall fill a "position of employment"; and

(7) "Public way" means any land used by the public as a passageway, including but not limited to streets, roads, highways, expressways, freeways, boulevards, avenues, parkways, alleys, lanes, sidewalks, walks, bridges, viaducts, subways, underpasses, tunnels and other thoroughfares, and including the right-of-way of such public ways.

(b) As used in this Charter the masculine shall include the feminine, and the singular shall include the plural, and vice versa.

### **Section 3. Corporate limits.**

The corporate limits and boundaries of the City shall embrace the territory situated within Montgomery County, Tennessee, as described and established by ordinances of the City Council and pursuant to general law as amended from time to time. Nothing herein shall be construed as reducing or enlarging the corporate limits of the City as previously established, or restricting or prohibiting the power or authority of the City to annex territory as may be provided for by general law.

### **Section 4. General powers.**

By its corporate name the City may contract and be contracted with; purchase, lease, receive and hold properties, real, personal and mixed, with all rights and privileges, within or beyond the corporate limits of the City; and sell, lease, grant or dispose of all such properties, rights and privileges, for the benefit of the City, may sue and plead in all courts of law and

equity, in all actions whatsoever, and may do all other acts touching the same as natural persons; and may have the exercise of all other powers and authority granted to or vested in any other City or town as permitted by law, except as herein forbidden.

**Section 5. Corporate powers enumerated.**

(a) The City shall have full power by ordinance within or without the corporate limits, as permitted by law, as follows:

(1) Levy, assessment, and collection of taxes. To levy and to provide for the assessment and collection of taxes on all property subject to taxation, the tax rate for general purposes to be such as the City may by ordinance from time to time establish.

(2) License taxes. To levy and provide for the collection of license taxes on privileges, occupations, trades and professions. A collection fee may be added to each such license tax as permitted by law.

(3) Vehicle registration fees. To levy and to provide for the collection of registration fees on licensed vehicles owned by residents of the City, as permitted by law. Such registration fees on licensed vehicles may be graduated according to their tonnage capacities, weight or horsepower, or other classification as permitted by law.

(4) Classification of subjects and objects of taxation. To adopt such other classification of the subjects and objects of taxation as permitted by law.

(5) Special assessments. To make special assessments for municipal improvements.

(6) Property and ad valorem taxes generally. To fix the date or dates upon which all property taxes and ad valorem taxes shall become due, and the date or dates upon which such taxes shall become delinquent, and to authorize, or provide for, the payment of such taxes annually, semiannually, quarterly or monthly as permitted by law.

(7) Discount for prompt payment of taxes. To authorize a discount for the prompt payment of taxes, or for payment before they become delinquent, as permitted by law.

(8) Payment of taxes after they are secured by lien. To authorize payments or partial payments of taxes after they are secured by lien but before the amounts thereof are fixed or become due, and to authorize or provide for discounts or interest credits on account of such advance payments. But the total of such advance payments shall not exceed the corresponding taxes for the preceding year, until the assessment is made, as permitted by law.

(9) Penalty and interest on delinquent taxes. To fix the penalty and interest to be charged on delinquent taxes, but not to exceed that authorized by law.

(10) Adjustments on assessments, interest and penalties on taxes. To make such adjustments as to assessments, interests and penalties on taxes as may appear to be in the best interests of the City, or to correct an injustice to the property owner, as permitted by law.

(11) Bonds. To issue, sell and pledge, or in any manner dispose of negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the City, in accordance with the Local Government Public Obligations Law, Tennessee Code Annotated, Title 9, Chapter 21, solely upon the credit of specific property owned by the City, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits, or in any other manner that any other City can lawfully do, and also issue, sell, pledge or in any other manner dispose of any other bonds when authorized by law.

(12) Eminent domain. To acquire by the exercise of the power of eminent domain, in accordance with Tennessee Code Annotated, Title 29, Chapters 16 and 17, property, real or personal, or any easement, interest, estate, right of way or use therein, either within or without the City, for present or future use of the City. Such proceedings for the acquisition of such property by eminent domain are to be made and effected in accordance with the law.

(13) Accepting of property by trusts. To accept and hold property within or without the City or state upon trust for the public benefit.

(14) Exemption of industries from taxation. To exempt industries from taxation for a period not to exceed ten (10) years, to afford employment to citizens in need thereof.

(15) Appropriation of money; donations to certain industries. To make appropriation of money and bind the credit of said City, but not in excess of two percent (2%) of its annual revenue in any one (1) year, for donations for sites and buildings and advertising for the purpose of encouraging development for the employment of citizens in need of employment.

(16) Garbage and sewage disposal. To collect and dispose of drainage, sewage, offal, ashes, garbage, trash and refuse.

(17) Contracts for public utilities. To make contracts, subject to conditions hereinafter provided, with any person, firm, association, or corporation, for public utilities and public services to be furnished to or by the City. Such power to make contracts shall also embrace the power hereby expressly conferred to make exclusive contracts, and when an exclusive contract is entered into it shall be exclusive only against any person, firm, association or corporation, but not against the City itself. All such contracts shall be subject to the provisions of the law.

(18) Franchises. To grant to any person, firm, association or corporation, franchises for public utilities and public services to be furnished to the City and the inhabitants thereof. Such power to grant franchises shall also embrace the power hereby expressly conferred to grant exclusive franchises, and whenever an exclusive franchise is granted it shall be exclusive only as against any other person, firm, association or corporation, but not against the City itself. All such contracts shall be subject to the provisions of the law.

(19) Definition, prohibition and abatement of things detrimental to health, morals, welfare and safety of inhabitants. To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conducts, 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, and to make and enforce regulations to secure the general health, safety and welfare of the citizens, and to remove and prevent nuisances.

(20) Operation of charitable, educational, recreative, curative, penal institutions; prevention of disease; quarantine laws, board of health and operation of hospitals. To provide, construct and maintain, or donate to, charitable, educational, recreative, curative, corrective, detentive or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services, within or beyond the corporate limits, but within this state; to make regulations to prevent the introduction or spread of contagious or infectious diseases in the City; to make quarantine laws for that purpose, and to enforce the same to the distance of one (1) mile from the City, provided such regulations and laws comply with the provisions of Tennessee Code Annotated, Title 68, Chapter 1, Part 2; to create a board of health and a health department and to establish, build,

regulate and operate hospitals and pest houses, separately or jointly with the county, state, federal government or any public agency, in accordance with general law.

(21) Regulation of animals; impounding and disposing of animals. To regulate, tax, license, vaccinate or suppress, separately or jointly with the county, state, federal government, or any public agency, the keeping or running at large of animals within the City, and to provide for the impoundment of same in violation of any ordinance or lawful order, and in default of redemption, to provide for their disposition by sale, gift or humane killing.

(22) Acquisition of public buildings, bridges. To acquire, purchase, provide for, construct, regulate and maintain, and to do other things relative to all market places, public buildings, bridges, market houses, sewers and other structures, works and improvements, parks and recreational facilities.

(23) Reserved.

(24) Regulation of location, occupancy, height of buildings and building materials; inspection of buildings as to health and safety. To regulate the location, bulk, occupancy, area, lot, height and construction of buildings and building materials, including but not limited to plumbing and electric wiring of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, and when necessary prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(25) Acquisition and maintenance of airport; power to finance airport. To acquire, own, equip and maintain a municipal airport, within or without the corporate limits, and for such purposes may make appropriations and borrow money.



(26) Establishment of police department. To establish, support and regulate a police department.

(27) Enforcement of ordinances, by fines, costs; limitations on fines. To enforce any ordinance, rule or regulation by means of fines, forfeitures and penalties, or by action or proceedings in any court of competent jurisdiction, or by any one or more of such means, and to impose costs as a part thereof, but no fine, forfeiture or penalty shall exceed the amount permitted by law.

