State of Tennessee

PRIVATE CHAPTER NO. 55

HOUSE BILL NO. 2526

By Representative Sexton

Substituted for: Senate Bill No. 2620

By Senator Burks

AN ACT to amend Chapter 519 of the Private Acts of 1953; as amended by Chapter 259 of the Private Acts of 1965; Chapter 416 of the Private Acts of 1972; Chapter 119 of the Private Acts of 1975; Chapter 205 of the Private Acts of 1982; Chapter 281 of the Private Acts of 1982; Chapter 101 of the Private Acts of 1991; Chapter 102 of the Private Acts of 1991; Chapter 103 of the Private Acts of 1991; Chapter 105 of the Private Acts of 1991; Chapter 99 of the Private Acts of 1991; Chapter 116 of the Private Acts of 1994 and Chapter 55 of the Private Acts of 1995; and any other acts amendatory thereto, relative to the Charter of the City of Crossville.

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

SECTION 1. Chapter 519 of the Private Acts of 1953; as amended by Chapter 259 of the Private Acts of 1965; Chapter 416 of the Private Acts of 1972; Chapter 119 of the Private Acts of 1975; Chapter 205 of the Private Acts of 1982; Chapter 281 of the Private Acts of 1982; Chapter 101 of the Private Acts of 1991; Chapter 102 of the Private Acts of 1991; Chapter 103 of the Private Acts of 1991; Chapter 105 of the Private Acts of 1991; Chapter 99 of the Private Acts of 1991; Chapter 116 of the Private Acts of 1994 and Chapter 55 of the Private Acts of 1995, is amended by deleting the language in its entirety and by substituting instead the following:

ARTICLE I: INCORPORATION

SECTION

1. Incorporated.

2. Name and general powers.

3. Rights and obligations of the municipality.

4. Effect of laws, ordinances, and resolutions under preceding charter or charters.

Section 1. Incorporated. Be it enacted by the General Assembly of the State of Tennessee, that the City of Crossville, in Cumberland County, Tennessee, be, and the same is hereby incorporated under and by this Act.

Section 2. Name and general powers. Be it further enacted, that the inhabitants of the City of Crossville, in the County of Cumberland, State of Tennessee, with the same limits and boundaries as the present City of Crossville, as hereinafter described, be and they are hereby constituted a body politic and corporate under the name and style of "City of Crossville"; and such shall have perpetual succession, shall sue and be sued, implead and be impleaded in all courts of law and equity, and in all actions whatsoever; may, for municipal purposes, purchase, receive and hold property real, personal, and mixed within or beyond the limits of the city; and may sell, lease, or dispose of such property for the benefit of the city, and do all other acts touching the same as may natural persons; may have and use a common seal, and may change it at its pleasure; and exercise all the rights, powers, and privileges set forth in the succeeding sections of this Act.

Section 3. Rights and obligations of the municipality. Be it further enacted, that the right, title, and ownership of all property of said City of Crossville as created and existing under and by Chapter 362 of the Acts of Tennessee for the year 1901, and acts amendatory thereto, and all its uncollected taxes, assessments, dues, fines, costs,

claims, judgments, choses in action, and all its rights of every kind and character whatsoever shall immediately become and are hereby vested in the municipal corporation created by this Act, City of Crossville, and said new corporation be, and hereby is burdened and charged with and made liable for all legal debts, contracts, bonds, and obligations of the old corporation, City of Crossville, which it succeeds, in the same manner and form and to the same extent as the said prior municipal corporation was under existing laws.

Section 4. Effect of laws, ordinances, and resolutions under preceding charter or charters. Be it further enacted, that all laws, ordinances, and resolutions enacted by the governing body of said City of Crossville under any preceding charter or charters shall be and do remain, in full force and effect under this new charter until such time as the governing body of said city created under and by this Act, shall elect to amend, modify, or repeal the same.

ARTICLE II: BOUNDARIES AND WARDS

SECTION

1. Boundaries.

2. Wards.

Section 1. Boundaries. Be it further enacted, that the boundaries of said City of Crossville, hereby incorporated, shall be as follows: Beginning at a stake (Bob Stewart Corner); thence N 17° 50' W, 12, 905 feet to a stake in the south right of way of U. S. Highway No. 70S (old), the northeast corner of the property originally belonging to Clayton Dishman and wife, Roxie Dishman; thence S 18° 00' W, approximately 950 feet to the center of Obed River; thence with the center of Obed River as it meanders in an easterly direction approximately 300 feet to a point in the center of Obed River, a corner of the property acquired from M. E. Dorton, Trustee; thence with the east boundary line of said Dorton tract, S 15° 00' E, 1045 feet to a stake and pointers; thence S 27° 00' W. 2670 feet to a stake and pointers; thence S 09° 00' E, 3400 feet to a stake and pointers; thence S 52° 00' W, 1610 feet to a stake and pointers; thence S 69° 30' W, 2250 feet to a stake and pointers, and original corner of Dorton, Harrison Heirs, and Martin; thence with the south line of the property originally belonging to Neal Martin, N 82° 00' W, 1575.75 feet to a stone; thence N 03° 00' E, with the west line of said Martin Property, 2145 feet to a stone; thence S 87° 00' E, 250 feet to a stone; thence continuing with the Neal Martin west line, N 07° 30' W, 1534.5 feet to a stake in the west margin of the Martin Road, also a corner of Victor Martin; thence with the north margin of said County Road, S 65° 45' W, 1131 feet to a fence corner on the north side of said County Road and in the Victor Martin west line and the east line of City of Crossville Airport Property; thence with said Martin west line, S 03° 00' W, 1031 feet to a spotted oak near a big branch; thence S 85° 00' W, 239.3 feet to a stone and painted corner; thence N 87° 00' W. 2293.5 feet to a stone pile, two black jack and post oak pointers; thence N 32° 30' W, 2466.8 feet to a stake in the east right of way of a County Road; thence with the east right of way of said County Road, N 24° 00' W, approximately 1000 feet to a point 225 feet north of and parallel to the center line of Crossville Airport East West runway extended; thence N 69° 15' E, parallel to said East West runway, 225 feet north of center line of same and with the line of a wire fence, said fence being the north property line of Crossville Airport Property, approximately 2900 feet to a stake in the east right of way of U. S. Highway No. 70S (old); thence with said highway, N 25° 45' E, approximately 1750 feet to a stake in south right of way of U. S. Highway No. 70S; thence eastwardly with said right of way, approximately 1025 feet to a fence corner, Turner's northwest corner and City of Crossville northeast corner; thence S 21° 30' E, 256.7 feet to a stake in a fence line; thence S 03° 00' W, continuing with Turner's west line, 868 feet to a fence corner; thence N 73° 30' E, with Turner south line, 758.5 feet to a stake in a fence line; thence N 10° 08' W, 1322.2 feet to a stake in the south right of way of U. S. Highway No. 70S, said stake being 566 feet west of Martin Road; thence with the south right of way of U. S. Highway No. 70S following the curvature of same in an easterly direction 6000 feet to a stake in said right of way; thence N 17° 50' W, 60 feet to a point in the centerline of U. S. Highway No. 70S; thence N 25° 00' E, 6090 feet to the intersection of centerline of

U. S. Highway No. 70N with the center of Obed River; thence with the center of Obed River as it meanders in an easterly direction to the mouth of Little Obed River; thence with the center of Little Obed River to the intersection of center line of Genesis Road with the center of said Little Obed River; thence S 38° 45' E, crossing Cook Road at a point 407 feet southwest of intersection of Cook Road and Short Road, crossing Old Rockwood Road at a point 200 feet southwest of intersection of Old Rockwood Road and Short Road, 7955 feet to a point in the center line of U. S. Highway No. 70E at a concrete box culvert; thence S 04° 00' W, 7160 feet to a stake in the east property line of Brookhaven Subdivision; thence S 39° 10' E, with the east property line of Brookhaven Subdivision, 1150 feet to a fence corner, same being the southeast corner of Brookhaven Subdivision; thence S 50° 50' W, with the south line of Brookhaven Subdivision, 1136 feet to a stake; thence S 04° 00' W, 1602 feet to a point in the centerline of U. S. Highway No. 127, said point being 300 feet southeast of the J. H. Graham southeast property line; thence N 87° 00' W, 12,391 feet to the beginning.

From the foregoing description the following area is excluded and is not a part of the City of Crossville:

> Beginning at a stake in a fence line, the southwest corner of a water shed controlled area; thence North 03° 00' East, 112.5 feet to a stone; thence West 125.0 feet to a stone in the east line of Crossville Airport property; thence North 03° 00' East, 388.0 feet to a fence corner, thence South 87° 00' East, 503.5 feet to a stone; thence South 03° 00' East, 500.0 feet to a stake in a fence line; thence North 87° 00' West 380.0 feet to the beginning. Containing 4.25 acres more or less.

The foregoing description of the City of Crossville, prepared by William F. Jones, Surveyor, is basically the description of a new perimeter approved by the voters in a 1959 annexation, incorporating also two (2) areas taken into the City of Crossville by subsequent annexations by ordinance, and less the exclusion herein described, such exclusion being the property of Mrs. Blanche Harding. The description includes most of the airport properties of the City of Crossville but does not include some airport properties purchased by the 1959-1960 city commission from Rue H. Cline and wife, such properties being south of old U. S. Highway 70S and west of the corporate limits.

