State of Tennessee

PRIVATE CHAPTER NO. 74

HOUSE BILL NO. 2554

By Representative Calfee

Substituted for: Senate Bill No. 2648

By Senator Yager

AN ACT to amend Chapter 49 of the Acts of 1891; as amended by Chapter 165 of the Private Acts of 1917; Chapter 712 of the Private Acts of 1917; Chapter 389 of the Private Acts of 1919; Chapter 526 of the Private Acts of 1921; Chapter 294 of the Private Acts of 1921; Chapter 861 of the Private Acts of 1921; Chapter 941 of the Private Acts of 1921; Chapter 30 of the Private Acts of 1923; Chapter 187 of the Private Acts of 1925; Chapter 468 of the Private Acts of 1925; Chapter 546 of the Private Acts of 1931; Chapter 233 of the Private Acts of 1937; Chapter 232 of the Private Acts of 1937; Chapter 472 of the Private Acts of 1937; Chapter 387 of the Private Acts of 1937; Chapter 506 of the Private Acts of 1939; Chapter 118 of the Private Acts of 1939; Chapter 360 of the Private Acts of 1941; Chapter 148 of the Private Acts of 1943; Chapter 446 of the Private Acts of 1943; Chapter 821 of the Private Acts of 1947; Chapter 109 of the Private Acts of 1959; Chapter 178 of the Private Acts of 1969; Chapter 350 of the Private Acts of 1972; Chapter 250 of the Private Acts of 1976; Chapter 112 of the Private Acts of 1983; Chapter 7 of the Private Acts of 1983; Chapter 115 of the Private Acts of 1995; Chapter 152 of the Private Acts of 2000; Chapter 14 of the Private Acts of 2003; Chapter 23 of the Private Acts of 2009; Chapter 10 of the Private Acts of 2011 and Chapter 66 of the Private Acts of 2012; and any other acts amendatory thereto, relative to the charter of the City of Harriman.

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

SECTION 1. Chapter 49 of the Acts of 1891; as amended by Chapter 165 of the Private Acts of 1917; Chapter 712 of the Private Acts of 1917; Chapter 389 of the Private Acts of 1919; Chapter 526 of the Private Acts of 1921; Chapter 294 of the Private Acts of 1921; Chapter 861 of the Private Acts of 1921; Chapter 941 of the Private Acts of 1921; Chapter 30 of the Private Acts of 1923; Chapter 187 of the Private Acts of 1925; Chapter 468 of the Private Acts of 1925; Chapter 546 of the Private Acts of 1931; Chapter 233 of the Private Acts of 1937; Chapter 232 of the Private Acts of 1937; Chapter 472 of the Private Acts of 1937; Chapter 387 of the Private Acts of 1937; Chapter 506 of the Private Acts of 1939; Chapter 118 of the Private Acts of 1939; Chapter 360 of the Private Acts of 1941; Chapter 148 of the Private Acts of 1943; Chapter 446 of the Private Acts of 1943; Chapter 821 of the Private Acts of 1947; Chapter 109 of the Private Acts of 1959; Chapter 178 of the Private Acts of 1969; Chapter 350 of the Private Acts of 1972; Chapter 250 of the Private Acts of 1976; Chapter 112 of the Private Acts of 1983; Chapter 7 of the Private Acts of 1983; Chapter 115 of the Private Acts of 1995; Chapter 152 of the Private Acts of 2000; Chapter 14 of the Private Acts of 2003; Chapter 23 of the Private Acts of 2009; Chapter 10 of the Private Acts of 2011 and Chapter 66 of the Private Acts of 2012; and any other acts amendatory thereto, are amended in their entirety and replaced by the following charter:

ARTICLE I
CORPORATE NAME AND BOUNDARIES
SECTION

1. Charter acts compiled, codified, and amended.

2. Incorporation, name, and general powers.

3. Corporate limits; acceptance of plat of the City.

4. Wards; election of Aldermen at large.

Section 1. Charter acts, compiled, codified, and amended: That the several acts and parts of the same heretofore passed incorporating the City of Harriman in the

County of Roane, State of Tennessee, and amending the charter of said City, as herein compiled and codified and amended, shall be and are hereby declared and designated the charter of the City of Harriman.

Section 2. Incorporation, name, and general powers: That the inhabitants of the City of Harriman, in the County of Roane, as the same stands and is herein laid out, are hereby constituted a body politic and corporate under the name and style of "The City of Harriman," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all Courts of law and equity and in all actions whatsoever, and may have and use a common seal and alter the same at their pleasure.

Section 3. Corporate limits; acceptance of plat of the City: That the corporate limits of the City of Harriman, unless otherwise provided, as follows, to wit:

Beginning at a stake on the old line between Roane and Morgan Counties, situate at low water mark on the north side of Emory River and forty feet distant in a southerly direction from a black oak on said old county line, which is the southwest corner of the Carter property and near the mouth of Wolf's Branch; thence following the meanderings of Emory River to the mouth of Bullard's Branch to a stake at low water mark; thence north thirty feet to a birch witnessed by a red oak and river birch; thence north thirty-eight degrees and thirty minutes west five hundred forty-five feet to a walnut stump, old corner of the Mayberry heirs; thence west five thousand two hundred eighty feet to a corner-stone mounted on top of Walden's Ridge witnessed by a black oak, chestnut and hickory (this corner is situated on what was the old county line between Roane and Morgan Counties); thence following said old county line south two thousand nine hundred twenty feet to a stake on the south side of the ridge; thence south eighty-five degrees west five hundred ninety-eight feet; thence south seventy degrees west nine hundred fifty-two feet to a stone monument corner on Wolf's Branch, and one hundred ninety-seven feet from the Southern Railway Company's trestle; thence due west to a stake at a point from which a line due south to the Emory River will cross the line of the Cincinnati-New Orleans and Texas Pacific Railway one hundred feet west of the present depot building of said Railway Company at Harriman Junction; thence due south to the north bank Emory River at low water mark; thence down Emory River at low water mark as the same meanders to the place of beginning near the mouth of Wolf's Branch, and the parks, public grounds, streets, avenues, alleys, and other highways designated upon the plat of said City, filed by the East Tennessee Land Company in the register's office of Roane County on the eleventh day of February, A.D. 1891, are hereby accepted on behalf of said City upon the terms, conditions, and limitations named in the dedications and reservations written upon said plat so filed as aforesaid; provided that nothing in said dedication or reservations, or in this section contained, shall be so construed as to prevent the City of Harriman from constructing in the streets, lanes, avenues, and alleys of the City its own waterworks, gas works, and electric light plants, or from acquiring by purchase or condemnation, for the use of the City, and such works and plants as are now or hereafter may be constructed in the said streets, lanes, avenues, and alleys, by any person or corporation. The corporate boundaries as set out here have been extended by annexation ordinances or referendums of record in the City Clerk's office.

Section 4. Wards; election of Aldermen at large: The City Council may divide the City into wards, not exceeding thirteen (13) in number and to define their boundaries by ordinance and may from time to time alter the same, provided that no ward shall be changed within one (1) year preceding the election hereinafter provided for; and provided, further, that until said City is divided into wards, six (6) Aldermen shall be elected from the City at large.

ARTICLE II
LEGISLATIVE DEPARTMENT

Section 1. City Council: The legislative power of the City of Harriman shall be vested in a City Council, consisting of a Board of Aldermen, with the Mayor as presiding officer; the Aldermen to be elected one (1) from each ward, provided said City is laid out in wards; if not, then six (6) Aldermen to be elected from the City at large.

Section 2. Terms, qualifications, and salary of Council Members: The six (6) Aldermen constituting the City Council shall be elected for terms of four (4) years, except

that at the June, 1983, election of Aldermen of the six (6) candidates elected as Aldermen, the three (3) elected candidates who receive the greater number of votes shall serve for terms of four (4) years and the three (3) elected candidates who receive the lesser number of votes shall serve for initial terms of two (2) years. Thereafter, all Aldermen shall be elected for terms of four (4) years. No person not a citizen of the United States and an inhabitant of the City or ward for which they are/or will be elected, and for at least one (1) year a citizen of the State of Tennessee, and one (1) year a resident of the City of Harriman, and at least twenty-one (21) years of age, shall be eligible to the office of Aldermen; provided, that no person who has any direct personal interest in any contract with the City or any department or institution thereof, or who is indebted to the City or County for any taxes, or who shall have been convicted of any malfeasance in office, bribery, or any other corrupt practice, or who shall be under charge of indictment therefor, made or procured by or under direction of the Attorney-General of Roane County, shall be qualified to be elected to or shall hold the office of Aldermen. The salary of the members of the City Council shall be fixed by ordinance by the City Council, immediately preceding the term of office for which the salary is fixed.