(28) Suppression of vice; fines, forfeitures, and penalties; judicial proceedings; appeal. To the extent permitted by law, to regulate, fine and suppress all disorderly houses, assignation or houses of prostitution, and gambling houses; to impose fines, forfeitures and penalties for the breach of, or to enforce any ordinance; to prevent and punish by civil pecuniary penalties or fines all breaches of the peace, noises, disturbances or disorderly assemblies in the City at any time. Fines, forfeitures and penalties for each breach of the laws and ordinances of said City may be recovered in the City Court, and said City Court shall have the power to issue process, either summons or subpoena, render judgment, issue executions, and fine for contempt. Any person dissatisfied with the judgment of the City Court may within ten (10) entire days thereafter, Sunday excepted, appeal to the Circuit Court of Montgomery County, Tennessee, upon giving bond with good and sufficient security approved by the City Court for his appearance or faithful prosecution of the appeal. The bond shall not exceed the amount permitted by law. Any judgment in the Circuit Court upon such appearance bond shall not exceed the amount of the fine and cost imposed in the City Court plus the accrued costs in the Circuit Court. Ordinances of the City imposing fines, penalties, and forfeitures shall be construed remedially. All process expressly permitted by law and issued by the Mayor, City Court or other

officer of the corporation, may be directed to the police, the sheriff or any constable of Montgomery County, who shall execute and return same as any other process, which may be amended from time to time to promote the attainment of justice.

(29) Licenses. To license and regulate all persons, firms, corporations, companies and associations, engaged in any business, occupation, calling, profession or trade, as permitted by law.

(30) Licensing, inspection of weights and measures. To establish, regulate, license and inspect weights and measures, in accordance with Tennessee Code Annotated, Title 47, Chapter 26 and other provisions of general law.

(31) Immoral conduct, obscene pictures. To suppress and prohibit, immoral or illicit conduct, and obscene pictures, literature, materials or objects, as permitted by law.

(32) Weapons. To regulate selling, carrying, using or firing of firearms, or other deadly weapons, to the extent permitted by and in accordance with general law.

(33) Vagrancy. To define and punish vagrancy, loitering, disorderly conduct, and all other acts or conduct that could be lawfully defined as misconduct or as a misdemeanor, to the extent permitted by general law.

(34) Licensing and regulation of theatrical exhibitions, shows. To license, tax and regulate theatrical and other exhibitions, shows, and entertainments, and to suppress immoral, vicious or indecent theatrical or other shows, exhibitions and entertainments, to the extent permitted by general law.

(35) Regulation of motor vehicles. To regulate the use, driving, and operation of motor vehicles upon the streets, thoroughfares, alleys and public places in the City.

(36) Regulation of vehicles for hire. To regulate the use and operation of taxicabs, buses and other motor vehicles for hire for the transportation of passengers within the City and the fares to be charged; and to require all persons wishing to drive or operate any such vehicle to first obtain a permit therefor from the City upon such examinations and conditions as the City may determine; and to charge a fee for such permit or renewal, in an amount as the City may determine. To require all such vehicles for hire be kept clean and in good mechanical condition, and that all such motor vehicles for hire be inspected from time to time, and to charge a reasonable fee for each such inspection. To require that the owner or operator of each vehicle carry liability and property damage insurance for the protection of passengers and the general public, such insurance to be with a company or companies approved by the state Commissioner of Commerce and Insurance, with the amounts and forms of insurance policies to be such as the City may require. The insurance policies shall be delivered to the City and kept on deposit with it.

(37) Establishment and maintenance of fire department. To establish, support and regulate a fire department. To purchase firefighting equipment and to erect or purchase buildings for the housing of same, and to make all appropriations necessary for such purpose.

(38) Fire preventative powers generally. To make such regulations for the prevention and extinguishment of fires as the City may deem necessary and proper, including the power to require the obtaining of a building permit from the City before building, installing or repairing of any buildings, structure, part thereof or apparatus used or situated therein.

(39) Manufactories likely to produce fires. To regulate, restrain and prevent the carrying on of manufactories dangerous in causing or producing fires.

(40) Storage and sale of explosives and inflammables. To regulate the storage and sale of all combustible, inflammable, explosive, dangerous or offensive materials and instruments.

(41) Regulation of lights, lamps, electric wiring in public places and buildings. To regulate the character and use of lights, lamps, electric wiring, steam, gas, and hot air pipes in all places and buildings.

(42) Establishment of fire districts; regulation of buildings therein. To establish fire districts, and to prevent the erection of wooden buildings and buildings covered with combustible material therein.

(43) Restricting the location of business occupations and practices. To prescribe the limits within which business occupations and practices liable to be a nuisance or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained, within the City and within one (1) mile beyond its corporate limits.

(44) Authority, duties, rights, of officers and employees. To determine and to fix the authority, duties, rights, qualifications, responsibilities and compensation of all officials, officers and employees elected, appointed or employed by the City.

(45) Designation and duties of departments. To create, reorganize, or abolish various departments by which the affairs and business of the City are conducted and to define and fix the duties of such departments.

(46) Consolidation of two or more departments. To combine or consolidate the authority, duties, rights and responsibilities of any two (2) or more departments, officials, officers, appointees or employees, and to define and fix the duties and compensation of each.

(47) Revocation of licenses. To provide for the revocation of, and to revoke licenses and permits issued by the City.

(48) Retirement. To provide for the retirement of the City's officers and employees and make available to them any group, life, hospital, health, or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits otherwise provided by law.

(49) Expenditure of money. To expend the money of the City for all lawful purposes.

(50) Acquisition and disposition of property. To purchase, acquire, receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the City or state, except such as may hereinafter be prohibited.

(51) Payment of debts and borrowing of money. To appropriate money, and to provide for the payment of debts of the City, and to borrow money or funds, to include the borrowing of money or funds in anticipation of tax collections.

(52) Public utilities and public service. To construct, purchase, acquire by condemnation or otherwise, lease, own, operate and maintain an electric power plant and distribution system, telecommunications system, water pumping plant and distribution system, gas manufacturing plant and distribution system, natural gas distribution system, sewerage disposal system, or any other utilities, or any estate or interest therein or part thereof, or the use of any such utility, and to furnish the product or service of any said utilities for its own uses and purposes and to the general public within or without the City; and to fix and regulate the charges of such products and services; and the right to sell, lease, mortgage, pledge or otherwise dispose of any said utilities or any part thereof; and the right to purchase electric power, telecommunications, gas, water or other products for distribution, for the use of the City and for

sale to the general public, and to make all contracts and to do all things in regard to any of such things that may appear advisable for the City.

(53) Streets, highways, generally. To construct, improve, reconstruct and re-improve by opening, extending, 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, as permitted by law, and may by ordinance or otherwise prohibit anyone from occupying, encroaching or trespassing upon any of the public lands, buildings, parks, streets, roads and alleys, within the City, and remove anyone from same who may have occupied or encroached on same.

(54) Construction and repair of sidewalks and curbing; cleaning of gutters and sidewalks; removal of snow, ice, weeds; cleaning of privies, stables and slaughterhouses; assessment of costs; assessment to constitute a lien; livestock and animals generally.

(A) To provide for the construction and repair of sidewalks and curbing, and for the cleaning of same and all gutters and streets, at the expense of the owners of the ground fronting thereto; to provide for the removal of all encroachments into or upon any street, alley or other property of the City, and for the removal of all obstructions from sidewalks, including snow, ice and earth; the cutting and removal of obnoxious weeds, rubbish, grass, trees, vines, underbrush or other vegetation, trash, litter, refuse or garbage, or building material debris; the cleaning and rendering sanitary or safe, or the removal of closets and privies, pigpens, stables and slaughterhouses at the expense of the owners of the property or the owner of the abutting property, as well as demolition or reduction of houses, buildings, or structures

as permitted by law. The expense of all of the above shall be a debt against the owner or owners, and shall constitute a lien on the lot or lots of said owner or owners from the date of payment by the City, and said lien and debt or costs may be enforced and recovered by the City in the Circuit or Chancery Court of Montgomery County, Tennessee as permitted by law.

(B) To provide for the abatement of unhealthy or unsafe conditions on occupied or unoccupied parcels of land, and to recover costs of such actions from the owners, landlords or tenants thereof, as permitted by law.

(55) Erection of bridges, sewers. To erect, establish, open, close and remove bridges, sewers, gutters, hydrants and cisterns and regulate and charge for use thereof.

(56) Improvement of navigation on Cumberland River; erection and regulation of wharves, docks; marinas, wharfage rate; regulation of other anchorages and moorings. To improve and preserve the navigation of the Cumberland River within the corporate limits of the City which shall extend to the center of said river; to erect, repair and regulate public wharves, docks, marinas and landings, and to fix the rate of wharfage there at, not extending to any now owned by private persons, unless the City becomes the owner; to regulate the stationary anchorage and mooring of vessels, watercraft and rafts at other places than wharves within the City.