The boundaries of the City of Crossville have been expanded by Ords. No. 397, 453, 458, 463, 464, 465, 466, 469, 480, 481, 490, 495, 496, 497, 524, 536, 546, 547, 558, 559, 560, 563, 564, 609, 617, 618, 621, 622, 624, 625, 636, 637, 668, 704, 707, 770, 771, 772, 773, 797, 817, 826, 837, 842, 857, 870, 905, 906, 907, 926, 978, 1028, 1029, 1041, 1046, 1052, 1053, 1057, 1058, 1059, 1060, 1071, 1117, 1137, 1139, 1140, 1149, 1150, 1072, 1078, 1079, 1085, 1086, 1091, 1092, 1098, 1104, 1108, 1111, 1116, 1172, 1191, 1164, 1197, 1244, 1248, 1249, 1250, 1251, 1290, 1294, 1295, 1319, 1323, 1324, 1339, 1343, 1345, 1361, 1362, 1365, 1375, 1391, 1392, 1395, 1398, 1399, 1421, and 1425. Ord. No. 359 was an annexation ordinance but it was repealed by Ord. No. 369. Ord. No. 398 was also an annexation ordinance but it was judicially declared void.

Section 2. Wards. The territory described and bounded in Section 1 of this Article may be divided into such wards as may now be prescribed by existing ordinances, or as may be hereafter prescribed by ordinance or ordinances, enacted by the governing body of the city created under and by this Act.

ARTICLE III: CORPORATE POWERS

SECTION

1. Powers enumerated.

Section 1. Powers enumerated. Be it further enacted, that said municipal corporation, in addition to the powers, rights and authority vested in it by the preceding articles and sections shall have the power by ordinance where expressly so provided, otherwise by resolution.

(1) Taxes. To assess as hereinafter provided and to levy and collect taxes for all general and special purposes on all lands or interests therein, other subjects or objects of taxation and privileges taxable by law for state, county, or city purposes, but no privilege tax shall be levied or collected in excess of the amount fixed by the laws of the state so taxing such privileges for state purposes, and said city shall not exempt from taxation any property not exempt from state taxes.

(2) Classification in taxation. To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

(3) Special assessments. To make special assessments for local improvements.

(4) Contracts. To contract and be contracted with.

(5) Borrow money. To anticipate the annual revenue by borrowing money to meet the payments of interest on the bonded debt of the city or other budgeted obligations which shall promptly be repaid out of such tax collections.

(6) Refunding bonds. To issue and exchange, sell, pledge, or in any manner dispose of negotiable or nonnegotiable interest bearing or non-interest bearing refunding bonds and fix the interest rate and maturity date thereof to refinance or extend the existing bonded indebtedness of the city, upon the credit of the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits.

(7) New bonds, issuance. To issue and sell any new interest bearing or non-interest bearing bonds for any purposes permitted by this charter or permitted by the general law, to fix the interest rate and maturity dates of such bonds and to issue the same upon the credit of the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credit, provided, however, that no ordinance providing for the issuance of any such new bonds, except bonds issued under Tennessee Code Annotated, Sections 7-32-101 – 7-32-141, and refunding bonds, shall be valid unless and until approved by a majority of the qualified voters of the City of Crossville voting at an election on the specific question of issuing such bonds, to be called, advertised and held in the same manner in which general municipal elections are required to be held under this charter. In such election it shall not be necessary to submit to the voters any other question than the maximum amount, the maximum interest rate and the purpose or purposes of the bonds proposed to be issued. No bonds shall be issued under this section in such an aggregate amount, including outstanding bonds, as will create or increase the total bonded indebtedness of the city more than ten percent (10%) of the assessed valuation for the preceding year of the taxable property in said city; provided, however, that any bonds or securities redeemable and payable out of funds derived from special assessments for public improvements or any bonds or other obligations issued for supplying such municipality and its inhabitants with water, artificial light, heat or power, where the works for supplying the same shall be owned and controlled by such municipality, shall not be included in the debt of said city, within the limitations of this section.

(8) Money expended. To expend the money of the city for all lawful purposes.

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

However, any proposed sale, exchange, or lease for a term of more than two (2) years, of city owned real property, water rights or franchise rights must receive prior approval of a majority of the qualified voters of the city voting in an election on the question of whether to approve such sale, exchange or lease, or not to approve if a petition signed by not less than ten percent (10%) of the qualified voters of the City of Crossville requesting such an election is filed with the City Council within thirty (30) days after publication of the relevant details of the proposed sale, exchange or lease. The sale of city owned real property for cemetery purposes and the sale of timber from city owned land shall not be subject to this requirement, but the sale of such timber must be advertised and the sale made on bids.

However, any proposed sale, exchange, or lease for a term of more than two (2) years, of the property of the City of Crossville known as "Meadow Park Lake", together with all adjacent land owned by said city, must receive prior approval of a majority of the qualified voters of the city voting in an election on the question of whether to approve such sale, exchange or lease, or not to approve.

(10) Eminent domain. To condemn property, real or personal or any easement, interest, or estate or use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions under Tennessee Code Annotated, Sections 29-16-101 – 29-16-124, or in such other manner as may be provided by law.

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

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

(13) Public utilities grants; franchises; regulations. To grant by ordinance to any person, firm, association or corporation, franchises for public utilities and public service to be furnished the city and those therein and to grant rights of way through, over and across the city's alleys, streets, avenues, squares, ways and over the bridges and viaducts of the city for the use of public and quasi-public utilities; provided that no exclusive franchise shall be granted; provided further that such new franchise shall not destroy the terms of any existing franchise. Franchises may be granted for a period of fifty (50) years or less, but not longer. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

(14) Contracts for public utility service. To make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those therein. Such contracts may be entered into for the period of fifty (50) years or less, but not longer. The city council may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm association, corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened.

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

(16) Highways, streets, parks. To establish, open, relocate, vacate, close, abandon, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits and to regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor under the provisions of the general law.

(17) Abutting property improvements. To construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macademizing [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 provided by Tennessee Code Annotated, Sections 7-32-101 – 7-32-141, or any general law of the state, now or hereafter in effect.

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

(19) Market places, public buildings, bridges, etc. To acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all market places, public buildings, bridges, sewers and other structures, work and improvements.

(20) Drainage, sewage, offal, etc. To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse by discharging same into streams and rivers or otherwise, or to license and regulate such collection and disposal, pursuant to applicable law.

(21) Regulation of business, callings, etc. To define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city, and to exercise general police powers.

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

(23) Inspection, weights and measures. To inspect, test, measure and weigh any article for consumption or use within the city, and to charge reasonable fees therefor, and to provide standards of weights, tests, and measures.

(24) Same. To establish, regulate, license, and inspect weights and measures.

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

(26) Recreational and corrective institutions. To provide and maintain recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

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

(28) Enforcement of ordinances, fines and imprisonment. To enforce any ordinance, rules, or regulation, by means of fines, forfeitures, penalties, and imprisonment 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 fifty dollars ($50.00), and no imprisonment shall exceed ninety (90) days.

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

(30) Bridges and viaducts. To require and compel any steam, gasoline, or electric railway company operating within said city and crossing with its lines any of the streets of the city, to build and construct and maintain all necessary bridges, viaducts and underpasses under and over the tracks of said railroad company wherever said track or tracks cross the public streets, alleys, ways and thoroughfares of said city, when in the judgment of the legislative body of said city such bridges, viaducts, or underpasses should be built or constructed for the preservation or protection of the public using such streets, alleys, ways, and thoroughfares; and the entire cost of the construction of such bridges, viaducts over underpasses under such railroad or railroads, within the limits of the operating right of way of such railroad or railroads, to be paid and borne by such railroad or railroads, and the cost of the construction of the approaches to said viaducts or underpasses to the points above indicated to be borne by the City of Crossville, together with all damages which may accrue to property owners by reason of change of grade, and the portions of such viaducts or underpasses constructed respectively by the railroad or railroads and by the city, to be maintained by them respectively; provided that the City of Crossville shall have no right, power or authority to build or require of any railroad or railroads to build any such bridges, viaducts or underpasses unless and until said city shall have available sufficient funds to lay out and construct the approaches to said viaducts, bridges, or underpasses available for that purpose to so certify such fact to such railroad or railroads, the owners or operators thereof. In order to enforce this subsection, the legislative body of said city shall cause the necessary plans and specifications for the construction of such bridge, viaduct or underpass to be made and prepared by competent civil engineers, such plans and specifications to make due and proper provisions for the safe operation of trains over and under such bridges, viaducts or underpass as well as traffic using said bridge, viaduct or underpass, and upon approval of such plans and specifications the legislative body of the city may, by ordinance, order and require the building and construction to be begun not more than sixty (60) days after the passing of such ordinance and the work to be completed within such reasonable time as may be fixed and named in said ordinance. And in case of the failure of the owner or operator of any such railroad or railroads to comply with such ordinance, it shall be subject to a fine of fifty dollars ($50.00), or the maximum allowable by law, for each day that it fails to comply therewith, such fine to be assessed and collected upon conviction before the City Clerk of the city; but the city may also by mandatory injunction enforce compliance with such ordinance in the Chancery Court at Crossville, Tennessee, or in the United States District Court for the Middle District of Tennessee; or it may proceed to build and construct such bridge, viaduct, or underpass, charging the cost thereof,

as above provided, where the same shall cross any railroad or railroads, to such railroad or railroads, or the owners or operators thereof, and recover such cost and expense with interest thereon by suit instituted for that purpose in any court of competent jurisdiction.

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

ARTICLE IV: ELECTIONS

SECTION

1. Provisions governing election of city councilmembers.

2. Placing of names on ballots.

3. Supervision of elections; voter qualifications; separate lists of city and county voters.

4. City Councilmembers: date of elections, number elected, designation of mayor.

Section 1. Provisions governing election of city councilmembers. Be it further enacted, that elections of councilmembers under this charter shall be held under the same provisions of the state law under which elections are prescribed to be held for such officials as Sheriff or Trustee of Cumberland County, in all things except as to the time and date thereof.