Section 3. Mayor Pro Tem; Board of Aldermen to be judge of qualifications, etc., of members; rules of the Board; quorum, etc.: The Board of Aldermen shall appoint one (1) of its members to preside in the absence of the Mayor. The official designation of such member so appointed shall be Mayor Pro Tem, and shall hold his office for a term of two (2) years, and shall perform the duties of the Mayor when he shall be absent, or otherwise unable to perform the duties of his office. The Board of Aldermen shall be the sole judge of the qualification, election and return of its own members, and shall have power to determine the rules of its own proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds (2/3) of all members elect, expel a member. A majority of the Board shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members.

Section 4. Journal of Council proceedings; votes required for action: A journal of the proceedings of the City Council shall be kept by the City Clerk, upon which shall be entered the vote taken in the City Council by yeas and nays, and no action, except to adjourn, shall have any force or validity, unless a majority of all the members-elect shall have voted in favor thereof.

Section 5. Regular and special Council meetings: The City Council shall hold two (2) regular meetings each month at the City hall. Special meetings of the City Council may be held upon call of the Mayor; or upon application of a majority of the Board of Aldermen, by causing proper notice in writing to be served upon the members thereof.

Section 6. Absence of Council Members from meetings: If a member of the Board of Aldermen shall be absent from any regular meeting, they shall notify the City Council of such absence, and the journal record of the roll call shall be conclusive upon the question of presence or absence.

Section 7. Style of ordinances: The style of the City ordinance shall be: "Be it enacted by the City Council of the City of Harriman."

Section 8. Ordinance Procedure

(A) The caption of every ordinance shall be read on two (2) different days in open session, and be available for reading and viewing at the meetings where the ordinance is voted on, with copies on file, before its adoption, and any ordinance not so presented shall be null and void. Copies of such ordinances shall be available during regular business hours at the office of the City Clerk and during sessions in which the ordinance has its second presentation.

(B) An ordinance shall not take effect until ten (10) days after the final passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage; provided, that it shall contain the statement that an emergency exists and shall specify the distinct facts and reasons constituting such an emergency.

(C) The unanimous vote of all members of the Board present shall be required to pass an emergency ordinance.

(D) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. Once adopted, no ordinance shall be amended, except by passage of a new ordinance.

Section 9. Passage of ordinances: No ordinance shall be passed except by bill. Every bill shall be presented at least twice before a vote is taken upon its final passage, and at least three (3) days must intervene between its first and second presentation. No ordinance shall take effect until ten (10) days after passage.

Section 10. Reconsideration of defeated ordinances: When a bill is put upon its final passage, and fails to pass, if a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the City Council proceeds to any other business.

Section 11. Revival or reenactment of ordinances: No ordinances shall be revived or reenacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance.

Section 12. Mayor to approve or disapprove resolutions, contracts and bills: Every resolution adopted or contract approved by the City Council appropriating or involving the expenditure of money, shall, within twenty-four (24) hours after the action of the City Council, be presented to the Mayor for the Mayor's approval. If the Mayor approves the resolution, contract, or bill, as the case may be, the Mayor shall sign the same; if not, the Mayor shall return it with the Mayor's objections in writing to the City Clerk, who shall present the same to the City Council at the next regular meeting thereof. The City Council shall cause the objections of the Mayor to be entered at large upon the journal, and proceed forthwith to consider the questions pending, which shall be in this form: "Shall the bill, contract, or resolution as the case may be, pass, notwithstanding the objections of the Mayor thereto?" If three-fourths (3/4) of the members elected vote in the affirmative, the bill or resolution shall be deposited in the office of the City Clerk, as an authentic act, and shall be valid or become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. If the Mayor shall fail for ten (10) days to return to the City Clerk, who shall forward to the City Council any bill, contract, or resolution presented to the Mayor for the Mayor's approval, as aforesaid, and in case they fail to approve same in said time, it shall be equivalent to the Mayor's veto.

Section 13. Special sessions: The Mayor may call, or upon application of a majority of the Board of Aldermen shall call, special sessions of the City Council by causing proper notice in writing to be served upon the members thereof. A copy of the notice thus served upon the members shall be entered upon the journal of the City Council, said notice shall state the object for which said session is called, and the action at said session shall be confined to that object only.

Section 14. Authority to provide for punishment of ordinance violators: The City Council is hereby authorized to provide for fines of all offenders against the ordinances of the City and also to provide by ordinance for all persons so fined to work out said fines and costs on the streets of the City, or in such other way and manner as it may prescribe. All fines and forfeitures collected for offenses committed or penalties incurred against said ordinances shall be paid into the treasury of the City by the officers collecting the same and be disposed of as a part of the general revenue of the City.

Section 15. Miscellaneous ordinance powers enumerated: The City Council shall have the management and control of the City finances and all property of the corporation, real, personal, and mixed, and shall have power by ordinance:

(A) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation and privileges taxable by law for State, county or municipal purposes;

(B) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(C) Make special assessments for local improvements;

(D) Contract and be contracted with;

(E) Incur debts by borrowing money or otherwise and give any appropriate evidence thereof in the manner hereinafter provided;

(F) Issue and give, sell, pledge or in any manner dispose of negotiable or non-negotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality in accordance with State law;

(G) Expend the money of the municipality for all lawful purposes;

(H) Authority to acquire, hold, maintain, improve, sell, lease, mortgage, pledge or otherwise and dispose of property. The said City by the name and style aforesaid is hereby authorized to acquire and hold all real and personal property, and any estate or interest therein within or without the municipality or State, and when the same is no longer required for the public use to sell and convey the same, as may be provided by ordinance, and the City Council shall, by ordinance, make all needful rules and regulations for the use of such property;

(I) Authority to condemn property, real or personal, or any easement, interest or estate or use therein, either within or without the municipality, for present or future public use in accordance with the terms and provisions of State law;

(J) Take and hold property within or without the municipality or State upon trust and administer trusts for the public benefit;

(K) Acquire, construct, extend, own, operate, regulate and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities and telecommunications systems or any estate or interest therein, or any other utility or service to the municipality, its inhabitants or any part thereof; and, further, may issue debt for these purposes under the Local Government Public Obligations Act or other pertinent State law; provided, however, that if the City elects to conduct business in telecommunications, then the City shall comply with title 7, chapter 52, part 4 and part 6 of the Tennessee Code;

(L) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to grant franchises embraces the power to grant exclusive franchises to the extent not prohibited by federal or State law. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation but also against the municipality itself. Franchises may be granted for a period of time to be fixed by the City Council, but not to exceed twenty-five (25) years. The Council may prescribe in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise in accordance with State and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing and future streets, alleys and thoroughfares;

(M) Make contracts with any person, firm, association or corporation for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to make contracts embraces the power to make exclusive contracts to the extent permitted by state or federal law. When an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association or

corporation but also against the municipality itself. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The Council may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing and future streets, alleys and thoroughfares;

(N) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and telecommunications systems, compel reasonable extensions of facilities for these services, and assess fees for the use of, or impact upon, these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms of provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(O) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries, squares, wharves, bridges, viaducts, subways, tunnels, utilities, sewers and drains within or without the corporate limits, regulate their use within or without the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions provided by the general laws of the State;

(P) Construct, improve, reconstruct and revise by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within and without the corporate limits, and fund the same by taxation, user fees or other charges as provided or allowed by State law; or otherwise assess the costs of these improvements as provided or allowed by title 7, chapters 32 and 33 of the Tennessee Code;

(Q) Assess against abutting property within and without 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, street lighting, street sweeping, street sprinkling, and street flushing; and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law and or ordinance of the Board;

(R) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements inside and outside the municipality;

(S) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal inside and outside the municipality, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(T) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(U) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(V) Inspect, test, measure and weigh any article for consumption or use within the municipality; and charge reasonable fees therefor, and provide standards of weights, tests and measures in such manner as may be provided pursuant to title 47, chapter 26, part 9 of the Tennessee Code;

(W) Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, use 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 municipality, and exercise general police powers;

(X) 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;

(Y) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(Z) Provide and maintain charitable, educational, recreational, curative, corrective, detention, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(AA) Purchase or construct, maintain and establish a workhouse for the confinement and detention of persons who violate laws within the corporate limits of the City, or contract with the County to keep these persons in the correctional facility of the County and to enforce the payment of fines and costs in accordance with §§ 40-24-104 and 40-24-105 of the Tennessee Code or through contempt proceedings in accordance with general law;

(BB) Enforce any ordinance by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction; and no fine, forfeiture or penalty may exceed the maximum allowable under general State law for violation of municipal ordinances; provide by ordinance for court costs as provided in the Municipal Court Reform Act, compiled in title 16, chapter 18, part 3 of the Tennessee Code;

(CC) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, transfer ownership or otherwise dispose of them in a manner provided by law;

(DD) Call elections as provided in this Charter;

(EE) By ordinance, assess, impose, levy and collect impact fees from new land developments within the municipal limits, provided that the impact fees are limited to the reasonably anticipated costs of public improvements generated by such developments, and provided that the impact fee system and formula are prescribed by ordinance;

(FF) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated; and

(GG) Create a design review commission, which shall have the authority to develop procedures general guidelines, and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to the municipal planning commission pursuant to title 13, chapter 4 of the Tennessee Code. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the municipal legislative body.