(57) Regulation of public grounds and buildings. To provide for the enclosing, improving, regulating, care, maintenance and use of the public grounds, buildings and properties belonging to the City, within or without the corporate limits.

(58) Inspection of articles for consumption. To inspect, test, measure and weigh any article for consumption or use within the City,

and to charge reasonable fees therefor, which fees are to go into the treasury of the City, to the extent permitted by general law.

(59) Depository for City funds; penalty for refusal of officials to place funds in depository. To designate from time to time a depository in which all of the funds under control of the City shall be kept, and it shall be cause for removal from office of any City official to refuse to deposit the funds in his hands in the depository so designated.

(b) Adoption and enforcement of ordinances not specifically enumerated.

The City shall have full power to adopt and enforce such further ordinances, rules and regulations, whether or not specifically enumerated in this act, as may be deemed necessary or proper for the good government, functioning and administration of the City, and for the accomplishment of its objects and purposes.

(c) Powers granted herein not restrictive. The City shall have full power to exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the City and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities under the law.

## **ARTICLE II: CITY COUNCIL**

### **Section 1. Division of City into Wards; election of Mayor and Councilmen.**

(a) The City of Clarksville shall be divided into twelve (12) Wards for the purpose of electing twelve (12) persons for the office of Councilman.

(b) The City Council shall by ordinance divide the City into twelve (12) Wards to apportion the City Council so that the Councilmen elected from Wards shall represent



substantially equal populations. The City Council may reapportion by ordinance at any time if it deems such action necessary to maintain substantially equal representation based on population. The City Council shall use the latest federal census data whenever a reapportionment is made. Wards shall be reasonably compact and contiguous. A map of such Wards shall be stored with the office of the City Clerk.

(c) There shall be one (1) Councilman elected from each Ward who is a resident of such Ward and such Councilman shall be selected by the qualified voters of such Ward.

(d) The City shall take all action necessary to cause the Montgomery County Election Commission to hold an election at the voting places in the City on the first Tuesday after the first Monday in November in each even-numbered year to fill all vacancies on the City Council and the office of Mayor. Except as otherwise set out herein pertaining to filling vacancies due to unexpired terms, as the terms of office of the Mayor and each Councilman expire, the qualified successors thereto shall be elected for terms of four (4) years. The candidate receiving the highest number of votes for Mayor and the candidates, one from each Ward, receiving the highest number of votes for Councilman of such Ward, shall be taken as duly elected, subject each to an election contest, as provided by general law.

(e) Nothing herein shall be deemed to shorten or extend any terms of a sitting Mayor or Councilman at the time of the effective date of this amended Charter; or to repeal or annul any previous duly enacted Ordinance establishing specific Wards to be filled by election prior to the effective date of this amended Charter.

(f) At the election occurring on the first Tuesday in November, 2010, there was elected by the qualified voters of the entire City a Mayor elected for a term of four (4) years, said term beginning the following January 1, 2011, and continuing until his qualified successor is elected and takes office. At the November 2010 election, one (1) Councilman was elected from each of the following Wards to serve for a term of four (4) years, said terms beginning the following January 1, 2011, and continuing until their qualified successors are elected and take office: Wards 1, 2, 6, 7, 10, and 11. At the

November 2008 election, one (1) Councilman was elected from each of the following Wards to serve for a term of four (4) years, said terms beginning the following January 1, 2009, and continuing until their qualified successors are elected and take office: Wards 3, 4, 5, 8, 9, and 12.

**Section 2. Restrictions on candidates.**

All persons eighteen (18) years of age or older who are citizens of the United States and of the State of Tennessee, and who have been inhabitants of the City for the period required herein, and who are otherwise qualified by general law, shall be eligible to hold a City public office, except for any person who has been convicted of offering, giving or receiving a bribe, misfeasance or malfeasance in public office, or any other offense declared infamous by general law, unless restored to citizenship in the manner provided by general law.

**Section 3. City Council designated; eligibility for office.**

The governing body of the City shall be known as the "City Council" and shall be composed of a Mayor and as many Councilmen as there are Wards in the City. Candidates for Mayor and City Councilman shall be residents of the City of Clarksville and shall have resided in said City for twelve (12) months next preceding their election, and shall be qualified to vote in the election in which they are candidates. Candidates for City Council, other than the Mayor, shall also reside in and be qualified to vote in the Ward to which they seek election at the time said candidate files his election qualifying petition with the office of the Montgomery County Election Commission. City Council Members shall continue to reside in the Ward to which they were elected to serve for the duration of their term of office. "Reside," "Residence," or "Resident" for purposes of this section shall be the place where the candidate maintains their "principal residence."

For purposes of this section, a person's "principal residence" shall be that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return. There can be only one (1) "principal residence." The following factors may be considered in the determination of a person's "principal residence":

- (a) The location of a person's ownership, lease, possession, occupation, or use of inhabitable or residential real property;

- (b) The location of a person's personal possessions;
- (c) The location at which a person normally sleeps on a daily basis except for periods the person is away for business, social, family, vacation, or hospitalization purposes;
- (d) The location provided by or used by the person for licensing or registration of personal property;
- (e) The location provided by or used by the person for any occupational or professional licensing, certifications, or permits;
- (f) The location provided by or used by the person in connection with the provision of utility services for inhabitable or residential real property owned, leased, possessed, occupied or used by the person;
- (g) The location provided by or used by the person for driver license and / or voter registration purposes;
- (h) The location provided by or used by the person for personal federal and / or state tax return purposes;
- (i) The principal place of abode of the person's spouse or immediate family members;
- (j) The location provided by or used by the person for bills and correspondence, to include bank and credit card statements, and correspondence from group organizations or entities of which the person is a member or affiliated with; and
- (k) Any other factor that may be relevant to the determination of the "principal residence" of a person.

**Section 4. Terms of Councilmembers.**

(a) No member of the City Council is allowed to serve more than three (3) consecutive terms as a member of the Council, not including parts of terms which could result from appointment to that position or election for less than a full term. A member of the City Council who has served the maximum number of consecutive terms hereunder shall not be prohibited from then running for the office of Mayor of the City.

(b) No Mayor of the City is allowed to serve more than three (3) consecutive terms in that capacity, each of such terms to include parts thereof which could result from appointment to that position or election for less than a full term. A Mayor who has served the maximum number of consecutive terms hereunder is prohibited from then running for the office of City Council.

(c) Consecutive terms means terms which are served without interruption; any member of the City Council or Mayor who has served three (3) consecutive terms may, after not serving in that capacity for at least one full term, seek the office again.

(d) The provisions of this section shall apply to those persons serving terms beginning January 1, 1993, and January 1, 1995, and all subsequent terms.

**Section 5. City Council to call elections; supervision of elections; qualifications of voters.**

The City Council shall have the power to call, regulate and provide for all municipal elections; including all elections respecting bond issues; all elections held under this act shall be held and supervised by the election commissioners of Montgomery County, Tennessee, or such other person or persons as may be authorized to hold state and county elections. A qualified voter who is properly registered as a resident of the City is entitled to vote in any election held pursuant to this Charter.

**Section 6. Removal from office.**

The Mayor or any City Councilman or the City Judge may be removed from office pursuant to and in accordance with the provisions of Tennessee Code Annotated, Title 8, Chapter 47.

**Section 7. Vacancy in office.**

In case of a vacancy in any said offices, except the Mayor, the City Council shall fill the vacancy until the next City election by a majority vote of the entire City Council. When a vacancy shall occur in the office of Mayor, the vacancy shall be filled as provided in Section 8. Should the Mayor cease to be a bona fide resident of the City at any time during his term of office, his office shall thereupon become vacant, and should any Councilman change his residence from the Ward which he was elected, his office shall thereupon become vacant.