However, if the city shall have by appropriate ordinance provided precincts in the several wards so that residents of each shall vote in the ward where he lives, the election shall be held and the voting places designated accordingly by the County Election Commission.

Section 2. Placing of names on ballots. Be it further enacted, that all candidates shall be eligible to have their names placed on ballots only on the same conditions and in the same manner prescribed by law for the placing on the ballot of the names of candidates for such offices as Trustee and Sheriff of Cumberland County.

Section 3. Supervision of elections; voter qualifications; separate lists of city and county voters. Be it further enacted, that all city elections, including all elections respecting bond issues, shall be held under the supervision of the County Board of Election Commissioners, and in accordance with the law governing all state and county elections, as hereinbefore set out.

In any election under this Act, all registered voters, otherwise legally qualified to vote in county and state elections held in Cumberland County, Tennessee, and who are bona fide residents of said City and who have been such for three (3) months preceding any election under this act, and all persons otherwise legally qualified to vote in county and state elections held in Cumberland County, Tennessee, owning a taxable freehold assessed on the city tax books at a value of five thousand dollars ($5,000) or more, such ownership to be evidenced by a registered conveyance placed of record at least three (3) months before the election, or a certificate from the tax assessor that property is so assessed, shall be entitled to vote.

The county election commission shall be requested to prepare and maintain separate voters' registration forms and books for voters eligible to vote in city elections.

Section 4. City councilmembers: date of elections, number elected, designation of mayor. Be it further enacted, that the councilmembers and the mayor shall be elected by the qualified voters of the City of Crossville at the regular November election for a

term of four (4) years beginning with the 1992 election. The terms of office shall begin on the first Monday in December following the date of their election, and shall continue until the election and qualification of their successors. Provided, however, the persons elected at the first election following the adoption of this act shall commence office on the first Monday in December, 2014.

Four (4) councilmembers and a mayor shall be elected and each shall perform the duties of office as provided herein.

At the first election following the adoption of this act, the terms of the two (2) councilmembers receiving the highest number of votes shall be four (4) years and the terms of the remaining two (2) councilmembers shall be two (2) years. Thereafter, the terms of the councilmembers shall be four (4) years.

ARTICLE V: CITY COUNCIL

SECTION

1. Members required to be bonded.

2. Voter and residential requirements for council membership.

3. Items constituting disqualification for council membership.

4. Compensation of mayor and councilmembers.

5. Vested general powers of the council.

6. When council can exercise its powers.

7. Time and place of council meetings.

8. Special meetings; limitations on business discussed; public announcement.

9. Presiding member of the council.

10. Vacancy on council and how filled.

11. Appointment of mayor pro tem.

12. Vacancy in office of mayor and how filled.

13. A quorum; power of smaller number to compel attendance.

14. Council proceedings: how effectuated.

15. Council sessions.

16. Discharge of public officers.

Section 1. Members required to be bonded. Before entering upon the performance of the duties of his office, each of said councilmembers shall make a bond with a satisfactory corporate surety thereon, in the principal amount of five thousand dollars ($5,000), payable to the City of Crossville, and conditioned upon the faithful performance of the duties of the office of city councilmembers. The premium on said bond shall be paid out of the city treasury as an expense of the city.

Section 2. Voter and residential requirements for council membership. Be it further enacted, that any qualified voter of the city, residing therein, shall be eligible for election to the office of councilmembers, provided that a failure to continue to reside in said city shall vacate his office.

Section 3. Items constituting disqualification for council membership. Be it further enacted, that no person shall become councilmember who shall have been

convicted of malfeasance in office, bribery, or other corrupt practice, or crime, or of violating Tennessee Code Annotated, Title 2, in reference to elections, and if any councilmember shall be so convicted he shall forfeit his office.

Section 4. Compensation of mayor and councilmembers. The salary of the mayor and of each councilmember shall be set in accordance with Tennessee Code Annotated, Section 5-5-107 for Cumberland County as classified in accordance with Tennessee Code Annotated, Section 8-24-101, et seq.

Section 5. Vested general powers of the council. Be it further enacted, that the legislative and all other powers except as otherwise provided by this charter are 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 any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city.

Section 6. When council can exercise its powers. Be it further enacted, that the council shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the council, except through proceedings adopted at some regular or special session. Except for the purpose of inquiry, the council and its members shall deal with the administrative officers and employees solely through the manager. Neither the council nor any member thereof shall give orders to the manager's subordinates or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the manager's subordinates, or the making of particular purchases from, or contracts with, any specific organization.

Section 7. Time and place of council meetings. Be it further enacted, that the City Council shall, by ordinance, fix the time and place at which the regular meetings of said council shall be held, and until otherwise provided by ordinance, the regular meetings of the council shall be held at 2:00 P.M., on the first Thursday of each month.

Section 8. Special meetings; limitations on business discussed; public announcement. Be it further enacted, that whenever, in the opinion of the mayor, or of any two (2) councilmembers, the welfare of the city demands it, the mayor or any two (2) councilmembers may call special meetings upon not less than twenty four (24) hours written notice to each councilmember, served personally, left at his usual place of residence, or noticed by electronic means. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. The mayor or city manager shall cause at least one (1) announcement of any such specially called meeting to be broadcast over a local radio station during such twenty-four (24) hour period and posted on the city's web site.

Section 9. Presiding member of the council. Be it further enacted, that the mayor shall preside at all meetings of the City Council, except as herein otherwise provided.

Section 10. Vacancy on council and how filled. Be it further enacted:

(a) A vacancy shall exist if a council member:

(1) Resigns;

(2) Dies;

(3) Moves the member's residence from inside the corporate boundaries;

(4) Has been continuously disabled for a period of six (6) months so as to prevent the council member from discharging the duties of such office;

(5) Fails to attend sixty percent (60%) of regular council meetings in any period of six (6) consecutive months; or

(6) Is convicted of malfeasance or misfeasance in office, a felony, a violation of the charter, or a violation of the election laws of the state.

(b) A vacancy shall be filled within sixty (60) days, by an affirmative vote of a majority of the remaining council members, the appointee to serve until the next regular city or county election, which is first held. If a tie vote by the council to fill a vacancy is unbroken for sixty (60) days, the mayor shall appoint a qualified person to fill the vacancy. No appointment to fill a vacancy shall be made within sixty (60) days prior to any regular city election.

Section 11. Appointment of mayor pro tem. Be it further enacted, that at the first meeting of a new council, it shall choose from its membership a member to act in the absence, inability, or failure to act of the mayor, who shall act as mayor pro tem, and who shall have all the power herein granted to the mayor while so acting.

Section 12. Vacancy in office of mayor and how filled. Be it further enacted, that the mayor pro tem shall act as mayor during any temporary absence, inability, or failure to act of the mayor, and whenever a vacancy occurs in the office of mayor the mayor pro tem shall become mayor and hold office as such for the unexpired term.

Section 13. A quorum; power of smaller number to compel attendance. Be it further enacted, that a majority of all the members of the council shall constitute a quorum, but a smaller number may adjourn, from day to day or from time to time and may compel the attendance of the absentees in such manner and under such penalties as the council may provide.

Section 14. Council proceedings: how effectuated. Be it further enacted, that the council may determine the rules of its proceedings, subject to this charter, and may arrest and punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous behavior in its presence. It shall have power and may delegate it to any committee, to subpoena witnesses, and order the production of books and papers relating to any subject within its jurisdiction; to call upon its own officers or the chief of police to execute its process, and to arrest and punish by fine or imprisonment, or both, any person refusing to obey such subpoena or order.

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

The presiding officer of the council or the chairman of any committee may administer oaths to witnesses. The Council shall keep a journal of its proceedings, and the yeas and nays on all questions shall be entered thereon.

Section 15. Council sessions. Be it further enacted, that all sessions of the council shall be public and subject to change of plan in case of emergency.

Section 16. Discharge of public officers. Be it further enacted, that the General Ouster Law, codified in Tennessee Code Annotated Sections 8-47-101 - 8-47-126, inclusive, of the Code of Tennessee, shall apply to and be in force as to the City Council, the mayor, and the city judge, and all such officers shall be subject to removal from office under the provisions of such law, and for violation thereof.

ARTICLE VI: ORDINANCES

SECTION

1. Ordaining clause.

2. Steps required to be taken before ordinances can take effect; emergency ordinances.

3. Signatures required; filing of ordinances.

4. Publication of ordinances.

Section 1. Ordaining clause. Be it further enacted, that all ordinances shall begin, "Be it ordained by the City of Crossville as Follows".

Section 2. Steps required to be taken before ordinances can take effect; emergency ordinances. Be it further enacted, that every ordinance shall be read three (3) different days in open session before its adoption.

An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage.

The unanimous vote of all members of the council present shall be required to pass an emergency ordinance.

No ordinance making a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance.

Section 3. Signatures required; filing of ordinances. Be it further enacted, that upon final passage of every ordinance and resolution, they shall be signed by the mayor or mayor pro tem, in the absence of the mayor, and shall thereupon be delivered to the city clerk whose duty it shall be to number and copy same in an ordinance book to be kept for that purpose, together with the signature of the mayor and councilmembers.

Section 4. Publication of ordinances. Be it further enacted, that all ordinances of a penal nature passed shall be published at least once in a newspaper of the city and on the City's official web site, and no such ordinance shall be in force until so published, and no other ordinance or resolution, except as herein expressly provided, shall be required to be published to be effective. Alternatively, if permitted by law, the ordinance may be posted on the City's official web site for fourteen (14) days before enactment.