Section 16. General police power: The City Council shall have the power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this Act, and to make all ordinances which it may deem necessary or

requisite for the good order, health, good government, and general preservation of any City property, privileges, and franchises, and to enforce the same by a property fine, imprisonment, or other penalties.

Section 17. Authority to employ clerks, etc.: The City Council shall have power to provide for the employment of such clerks and other persons in any of the departments of the City government as the budget and exigencies of the public service may demand.

Section 18. Franchises: All franchises or privileges granted by the City of Harriman to corporations or individuals shall be limited to twenty (20) years from the granting of the same, provided, however, that no franchise granted by the City Council shall become a law where twenty percent (20%) of the legal voters of said City, based on the last City election, petition the City Council within twenty (20) days after the ordinance is passed granting same to submit the proposition of granting the franchise in question to the qualified voters of said City, it shall be the duty of said City Council to submit said question to a vote, and in an election called for that purpose, should three-fifths (3/5) of the votes cast be in favor of the granting of the franchise, it shall ratify the action of the City Council. In case the proposition fails to receive three-fifths (3/5) of the votes cast, it shall annul the action of the City Council in the premises; provided further, that as a condition precedent to the action by the City Council on any application for a franchise, the person or persons or corporations applying for same shall deposit with the Finance Officer an amount determined by an ordinance of Council to defray the expenses of the election herein provided for in case one is held; otherwise to be returned to the parties depositing it or any part not used for expenses.

Section 19. Authority to sell waterworks, natural gas system, storm water system, sewer plant and/or electrical system and the associated distribution systems. The City Council is hereby authorized and empowered, by ordinance, to sell the waterworks and distribution system, storm water system, sewer plant and distribution system, natural gas distribution system and electrical system and distribution system, or either of them, and either separately or together, of the City of Harriman; provided, that said ordinance providing for such sale shall set forth the name of the proposed purchaser of said plants or systems, and the terms of sale, and further, that before said ordinance shall be effective it shall be submitted to a vote of the qualified voters of the City of Harriman, at a special election to be held at a date fixed in said ordinance, not less than ninety (90) nor more than one-hundred twenty (120) days from the passage thereof, notice of which election, stating the date on which said election will be held and the question or questions to be submitted to a vote of the qualified voters of the City of Harriman, and published in a newspaper of general circulation in the City of Harriman, not less than sixty (60) nor more than ninety (90) days before the date thereof; and upon the passage of said ordinance and publication of said notice it shall be the duty of the commissioners of election of Roane County to call an election as provided in said ordinance, which election shall be held under the general election laws then in force and applicable to Roane County, and said City of Harriman and on the ballots to be used in said election, the commissioners of election of Roane County shall cause to be printed the question or questions as set out in said published notice of said election; and it shall be the duty of the City Clerk of the City of Harriman to certify to the commissioners of election of Roane County, at least thirty (30) days before the election is to be held, a copy of the ordinance providing for the sale of said property, and of the published notice of said election, and the filing of said certified copies with said commissioners of election shall be notice to said commissioners of election to call said special election; and in the event three-fifths (3/5) of the electors voting at said election shall be in favor of selling the said waterworks, natural gas plant, sewer plant and/or electrical plant and associated distribution systems of the City of Harriman, then, and only in that event, the ordinance of the City Council of the City of Harriman authorizing the said sale shall become effective and it shall be and is hereby made the duty of the proper executive officers of the City of Harriman to execute the proper deed of deeds for the transfer of the said utility systems, and upon the terms set out in said ordinance; provided, further, that the proposed purchaser or purchasers shall deposit with the Finance Officer, an amount determined by an ordinance of Council to defray the expenses of the special election herein provided for, in case one is held, otherwise to be returned to the parties depositing it, or any part not used for expenses. Be it further enacted, that in the event a three-fifths (3/5) majority of the electors voting in said election shall be in favor of selling

the utility systems of the City of Harriman, it shall be and is hereby made the duty of the City Council of said City of Harriman to carry out the will of said majority by the transfer of the property upon the payment by the purchaser of the sum offered in the contract or agreement, and the Mayor of said City shall appoint by and with the consent of two-thirds (2/3) of all members of the City Council, three (3) sinking fund commissioners who shall be citizens of said City and at least twenty-one (21) years of age and the entire proceeds of the sale of the utility systems shall be paid by said purchaser to said sinking fund commissioners whose duty it shall be to use the proceeds of said utility systems in retiring as fast as possible the outstanding bonded indebtedness of the City of Harriman, provided that said commissioners may use the interest on the funds in their hands to pay interest on the outstanding bonded indebtedness of the City of Harriman but the principal of said fund shall be used only in retiring valid bonded indebtedness of the City of Harriman existing at the time the election herein authorized is held. Said commissioners shall have the power and are hereby authorized to invest and reinvest said funds to the best possible advantage to the end that it may earn as much as possible and they shall have exclusive control and custody of said funds until all of the same shall have been used in the payment of the indebtedness of said City of Harriman. Said sinking fund commissioners shall report semi-annually in writing to the City Council of the City of Harriman on the first Monday in April and October, showing in detail the amount of funds in their hands, the amount received as interest, or from any other source, the amount expended, the balance on hand, and an itemized statement showing how this balance on hand is invested, and the rate of interest to be paid on each investment, and the City Clerk shall cause said report to be available to the public during normal business hours in the City of Harriman within thirty (30) days after it is filed. That the term of office of said sinking fund commissioners and their salary, if any shall be fixed by the City Council of the City of Harriman, and the City Council of said City shall have power to require that each of said sinking fund commissioners shall give bond of the faithful performance of their duties, in such sum and so conditioned, as the City Council may determine and required by ordinance and any of said sinking fund commissioners shall be subject to removal by ouster or other proper proceedings under the general laws of Tennessee or charter of the City of Harriman for neglect of duty and for misfeasance in office or malfeasance. That the City Council of the City of Harriman, Tennessee, shall have no power or authority to sell the utility systems owned by the City except by complying with this Act, and any sale or attempted sale of said properties not made in conformity with this Act shall be null and void.

ARTICLE III
EXECUTIVE DEPARTMENT

Section 1. Executive officers named; election, appointment or hiring; combination of offices; compensation: The executive power of the City shall be vested in a Mayor, together with a City Council, City Manager, City Chief Finance Officer, City Judge, and City Attorney;

(A) The City Manager, City Chief Finance Officer, City Judge, and City Attorney shall be appointed by the City Council and Council shall fix their compensation prior to their hiring.

(B) Candidates for City Clerk, Department Heads and any other employee required by State Statute shall be selected and hired by the City Manager. The City Council retains to right to reject any candidates it feels are unsuitable for the job.

(C) The City Council shall have power, in its discretion, to combine any two (2) or more of the above offices in one (1) person, except the offices of City Clerk and City Finance Officer, which shall not be held by the same person.

(D) The City Clerk, Department Managers, and any City staff position hiring's shall be reported at the first regular meeting of the City Council after hiring, or in any adjourned meeting thereof.

Section 2. Mayor to be Chief Executive Officer; qualifications: The Mayor shall be the Chief Executive Officer of the City; shall be at least twenty-five (25) years of age, a citizen of the United States and of the State of Tennessee, and a qualified voter at the

time of his election, and an inhabitant and citizen of the City for at least one (1) year next before the day of his election.

Section 3. Mayor's general powers and duties: The Mayor shall be the presiding officer of the City Council. The Mayor shall from time to time, give the City Council information relative to the condition of the corporation, and shall recommend to its consideration such measures as they may deem expedient for the interests of the City. The Mayor shall take care that the laws of the State and ordinances of the City are respected and enforced within the City.

Section 4. Removal of appointees and elected officers by the Council; Mayor's power to administer oaths, subpoena witnesses, etc.: The City Council shall have power for cause to remove any person appointed or elected to fill an office in said City, and in all cases of examination of charges, or at the examination of any officer before the City Council. The Mayor shall have the power to administer oaths, to subpoena and compel the attendance of witnesses, and the production of books and papers. It shall require a majority vote of the City Council to remove any elected or appointed officer. The State Ouster procedures compiled in Tennessee Code Annotated, Title 8, Chapter 47, Part 1 govern the removal of any elected officer.