**Section 8. Absence of Mayor, Mayor pro tem.**

Following any City-wide election in which City officials have been elected, and after the installation of such officials, the Mayor shall recommend to the City Council one of its members to be Mayor pro tem, which individual shall serve for a period of two (2) years from his/her ratification by the City Council. That person shall serve in the absence of or inability of the Mayor to act. In the event of the failure of the City Council to make such ratification, a Mayor pro tem shall be elected by the body to serve. Such member shall act as Mayor during any temporary absence or inability of the Mayor to act, and whenever a vacancy occurs in the office of Mayor, the Mayor pro tem shall become Mayor and hold office as such until the next City election, and his office as Councilman shall thereupon become vacant, and the vacancy shall be filled by the City Council as herein provided. In the event of the absence or disability of the Mayor pro tem to serve, or his failure to perform the duties required of him, the City Council shall have the right to elect an acting Mayor pro tem, who shall serve until the Mayor pro tem is able to discharge his duties. Whenever a vacancy occurs in the office of the Mayor pro tem, the Council shall elect one of its members to fill that vacancy.

**Section 9. Time of meetings; special meetings.**

(a) The City Council shall, by ordinance, fix the time and place at which the regular meetings of said City Council shall be held, and until otherwise provided by ordinance, the regular meetings of the City Council shall be held at 7:00 p.m., on the first Thursday night in each month.

(b) Whenever in the opinion of the Mayor or of any seven (7) Council members, the welfare of the City demands it, the Mayor, or the Mayor pro tem (in the event that the provisions of Section 8 of this article are met) shall call a special meeting of the Council with a minimum of twenty-four (24) hours notice to each Council member, and the City attorney. Notice will be sent by email, with each contacted member affirming receipt by reply email within twenty-four (24) hours. Affirmations not received within twenty-four (24) hours will be followed-up by telephone. In case email is unavailable, notice will be by telephone. Each call for a special meeting shall set forth the specific and only topics of

business to be discussed and transacted. The Mayor or properly appointed replacement will conduct the meeting within seventy-two (72) hours.

**Section 10. Mayor to preside; when Mayor to vote.**

The Mayor shall preside at all meetings of the City Council and he may vote upon any matter presented to the Council. If the Mayor is absent, the Mayor pro tem shall preside, and may vote. If the Mayor and Mayor pro tem are absent, the Council then in session may elect one of the Council members present to preside. The City attorney, without a right to vote, shall conduct the election of the Council member to preside at that meeting.

**Section 11. Quorum.**

A majority of all the members of the City Council (composed of the Mayor and as many Councilmen as there are Wards in the City, the Mayor being one of the members of the City Council) shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such manner and under such penalty as the City Council may provide.

**Section 12. Voting.**

Except as otherwise provided in this Charter, by ordinance approved by the City Council, or by general law, a majority vote of the members of the City Council present, shall decide the action of the Council at that meeting. Each ordinance or resolution passed by the City Council shall be signed by the presiding officer and the City Clerk. Ordinances shall not take effect until after their final passage in accordance with Article IV, Section 6 of this Charter.

**Section 13. Rules of procedure; powers incident to rules of procedure; minutes to be kept.**

The City Council may determine the rules of their proceeding, subject to this Charter, and may arrest and punish by fine any member or other persons 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 and other things relating to any subject within its jurisdiction; to call upon its officers or the policemen to execute its process; and may cause to

be arrested and punished by fine any person refusing to obey such subpoena or order. No fine for any violation imposed under this section shall exceed the maximum amount allowed by law.

The presiding officer of the City Council or the chairman of any committee may administer oaths to witnesses.

The City Council shall keep minutes of its proceedings, to be recorded in a well bound book or other format available to the public suitable for that purpose.

**Section 14. Sessions to be public.**

All sessions of the City Council shall be public, except as may otherwise be permitted by general law for attorney client privileged communications in accordance with Tennessee Code Annotated, Title 8, Chapter 44, Part 1.

**Section 15. Restrictions on Councilmen.**

(a) The Council shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the City, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. Nothing contained herein shall prevent the Council from conducting such inquiries into the operation of the City government and the conduct of the City's affairs as it may deem necessary.

(b) A Council member shall not concurrently hold another publicly elected office at the city, county, state or federal levels of government.

**Section 16. City Clerk.**

(a) The City Clerk shall be appointed by the City Council.

(b) The City Clerk shall be responsible for keeping and preserving the City seal and all records of the Council; attending meetings of the Council and keeping a journal of its proceedings at such meetings, including the names of members present and absent, the vote of each member on each ordinance or resolution, where a roll call vote is had, the title of each ordinance or resolution, and each motion considered; preparing and certifying copies of official records in his office, for which fees may be prescribed by

ordinance; and performing such other duties as may be required by the Council or Mayor.

(c) The City Clerk shall attest the signature of the Mayor on all instruments signed in the name of the City and other official acts of the Mayor.

(d) The City Clerk shall have the custody of and preserve in said Clerk's office the public records, original rolls and ordinances, ordinance books, all contracts, title deeds, certificates and papers, and all other records or documents not required by the Charter or by ordinance to be deposited elsewhere.

**Section 17. Official City newspaper.**

The Council by resolution shall designate a newspaper of general circulation in the City as the official City newspaper.

**Section 18. Compensation of Mayor, Mayor pro tem, and Councilmen.**

The compensation of the Mayor shall be established by ordinance by the City Council and may be adjusted by ordinance by the City Council, provided that such adjustment shall be approved before the beginning of the term of office for which the Mayor was elected, and such compensation shall not be altered during such term of office. The compensation of the Councilmen shall be established by ordinance by the City Council and may be adjusted by ordinance of the City Council, provided that such adjustment shall be approved before the beginning of the term of office for which a Councilman is elected, and such compensation shall not be altered during such Councilman's term of office. In addition to the compensation provided to Councilmen in the previous sentence, the Mayor pro tem shall receive additional compensation to be established by ordinance by the Council for the duration of his term as Mayor pro tem. Additional compensation for the Mayor pro tem may be adjusted by ordinance by the City Council, provided that such adjustment shall be approved before the beginning of the term of office for which the Mayor pro tem was selected, and such additional compensation shall not be altered during such term of office.

In addition to the compensation set out hereinbefore, Councilmen, the Mayor, and the Mayor pro tem shall be reimbursed for expenses incurred in the performance of their duties.

**Section 19. Legislative powers generally.**



The legislative and other powers, except as otherwise provided by this Charter, are hereby delegated to and vested in the City Council and the City Council may, by ordinance or resolution, not inconsistent with this Charter, prescribe the manner in which all 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.

### **ARTICLE III: MAYOR; POWER AND DUTIES GENERALLY**

(a) The Mayor shall be the executive head of the City government, responsible for the efficient and orderly administration of the City's affairs.

(b) The Mayor shall preside at all meetings of the City Council, and perform such other duties consistent with his office as may be imposed by the City Council, and he shall have a seat, a voice, and the right to vote. The Mayor may introduce ordinances and resolutions for action by the City Council.

(c) The Mayor shall sign all checks or orders on the treasurer.

(d) The Mayor shall sign the minutes of the City Council and all ordinances upon their final passage.

(e) The Mayor or his duly authorized designee shall execute all deeds, bonds and contracts made in the name of the City, and his signature shall be attested by the City Clerk or by the person acting for the City Clerk and so designated by the City Council.

(f) The Mayor shall have power and it is hereby made his duty to perform all acts that may be required of him by any ordinance or resolution duly enacted by the City Council not in conflict with any of the provisions of this Charter.

(g) The Mayor shall have power to appoint all standing committees as he may deem necessary. He shall have the right to change the committee members as he may deem advisable.

(h) The Mayor shall have authority to administer oaths and affirmations, and to take depositions in the same way and for the same purposes and for the same fees and under the same laws, as permitted by law.

(i) Veto power; overriding of veto. The Mayor shall have the right to veto, within two (2) whole days, Sundays excluded, any ordinance passed by the City Council. He shall enter his reasons for such veto on the minutes of the proceedings. The veto of the Mayor shall render null and void such ordinance unless the City Council shall override the veto at the next regular or special called meeting of the City Council by majority vote of the full membership of the City Council, plus one, excluding the mayor, who may not vote on a veto override vote.

#### **ARTICLE IV: ORDINANCES AND RESOLUTIONS**

##### **Section 1. Enacting style.**

All ordinances shall begin "Be it ordained by the City of Clarksville."

##### **Section 2. City legislation.**

Any action of the Council having a regulatory or penal effect, or required to be done by ordinance under this act, or by law, shall be done only by ordinance. Other actions may be accomplished by resolutions. Each resolution and ordinance shall be in written form before being introduced. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsection or subsections in their amended form. A code may be adopted by an ordinance which contains only a reference to its title, date and issuing organization, and the City Clerk shall file a copy of the code in his office. The City shall furnish a copy of any such code to any person for a reasonable fee. The City Clerk shall number ordinances consecutively in the order of their final adoption and shall place them into a permanent record book used solely for this purpose, and the City Clerk shall do likewise for resolutions, using a separate series of numbers and a separate record book. The original copies of all ordinances and resolutions shall be filed and preserved by the City Clerk.