ARTICLE VII: MAYOR

SECTION

1. Powers granted and duties imposed by the charter.

2. Powers granted and duties imposed by ordinances.

3. Shall receive legal process.

Section 1. Powers granted and duties imposed by the charter. Be it further enacted, that 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 it, and the Mayor shall have a seat, a voice, and a vote. The Mayor shall sign the journal of the council and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and he may introduce ordinances in the City Council. Notwithstanding the foregoing, contracts of less than five thousand dollars ($5,000) may be signed by the Mayor or City Manager.

Section 2. Powers granted and duties imposed by ordinances. Be it further enacted, that 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 duly enacted by the City Council, not in conflict with any of the provisions of this charter.

Section 3. Shall receive legal process. Be it further enacted, that all legal process against the city shall be served upon the mayor, the city attorney, or city manager.

ARTICLE VIII: CITY MANAGER

SECTION

1. Appointment, compensation, qualifications.

2. Removal.

3. Appointment of acting city manager during absence or disability of city manager.

4. Chief administrative officer of the city; powers and duties.

Section 1. Appointment, compensation, qualifications. Be it further enacted, that the City Council shall appoint a city manager for a term up to, but not to exceed, three (3) years upon such terms and conditions acceptable and as approved by the City Council. The City Council may offer a severance package, but only under the terms and conditions permitted by applicable law, to the City Manager, which package cannot exceed, in aggregate, the total sum of the most recent six (6) months, immediately preceding the separation or termination of the City Manager, of the City Manager's base salary; provided, however, that no such severance package shall be made available where the City Manager is terminated for cause. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or state at the time of his appointment but may reside outside the city while in office only with the approval of the councilmembers.

Section 2. Removal. Be it further enacted, that the City Council may remove the manager from office in accordance with the following procedures:

(1) The City Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.

(2) Within five (5) days after a copy of the resolution is delivered to the manager, the Mayor may file with the City Council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The manager may file with the City Council a written reply not later than five (5) days before the hearing.

(3) The City Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The manager shall continue to receive his salary until the effective day of a final resolution of removal or until the manager's entitlement to receive a salary pursuant to the contract is fulfilled. The action of the City Council in suspending or removing the manager shall not be subject to review by any court or agency.

Section 3. Appointment of acting city manager during absence or disability of city manager. Be it further enacted, that by letter filed with the city clerk, the manager shall designate, subject to approval of the City Council, a qualified city employee to exercise the powers and perform the duties of manager during the Manager's temporary absence or disability. During such absence or disability, the City Council may revoke the designation at any time and appoint another officer of the city to serve until the manager shall return or the Manager's disability shall cease.

Section 4. Chief administrative officer of the city; powers and duties. Be it further enacted, that the City Manager shall be the chief administrative officer of the city. The City Manager shall be responsible to the City Council for the administration of all city affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(1) He shall appoint, fix salaries of all other city employees within the appropriation set by city council and, when he deems it necessary for the good of the service, suspend or remove all city employees and appointed administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The chief administrative officer may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) He shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;

(3) He shall attend all council meetings and shall have the right to take part in discussion but may not vote;

(4) He shall see that all laws, provisions of this charter and acts of the City Council, subject to enforcement by him or by officers subject to his direction of supervision, are faithfully executed.

(5) He shall prepare and submit the annual budget and capital program to the City Council.

(6) He shall submit to the City Council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year and at six (6) month intervals thereafter.

(7) He shall make such other reports as the City Council may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

(8) He shall keep the City Council fully advised as to the financial condition and future needs of the city and make such recommendations to the City Council concerning the affairs of the city as he deems desirable; and

(9) He shall perform such other duties as are specified in this charter or may be required by the City Council.

ARTICLE IX: OFFICERS AND EMPLOYEES

SECTION

1. City court and judge.

2. City attorney.

3. City clerk.

4. Finance Director.

5. Compensation of city officials and employees.

6. Oath of office for annually salaried employees.

7. Bond required of employees, officers and agents handling money.

Section 1. City court and judge. Be it further enacted, that there shall be a city court presided over by a city judge. The City Council shall elect or appoint a city judge by a majority vote of its entire membership, for a period of two (2) years, or until a successor has been elected and qualified. He shall have such qualifications and receive such compensation as the council may provide by ordinance or Resolution. He shall be removable during his term of office under the provisions of the general ouster law of

Tennessee, and for violation of said law. No member of the City Council shall at any time be chosen as city judge.

Section 2. City attorney. Be it further enacted, that the City Council may elect or employ a city attorney to represent the City of Crossville as hereinafter provided, who shall serve at the will of the City Council at a compensation to be fixed by agreement or resolution. The attorney shall be an attorney at law entitled to practice in the courts of the state. The employment of such attorney may be terminated at any time by a majority vote of the entire membership of the City Council and the attorney may resign at any time. In the event of such termination of employment or resignation by the attorney, the city shall not be liable for any further compensation to the attorney. The city attorney, at the request of the City Council, shall file and prosecute to a conclusion suits for all back or delinquent taxes and special assessments certified or referred to such attorney by the finance director. The city attorney shall be required to collect attorney's fees in the same amounts and as provided for by Tennessee Code Annotated, Section 67-5-2410, in the collection of delinquent taxes and special assessments; but the attorney's fees so collected on delinquent taxes, or other revenue due the City of Crossville, shall be collected and held by the city attorney as additional compensation. Attorney's fees on such collections may be remitted at the discretion of the city attorney. The city attorney shall attend all meetings of the City Council, advise the City Council, city manager, and the heads of all departments or divisions, as to all legal questions affecting city's interest; and approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name, or made by or with City of Crossville. He shall prosecute, on appeal, all cases originating in the city court. For the foregoing services he shall receive no compensation other than the agreed compensation.

The city attorney may be employed by the City Council for specific services in litigation, or otherwise, not hereinbefore enumerated, and the City Council may fix his compensation for such additional services. The council, in its discretion, may also employ competent and efficient counsel to aid the city attorney or firm of attorneys in special matters and/or litigation, or the council may employ competent and efficient counsel to act without the aid of the city attorney and fix his compensation therefor.

Section 3. City clerk. Be it further enacted, that the city manager shall appoint an employee of the city to serve as city clerk. It shall be the duty of the clerk to be present at all meetings of the City Council, and to keep a full and accurate record of all business transacted by the same to be preserved in permanent book form. The clerk shall have custody of, and preserve in his office the city seal, the public records, rolls of ordinances, ordinance books, minutes of the City Council, contracts, bonds, idle deeds, certificates, and papers, all official indemnity or security bonds, and all other bonds, oaths and affirmations, and all other records, papers and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by number, dates and contents, and keep an accurate and modern index thereof.

The clerk shall provide, and when required by any officer or person certify, copies of contracts, papers, and documents in his office, and charge therefor, for the use of the city, such fees as may be provided by ordinance, cause copies of ordinances to be printed as may be directed by the City Council, and keep in his office for distribution.

Section 4. Finance Director. Be it further enacted, that the city manager shall appoint a Finance Director. It shall be the duty of the Finance Director to collect, receive and receipt the taxes and all other revenue of the city, and the proceeds of its bond issues, and to disburse the same. The Finance Director shall make a monthly report of the condition of the treasury to the city manager and at such other times as the city manager may request.

Section 5. Compensation of city officials and employees. Be it further enacted, that the City Council shall fix the salaries or contract amounts for the city judge, city attorney, and city manager. The City Council shall establish and make provisions in the appropriation resolution for the payment of such salaries of all other officers, agents, and employees.

Section 6. Oath of office for annually salaried employees. Be it further enacted, that every officer, agent, and employee holding a position upon an annual salary shall,

before entering upon his duties, take and subscribe and file with the clerk, an oath or affirmation that he has all the qualifications named in this charter for the office or employment he is about to assume, that he will support the constitution of the United States and of this state and the charter and ordinances of the city and that he will faithfully discharge the duties of his office or employment.

Section 7. Bond required of employees, officers and agents handling money. Be it further enacted, that every officer, agent and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon his duties, execute a fidelity bond with some surety company authorized to do business in the State of Tennessee, as surety (except that bonds for one thousand dollars ($1,000) or less may be given with personal surety) in such amount as shall be prescribed by ordinance of the City Council, except where the amount is prescribed in this charter. All such bonds and sureties thereto shall be subject to the approval of the City Council. The cost of making the bonds is to be paid by the city.

ARTICLE X: FINANCE AND TAXATION

SECTION

1. Finance Director to make assessment and revenue report to the city manager; Council to levy taxes.

2. City manager to cause tax levy to be extended upon the tax book.

3. Date taxes due; issuance of distress warrants.

4. Liens assessed by city for unpaid taxes.

5. Penalties and interest on unpaid taxes.

6. Tax provisions that may be changed by ordinance.

7. Finance Director to certify list of real estate with unpaid taxes; sale of real estate.

8. Filing of suit for collection of taxes.

Section 1. Finance Director to make assessment and revenue report to the City Manager; Council to levy taxes. Be it further enacted, that it shall be the duty of the Finance Director, in each year, as soon as the assessment roll for the city is complete, to submit to the City Manager a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits, including the assessment of all railroad, telephone, telegraph, and other public utility properties, together with a certified statement of the revenue derived by the city from privilege taxes, and all other source of revenue for the preceding fiscal year. Upon the presentation of such statements by the city manager, the City Council shall proceed by ordinance to make the proper levy to meet the expense of the city for the current fiscal year.

Section 2. City manager to cause tax levy to be extended upon the tax book. Be it further enacted, that it shall be the duty of the city manager, immediately after the levy of taxes by the City Council, to cause the levy to be extended upon the tax book prepared by the Tax Assessor in the same manner that extensions are made upon the tax books in the hands of the County Trustee.

Section 3. Date taxes due; issuance of distress warrants. Be it further enacted, that all taxes due the City, except privilege and merchants' ad valorem taxes, shall, until otherwise provided by ordinance, be due and payable on the 31st day of December of the year for which the taxes are assessed.