Section 5. Mayor's authority to require exhibition of officer's books and papers: The Mayor shall have power whenever they shall deem it necessary, to require any officer of the City to exhibit his books and papers, and refusal by any officer when so required to exhibit the books and papers of his office shall be deemed a forfeiture and abandonment of said office.

Section 6. Mayor's power and duty to perform acts required by ordinance: 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.

Section 7. Mayor's veto power with respect to appropriation ordinances, etc.: In the exercise of the veto power herein conferred by this Act upon the Mayor, they may veto the entire annual appropriation ordinance, or any separate appropriation in the same, or they may veto the entire monthly budget resolution provided for the payment of the running expenses of the City for any month, or any separate items of the same. If only certain items of the appropriation or monthly budget are vetoed, before said items can become a valid appropriation or valid part of the budget, as the case may be, the like proceedings shall be held in the City Council as are described in Article II, Section 12.

Section 8. Removal of employees; filling of vacancies: Any employee, with the exception of the City Chief Financial Officer, City Attorney and City Judge, may be removed for cause by the City Manager. Whenever a vacancy shall occur in an appropriate position, the City Manager shall appoint a person to fill such vacancy. Only the City Council may terminate the City Chief Financial Officer, City Attorney, City Judge or a City Council member and, unless otherwise provided in this Charter, the City Council shall fill by appointment any vacancy created thereby.

Section 9. Vacancy in office of Mayor: In case of a vacancy in the office of Mayor, or in case the Mayor shall, for any reason, be unable to perform the duties of the office or resign, the Mayor Pro Tem shall act as Mayor, and in case the latter shall be absent from the City, or for any reason, cannot act as Mayor, then the City Council shall elect one (1) of its members, who shall act as Mayor of said City during the time of the absence or disability of said Mayor or Mayor Pro Tem, and such acting Mayor shall receive compensation for the time they serve, equal to that provided for the Mayor, provided they render actual service for fifteen (15) consecutive days at any one (1) time, but shall receive no pay as Aldermen during such period.

Section 10. "Officer" defined: The term officer or officers whenever used in this Act shall include the Mayor, City Council Members, City Attorney, City Judge, City Manager and Chief Financial Officer.

Section 11. Mayor to sign bonds, contracts, etc., and accept service of legal process against the City: All bonds, contracts, and other instruments requiring the assent

of the City shall be signed by the Mayor or acting Mayor, and all legal process against the City shall be served upon the Mayor or acting Mayor except as otherwise provided by ordinance or law.

Section 12. Salary of Mayor: The Mayor shall receive such salary as the City Council shall fix by ordinance. In case of a vacancy in the office of Mayor, the acting Mayor shall be entitled to salary for the time they serve, at the same rate as the Mayor would have received, but shall receive no salary as a member of the City Council while they serve as Mayor.

Section 13. City Chief Financial Officer to make purchases for City: The City Chief Financial Officer shall, for and on behalf of the City, purchase all furniture, books, stationary, tools, materials, and supplies and all things necessary for use of the several departments, offices, and employees of the City. In order to effect such purchases said Chief Financial Officer, shall where appropriate, considering location of possible vendors, advertise in papers, search lowest prices from office supply houses, and use electronic media for advertising, bidding, and public notification. Where bidding is indicated to obtain the best price and quality of product, advertising for bids should be for a period of two (2) weeks. Sealed proposals shall be made at a time specified in said notice, and said bids shall be opened by the Chief Finance Officer in the presence of the City Manager and the City Clerk. Bids shall be awarded to the lowest reliable and responsible bidders, estimating the bids in detail, for similar quality and service of the product. Sole source justifications may be indicated by unresponsive bidding or unique characteristics for which there are no good substitutes, and such sole source requests shall be submitted to City Council for approval. The aforesaid purchases shall be made only upon requisition signed by the head of the department of the office requiring the article to be purchased. It shall be the duty of the City Finance Officer to report purchases for what price and upon whose requisition; provided, however, that when it may be practicable to advertise or invite proposals, then sealed proposals shall be invited from three (3) responsible parties dealing in such materials, supplies, or labor, and the bids shall be opened and the contract awarded in the same manner as provided in this section. All bids shall be in duplicate, one (1) copy filed with the Chief Financial Officer and one (1) with the City Clerk, and provided, further, that said officers may reject any and all bids so made if they deem them unreasonable or too expensive. The City Council may provide, by action in regular session and documented in meeting minutes, for the purchase of small supplies, repairs, and services without asking for the sealed proposals or making publication.

Section14. Handling of City money by the Chief Financial Officer: It shall be the duty of the Chief Financial Officer to receive, receipt for, and keep the money of the City, and pay out the same by order of/and signed by the City Manager, registered and attested by the City Clerk under the seal of the corporation.

Section 15. All City funds to be paid over to the Chief Financial Officer: Every officer or agent of the City, or other person who shall receive or having possession of any money belonging to the City, shall immediately pay the same over to the Chief Financial Officer and take his receipt therefor in duplicate, one of which receipts shall be delivered to the City Clerk by the party paying over the money. For every failure to pay over moneys to the Chief Financial Officer, or to deliver the Chief Financial Officer's receipt therefore to the City Clerk, for more than two (2) working days after the moneys shall have been received by such officer, agent, or other person, or as provided by City ordinance, such officer, agent, or other person shall forfeit to the City double the amount of money not paid over as herein specified.

Section 16. Issuance of licenses and permits: The Chief Financial Officer is hereby authorized to issue all license and permits which may be granted by the City Council, in pursuance of this Act, upon payment to the Chief Finance Officer of the amount of the license or permit fee, or tax, as fixed by law or ordinance. Upon the receipt by the Chief Financial Officer of any such license or permit they shall issue duplicate receipts for the money, specifying the amount and date of payment, the person by whom paid, and what the sum was paid for, one (1) of which the said person shall deposit with the City Clerk; and no license or permit issued by the Chief Financial Officer shall be valid or of any effect until the said receipt shall have been delivered to the City Clerk, who shall receipt for the same on the back of said license.

Section 17. Depositories for the City fund: The Chief Financial Officer may annually invite the banks of the City of Harriman to submit bids for the City's current account for the year, and, by and with the approval of the Mayor and City Council shall award the account to the bank making the best bid for the same. In deciding which bid is best for the City, consideration shall be given to the interest rate offered on the daily balance of the account, provided, however, that before any deposit shall be made by the Chief Financial Officer in any such bank or banking institution, the said bank or banking institution shall give a bond in the sum of ten thousand dollars ($10,000) or in such greater sum as the City Council may require, payable to the City of Harriman, with good and sufficient sureties, to be approved by the Mayor and City Clerk, for the safe keeping and prompt payment of said funds or any part thereof when demanded by the Chief Financial Officer and no amount which may be due any such bank on account of any warrant, bond, bill, or other evidence of City indebtedness shall be accepted by the Chief Financial Officer as an offset against such deposit with such bank.

Section 18. Chief Financial Officer to make monthly and annual reports: At the beginning of each calendar month the Chief Financial Officer shall report to the City Council the transaction of the Chief Financial Officer's office during the previous month, which shall show the amount of money received and from whom and on what account, and also a list of bonds, and orders which have been redeemed by him or paid into the treasury as money due the City, which said bonds, and orders shall accompany the report for cancellation. They shall also make an annual report of the transactions of his office on the thirtieth (30th) day of June in each year, and from time to time such other reports as may be required by the City Council. If the Chief Financial Officer should fail to report as provided by this section, except when authorized by City Council, they shall forfeit and pay to the City the sum of five hundred dollars ($500) for each such failure.

Section 19. Chief Financial Officer to be bonded: The Chief Financial Officer shall give bond to the City, with sufficient sureties, to be approved by the City Council, in the sum of ten thousand dollars ($10,000), or for such additional sums the City Council shall require, conditioned for the faithful performance of the duties of his office, and to pay over to his successor in office all such sums of money belonging to the City as shall be in their hands, and to account for and turn over to such successor all City property which may come into their hands.

Section 20. Chief Financial Officer's general accounting powers and duties: The Chief Financial Officer shall countersign for all appropriations and moneys ordered paid by the City Council; the Chief Financial Officer shall see that all proper rules and regulations are prescribed and observed in relation to all accounts, settlements, and reports regulating the fiscal affairs of the City; that no appropriations or funds are overdrawn or misapplied; that no liability is incurred, or money or property of the City disbursed or disposed of contrary to law or ordinance; the City Financial Officer shall publish quarterly in brief, the financial condition of the City, and shall make semi-annual reports on the first Monday of January and July of the financial condition of the City; the Chief Financial Officer shall provide and keep in his office reliable and complete tables of the finances, assets, liabilities, and receivables of the City; shall keep a true and accurate account of the revenues, receipts, and expenditures of the City, and with the City Clerk maintain the different funds of the City; shall from the tax rolls compute the revenue due for each year; certify to the Mayor the amount of money to be raised by taxation for the payment of the bonds and coupons maturing during that year, discriminating between the general bonds of the City and the coupons thereon, and each series and class of bonds and the coupons thereon. The Chief Finance officer shall oversee the City's annual budget preparation.