##### **Section 3. Codification of ordinances.**

Within six (6) months after this amended Charter becomes effective there shall be prepared, under the direction of the Mayor and with the advice of the City Attorney, a codification of all ordinances and resolutions having a regulatory or penal effect or of general application. All existing ordinances and resolutions in conflict with this codification will be

repealed with the adoption of this codification. A notice of the adoption of this codification shall be published in accordance with Tennessee Code Annotated, §§ 6-54-508 and 6-54-509. The Official Code of the City of Clarksville shall be kept and maintained in electronic format on the official Internet website of the City of Clarksville, where it will be accessible and printable by the general public for no charge. The Official Code of the City of Clarksville shall also be kept and maintained in loose-leaf form by the City Clerk and shall be made available to any person desiring a copy for which a reasonable fee may be charged. Any conflict between the loose-leaf form of the Official Code of the City of Clarksville and the electronic form maintained on the City of Clarksville's website shall be resolved in favor of the loose-leaf form. After adoption of the Official Code of the City of Clarksville, each new ordinance enacted by the City of Clarksville shall be adopted as a newly numbered section or sections of the Official Code of the City of Clarksville, as amendments to existing sections of the Official Code of the City of Clarksville as new sections of the Official Code of the City of Clarksville, or as repealing existing sections (or portions thereof) of the Official Code of the City of Clarksville. Such new ordinances shall be integrated into the Official Code of the City of Clarksville, and at least every six (6) months new pages shall be reproduced to replace existing pages (with instructions to destroy existing pages being replaced) or to be added to the Official Code of the City of Clarksville, and shall be distributed to City officers and employees having copies of the Official Code of the City of Clarksville. Notes shall be inserted at the end of amended or new sections, referring to the dates and numbers of ordinances making the amendments or adding the new sections, and such references shall be cumulative if a section is amended more than once in order that the current copy of the Official Code of the City of Clarksville will contain references to all ordinances passed since the adoption of the original Official Code of the City of Clarksville.

#### **Section 4. Ordinances to establish rules and regulations.**

The Council may by ordinance or resolution authorize officers and agencies of the City to promulgate formal rules and regulations within their respective jurisdictions, subject to such restrictions and standards of guidance as the Council may prescribe. No such formal rule or regulation shall take effect until it is filed with the City Clerk, who shall file and preserve the original copy in his office. Such rules and regulations shall be included as a separate section of

the Official Code of the City of Clarksville and shall be reproduced and distributed in loose-leaf form as required by Section 3 above. Amendments of such rules and regulations shall be accomplished only by setting forth complete sections or subsections in their amended form.

**Section 5. Effect on prior ordinances and resolutions.**

All ordinances and resolutions in force at the time of the taking effect of this Charter, passed under authority of prior Charters shall remain in full force and effect until amended or repealed, except where they are in conflict with the provisions of this amended Charter.

**Section 6. Effective date of ordinances, resolutions, and franchises.**

(a) Ordinances shall be passed on two (2) readings on two (2) separate days in open session of the City Council before they shall become effective, but on the second reading, a reading of the title of the ordinance shall suffice together with such explanation as might be called for by the Mayor or any member of the City Council. Any ordinance may be amended on second reading after being passed on first reading, provided the amendment is sufficiently explained and the amendment itself is read.

(b) All ordinances shall take effect from and after their final passage unless otherwise provided therein.

(c) Unless otherwise specified, resolutions shall become effective when adopted.

(d) Ordinances making a grant, renewal, or extension of a franchise, or regulating the rate to be charged by any public utility for its services, except for rate changes required by general law or by contract between the City and any state or federal governmental agency to include the Tennessee Valley Authority, shall be passed on two (2) readings on two (2) separate days, and shall not take effect until thirty (30) days after the final passage. Notwithstanding the forgoing, any City utility supervisory board established by the City Council by ordinance pursuant to Article VIII, Section 1 herein, may establish rates to be charged by that utility for its services as may be permitted by general law to such extent and in such manner as the City Council may by ordinance determine.

(e) All ordinances shall be signed by the Mayor before the expiration of two (2) whole days, Sunday excluded, following the final reading of such ordinance and the City

Clerk or person acting in his place as such. All ordinances not signed by the Mayor before the expiration of two (2) whole days, Sunday excluded, shall be treated as if they have been signed by the Mayor within the time allotted above, unless the Mayor exercises his veto powers as set forth in Article III, subsection (j).

**Section 7. Ordinances to have effect beyond City limits.**

All ordinances now in force and hereafter enacted, of a moral, permanent, quasicriminal, sanitary or penal nature shall apply to any and all surrounding territory within one (1) mile beyond said corporate limits, as well as within the corporate limits as set forth in Article I, Section 3.

**ARTICLE V: CITY COURT**

**Section 1. General.**

A City Court, presided over by a City Judge on a full or part time basis as may be prescribed by ordinance, is hereby established, which shall have jurisdiction over violations of ordinances of the City, and such other jurisdiction as is conferred by the general laws of the state.

(a) Authority to execute process; administer oaths, etc. The City Judge may send City police officers into any part of Montgomery County to execute process, which said police officers are hereby authorized and empowered to execute and return, in accordance with the law. The City Judge shall have authority to administer oaths and affirmations.

(b) Authority of Judge to impose fines, limitations on fines; authority to remit fines. The City Judge shall have power and authority to impose fines, costs and forfeitures, in accordance with the Municipal Court Reform Act of 2004, codified as Tennessee Code Annotated, Title 16, Chapter 18, Part 3, and to punish by civil fine all violations of the City ordinances; to preserve and enforce order in his Court, and to enforce the collection of all such fines, costs and forfeitures imposed by him as permitted by law, and in default of payment thereof, to pursue collection of same through the City Finance Department and City Attorney. All fines may be paid in such installments and in such manner as may be provided by ordinance.

(c) One citation for same offense. Only one citation shall be issued for the same violation, and separate parties shall be issued separate citations.

(d) Fines generally. All fines imposed by the City Judge for the violation of the City ordinances shall belong to the City and shall be collected by the finance department of the City. The individual fined shall bear all of the costs associated with the collection of all fines.

(e) No fees to arresting officers; Judge to certify to the finance department for collection of all fines. The City Judge shall allow no fees to any arresting officer. The City Finance Department shall be responsible for collection of all fines, costs and forfeitures, imposed by the City Court for violations of the laws and ordinances of the City.

(f) Court dockets. The City Court Clerk shall keep or cause to be kept the City Court dockets embodying complete detailed records of all cases tried and determined in City Court, including all financial transactions and affairs of the Court in accordance with the law.

(g) When Judge unable to hold Court. When the City Judge fails to attend, or if in attendance, cannot properly preside in a cause pending in the City Court or from any cause is unable to hold the Court, the Mayor, or in his absence the Mayor pro tem, shall appoint a competent attorney to attend and hold the Court for the occasion and continue to do so until the City Judge resumes the duties of his office. The compensation of an acting City Judge shall be fixed by ordinance.

## **Section 2. Election of City Judge; term of office.**

(a) The City Judge of the City of Clarksville shall be elected by the qualified voters of the City of Clarksville, at an election to be held by the Montgomery County Election Commission, or such other person or persons as may be authorized to hold state and county elections, at the voting places in the City, at the regular election to be held on the first Tuesday after the first Monday in November, or such other date as established by the Montgomery County Election Commission, and on the same day every four (4) years thereafter, who shall hold office for a term of four (4) years

beginning January 1st following such election and until his qualified successor is elected and takes office. The candidate receiving the highest number of votes for City Judge who is otherwise qualified as provided herein shall be duly elected, subject to an election contest as provided by general law.

(b) At the election occurring on the first Tuesday after the first Monday in November, 2012, there shall be elected by the qualified voters of the entire City a City Court Judge elected for a term of four (4) years beginning the following January 1st and until his qualified successor is elected and takes office.