Distress warrants may issue for the collection of taxes and any such distress warrant shall be executed by the Chief of Police or any policeman of the City by a levy upon, and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process.

Section 4. Liens assessed by city for unpaid taxes. Be it further enacted, that all municipal taxes on real estate in the city, and all penalties and costs securing thereon are hereby declared to be a lien on said realty from and after the 10th day of January of the year for which same are assessed, superior to all other liens except the liens of the United States, State of Tennessee, and Cumberland County, for taxes legally assessed thereon, with which it shall be a lien of equal dignity. No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid. The City Council shall have power to correct any errors in the tax assessments upon a certificate filed by the Assessor of Assessing Body.

Section 5. Penalties and interest on unpaid taxes. Be it further enacted, that on the first day of January of the year following that for which the taxes are assessed, or other date provided by ordinance, a penalty of one and one-half percent (1.5 %) per month upon all taxes, other than privilege and merchants' ad valorem taxes, remaining unpaid shall be imposed and collected by the City of Crossville and paid into the City Treasury.

Section 6. Tax provisions that may be changed by ordinance. Be it further enacted, that the City Council may, by ordinance passed by majority vote, change the due date and delinquent date of all taxes, and may provide for the semiannual payment of taxes and a discount for the prompt payment thereof.

Section 7. Finance Director to certify list of real estate with unpaid taxes; sale of real estate. Be it further enacted, that the Finance Director shall, under the provisions of the State law for the collection of delinquent taxes, certify to the city attorney or, if the city attorney is not appointed, the City Council, a list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes, and the same shall be sold in like manner and upon the same terms and conditions as real estate is sold for delinquent state and county taxes.

Section 8. Filing of suit for collection of taxes. Be it further enacted, that the City Council shall have the power, and is hereby given authority to file bills in the chancery court in the name of the City for the collections of assessments and levies made for payment for improvements or service in the City, such as paving, sidewalks, curbing, guttering, sewers, and other improvements, or services for which assessments may be made under the Charter, or by any other legislative acts, and the cost which is made a charge on property, the suits commenced by such bills to be conducted as other suits in chancery for the enforcement of like liens and under the rules of law and practice provided for the same; provided, that the bills shall not be objectionable because the owner of different parcels or lots of land are made parties thereto, it being the intention that all persons in the same assessment and levy for improving any portion of the City as aforesaid, and on whose property the assessment or levy is a lien, shall be made parties defendant to one (1) bill.

ARTICLE XI: TAXATION AND REVENUE

SECTION

1. Department of Finance to be in charge of levy and collection.

2. Taxes collected for municipal purposes.

3. Assessment and collection of ad valorem tax.

4. Certification of ad valorem tax records to the finance director.

5. Date when taxes may be levied.

6. Tax book prepared.

Section 1. Department of Finance to be in charge of levy and collection. Be it further enacted, that the levy and collection of taxes and special assessments shall be in charge of the department of finance, subject to the limitations elsewhere found in this charter.

Section 2. Taxes collected for municipal purposes. Be it further enacted, that all property, real, personal and mixed subject to state, county, and city taxes, and all privileges taxable by law, shall be taxed and taxes thereon collected for municipal purposes as hereinafter provided.

Section 3. Assessment and collection of ad valorem tax. Be it further enacted, that the ad valorem tax upon merchants, stocks, accounts, and equipment may be assessed and collected in like manner as state and county merchants ad valorem tax is assessed upon the same property. It shall be the duty of the Cumberland County Assessor of Property and of the Tennessee Regulatory Authority to prepare a separate assessment book or roll showing assessable real, personal and mixed property lying within the limits of the city.

Section 4. Certification of ad valorem tax records to the finance director. Be it further enacted, that these records shall be certified to the Finance Director of the city upon the completion of the work of the boards of equalization, and as thus certified shall constitute the tax assessment and levy for said year.

Section 5. Date when taxes may be levied. Be it further enacted, that the city council of the city shall have full power to levy taxes as of January 1 of each and every year.

Section 6. Tax book prepared. Be it further enacted, that as soon as practicable in each year after the assessment books for the City of Crossville shall have been completed, which shall be after equalization board shall have completed their work, it shall be the duty of the Finance Director to prepare or cause to be prepared from the assessment books of the Cumberland County Assessor of Property and of the Tennessee Regulatory Authority a tax book similar in form to that required by laws of the state to be made out for the county trustee, embracing, however, only such property and persons as are liable for taxes within the city. Such tax books, when certified to be true, correct, and completed by the Finance Director, shall be the assessment for taxes in the City of Crossville for all municipal purposes; provided, that there may be an assessment by the Finance Director at any time, of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city.

ARTICLE XII: LICENSE TAXES

SECTION

1. Imposed by ordinance; finance director to enforce.

Section 1. Imposed by ordinance; finance director to enforce. Be it further enacted, that license taxes may be imposed by ordinance upon any and all privileges, businesses, occupations, vocations, pursuits, or callings, or any class or classes thereof, now or hereafter subject to such taxation under the laws of Tennessee; and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm, or corporation.

The Finance Director shall enforce the collection of merchants' taxes and all other license taxes, and for the purpose shall have and exercise the powers by law vested in, and follow the procedure and methods prescribed for, county court clerks.

ARTICLE XIII: CITY BONDS

SECTION

1. Authority to issue bonds.

2. How bonds may be payable.

3. Term of bonds.

4. Long term bonds.

5. Bond issues must be assented to by a majority of the qualified voters.

6. Discharge and evidence of discharge of bonds.

7. Bond sale proceedings.

Section 1. Authority to issue bonds. Be it further enacted, that some of the purposes hereby specifically authorized for which the bonds of the city may issue and be given, sold, pledged, or disposed of on the credit of the city or solely upon the credit of specified property owned by the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or upon any two (2) or more credits, are the following:

> For the acquiring of lands, for the purchase, construction, reconstruction, or extension of water works, public sewers, streets, alleys, buildings, and equipment for the fire department, bridges, and viaducts, gas or electric light works, power plants, police patrols and fire alarm systems; for hospitals, jails, workhouse, and other charitable, corrective and penal institutions, for court houses, libraries, and other public buildings, public works, parkways, boulevards, grounds, squares, and any other public improvements which the city may be authorized or permitted to make; for the purchase of lands or other property, real or personal, for school purposes, the construction or purchase of buildings and equipment for school purposes, and for the purchase of playgrounds, either in connection with the schools or separate therefrom, and for paying, refunding, or removing any bonded indebtedness of the city. The foregoing enumeration shall not be construed to limit any general provisions of this charter authorizing the city to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purpose had been mentioned, and the authority to issue bonds for any of the purposes as aforesaid is cumulative and shall not be construed to impair any authority to make any public improvements.

Section 2. How bonds may be payable. Be it further enacted, that bonds may be so issued as to be payable on a specified date or serially or subject to call and redemption.

Section 3. Term of bonds. Be it further enacted, that the City Council shall estimate the probable life of improvements proposed to be erected or purchased with the proceeds of any such bonds and the term of such bonds shall not exceed such probable life, provided that such estimate, if erroneous, shall not affect the validity of such bonds.

Section 4. Long term bonds. Be it further enacted, that all long term bonds shall be sinking fund bonds and that the amount of the annual installments to be paid into the sinking fund shall be fixed by the city council for each bond issue.

Section 5. Bond issues must be assented to by a majority of the qualified voters. Be it further enacted, that no bonds of the city, except bonds for paying, refunding, or removing bonded indebtedness, and except bonds issued under the provisions of Tennessee Code Annotated, Sections 7-32-101 - 7-34-110, shall be issued without the assent of a majority of the qualified voters actually voting at an election held for the purpose, in the manner heretofore provided, except as otherwise provided by the laws of the State of Tennessee.

Section 6. Discharge and evidence of discharge of bonds. Be it further enacted, that whenever any bonds, interest coupons, or other written evidence of the city's debt shall be paid and discharged, they shall be cancelled by the finance director.

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

The cancelled bonds, coupons, and other evidence of debt shall be exhibited to and verified by the Council at its next meeting and shall be fixed in a well bound book and presented for examination in annual audits.

Section 7. Bond sale proceedings. Be it further enacted, that the selection of a fiscal agent to handle bond sale proceedings for the city shall be made through competitive bidding and at least six (6) reputable Tennessee firms shall be requested to bid on furnishing such service. Notice of the bond sale shall be advertised in a newspaper of general circulation in Cumberland County at least thirty (30) days prior to the date of the sale. When the total amount of bonds to be sold is over one hundred thousand dollars ($100,000) notice of the sale shall also be advertised in a financial journal or financial newspaper or other financial publication (Bond Buyer or equivalent), published in New York, New York and having national circulation, at least thirty (30) days prior to the date of the sale. All bond issues shall be sold at public sale by competitive bidding. No selling fee shall be paid after sale and issuance of bonds for subsequent selling of the bonds, nor shall bonds be sold or bid accepted at less than par value. All proceeds of each sale shall be turned over to the Finance Director and shall be deposited by the Finance Director in an authorized city depository immediately after the sale and issuance of such bonds.

ARTICLE XIV: SINKING FUND

SECTION

1. Investment of sinking funds.

2. When and upon what conditions securities belonging to the sinking fund may be sold.

3. Conditions upon which sinking fund bonds can be exchanged.

4. Levy of tax for sinking fund.

5. When sinking fund paid into general fund.

Section 1. Investment of sinking funds. Be it further enacted, that all the sinking funds of the city may be invested by the city manager, by and with the consent of the City Council, in bonds of the United States, of the State of Tennessee, or of the City of Crossville at the best price obtainable.