Section 21. How funds are paid out: No money shall be paid out by the Chief Financial Officer unless signed by the City Manager and countersigned and registered and attested by the City Clerk.

Section 22. Chief Financial Officer Term, salary and qualifications: The Chief Financial Officer shall be appointed to serve an indeterminate term and receive such salary or fees, or both, as may be determined by City Council. The Chief Financial Officer shall possess knowledge of and experience in the use of Generally Accepted Accounting Principles (GAAP). The Chief Financial Officer shall meet all State of

Tennessee requirements of a Certified Municipal Finance Officer or obtain such certification within two (2) years of employment. City Council may require by resolution or ordinance additional Chief Finance Officer qualification levels such as education and experience.

Section 23. City Clerk's general accounting powers and duties: The City Clerk shall be the general accountant of the City, and as such, it shall be the City Clerk's duty to receive and preserve in their office all accounts, books, vouchers, documents, and papers relating to the accounts and contracts of the City, its debts, revenues, and other fiscal affairs. It shall be the City Clerk's duty to prescribe the mode of keeping, dating, and rendering all accounts, unless otherwise provided in this Act between the City and any person or body corporate; the City Clerk shall make such accounts payable reports, estimates, and statements as may be from time to time required of them by the City Council; the City Clerk and Chief Finance Officer are especially charged with the preservation of the credit and faith of the City in relation to its debt. The City Clerk maintains all records of all contracts, names of contractors, names of employees, in such manner as to show the departments in which they are employed, and their respective salaries, powers, and duties, and how appointed; the City Clerk shall administer oaths and require all claims, settlements, returns, and reports made to him/her to be verified; the City Clerk shall countersign and register all licenses and contracts; they shall furnish all officers and clerks with blank licenses, permits, and receipts and they shall account to the City Clerk for the same, and the clerks shall compare and check their proper issue once each month. The City Clerk shall oversee the municipal waste fund, payroll, and deposits with outside agencies including retirement, insurance, federal tax deposits, and employee tax forms; the City Clerk shall administer human resource laws and other regulations that apply to City activities.

Section 24. Certified copies of papers and records as evidence: Copies of all papers filed in the office of the City Clerk, and transcripts of the records of the City Council, duly certified by the City Clerk, under the seal of the City, shall be received as evidence in all the Courts of the State. The City Clerk shall perform such other duties not inconsistent with the duties imposed by this Act, and as the City Manager may direct.

Section 25. Cancellation of paid bonds and coupons: When any of the bonds shall be paid off and redeemed, and after such redemption of payment shall have been reported to the City Council, it shall be the duty of the City Clerk to certify the same, with the number and amounts thereof, to the City Manager whereupon the City Manager and City Clerk shall together examine said bonds so redeemed or paid, and, if found to be genuine and correct, shall take the numbers, dates, series, and amounts thereof, and then, having made an abstract thereof, shall mark on the face of each the word "cancelled" or "paid", and shall deposit the same with the City Clerk and make certificate thereof to the City Council, which shall be spread at length upon the journals thereof. The same officers shall, in the same manner, annually or semi-annually, as by ordinance may be required, examine, mark, deposit, and certify all coupons paid by the City.

Section 26. Verification of bills against City: The City Clerk shall require all bills against the City to be rendered in items and verified by the claimant or some person in their behalf.

Section 27. All claims against City to be audited by the Finance Committee: The Finance Committee shall be an auditing committee composed of the City Clerk and two (2) members of the City Council, and every claim against the City shall be audited by said committee before the same shall be ordered paid.

Section 28. Annual financial statements required of Chief Financial Officer and other officers: The Chief Financial Officer and all other officers charged with the collection or custody of money, shall on the thirtieth (30th) of June each year and at such other times as the City Manager may direct, make to the City Manager and Clerk a full and detailed statement, under oath, of all their accounts, which shall show all money received from whatever source and from whom and what for; and all moneys paid, to whom and when, and for what purpose. The Chief Financial Officer shall at the first meeting of the City Council in the month of July each year, make a like statement of all receipts and expenditures, a summary of which statement shall be available when so ordered by the City Council, during normal business hours at the Harriman Municipal

Building the statement made by the Chief Financial Officer shall exhibit in full the resources and liabilities of the City, together with the amount of revenue collected from all sources during the preceding twelve (12) months, the amount expended by the City on all accounts during the same period, and such further particulars as shall be prescribed by ordinance; and for any refusal, neglect or failure to make the report or publish a summary thereof at the time and in the manner herein prescribed, such officer so failing of refusing, and the sureties on the official bond, shall forfeit and pay to the City of Harriman a sum not exceeding five hundred dollars ($500) and the Mayor shall cause to be instituted and prosecute to final judgment, an action in the name of the City, against such delinquent officer or officers, and his or their sureties for the same, but such recovery shall not be construed as a bar against other recoveries on such official bond for any other default, neglect, or delinquency of such officer.

Section 29. The powers and duties of the City Manager are to:

(A) To see that the laws and ordinances of the said City are enforced and upon knowledge or information of any violation thereof to see that prosecution is instituted in the Municipal Court;

(B) Except as otherwise provided in this charter, appoint, promote, demote, suspend, transfer, remove, and otherwise discipline all department heads and subordinate employees at any time, subject only to any personnel rules and regulations adopted by ordinance or resolution by the commission. Any hearings on, or appeals from, the City Manager's personnel decisions provided for in the personnel rules and regulations shall be exclusively before the City Manager or a hearing officer designated by the City Manager. The City Council retains the right to review and overrule the discipline or firing of Department Heads and Staff;

(C) Supervise and control the work of the recorder, the Chief of Police, the City Attorney, Treasurer, and all other officers, and of all departments and divisions created by this Charter or that hereafter may be created by the Board of Aldermen;

(D) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility or franchise are faithfully done, kept and performed, and, upon knowledge or information of any violation thereof, call the same to the attention of the City Attorney, who is hereby required to take such steps as are necessary to enforce the same;

(E) Report to the City Council at their regular meeting the conditions of the different departments of the City from his investigation, and that they shall attend all meetings of the Board of Councilmen with the right to take a part in the discussion but not to vote;

(F) Recommend to the Board for adoption such measures as the City Manager deems necessary or expedient;

(G) Act as budget commissioner and keep the Board fully advised as to the financial condition and need of the City;

(H) Act as purchasing agent for the City and purchase all material, supplies and equipment for the proper conduct of the City's business as provided in this Charter;

(I) Execute contracts on behalf of the City when this authority is delegated to the City Manager by ordinance;

(J) Perform such other duties as may be prescribed by this Charter or required of the City Manager by resolution or ordinance of the Board of Aldermen; and

(K) The City Manager shall be the custodian of all property, both real and personal, belonging to the City. The City Manager shall render to the City Clerk a complete list of same on or before the first day of January of each year.

Section 30. City Manager's compensation and termination:

(A) The Board of Aldermen shall appoint and fix the salary of the City Manager, who shall serve at the will of the Board.

(B) The City Manager may not be removed within twelve (12) months from the date on which the City Manager assumed the duties of the City Manager, except for incompetence, malfeasance, misfeasance, or neglect of duty.

(C) In case of the City Manager's removal within that period, the City Manager may demand written charges and a public hearing thereon before the Board prior to the date on which final removal shall take effect. The decision and action of the Board on such hearing shall be final, and pending such hearing, the Board may suspend the City Manager from duty.

Section 31. City Attorney's duties: It shall be the duty of the City Attorney to attend to all cases in any Court in this State wherein the City may be a party, plaintiff, or defendant, or a party in interest, to attend all City Council Meetings as requested, to advise the City Council or any committee thereof in writing, when required, as to all legal questions that may arise before them; to advise the Mayor, Council and City Manager and through them all other officers, in relation to their duties and from time to time to make such reports in relation to the suits in which the City is interested, as may be required by the Mayor or the City Council, and perform such other duties not inconsistent with the duties imposed by this Act, as the City Council may, by ordinance direct.

Section 32. City Attorney's term and compensation: The City Attorney shall be appointed to an indeterminate term and receive such salary or fees, or both, as may be determined by City Council.

ARTICLE IV
ELECTIONS AND APPOINTMENTS

Section 1. Elections and terms of office for the Mayor and Aldermen: On the first Tuesday after the first Monday in August of every even-numbered year a City election shall be held at which the qualified voters of the City of Harriman shall elect successors to those elected City officers whose terms are due to expire. The officers so elected shall hold their offices from the first day of September following their election and until their respective successors have been elected and qualified.