(c) No City Court Judge is allowed to serve more than three (3) consecutive terms in that capacity, each of such terms to include parts thereof which could result from appointment to that position or election for less than a full term. Consecutive terms means terms which are served without interruption; any City Court Judge who has served three (3) consecutive terms may, after not serving in that capacity for at least one (1) full term, seek the office and serve again.

(d) The provisions of this section shall apply to those persons serving terms beginning January 1, 2013, and all subsequent terms.

(e) Nothing herein shall be deemed to shorten or enlarge any term of a sitting City Court Judge at the time of the effective date of this amended Charter.

### **Section 3. Qualifications of City Judge.**

The Judge of said City Court shall be at least thirty (30) years of age and a person licensed to practice law in good standing with the State of Tennessee and shall be a bona fide resident of the City of Clarksville for one (1) year on the date of qualification for his election. The City Judge may not concurrently hold any elected position with the City or concurrently hold any other employment position with the City.

### **Section 4. Jurisdiction of City Court.**

The City Court shall have jurisdiction over all violations of the laws and ordinances of the City.

### **Section 5. Salary of City Court Judge.**

The salary of the City Court Judge shall be fixed by ordinance of the City Council and payable in equal monthly installments, and may be adjusted by ordinance by the City Council, provided that such adjustment shall be approved before the beginning of the term of office for which the City Court Judge is elected, and such compensation shall not be altered during such term of office.

**Section 6. City Court Clerk.** There is hereby established an office of City Court Clerk. The City Court Clerk shall be selected in the manner as shall be determined by ordinance enacted by the City Council. The City Court Clerk shall discharge those duties mandated by general law, and as may be provided by ordinance of the City Council.

## **ARTICLE VI: ORGANIZATION AND PERSONNEL**

### **Section 1. Organization.**

The executive and administrative functions of City government shall be organized into departments, with a Police Department, Fire Department, Finance Department, Legal Department, Human Resources Department, and such other departments as may be established by ordinance by the City Council. The Mayor shall select and appoint a Department Head to manage and supervise each department, except as may otherwise be provided for herein. The Mayor, subject to City Council approval by ordinance, may disband, abolish, consolidate or otherwise reorganize one or more existing departments as determined by him to be necessary and efficient for the carrying on of City business. Department heads shall be under the direct supervision of the Mayor, and shall report to the Mayor and City Council as they require.

**Section 2. City Attorney; Director of Finance and Revenue (Chief Financial Officer); Director of Internal Audit.**

#### **(a) City Attorney.**

(1) The City Attorney shall be an attorney-at-law entitled to practice in the Courts of the State of Tennessee, shall be appointed by the City Council, and shall receive such compensation as the City Council may determine.

(2) The City Attorney shall direct the management, under the supervision of the City Council, of all litigation in which the City is a party, including the



function of prosecuting attorney in the City Court when it is necessary. He shall represent the City or select competent private legal counsel to represent the City in all legal matters and proceedings in which the City is a party or interested, or in which any of its officers are officially interested; attend all meetings of the City Council, advise the Council, its members and committees, and the heads of all departments as to all legal questions affecting the City's interest, and shall 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. Except as otherwise directed by charter or ordinance, he shall have full charge of all legal proceedings in which the City is a party.

**(b) Director of Finance and Revenue (Chief Financial Officer).**

The Director of Finance and Revenue (Chief Financial Officer) shall be appointed by the City Council and shall have charge of the financial affairs of the City, except those duties that may be delegated by the City Council to some board, official, or other employee, and he shall have such powers and duties as are enumerated in this Charter or by ordinance.

**(c) Director of Internal Audit; Audit Committee.**

(1) There shall be, as an independent agency of the City of Clarksville government, a Department of Internal Audit.

(2) The Department of Internal Audit shall be headed by a Director of Internal Audit, who shall be appointed by the Mayor, upon a recommendation (nomination) by the City Audit Committee, and subject to confirmation by a majority vote of the City Council.

(3) The Director of Internal Audit shall possess at least one (1) certification indicating proficiency in auditing or governmental financial management, and shall possess education and experience as an accountant, auditor, chief financial officer, controller, or principal accounting officer of a governmental entity or private business sufficient to demonstrate an understanding of Generally Accepted Accounting Principles, generally accepted

Governmental Auditing Standards, financial statements, internal controls and procedures for financial reporting, and the audit functions of a governmental entity.

(4) The Director of Internal Audit shall report administratively and functionally to the City Audit Committee, and shall conduct, or cause to be conducted, such financial, performance and other audit functions and services as may be determined by the City Audit Committee, and as otherwise may be provided for by the City Council by ordinance. The Director of Internal Audit shall have the power and authority to hire and to discipline, and to fix the compensation, within the funds appropriated by the City Council therefor, of such other employees as the Director may deem necessary for the work of the Department of Internal Audit.

(5) The Director of Internal Audit, and his or her assistants, shall have full unrestricted access to any and all City records, properties and personnel relevant to any function or activity of City government under internal audit review. The Director's authority shall extend to all City departments, divisions, or other component parts, to include the Mayor and members of the City Council, and to any committees, boards, commissions, or authorities, and to any individual, organization, association, or entity of any kind which uses or receives City funding.

(6) There shall be a City Audit Committee, whose composition shall be as determined by the City Council by ordinance, and who shall determine and oversee the City annual audit plan, guide and direct the Director of Internal Audit, and review and evaluate the performance of same in the same manner as other department heads are evaluated, and who shall fix the compensation of the Director of Internal Audit within the amount appropriated therefor by the City Council, and who shall be subject to discipline by the Audit Committee in the same manner as other City department heads, except that the Audit Committee

shall act in the role of Mayor, and any appeal shall be to the City Council in the same manner as may be had by other City department heads.

**Section 3. Discipline and removal of City officials and employees other than Councilmen and Mayor.**

City officials and employees other than Councilmen and Mayor may be disciplined or removed as provided by ordinance.

**Section 4. Oath of office.**

Before a person takes any elected office in the City government, or appointment as the head of a department set-out in this Charter or by ordinance, he shall take and subscribe to an oath or affirmation before the Mayor in office, or the Director of Finance and Revenue, or a notary public of Montgomery County, Tennessee, the following oath or affirmation:

"I (state your name) solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Clarksville; and that I will conduct myself in my official capacity as \_\_\_\_\_, faithfully, honestly, and with due regard to the welfare of the City, to the best of my ability."

The City Council may require as a condition precedent to appointment to any employment position with the City, the taking of the above oath as it deems necessary.

**Section 5. Official bond or insurance.**

Every officer, agent and employee of the City having duties embracing the receipt, disbursement, custody and handling of money, and other officers and employees as may be required by ordinance, shall give a fidelity bond or faithful performance bond, as provided by ordinance, with some surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by ordinance. All such bonds and sureties thereto shall be subject to approval by the City Council. The cost of such bonds shall be paid by the City. All such bonds shall be kept in the custody of the City Clerk, except that the City Clerk's bond shall be in the custody of the Mayor. In the alternative, the City may carry appropriate insurance coverage, at its expense, for such losses set-out above in lieu of posting the above bond.

**Section 6. Political activity prohibited.**

Except for the Mayor and members of the City Council, no City employee or City official shall engage in political activity or support of or opposition to any candidate, party, or measure in any election when on duty or acting in such official capacity. When off-duty and acting as a private citizen, no City employee or City official shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity. While engaged in such off-duty political activity, employees of the City shall not wear any uniform, badges, or other indicia reflecting their employment with the City.

**Section 7. Ethics Policy.**

The City Council, through ordinance(s) codified in the Official Code for the City of Clarksville, shall create and maintain at all times a Code of Ethics. This Code of Ethics must contain, but is not limited to, policies regarding gifts, gratuities, conflicts of interest, financial interests, use of information, and use of City property. The Code of Ethics must address employees and elected officials of the City of Clarksville. The Code of Ethics must also contain a procedure for the logging of ethical complaints and the investigation of those complaints. The Code of Ethics may only be amended, altered, or changed by a two-thirds majority vote of the entire City Council.

**ARTICLE VII: FISCAL ADMINISTRATION**

**Section 1. Fiscal year.**

The fiscal year of the City government shall begin on the first day of July and shall end on the thirtieth day of June of the following year, but another fiscal year may be fixed by ordinance for the entire City government or for any utility.

**Section 2. Submission of budget**

There shall be submitted to the City Council a proposed budget for the next fiscal year. Said budget shall be prepared under the direction of the Mayor for the submission to the City Council.