Section 2. When and upon what conditions securities belonging to the sinking fund may be sold. Be it further enacted, that the city manager, by and with the consent of the City Council, may sell the securities belonging to a sinking fund, or any part of them, at any time, when the proceeds thereof may be needed for the payment of bonds, on the best obtainable terms.

Section 3. Conditions upon which sinking fund bonds can be exchanged. Be it further enacted, that the city manager, by and with the consent of the City Council, may exchange any bonds belonging to a sinking fund or bonds of the city whenever such exchange may be deemed advantageous for the city.

Section 4. Levy of tax for sinking fund. Be it further enacted, that if the amount of any sinking fund, with the interest or revenue thereof, computed to the maturity of the city bonds, be sufficient to pay at maturity all of the bonds for which it is held, the levy of the tax for such sinking fund may then be omitted, but, if by reason of interest or depreciations of investments or other cause said fund shall not be sufficient, the levy shall be resumed.

Section 5. When sinking fund paid into general fund. Be it further enacted, that if any moneys remain in a sinking fund, after payment of the entire bonded debt for which it was accumulated, shall be paid into the general fund.

ARTICLE XV: BUDGET AND APPROPRIATIONS

SECTION

1. Fiscal year of the city.

2. When budget to be submitted to City Council by city manager.

3. City manager's budget message.

4. Budget to be financial plan; city manager to organize; budget categories.

5. City manager to submit to City Council a five (5) year capital improvement plan; content.

6. Budget process, notice and hearing, amendment before adoption, adoption.

7. Capital program process, notice and hearing, adoption.

8. Budget and capital program to be public record.

9. Appropriations--supplemental, emergency, reduction, transfer, limitations.

10. When appropriations lapse.

11. Work programs and allotments; when payment and obligations prohibited.

12. Audit of books and accounts of city.

Section 1. Fiscal year of the city. Be it further enacted, that the fiscal year of the city shall begin on the first day of July and end on the last day of June.

Section 2. When budget to be submitted to City Council by city manager. Be it further enacted, that on or before the first day of April of each year, the city manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

Section 3. City manager's budget message. Be it further enacted, that the manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the city's debt position and include such other material as the manager deems desirable.

Section 4. Budget to be financial plan; city manager to organize; budget categories. Be it further enacted, that the budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the City Council may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program purpose or activity, and object. It shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income and cash reserves.

Section 5. City manager to submit to City Council a five (5) year capital improvement plan; content. Be it further enacted, that:

(a) Submission to the City Council. The manager shall prepare and submit to the City Council a five (5) year capital program at least three (3) months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement, and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The above information may be revised and extended each year with regard to pending capital improvements or in the process of construction or acquisition.

Section 6. Budget process, notice and hearing, amendment before adoption, adoption. Be it further enacted, that:

(a) Notice and hearing. The City Council shall publish in one (1) or more newspapers of general circulation in the city the general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and

(2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(b) Amendment Before Adoption. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income and cash reserves.

(c) Adoption. The City Council shall adopt the budget on or before the first day of June of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis, with all items in it prorated accordingly, until such time as the City Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from

the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 7. Capital program process notice and hearing, adoption. Be it further enacted, that:

(a) Notice and Hearing. The City Council shall publish in one (1) or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public, and

(2) The time and place, not less than two (2) weeks after such publication for a public hearing on the capital program.

(b) Adoption. The City Council, by resolution, shall adopt the capital program with or without amendment after the public hearing and on or before the first day of June of the current year.

Section 8. Budget and capital program to be public record. Be it further enacted, that copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.

Section 9. Appropriations--supplemental, emergency, reduction, transfer, limitations. Be it further enacted, that:

(a) Supplemental Appropriations. If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency, affecting life, health, property or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of the charter.

To the extent that there are no available unappropriated revenues to meet such appropriations, the City Council may, by such emergency ordinance, authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and his recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one (1) or more appropriations.

(d) Transfer of Appropriations. At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the City Council may, by ordinance, transfer part or all of any unencumbered appropriation balance from one (1) department, office or agency to another.

(e) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency

appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 10. When appropriations lapse. Be it further enacted, that every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned, the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrances of the appropriation.

Section 11. Work programs and allotments; when payment and obligations prohibited. Be it further enacted, that:

(a) Work Programs and Allotments. At such time as the City Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The City Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. The City Manager may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental emergency, reduced or transferred appropriations made pursuant to Section 9.

(b) Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 12. Audit of books and accounts of city. Be it further enacted, that the books and accounts of the city shall be audited at the end of the fiscal year. Appropriate portions of said annual audit, including profit and loss statements and balance sheets of each department and agency of city government shall be published in a newspaper of general circulation in Cumberland County within thirty (30) days after the completion of such audit and posted on the city's web site.

ARTICLE XVI: DEPARTMENTS

SECTION

1. Administrative Organization.

2. Council-manager relationships.

Section 1. Administrative organization. Be it further enacted

(1) Within the framework established by this charter, the administrative organization of the city shall be organized into departments of general government, finance, and such other departments necessary to provide health, welfare, police, recreational, fire, public works, utilities and other municipal services as shall be provided in a plan of administrative organization to be developed by the City Manager and submitted to the council for approval.

(2) Administrative regulations governing the operations and relationships of departments, agencies, and offices within the administrative organization shall be prepared and issued by the city manager; provided, that the authority to prepare and issue departmental rules and regulations may be delegated to designated subordinates.

Section 2. Council-manager relationships.

(1) The manager shall be responsible to the council for the administration of all units of the city government under the manager's jurisdiction and for carrying out policies adopted by the council.

(2)

(a) Except for the purpose of inquiry, the council and its members shall deal with the administrative officers and employees solely through the manager.

(b) Neither the council nor any member thereof shall give orders to the manager's subordinates or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the manager's subordinates, or the making of particular purchases from, or contracts with, any specific organization.

ARTICLE XVII: POLICE FORCE

SECTION

1. Appointment and duties of police chief and patrolmen.

2. Emergency power of the mayor.

Section 1. Appointment and duties of police chief and patrolmen. Be it further enacted, that the city manager shall appoint a chief of police and such patrolmen and other members of the police force as may be provided by ordinance.

It shall be the duty of the chief of police and the members of the police force to preserve order in the city, protect the inhabitants and property owners therein from violence, crime, and all criminal acts, prevent the commission of crime, violations of law and of the city ordinances, and perform a general police duty, execute and return all processes, notices, and legal orders of the mayor, city judge, and all other processes, notices, and orders as in this charter, or by ordinance, or resolution may be provided.

Section 2. Emergency power of the mayor. Be it further enacted, that in time of riot or other emergency the mayor shall have power to summon any number of male inhabitants to assist the police force.

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

ARTICLE XVIII: FIRE BUREAU

SECTION

1. Appointment and duties of fire chief and firemen.

2. Police power of chief at any fire.

3. Appointment and duties of fire investigator.

Section 1. Appointment and duties of fire chief and firemen. Be it further enacted, that the city manager shall appoint a chief of the fire bureau, and such other members of said bureau as may be provided for by ordinance.

It shall be the duty of the chief of the fire bureau and the members thereof to take all proper steps for fire preventions and suppression, and elimination of conditions which create fire hazards.

Section 2. Police power of chief at any fire. Be it further enacted, that the chief of the fire bureau, or any assistant of such chief in charge at any fire, shall have the same police powers at such fire as the chief of police, under such regulations as may be prescribed by ordinance.

Section 3. Appointment and duties of fire investigator. Be it further enacted, that the city manager may appoint a fire marshal or designate a member of the fire bureau whose duty shall be, subject to the chief of the fire bureau, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson.

ARTICLE XIX: WATER WORKS

SECTION

1. Appointment, duties, powers, and compensation of supervisor and his subordinates.

2. Use of funds of the water department.

3. Rules and regulations.

4. Reports to be submitted by supervisor; privately owned water lines.

Section 1. Appointment, duties, powers, and compensation of supervisor and his subordinates. Be it further enacted, that the city manager shall employ a supervisor of the system of water works and may employ such subordinate officers, agents, and employees, as may be necessary to transact the business necessarily connected with the operation and maintenance of the waterworks system, and may delegate to such subordinate officers, agents, and employees any business connected therewith but they shall not have the right or authority to make any contracts binding upon the city except and unless they are authorized and directed to do so by ordinance or resolution of the city duly and regularly passed.

Section 2. Use of funds of the water department. Be it further enacted, that the funds of the water department shall be kept in a separate account and shall not be transferred to the general fund of the city.

Section 3. Rules and regulations. Be it further enacted, that the City Council of the city shall have full power and authority, by ordinance or resolution, to make and enforce reasonable rules and regulations and to fix water rates, tolls or the price for the use of water, to prescribe discounts for prepayment and may, for such purposes, enter upon the premises where water is used or desired to be used, for the purpose of inspection, repairs, or other work, in introducing or regulating the use of water, or where water is to be cut off on account of non-payment of water rents, or for any other reason. The city council shall also have full power and authority to collect and enforce the collection of all moneys due for the use of water or arising out of the operation of the plant; and in case of failure to pay water rents to cut off the supply and discontinue the furnishing of water until all arrearages are paid, and until all expenses for cutting off or turning on water shall have been paid. The city shall have the power to grant the use of water, free of charge, to persons who are objects of charity and to charitable institutions.

Full power is vested in the city council to prescribe different and higher rates for any water it may be willing to supply to consumers outside the corporate limits and to regulate the size and number of connections to be made to the water mains in such outside territory.

Section 4. Reports to be submitted by supervisor; privately owned water lines. Be it further enacted, that the Supervisor of Water Works shall submit to the city manager a full and complete detailed statement of the condition of the water department showing the improvements, extension, alterations, and other things, with such recommendations as may to him seem best and proper for the improvement, extension and betterment of said water works system, when called for by the city manager or when required by ordinance or resolution; and, also, an annual report as to such alterations, improvements, extensions, and additions as may seem necessary and for the best interests of the city, with an estimate of the cost of same.