Section 2. Aldermen may be elected by wards: The City Council may at any time after the first election provide for the election of Aldermen by wards and for that purpose may divide the City into wards, subject to the limitation contained in Article I, Section 4.

Section 3. How elections are held: The elections herein provided for to be held within the City of Harriman and all other elections which may be ordered in said City either by statute or by the City Council in pursuance of any statute, shall be called and held by the regularly appointed and qualified election commissioners for Roane County, or such other officers as the law shall from time to time prescribe for the holding of elections in Roane County, who shall conduct said elections as shall be prescribed by law for the holding of elections for state officers as far as the same is applicable, and the judges of said election shall canvass the vote immediately after said elections and file the returns with the election commissions as required by law in regular State elections. The election commissioners for Roane County or other officers prescribed by law for holding said elections, shall meet on the first Monday succeeding any election of City officers held under pursuance of this Act and canvasses said returns and declare the result thereof and shall cause a certificate of election signed by their chairman, secretary or by such other proper officer as the law may direct, to be issued to the persons having been elected.

Section 4. Qualifications for voting: All persons who are qualified voters under the general municipal corporation laws of the State shall be qualified to vote under this Act.

Section 5. State election laws applicable generally: The election laws of the State in relation to election precincts in cities, registration, the punishment of election frauds, shall apply to the elections held under this Act, and all such elections shall be by ballot and be conducted as nearly as may be in conformity with the statutes regulating general elections.

Section 6. City Council to break tie votes: If the election of any officer shall fail in consequence of an equal number of votes having been cast for two (2) or more persons for the same office, the City Council shall cast lots among the persons so voted for and in such manner as the City Council may prescribe by resolution and the person who shall be successful according to the terms of such resolution in the casting of lots shall be declared elected.

Section 7. Election contests: If the election of any City Officer is contested, the contest shall be heard and determined by the City Council under such rules as the said Council shall have previously established for such hearing.

Section 8. Vacancies in the City Council: If there shall occur a vacancy in the City Council the Mayor may, by and with the consent of a majority of the remaining members of the Aldermen, fill such vacancy by appointment; and the person so appointed shall hold said office until the next general election.

Section 9. Residence requirements for officers and appointees: Every elected City officer shall have been a resident within said City for twelve (12) months previous to his election and shall reside within the City during his term of office. In case any such officer shall be found to have been ineligible at the time of his election or shall cease to reside in the City, his office shall thereupon and thereby become vacant. All appointees shall be residents of Roane County within six (6) months of appointment.

ARTICLE V
OFFICIAL OATHS, PENALTIES AND BONDS

Section 1. Oath of office: Every person elected or appointed under the provisions of this Act shall, before entering upon the duties of their office, take, subscribe, and file in the office of the City Clerk, an oath in the following form: "I, _____, do solemnly swear that I am a citizen of the United States and of the State of Tennessee; that I will support the Constitution of the United States and of the State of Tennessee, and will faithfully and honestly perform the duties of the office of _____ to the best of my ability; that I have not and while holding said office will not have any direct personal interest in any contract with the City or any department or institution thereof, that I am nor indebted to the State, the County of Roane, or the City of Harriman, on account of any lawful tax against me now due and unpaid, and that I do not owe the City of Harriman any past due and unpaid indebtedness; that I have not been convicted at any time of malfeasance in office, bribery, or other corrupt practices or crimes, and do not stand charged by the attorney-general of Roane County or indicted on account of alleged offense against the law, so help me, God" and every such officer or person who shall take and subscribe such oath, shall be guilty of perjury in case the oath shall be false or shall be violated, and shall be liable to indictment for perjury by any grand jury of Roane County, and upon conviction thereof shall be punished as now provided by law in case of perjury. If any person elected or appointed to office shall fail to qualify within the time herein provided, his election or appointment shall fail and the office be deemed vacant.

Section 2. Officers shall not have personal interests in City contracts: It shall be unlawful for any member of the City Council or other officer to have any direct personal interest in any contract with the City of Harriman, or any of its departments or institutions, and any such contract wherein any such officer of the City of Harriman shall have any interest as aforesaid, adverse to the interests of the said City of Harriman, shall, at the option of the Mayor or of the City Council, be void, and each officer and

every contractor under any contract so declared void, shall severally forfeit to the City a sum not exceeding one thousand dollars ($1,000) to be recovered in a civil action.

Section 3. Officers shall not buy or deal in bonds, warrants, or other applicable financial documents drawn on the City: It shall be unlawful for any member of the City Council, or any other officer to purchase or deal in bonds, warrants, or other applicable financial documents drawn on the City, or to purchase any bill, account, or claim against the City other than negotiable City bonds which have been issued previous to their election or appointment to office.

Section 4. Penalty for violating Sections 2 or 3 of Article V: Every employee of the City who shall violate the provisions of Section 2 or 3 of Article V, shall be deemed the Charter and, upon conviction thereof shall be punished by a fine not less than fifty dollars ($50.00).

Section 5. Acceptance of bribes prohibited: Every Alderman or other officer or employee of the City, who shall, before or after their election, appointment, or employment contract agree for or receive any money or other thing of value from any contractor with the City or from any person whosoever as a consideration in whole or in part, for any official or public act already done or to be done by any Alderman, officer, clerk, or employee of the City, or for his influence in any matter requiring the action of any Alderman, officer, clerk, or employee, upon conviction thereof shall be subject to the penalty provided in Tennessee Code Annotated, Section 39-16-102.

Section 6. Illegal contracts, etc., determined to be null and void: Any contract or agreement or any other act of the City Council, or other appointees, officers, clerks, or employees of the City of Harriman, of every name or nature, done or caused to be done and punishable under the provisions of the preceding section, shall be taken and held to be null and void *ab initio*.

Section 7. Council to provide punishments for certain violations: The City Council shall have power, and it is hereby made their duty to provide by ordinance for the punishment of every appointee, officer or employee of the City for every violation of the provisions of this act which is not especially provided for by this Act or by law.

Section 8. Council may require bonds of personnel: Every officer and employee of the City except the Mayor whose official bond is not prescribed by this act may be required by the City Council to give such official bonds, with such conditions, penalties, and sureties as said Council may deem necessary, and from time to time declare by ordinance or resolution.

ARTICLE VI
FINANCE AND TAXATION

Section 1. General power to levy property taxes and liens: The City Council shall have power and authority to levy taxes for City purposes upon all taxable property, real, personal, and mixed, within the limits of the City. That all the municipal taxes assessed on real estate in the City of Harriman, both before and after the passage of this act, and all interests, penalties, and costs accruing thereon, are hereby declared to be a lien on said realty, from and after the tenth (10th) day of January of the year for which they are assessed, superior to all other liens, except of the State of Tennessee and the County of Roane, for taxes legally assessed thereon, with which it shall be a co-ordinate lien.

Section 2. General power to levy privilege tax on the occupancy of hotels and motels, to regulate collection of the tax, and provide for the application of the tax revenue.

(A) As used in this Act unless the context otherwise requires:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction

therefrom whatsoever; provided, however, nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(2) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist Court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(3) "Occupancy" means the use or possession, or the right to use or possession, of any room, lodgings or accommodations in any hotel.

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(6) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.

(B) The legislative body of the City of Harriman is authorized to levy and collect a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed seven percent (7%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this Act.

(C) Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the City. When a person has maintained occupancy for ninety (90) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the City of Harriman.

(D) The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the City to the City Chief Financial Officer, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the City entitled to such tax shall be that of the operator.

(E) The City Chief Financial Officer shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the City Chief Financial Officer by the operator with such number of copies thereof as the City Chief Financial Officer may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the City Chief Financial Officer and approved by the legislative body prior to use. The City Chief Financial Officer shall audit each operator in the City at least once per year and shall report on the audits made on a quarterly basis to the legislative body. The legislative body is hereby authorized to adopt ordinances to provide reasonable rules and regulations for the implementation of the provisions of this Act.

(F) No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

(G) Taxes collected by an operator which are not remitted to the City Chief Financial Officer on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars ($50.00).

(H) It is the duty of every operator liable for the collection and payment to the City of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as they may have been liable for the collection.

(I) The City Chief Financial Officer in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, Title 67 or otherwise provided by law for the County Clerks. Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67, Chapter 4, Part 14, it being the intent of this Act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this Act. The City Chief Financial Officer shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707, for the County Clerks with respect to the adjustment and refunds of such tax. With respect to the adjustment and settlement with taxpayers, all errors of taxes collected by him under authority of this act shall be refunded by the City. The City Chief Financial Officer shall have the authority to direct the refunding of same. Notice of any tax paid under protest shall be given to the City Chief Financial Officer and the ordinance authorizing levy of the tax shall designate an officer against whom suit may be brought for recovery.