**Section 3. Action by Council on budget.**

(a) The City Council shall adopt an appropriations ordinance based on the approved budget. Appropriations need not be in more detail than a lump sum for each department and agency. The Council shall not adopt any appropriations ordinance in excess of the available funds, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the City, providing the Council unanimously agrees there is such an emergency, and provided further that the Council shall be empowered to borrow such funds as may be necessary to meet such emergencies notwithstanding the provisions of Article I, Section 5(a).

(b) If a budget ordinance is not adopted before the beginning of the new fiscal year, the budget ordinance for the fiscal year ending on June 30 less any appropriations for capital expenditures (land, buildings, equipment and infrastructure that cost more than five thousand dollars (\$5,000), shall become the budget ordinance for the new fiscal year beginning the following July 1, until such time as a budget ordinance for the new fiscal year can be adopted. The Council shall adopt a budget ordinance by affirmative vote of a majority of the Council on two (2) separate readings of the budget ordinance. The budget ordinance may be changed by the Council at any time prior to the second and final reading; provided, however, all changes shall be disclosed prior to the adoption of the budget ordinance on the second and final reading. Amendments to the adopted budget ordinance may be approved by ordinance at any time during the fiscal year by the affirmative vote of a majority of the Council on two (2) separate readings.

(c) The minimum requirements of the budget ordinance shall provide for the following:

(1) Estimates of proposed expenditures for each department, board, office or other agency of the City, showing in addition, the expenditures for corresponding items for the last preceding fiscal year, projected expenditures for the current fiscal year and reasons for recommended departures from the current appropriation pattern in such detail as may be prescribed by the governing body. It is the intent of the City, that except for moneys expended pursuant to a project

ordinance or accounted for in a proprietary type fund or a fiduciary type fund that are excluded from the budget ordinance, all moneys received and expended by the City shall be included in a budget ordinance. Therefore, notwithstanding any other provision of law, the City may not expend any moneys regardless of their source (including moneys derived from bond and long-term note proceeds, federal, state or private grants or loans, or special assessments), except in accordance with a budget ordinance adopted under this section or through a proprietary type fund or a fiduciary type fund properly excluded from the budget ordinance.

(2) Estimates of anticipated revenues of the City from all sources including current and delinquent taxes, non-tax revenues and proceeds from the sale of any bonds on long-term notes with a comparative statement of the amounts received by the City from each of such sources for the last preceding fiscal year, the current fiscal year, and the coming fiscal year in such detail consistent with the financial reporting within the comprehensive annual financial report or as may be prescribed by ordinance by the governing body.

(d) The Council may by ordinance adopt policies and regulations for the implementation of this section and to provide for additional budget requirements.

#### **Section 4. Adequate accounting records, budgetary control, and annual audit.**

A system of adequate accounting records shall be installed and maintained in accordance with generally accepted accounting principles. Constant and comprehensive budgetary control shall be maintained. As provided for by ordinance an audit of the comprehensive annual financial report of the City shall be made after the end of each fiscal year by an independent Certified Public Accountant experienced in such work.

#### **Section 5. Property taxes.**

All property, real, personal and mixed, lying within the corporate limits of the City of Clarksville, subject to county or municipal taxes, as permitted by law, shall be assessed for taxation for municipal purposes by the City. All assessments of real property and of personal property shall be made annually and as of January 1 for the tax year to which the assessment

applies as provided for in accordance with the law. The office of the Montgomery County Assessor of Properties shall serve as property assessor for the City of Clarksville, and shall provide such information as is necessary to the City of Clarksville for the levying of property taxes.

**Section 6. Tax levy.**

The Council shall by ordinance make a tax levy, expressed as a fixed rate per one hundred dollars (\$100.00) of assessed valuation as permitted by law, and if no tax levy is made within ninety (90) days prior to the tax due date, or within ninety (90) days prior to the due date of a second installment if two (2) installments are authorized by ordinance, the property tax rate in effect the last fiscal year shall continue in effect as the tax rate for the new fiscal year.

**Section 7. Property tax due date, delinquent date, and tax bills.**

The due date and delinquent date of property taxes shall be established by ordinance. The Council by ordinance may allow semiannual installment payments for property taxes. The City may send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates and information as to the delinquency date, interest and penalties. Failure to send the tax bills or to provide any of the preceding information shall not, however, invalidate any property tax. Interest and penalty shall be charged on any delinquent property tax at a rate to be established by ordinance. On and after the date when such property taxes become delinquent, the tax records of the City shall have the force and effect of a judgment of a Court of record.

**Section 8. Collection of delinquent taxes.**

The Director of Finance and Revenue (Chief Financial Officer) shall collect delinquent taxes, interest, penalty, attorney's fees and court costs due as permitted under the law, and as the Council may provide for by ordinance. A lien shall exist against all property on which City property taxes are levied as of the assessment date as permitted by law, and the lien shall have equal dignity with those for federal, state or county taxes.

**Section 9. Special assessments.**

The City may assess all or part of the cost of constructing, reconstructing, widening or improving any public way, sewers or other utility mains and appurtenances, against the abutting

property owners, under such terms and conditions as may be prescribed by ordinance. Such special assessments shall become delinquent thirty (30) days after their due dates (after the due date of each installment if paid on an installment basis), shall thereupon be subject to a penalty of five percent (5%), and shall thereafter be subject to interest at the rate of one-half ( $\frac{1}{2}$ ) of one percent (1%) for each month or fraction thereof until paid. A lien shall exist against the abutting property superior to all other liens, except that it shall be of equal dignity with liens for county and City property taxes, and said lien shall be enforceable by the same procedures and under the same remedies as provided in this article for City property taxes.

**Section 10. Lien extends to fee and all interest in the land.**

Said taxes shall be a lien upon the fee in said property, and not merely upon the interest of the person to whom said property is or ought to be assessed, but to any and all other interests in said property, whether in reversion or remainder, or of lienors, or of any nature whatever.

**Section 11. Tax is not invalid because land is assessed to wrong persons.**

The whole proceeding for collection of taxes from the assessment to sale for delinquency shall be a proceeding in rem, and shall not be invalid on account of such land having been listed or assessed for taxation to anyone as owner or owners, or to any person or persons not the owner or owners or to unknown owner or owners.

**Section 12. Tax lien confined to leasehold where the fee, remainder, or reversion is exempt.**

Where there is assessable under the law a leasehold interest in real estate or any improvements on real estate, which said real estate is exempt from taxation in the hands of and to the owner thereof, the taxes assessed against such leasehold interest or interest in improvements on such exempt real estate shall be a lien only upon such leasehold interest or interest in improvements, and not upon the interest of the owner of the fee or the remainder or reversion of the fee.

**Section 13. Owners not liable.**

In all cases where a penalty is incurred for exercising a privilege without license, the interest which the person thus exercising the privilege without license has in the building shall



be liable for the penalty, superior to all other claims, except those owed to the state and county, but the interest of the owner of the building shall not be liable, unless he is privy to the violation of the law.

**Section 14. Distress warrants.**

The distress warrants authorized by law to be issued in such cases, if proceeded with to sale, shall operate as a writ of possession against the party exercising said privilege without license.

**ARTICLE VIII: MISCELLANEOUS**

**Section 1. Supervisory boards.**

The City Council may elect or create supervisory boards of not less than three (3) nor more than seven (7) members to be appointed or elected by such Council. No member of such boards shall be appointed or elected for a longer period than three (3) years. The members of the first board may be appointed or elected to serve for different periods so that the terms of office of its members shall not all expire the same year. To such extent and in such manner as the City Council shall by ordinance determine, these boards shall have general supervision, management and control of the construction, maintenance and operation of such plants, systems, lines and additions, extension and improvements thereto, and the purchase, sale and resale of electric power, gas, water and furnishing sewerage disposal services, and the operation of recreational facilities.

**Section 2. Powers to be liberally construed.**

The powers hereby granted shall be liberally construed to effect the purposes hereof, and said City shall have power to do all things necessary or convenient to carry out such purposes.

**Section 3. Sealed bids for purchases.**

The Clarksville City Council shall require by ordinance the competitive procurement through bids and requests for proposal for goods, services, leases, and all other purchases in excess of ten thousand dollars (\$10,000). This limit may be modified by ordinance.