Neither the city or the water department shall connect with privately owned lines at the corporate boundary unless the owner, or owners, of said water lines shall agree in writing that the city shall use and treat such privately owned line as property belonging to the water department.

ARTICLE XX: CITY COURT AND JUDGE

SECTION

1. Jurisdiction of city court.

2. Powers of the city court.

3. Exclusive powers of the city judge.

4. Appeal and appeal bond.

5. Issuance of warrants.

6. Fines and labor.

7. Court costs; collection of fines, costs, and forfeitures.

8. Court docket.

9. Mayor to preside in absence of city judge; vacancy.

10. Service of process.

11. Service of subpoenas.

12. General duties imposed upon the city judge.

Section 1. Jurisdiction of city court. Be it further enacted, that there be, and hereby is, established and constituted for said City of Crossville a city court which shall be presided over by the city judge, with exclusive jurisdiction to try all offenses for the violation of the city ordinances and by laws; and said court shall have all of the power and exercise all of the functions of, and concurrent jurisdiction with, Justices of the Peace within the corporate limits of the city with respect to cases or actions involving violations of the state criminal laws, but not otherwise.

Section 2. Powers of the city court. Be it further enacted, that the said court shall have power and authority to impose fines, costs, and forfeitures; and to punish by fine or imprisonment, or both, for violation of city ordinances; to enforce and preserve order in court; to enforce the collection of all such fines, costs, and forfeitures imposed, and in default of the payment or of good and sufficient security given for the payment of such fines, costs, or forfeiture imposed, shall have the power, and it shall be the duty of the court to commit the offender to the workhouse or to other place provided for such purpose and to such labor as may be provided by ordinance, until such fine and costs, or forfeiture shall be fully paid at the same rate of allowance per day as is prescribed by law in case of violations of the laws of the state in small offense cases. The city judge shall have the exclusive right to remit or suspend, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

Section 3. Exclusive powers of the city judge. Be it further enacted, that no person, officer, or employee, whomsoever other than the city judge shall have the right or power or be permitted to remit in whole or in part any fine or costs imposed by the city judge or to release any prisoner whether awaiting trial or otherwise, except on the order of the city judge; and any person violating this section shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars ($10.00), nor more than fifty dollars ($50.00), or maximum allowable by law, and shall forfeit his office, provided that in case of emergency incident to illness or accident, prisoners may be released on order of a qualified physician.

Section 4. Appeal and appeal bond. Be it further enacted, that any person dissatisfied with the judgment of the court, in any case or cases heard and determined by the court, may within ten (10) entire days thereafter, Sundays excluded, appeal to the next Circuit Court at Crossville upon giving bond with good and sufficient security as approved by the said city court for the successful prosecution of the appeal, provided, however, that in prosecutions for violations of city ordinances the bond shall not exceed two hundred fifty dollars ($250.00).

Section 5. Issuance of warrants. Be it further enacted, that a warrant may be issued for each offender for each offense upon affidavit, provided, that it shall be necessary to issue warrants in case of violation of city ordinances, except at the time of the trial of such offenses.

Section 6. Fines and labor. Be it further enacted, that all fines imposed by the city court for violations of city ordinances shall belong to and be paid into the treasury of the city; and any labor performed in the execution of a workhouse or prison sentence for such violation or violations shall be performed for the city under the direction of the city manager, or by official agreement for the county through the county workhouse.

Section 7. Court costs; collection of fines, costs, and forfeitures. Be it further enacted, that the city judge in all cases heard or determined by him for offenses against the corporate laws and ordinances shall tax in the bill of costs the same amounts and for the same items allowed in courts of Justices of the Peace for similar work in state cases, and in addition shall add thereto one dollar ($1.00), as a tax on same; in lieu of the state tax. The city judge shall certify to the chief of police, for collection, all fines, costs, and forfeitures imposed by him for offenses against the laws and ordinances of the city. It shall be the duty of the city judge to receive and receipt for all money paid on fines, costs, and forfeitures imposed by the judge and he shall render a monthly report to the City Council of all fines and costs collected and all assessed and uncollected. The city judge shall enforce the collection of fines, costs, and forfeitures imposed by him by execution in the same manner as do Justices of the Peace and clerks of courts of record.

Section 8. Court docket. Be it further enacted, that the city judge shall keep or cause to be kept a court docket or dockets embodying complete detailed records of all cases handled by him.

Section 9. Mayor to preside in absence of city judge; vacancy. Be it further enacted, that in the event of the absence, incompetency, or other disability of the city judge, the mayor is hereby authorized and empowered to act in his stead, and while so acting he shall be invested with the same powers and shall perform the same duties hereby bestowed and imposed upon the presiding officer of the court. In the event the office shall become vacant for any cause, the City Council shall elect some suitable person to fill out the unexpired term.

Section 10. Service of process. Be it further enacted, that the Chief of Police and all sworn and certified officers are hereby empowered and required to serve process of any kind or character issued out of the city court.

Section 11. Service of subpoenas. Be it further enacted, that subpoenas for witnesses issued from the city court may be served in any county in this state by any sworn and certified officer thereof, under the same rules governing like process issuing from the courts of record in this state.

Section 12. General duties imposed upon the city judge. Be it further enacted, that the city judge shall also perform such other duties as may be imposed upon him by the City Council in connection with his office.

ARTICLE XXI: ADVERTISEMENT FOR PUBLIC WORKS

SECTION

1. Rules governing letting of contracts.

Section 1. Rules governing letting of contracts. Be it further enacted, that any public work or improvement costing more than five thousand dollars ($5,000), shall be executed by contract, except when a specific work or improvement is authorized by the City Council to be done by the City's own employees.

All contracts for more than five thousand dollars ($5,000) shall be awarded to the lowest or best responsible bidder, after such publication, advertisement, and competition, as may be prescribed by ordinance; but no contract for any public work or improvement shall be awarded except on condition the contractor gives bond with some bonding company authorized to transact business in the State of Tennessee as surety, in a sum equal to at least one hundred percent (100%) of the contract price of the particular work or improvement, for the faithful performance of such contract.

But the City Council shall have the power to reject all of the bids and to perform the work with City's own forces and all advertisements shall contain a reservation of this right.

ARTICLE XXII: MEADOW PARK LAKE

SECTION

1. Ordinances of city apply.

2. Authority of City Council to regulate by ordinance.

Whereas, the City of Crossville in the County of Cumberland, State of Tennessee, under and by virtue of the powers and authority conferred upon it by law, acquired for municipal purposes that certain tract of land, now outside the corporate limits of said city, but situated in Cumberland County, and bounded and described as follows:

> "Located in the First and Eighth Civil Districts of Cumberland County, Tennessee, beginning at a stake with post oak pointers standing in the old road to Meadow Creek Falls and in the south boundary line of Liebrock's 316 acre tract, and the northeast corner of 151 acres conveyed to said city by R. E. Holt; thence north 3 east 112 poles to a stone pile with dogwood and two black oak pointers on a hill side; thence north 86 west 100 poles to a stone pile with white oak, post oak, spotted oak, pine and dogwood pointers; thence south 3 west crossing Meadow Creek, in all 112 poles to a stone with white oak and two post oak pointers in the north line R. E. Holt 151 acre tract; thence north 86 3/4 west on said line, passing the corner at 40 poles in all 76 poles to a stone with black gum, red oak and hickory pointers, the northwest corner of 363 acres conveyed to the City of Crossville by Van Buren Coal & Lumber Company; thence with said line south 3 west 11.04 poles to a stone pile with two hickories, pointers, the northeast corner of 330 acres conveyed to said city by A. J. McGuire, Trustee, et al; thence on line of same north 89 west 278 poles to a stake, in the northwest corner of said tract; thence with the west line of same, south 3 west 185 poles to a stake, southwest corner of same and in south boundary line of Grant 4726; thence with said line north 87 west 55 poles to a stake, standing about south 87 east 4.2 poles to a stone with white oak pointers, of corner of said Van Buren Coal & Land Company; thence with same south 3 west 107.92 poles to a white oak, with chestnut oak and hickory pointers, the northwest of 116 acres conveyed to said city by J. B. Driver; thence with the west line of same, south 3 west 127 poles to a post oak with two post oak pointers on south bank of Old

Ross Road; thence north 87 west 22.28 poles to a stake with spotted oak pointers; thence south 3 west 84 poles to a stake, with white oak, spotted oak, and post oak pointers; thence south 87 east 49 poles to a stake, with hickory and spotted oak pointers; thence north 20 east 78.52 poles to a stake in the center of the Ross Road, with two spotted oak pointers; thence eastwardly with center of said road, 78.46 poles to the southeast corner of said Driver tract; thence with said line 114 poles to a stake, another corner of said Drive tract; thence east with another line of same, 160 poles to a stake in the west line of 350.8 acres conveyed to said city by Moses E. Dorton, et als., thence with said line south 3 west 75 poles to a stone and pointers; thence with same south 87 east 234 poles to a stake with two chestnut and white oak and hickory pointers; thence with another line of same north 15 east 245.48 poles to a dead chestnut with hickory and white oak pointers; thence north 85 3/4 west 8.9 poles to a stone with post oak and white oak pointers southeast corner of said Holt tract; thence with a line of same north 15 west 176 poles to the beginning".

And whereas, the City of Crossville has built an expensive dam thereon, impounded surface water as well as the flow of streams, and thus created a lake thereon of approximately four hundred (400) acres, which is to supply water for the city and the citizens thereof as well as others who may come therein;

And whereas, the health, comfort, safety and general welfare of the citizens of the city as well as others who enter therein, necessitate, demand and require that the property be policed and controlled, and that all persons and property entering upon such tract of land be subject to the same laws and regulations now or hereafter in effect in the City of Crossville, Tennessee.