(J) The City Chief Financial Officer is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in such fund as the legislative body may specify by ordinance.

(K) The taxes collected hereunder shall be distributed by the legislative body, provided at least ten percent (10%) of the taxes collected shall be applied to promote tourism in the area.

(L) The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

Section 3. When taxes due and delinquent; penalty and interest; collection; distress warrants, etc.:

(A) All of the taxes due the City of Harriman, except privileges and merchants' ad valorem taxes, shall be due and payable on the first Monday in October of the year for which the taxes are assessed, and shall bear interest at six percent (6%) per annum from the last day of the following February. The City Chief Financial Officer shall be the custodian of the tax books, and tax collector of the City.

(B) A penalty of five percent (5%), on all taxes remaining unpaid on and after the last day in February shall be added, and after the last day in February aforesaid, the tax books in the hands of the City Chief Financial Officer shall

have the force and effect of a judgment of a Court of record and the tax statements issued therefrom the force and effect of an execution, and the City Chief Financial Officer shall have the power to levy same upon and sell any property other than real estate belonging to the party against whom the tax is assessed. They shall also have the power to issue distress warrants and alias and pluries distress warrants in the name of the City of Harriman, to enforce the collection of taxes.

(C) Such distress warrants, when issued by the City Chief Financial Officer, shall be executed by the Police Chief of the City or any Assistant Police Chief, or any lawful Police Officer of the State, by a levy upon a sale of the goods and chattels under the same provisions as prescribed by law for the execution of such process from justice of the peace.

Section 4. *In rem* actions against realty: The proceedings under the provisions of this Act against any real estate in the City of Harriman for municipal taxes, interests, penalties, and costs due thereon shall be an action *in rem*, and it shall not be necessary in order to vest a good and valid title in the purchase at any sale made hereunder to proceed personally against the person or persons owning the same, but it shall be necessary, only that the advertisement of sale hereinafter provided for shall contain a sufficient description of the property to identify same; provided, that such a description would be sufficient to pass title by deed of conveyance under the existing laws of the State of Tennessee.

Section 5. Advertisement of property for sale for delinquent taxes:

(A) As soon as practicable after the first Tuesday in June of the succeeding year after the taxes have been assessed, the City Chief Financial Officer shall prepare an accurate description of each tract, lot, or parcel of land upon which any municipal taxes, interests, or costs are unpaid, and the Chief Financial Officer shall proceed to advertise the sale of said delinquent property in some newspaper or newspaper web site of general circulation in the City of Harriman, or on the internet web site owned by the City once each week, for four (4) consecutive weeks.

(B) If no newspaper is circulated in the City of Harriman or if the newspaper shall decline to publish same for the legal fees, then such advertisement shall be made by not less than five (5) notices posted in public places in the said City of Harriman on the internet web site owned by the City. Said advertisements shall be made in the alphabetical order in which the names of the said owners of said delinquent land appear on the tax books; but it shall not in any wise invalidate any advertisement or sale under same if such alphabetical order is departed from in the making of said advertisement.

Section 6. Sufficiency of the advertisement: Said sales shall be advertised as near the same time as practicable, but need not all be made at the same time in order to render the sale thereunder good and valid. One (1) general description or heading, stating the time, place, and terms of sale, shall be sufficient in all the delinquencies advertised in any one of the papers, or upon any one (1) notice, posted under the provisions hereof.

Section 7. Advertising fee: The newspaper publishing the said notice of sale shall be allowed a nominal fee for the first insertion or newspaper web site entry, and an additional nominal fee for each additional insertion or newspaper web site entries, for each lot, tract, or parcel of land advertised; provided, that where there are two (2) or more contiguous lots or parcels of land, assessed together as one (1) assessment, they shall be advertised in the same manner, and but one (1) fee allowed for such advertisement. Such advertising fee shall be paid by the delinquent taxpayer if paid before the day of sale; if not so paid it shall be paid out of the proceeds of the sale of the particular lot or tract of land advertised under the conditions hereinafter provided.

Section 8. Tax sales:

(A) At the place and between the hours of nine (9) A.M. and four (4) P.M. on the day named in said advertisement, the City Chief Financial Officer shall sell the advertised property at public auction for cash, to the highest and best bidder, and out of the proceeds of the sale shall be paid all municipal taxes, interest, penalties, fees, and costs accrued thereon, then due and delinquent on said land.

(B) The City Chief Financial Officer shall before offering any tract, lot or parcel of land for sale announce the total amount of taxes, interest, penalties, fees, and costs due thereon, and shall offer to receive bids upon the smallest subdivision thereof, which will produce the amount of said taxes, interest, penalties, fees, and costs, and sell the smallest subdivision of the land which will produce a sufficient amount as aforesaid.

(C) If no bid for a sufficient amount, as aforesaid, is received for the subdivision of said land, then the City Chief Financial Officer shall sell the whole tract, lot, or parcel, but no bid shall be accepted for a less sum than the total of the taxes, interests, penalties, fees, and costs accrued thereon. Said sale may continue from day to day, if necessary, or deemed expedient by the City Chief Financial Officer. Should such property sell for more than the amount of the taxes, interest, costs, etc., such excess shall be paid to the owner.

Section 9. Certificates of sale; fees for preparing advertisements and certificates:

(A) After said sale has been made by the City Chief Financial Officer, the Chief Financial Officer shall execute and deliver to the purchaser of each tract, lot, or parcel of land, a certificate, reciting that said purchaser was the highest and best bidder, giving the description of the land, date of sale, and the amount of taxes, interest, penalties, and costs respectively, for which the land was sold, the total amount thereof, and the amount paid by the purchaser.

(B) A fee shall be taxed against each tract or parcel of land advertised for sale for the preparation of said advertisement and a fee for making sale and executing certificate shall be taxed as a part of the costs against each tract or parcel of land sold, said fees to be turned into the treasury in the same manner as taxes.

Section 10. Deeds for property sold at tax sales: After one (1) year from the date of such sales unless the property shall have been redeemed, as hereinafter provided, the City Chief Financial Officer shall, upon demand, execute to said purchaser, or his assigns, or legal representatives, a deed for the lands bought by said purchaser or purchasers; provided, that said purchaser shall pay the necessary fees made and provided for the execution of deeds by the law of the State, said fees to be turned into the treasury in the same manner as taxes.

Section 11. Redemption of property sold at tax sale: Any time within two (2) years from the date of sale of any property, as hereinbefore provided, the owner or owners of such property, or a judgment creditor of said owner or owners, or his, her, or their assigns, shall have the right to redeem the same by the payment to the City Chief Financial Officer of the total amount of taxes, interest, penalties, fees, and costs, and such excess over and above this sum for which said property was sold, with interest at six percent (6%), per annum from date of sale, which amount shall be by the City Chief Financial Officer paid over to the purchaser of the property, or such amount of same as will refund to the purchaser the amount paid by him, with interest, provided, however, that said party or judgment creditor, as the case may be, desiring to redeem his property sold, shall pay all taxes assessed against same from the date of the first sale up to the time they desire to redeem same.

Section 12. Authority of City to buy property at tax sales: In all cases where no bid is received at the sales, hereinbefore provided for sufficient to discharge all municipal taxes, interest penalties, fees, and costs upon said property, the City Chief Financial Officer shall bid the amount of said taxes, interest, penalties, fees, and costs upon said property for the City of Harriman, striking the same off to the Mayor, to be held by him and his successors in office, in trust for the use of the City and the Mayor is hereby

authorized to subsequently sell said property, by and with the consent of a majority of the Aldermen-elect, at private sale, at the amount of such bid, or more, subject to redemption as in other cases, but the time of redemption to run from said public sale aforesaid. But the City of Harriman shall not be required to pay any advertising fees unless the title shall be vested in the Mayor for the use and benefit of the City after the expiration of said one (1) year, as herein before provided. And after the expiration of said time for the redemption of said property, and same, has not been redeemed, the Mayor, by, and with the consent of a majority of the Aldermen, is authorized to sell said property in bar of the equity of redemption, at either public or private sale, making deed to the purchaser.

Section 13. Board of equalization: The City Council shall constitute a Board of equalization for the City of Harriman to equalize tax assessments, and shall have the powers and perform all the duties of the County Board of equalization so far as same may apply to City taxes, provided, that notice shall be given in some newspaper circulated in the City of Harriman, on the newspaper web site or on the internet web site owned by the City, for at least one (1) week previous thereto, of the time when said Council will sit as a Board of equalization.