Requirements for advertising will be as directed by the Clarksville City Council via ordinance.

All purchases made from funds subject to the authority of this section shall be made within the

limits of the approved budget, when required, and the appropriations, when required, for the department, office or agency for which the purchase is made. The City Council shall by ordinance establish all such bidding and purchasing regulations or procedures, or both, as it determines to be necessary to implement the provisions of this section and as may be necessary for exemption from all purchasing provisions of the Municipal Purchasing Law of 1983, codified as Tennessee Code Annotated, Title 6, Chapter 56, Part 3.

**Section 4. Use of this act, City Code, and ordinances as evidence.**

The Charter of the City of Clarksville, and all amendments thereto, are declared to be public acts and may be read as evidence in all Courts, which shall take judicial notice thereof. The Code, amendments thereto, ordinances, and resolutions of said City may be proved in any Courts of this state by reading in evidence copies of such Code, amendments thereto, ordinances and resolutions of said City, when duly certified by the City Clerk to be true and correct copies thereof. Such certificates shall be sworn to by him, and have the corporate seal of the City thereto affixed.

**Section 5. Adding additional territory.**

Whenever additional territory is added to the City, ad valorem, privilege, sales and other taxes shall be assessed, levied and collected against all property and privileges included within such added territory and dated from January 1<sup>st</sup> of the year following the year in which such territory is added, in the manner provided for by general law.

**Section 6. Care of indigent sick or injured persons.**

For the purpose of caring for the indigent sick or needy persons the City Council of the City of Clarksville is empowered to enter into contracts with any reputable hospital, or person or corporation, operating a reputable hospital, for the care and treatment of indigent sick or injured persons, and the City Council may authorize or make annual contracts with such hospitals or operators thereof, in behalf of the City whereby such hospitals shall provide for the care and treatment of indigent sick or injured persons upon such basis, terms and conditions as the City Council may deem expedient or advisable.

**Section 7. Power to make contributions for care of needy, veterans, etc.**

For the purpose of caring for the indigent sick or needy persons and for the purpose of rehabilitating veterans, and giving necessary assistance to such veterans and their families, the City Council is empowered to make such payments or contributions to such established organizations which provide such care, services or assistance as the City Council may deem expedient or advisable.

**Section 8. Elections for giving or lending of City's credit.**

(a) The credit of the City may be given or lent to or in aid of any person, company, association or corporation upon an election to be first held by the qualified voters of such City and the assent of three-fourths ( $\frac{3}{4}$ ) of the votes cast at said election. The City may become a stockholder with others in any company, association or corporation, upon a like election and the assent of a like majority.

(b) Any such election shall be held as follows:

(1) The City Council shall adopt a resolution (herein called the City election resolution) which shall briefly and concisely state in substance:

(A) The amount or maximum amount of credit of the City or funds of the City to be given, lent, or used, and the purposes therefor;

(B) The date on which such election will be held; and

(C) The place where such voting places will be open. The election resolution shall be published in full at least once not less than fifteen (15) days prior to the date fixed for such election in the official City newspaper.

(2) There shall be printed on the ballot, a brief general statement of the proposal or question to be voted upon the suitable phrasing to permit the voter to clearly indicate his or her wish to vote "Yes" for approval, or "No" for disapproval, of such proposition.

(3) Without limitation, the election resolution or the proposition to be voted upon may give the City Council authority to give or lend the City's credit or use its funds not exceeding a specified amount, or to authorize the City Council to issue and sell the City's general obligation bonds not exceeding a specific amount, for the purpose or purposes indicated in the resolution or proposal.

(4) On the ballots opposite each of the phrases, "Yes" for approval of the proposal and "No" for disapproval of the proposal there shall be a hollow square, each side of which shall be not less than one-quarter ( $\frac{1}{4}$ ) of an inch nor more than one inch (1"). The voter shall indicate his or her vote "for" or "against" the proposal by inserting a mark in the square opposite such phrase.

(5) The election shall be held in the same manner as municipal elections are now held in the City of Clarksville, Tennessee, and shall be subject to and in compliance with the Charter of said City and amendments thereto and the general election laws of the state. It shall be conducted by the election authorities of the state and in accordance with the election laws of the state.

(6) At the next regular meeting of the City Council succeeding the date of such election or at a special meeting called therefor, the Montgomery County Election Commission shall canvass the returns and determine and declare the results and returns in the election, which entry, after the use of the City's credit or of its funds as voted upon at such election shall be conclusive evidence of the results of the election.

(c) If the proposition voted upon is defeated, it shall not again be the subject of an election for three (3) months thereafter.

(d) If the election results in favor of the proposition as above provided, the election resolution shall again be published in the official City newspaper, and with it there shall be published a statement substantially as follows:

#### Statement

The election referred to in the resolution published herewith was held on the (here insert the date of election). After such election, the City Council of the City of Clarksville has found, determined and declared that the proposition was carried by a vote of \_\_\_\_\_ to \_\_\_\_\_.

No suit, action, or proceeding questioning such election or the use of the City's credit, or the validity of bonds issued pursuant to such election or proceedings for the issuance of such bonds, or the use of funds, as described or authorized in such

resolution or proceeding can be commenced after the expiration of twenty (20) days from the date of this publication. By order of the City Council of the City of Clarksville.

/s/ \_\_\_\_\_

Director of Finance and Revenue (Chief Financial Officer)

(e) No suit, action or proceeding questioning such election or the use of the City's credit or the validity of bonds issued or to be issued or proceedings for the issuance of such bonds pursuant to such election or the use of the City's funds as voted for in such election shall be commenced after the expiration of twenty (20) days from the date of such publication of such election resolution, and such statement substantially as above set forth.

**Section 9. Reserved.**

**Section 10. Emergency filing of suits.**

The Mayor, or when the Mayor is absent as defined in Article II, Section 7 of the Charter, the Mayor pro tem, shall have the right to authorize a committee from the Council or the head of any department of the City government to direct the filing of a suit where it appears that it may be necessary or advisable to file such suit for the benefit of the City and for the protection of its interests. Any suit so filed in a Court of record shall be reported to the Council by the City Attorney at the next special or regular meeting of the Council.

**Section 11. Penalties.**

The violation of any provision of this Charter, for which a penalty is not specifically provided herein, shall be punished by a civil fine of not more than the maximum allowed by law.

**Section 12. Pensioning of officers and employees.**

(a)

(1) Subject to the provisions hereinafter set out, the City Council shall by ordinance provide for the retirement and pensioning of City officers and employees who shall be eligible for such benefits after at least fifteen (15) years' service to the City and after attaining the age of sixty-five (65) as one-half (½) of the individual's pay at retirement time, less social security to which that individual is entitled.

(2) In addition, the City Council is authorized by ordinance to provide for early retirement of City officers and employees who are eligible for retirement benefits under the provisions of subdivision (a)(1). Such early retirement benefits may include the payment of lump sum bonuses or incentives as part of such plan.

(b) A retirement ordinance hereunder shall provide that any person employed on a full-time basis by the City of Clarksville on June 30, 1981, who continues employment after July 1, 1981, will automatically become a participant under the retirement plan adopted July 2, 1981; any person employed on or after July 1, 1981, will be eligible for participation only in the new retirement plan.

(c) Any employee covered previously under the Old Plan Section A, who is subsequently qualified to retire has the option to retire under the Old Plan (Section A) if such a retirement would provide the employee with greater benefits than would be available to the employee under the new plan.

(d) At the request of an employee eligible for retirement pursuant to Section 12, paragraph (a), the City Council shall by ordinance provide retirement as one-half ( $\frac{1}{2}$ ) of the individual's pay at retirement time, less social security to which that individual is entitled; and further, provided that said individual must notify the City of his or her entitlement to social security at such time as this entitlement comes about (should such individual not be eligible for social security on the date of retirement), and his or her failure to so notify the City of social security eligibility will entitle the City to recover from that individual any monies to which he or she was not entitled in accordance with the above.

**Section 13. Severability clause.**

If any article, section, subsection, paragraph, sentence or part thereof, of this act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this act unless it clearly appears that such other parts are wholly and necessarily dependent upon the part of parts held to be invalid or unconstitutional, it being the

legislative intent in enacting this act that each article, section, subsection, paragraph, sentence or part thereof, be enacted separately and independently of each other.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Clarksville. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body and certified to the Secretary of State.

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