Section 1. Ordinances of city apply. Be it further enacted, that all penal ordinances of the city now in effect or hereafter enacted shall have full force and effect within and upon the within described tract of land; and that the police officers of the City of Crossville shall have and exercise the same powers.

Therein and thereon as they now or hereafter may have and exercise within the original boundaries of the City of Crossville and that same shall apply to all persons and property coming or brought upon the within described tract of land in the same manner and to the same extent as if within the original corporate limits of the City of Crossville.

Section 2. Authority of City Council to regulate by ordinance. Be it further enacted, that the City Council is hereby vested with the power and authority, by ordinance, to provide for all other regulation and control of such property and persons entering therein or thereon, as the preservation of the health, safety, welfare and comfort of the dwellers in the city or upon the within described tract of land may require.

ARTICLE XXIII: BOARD OF LAKE COMMISSIONERS

SECTION

1. Creation and powers of the Board of Lake Commissioners.

2. Members, compensation, term, and election.

3. General administrative business; employees hired by the board.

4. Qualifications required of members; vacancy.

Section 1. Creation and powers of the Board of Lake Commissioners. Be it further enacted, that there is created a Board of Lake Commissioners, to consist of seven (7) members, which shall have, subject to the provisions of Section 2 of Article XXII vesting certain powers in the City Council and the general financial and budgetary provisions of Article XV, the general management and supervision of the lake property of the City of Crossville, known as "Meadow Park Lake", together with all adjacent land owned by the city, for recreational and all other purposes insofar as the same are not inconsistent with the use of the property as a water supply for the City of Crossville. The Board shall have the power to lease, let and rent any part or parts of the grounds for

recreational purposes for any period of time not exceeding two (2) years; the power to grant or lease fishing privileges or rights in the lake; the power to provide, purchase and rent boats; the power to collect fees for rentals or leases; and to do any and all things in connection with the use of the lake and adjacent land that any natural person might do, subject, however, to the restriction that none of such properties can be leased or let for any illegal purposes, nor in such way or manner as to render the City of Crossville liable in damages to the lessees or to anyone operating by, through, or under such leases. Such leases or rentals shall at all times be subject to the proper use of the lake as a water supply for the city and shall in no way interfere with the use thereof for such purpose, nor shall this Act be construed in any way or manner to affect or impair the obligations of the city to the holders of its bonded indebtedness.

Section 2. Members, compensation, term, and election. Be it further enacted, that R. D. Brady, Sr., M. E. Dorton, Edd Johnson, L. T. Thurman, Cosby Harrison, Ralph Hall, Chas. M. Thomas shall constitute the first board of seven (7) commissioners hereunder, who are to serve without any money compensation, and whose respective terms of office shall expire one (1), two (2), three (3), four (4), five (5), six (6), and seven (7) years respectively from January 1, 1953, and that annually thereafter the City Council of the City of Crossville, Tennessee, at its first regular meetings in the month of January each year thereafter, shall elect one (1) member of the Board to succeed the member whose term has expired.

Any member of the City Council of the City of Crossville shall also be eligible to election as a member of the Board of Lake Commissioners.

Section 3. General administrative business; employees hired by the board. Be it further enacted, that immediately after the passage of this Act the Board of Lake Commissioners shall meet and organize and elect a president and secretary and adopt such rules and regulations as it deems necessary and advisable to effect the purposes hereof. The board shall have the right to employ agents or servants with authority to look after and collect any rentals for boats, fishing privileges, land leases, etc., all of which shall be paid to the City of Crossville at regular intervals.

The Board may also fix the compensation to be paid to any agent or servant, which shall be paid by the City of Crossville as all other bills incurred by the Board of Lake Commissioners in its operation hereunder, subject, however, to the general financial, budgetary and other procedures provided herein.

Section 4. Qualifications required of members; vacancy. Be it further enacted, that no person shall be eligible for election to the Board of Lake Commissioners unless he is a resident and voter of the City of Crossville, Tennessee, and over the age of twenty-one (21) years. In the event of a vacancy on the Board the City Council of the City of Crossville, Tennessee, shall elect a successor to fill out the unexpired term.

ARTICLE XXIV: HOSPITAL

SECTION

1. Authorization granted.

2. Power to contract with the county.

3. Issuance and payment of bonds.

4. Bonds may be purchased by the municipality.

5. Issuance of refunding bonds.

6. Construction of This Article.

Section 1. Authorization granted. Be it further enacted, that the City of Crossville in Cumberland County, Tennessee, is authorized to construct, acquire, improve, extend, operate and maintain a public hospital and to finance such project in whole or in part in accordance with the provisions of Sections 2 to 4, the first paragraph of Section 5,

Section 10, Section 11 with the exception of the last sentence thereof relating to the repurchase of bonds by the municipality; and Sections 12 to 26 of Chapter 10 of the 1935 Public Acts of Tennessee, Extra Session, as amended, being an act entitled: "AN ACT authorizing incorporated cities and towns of this State to construct, acquire, improve, extend, operate, and maintain public works undertakings and projects; prescribing the mode of procedure for and regulating the issuance and sale of bonds and other obligations to finance such works, undertakings and projects; providing for the payment of such bonds and other obligations; and authorizing agreements with the holders of such bonds and other obligations," and said sections and parts of sections are hereby incorporated herein by reference with the same force and effect as if set out in full herein.

Section 2. Power to contract with the county. Be it further enacted, that the City Council of the City of Crossville shall have authority by ordinance or resolutions to enter into an agreement with Cumberland County as provided by Tennessee Code Annotated, Section 5-1-113, for the operation of such hospital.

Section 3. Issuance and payment of bonds. Be it further enacted, that bonds may be authorized hereunder at one time or from time to time for hospital purposes without an election, and solely pursuant to proceedings by the governing body of the City of Crossville, notwithstanding any statutory provision to the contrary. Such bonds or any portion thereof may be payable exclusively from revenues, or exclusively from taxes, or from revenues and in the event of a deficiency in such revenues, from taxes or from taxes and additionally secured by a pledge of revenues, as provided in the proceedings authorizing same.

Section 4. Bonds may be purchased by the municipality. Be it further enacted, that when bonds have been delivered hereunder such bonds may be repurchased by the municipality solely in accordance with the provisions governing such action as provided in the proceedings authorizing such bonds.

Section 5. Issuance of refunding bonds. Be it further enacted, that the City of Crossville is further authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized under the terms of this law, and the provisions relative to the issuance of bonds hereunder shall be applicable to the issuance of such refunding bonds, provided that such refunding bonds may, in lieu of sale thereof, be delivered in exchange for the original bonds being refunded. If deemed advisable, such refunding bonds may be issued in combination with bonds authorized hereunder for improvements or extensions.

Section 6. Construction of This Article. Be it further enacted, that this Act is remedial in nature and shall be liberally construed and shall be in addition and supplemental to, and the limitations hereunder shall not affect the powers conferred by any other law and shall not be in substitution therefore.

ARTICLE XXV: TAXI CABS AND MOTOR VEHICLES

SECTION

1. Rules and regulations governing taxi cabs.

2. City license fee for motor vehicles.

Section 1. Rules and regulations governing taxi cabs. Be it further enacted, that the City Council of the City of Crossville, Tennessee, shall have the power, by ordinance, to regulate and control the operation of taxicabs in, upon and over the streets of said City of Crossville; provide and regulate for the parking of same upon the public streets of the said City; and shall have the power to require the owner of any taxicab, before operating such machine, to obtain a permit from the City, and to give a bond or provide a policy of insurance to protect those injured by such taxicab in the operation thereof; and to make any other special regulations relative to the operation thereof which the safety and convenience of the public may require.

Section 2. City license fee for motor vehicles. Be it further enacted, that the City Council of the City of Crossville shall have the power by ordinance to require the owner of each motor vehicle kept within the City of Crossville to have a city license at an annual fee not to exceed five dollars ($5.00), the amount to be paid and time of payment to be fixed by ordinance of the City Council.

ARTICLE XXVI: CONSTRUCTION OF THIS ACT

SECTION

1. Extent of coverage.

2. Meaning of words.

3. Saving clause.

Section 1. Extent of coverage. Be it further enacted, that this Act shall be construed to cover the entire field of the chartered powers, limitations and restrictions of said City of Crossville.

Section 2. Meaning of words. Be it further enacted, that words importing the masculine gender include the feminine and neuter; singular includes the plural and the plural the singular; and the word person includes a corporation, firm, or association.

Section 3. Saving clause. Be it further enacted, that if any article, section, paragraph or provision of this Act be held unconstitutional, such invalidity shall be construed not to affect the remainder of this Act, it being the legislative intent that this Act would have been enacted with such invalid portion omitted therefrom.

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 Crossville. Its approval or nonapproval 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 become effective as provided in Section 2.

HOUSE BILL NO. 2526

PASSED: April 14, 2014

BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 30th day of April 2014

BILL HASLAM, GOVERNOR

NOTICE TO SECRETARY OF STATE OF RATIFICATION OF PRIVATE ACT

SECRETARY OF STATE
Division of Publications
312 – Rosa L. Parks Avenue
Eighth Floor
Snodgrass Tennessee Tower
Nashville, TN 37243

Private Chapter No. 55, which is House
(House or Senate)
Bill No. 2526, of the 108th General Assembly, was:

approved X

disapproved _____

no action taken _____

Presiding Officer of the Local Legislative Body

Embossed Seal:
(if applicable)

CROSSVILLE
County or City

6/10/14
Date

OFFICE OF SECRETARY OF STATE
2014 JUN 12 PM 2:18
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