Section 14. City Manager to report annually on revenue needs: Council to pass annual appropriation ordinance; disposition of unexpended funds: During the last quarter of the fiscal year, the City Manager shall present to the City Council a detailed statement of the money necessary to defray the expenses of the City government for the next year, and for this purpose shall require from the City Manager, as the head of the different departments of the City government, and the City Council and Mayor, detailed statements of the probable expenses to be incurred in their departments. As soon thereafter as possible the City Council shall pass an annual appropriation ordinance for the next fiscal year, providing for the appropriation of certain definite sums of money to defray the expenses incident to each department of the City government, based upon the estimate of the City Manager, Mayor and City Council but not necessarily governed by it. The total amount appropriated by such appropriation ordinance shall in no case exceed the probable amount of money that will be received during the fiscal year by taxation or other sources of revenue. At the end of the fiscal year for which such appropriation shall have been made, the balance remaining unexpended to the credit of the different funds, shall be converted into the general fund and become subject to appropriation for general City purposes.

Section 15. Authority of Council to borrow money and issue bonds: The City Council is hereby authorized to contract indebtedness on behalf of the City and upon the credit thereof by borrowing money and issuing bonds of the City of Harriman at the best rate of interest available for the purpose of erecting public buildings for City use, for the purpose of constructing and maintaining public sewers for the City; for the purpose of grading and paving public streets and alleys and constructing and reconstructing sidewalks, curbing, and guttering and for other improvements; for the purpose of building and constructing viaducts for the City or aiding in the construction thereof; for the purpose of constructing bridges and their approaches; for the construction, erection, or purchase of water works and lighting plants and the necessary machinery, pipes, and conduits and appurtenances for their operation; for the purpose of paying any and all floating indebtedness of the City, or for any other specific purpose for the improvement of the streets of the City or lighting the same. Provided always, that no loan shall be made and no bonds shall be issued for any purpose except by ordinance, which shall be irrepealable until the indebtedness therein provided for and bonds issued in pursuance thereof shall have been fully paid, and such ordinance shall specify the purpose for which the sums to be raised shall be applied, and shall also provide for a levy upon the taxable property in the City sufficient to pay the annual interest thereon and extinguish the principal of such debts and bonds within the time limited for same, which shall not be less than five (5) years nor more than forty (40) years, and provided, further, that such taxes when collected shall only be applied to that purpose in said ordinance specified until the indebtedness and bonds have been paid and discharged, but no such debt shall be created or bonds issued unless the question of incurring the same and the issuing the bonds therefor, shall be submitted to a vote of the qualified electors of the City, and a majority of such voters voting upon the question by ballot shall vote in favor of creating such indebtedness and issuing such bonds, but when the proposed bond issue is for the purpose of paying the City's floating indebtedness the question whether or not the

people originally voted to create said indebtedness shall not affect the validity of the bonds so issued. Provided, further, that the amount of the issue and maturity of said bonds hereunder may be determined by ordinance of the City of Harriman within the above limitations.

Section 16. Expenditures not to exceed appropriations; contracts must be supported by appropriations to be binding:

(A) The City Council shall not order the payment of any money for any purpose whatever in excess of the amount appropriated for the current year, and, at the time of said order, remaining unexpended in the appropriation of the particular class or department to which such expenditures belong.

(B) Neither the City Council nor any officer of the City shall have the authority to make any contract or do anything binding the City or imposing upon the City any liability to pay money, until a definite amount of money shall have been appropriated by the annual appropriation ordinance herein before provided for, for the liquidation of all the pecuniary liability under said contract or in consequence thereof.

(C) The amount of said appropriation shall be the maximum limit of the liability of the City under such contract or in consequence thereof; said contract to be *ab initio* null and void as to the City for any other or further liability; provided that nothing herein contained shall prevent the City Council from paying any expense, the necessity of which is caused by any casualty, accident, or unforeseen contingency happening after the passage of the annual appropriation ordinance.

(D) The provisions of this section shall not apply to or limit the authority of the City Council to contract for a longer period than one (1) year for water, gas, or electric lights; provided, however, that no contract be entered into for a longer period than thirty (30) years.

Section 17. Use of payments in lieu of taxes on the electric system: In the interpretation of this Act (section), the following definitions of terms shall apply:

(A) Electric System. The Electric System of the City of Harriman, Tennessee, including all tangible and intangible property and resources of every kind and description used or held for use in the purchase, transmission, distribution and sale, but not the generation, of electric energy.

(B) Tax Equivalent. The amount transferred to the general fund of, or otherwise provided, the City of Harriman from the revenues of its Electric System as payments in lieu of taxes or other charges on the Electric System and electric operations.

(C) Any and all tax equivalents paid by the Electric System shall be placed in the general fund of the City of Harriman and expended for such municipal purposes as may be determined by the governing body of the City.

ARTICLE VII
CITY COURT OF HARRIMAN

Section 1. City Court established: There is hereby created and established within and for the City of Harriman a City Court, to be presided over by a City Judge, who shall be appointed in the manner and at the times provided for in this Act.

Section 2. Qualifications of City Judge: The qualifications of the City Judge to preside over the City Court, created in the preceding section of this Act shall be that he or she must be a person licensed to practice law in the State of Tennessee, a citizen of the United States, and of the State of Tennessee, and must have resided in the County of Roane for at least twelve (12) months next preceding the time of their appointment.

Section 3. Jurisdiction of City Court: City Court of Harriman shall have full power and authority to try all offenses for violation of the ordinances and bylaws of the City. The City Judge shall be appointed to an indeterminate term and receive such salary or fees, or both, as may be determined by City Council.

Section 4. Practice and procedure before the Court: The practice and proceedings before said City Court in civil cases arising under the laws of the State shall be those prescribed by law for justices of the peace, and all actions and proceedings arising under the ordinances of the City, the said Court may make and establish such rules of practice and procedure as it may see fit, not inconsistent with the constitution or laws of the State or ordinances of the City.

Section 5. Power of City Judge to grant extraordinary process: The City Judge of the City Court of the City of Harriman shall have full power and authority to grant writs or injunction, attachment, *habeas corpus*, and other extraordinary process, and appoint receivers.

Section 6. Absence or inability of City Judge: In the event the City Judge shall either from absence or inability to act, be disqualified from sitting in any particular case, the Mayor is hereby authorized to appoint a temporary judge, with Council approval, for a definite term or for a particular case, who shall possess the same qualifications required for the regular judge and such person shall have all the powers of the City Judge for the time and the purposes appointed. Which appointment must be made by the Mayor in writing in duplicate, one copy to be filed with the City Clerk and the other to be delivered to the judge so appointed. Before entering upon his duties as such special judge, they shall take and subscribe to the same oath before the City Clerk, as required of the regular City Judge.

ARTICLE VIII
MISCELLANEOUS PROVISIONS

Section 1. Charter as evidence: This Act is hereby declared to be a public act, and may be read in evidence in all the courts of law and equity within this state without proof.

Section 2. Borrowing in anticipation of revenue: That the Board of Mayor and Aldermen shall have power to anticipate the annual revenue by borrowing money to meet the payments of interest and sinking fund on the bonded debt of the City and other current expenses; provided, the amount borrowed shall not exceed forty percent (40%) of the tax levy for the year in which said money is borrowed; provided the members of the Board of Mayor and Aldermen shall be individually liable for any sum borrowed in excess of that amount.

Section 3. Current Elected Officials: That all persons holding office in the City of Harriman under and by virtue of Chapter 165, Private Acts of 1917 and under any amendment thereto shall continue to hold office under their present election or appointment until the term of said office shall expire, as fixed by the original acts as amended by this Act, and all ordinances and by-laws of the City of Harriman existing immediately before the passage of this Act, not inconsistent herewith, shall be and remain in full force and virtue, and all legal and subsisting obligations, liabilities, actions, claims, contracts, and prosecutions arising under said Act shall remain and continue as if this Act had not been passed.

Section 4. Severability clause: That should the Courts declare any section of this Act unconstitutional, or unauthorized by law, or in conflict with any other section or provisions of this Act, then such decision shall effect only the section or provisions so declared to be unconstitutional or unauthorized and shall not affect any other section or provisions or part of this Act.

Section 5. Conflicting laws repealed: All private acts, or parts thereof, pertaining solely to the City of Harriman, Tennessee, that are in conflict with this Act be and the same are repealed.

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 Harriman. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Harriman 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 3.

HOUSE BILL NO. 2554

PASSED: April 17, 2014

BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 16th day of May 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

2014 JUN 16 AM 9:33
SECRETARY OF STATE
RECEIVED

Private Chapter No. 74, which is House
(House or Senate)
Bill No. 2554, of the 108th General Assembly, was:

approved ✓

disapproved _____

no action taken _____

Presiding Officer of the Local Legislative Body

Embossed Seal:
(if applicable)

Harriman City
County or City

June 10 2014
Date