State of Tennessee

PRIVATE CHAPTER NO. 62

HOUSE BILL NO. 2660

By Representative Marsh

Substituted for: Senate Bill No. 2685

By Senator Tracy

AN ACT to amend Chapter 754 of the Private Acts of 1947; as amended by Chapter 520 of the Private Acts of 1953; Chapter 288 of the Private Acts of 1965; Chapter 37 of the Private Acts of 1975; Chapter 187 of the Private Acts of 1980; Chapter 251 of the Private Acts of 1982; Chapter 173 of the Private Acts of 1992; Chapter 212 of the Private Acts of 1992; Chapter 86 of the Private Acts of 1993; Chapter 11 of the Private Acts of 1993; Chapter 28 of the Private Acts of 1995; Chapter 3 of the Private Acts of 2001; Chapter 44 of the Private Acts of 2005; Chapter 58 of the Private Acts of 2007; Chapter 8 of the Private Acts of 2009; and any other acts amendatory thereto, relative to the charter for the city of Shelbyville.

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

SECTION 1. Chapter 754 of the Private Acts of 1947, as amended by Chapter 520 of the Private Acts of 1953, Chapter 288 of the Private Acts of 1965, Chapter 37 of the Private Acts of 1975, Chapter 187 of the Private Acts of 1980, Chapter 251 of the Private Acts of 1982, Chapter 173 of the Private Acts of 1992, Chapter 212 of the Private Acts of 1992, Chapter 86 of the Private Acts of 1993, Chapter 11 of the Private Acts of 1993, Chapter 28 of the Private Acts of 1995, Chapter 3 of the Private Acts of 2001, Chapter 44 of the Private Acts of 2005, Chapter 58 of the Private Acts of 2007, Chapter 8 of the Private Acts of 2009; and any other acts amendatory thereto, the same being the charter for the city of Shelbyville, is amended by deleting the charter and substituting instead the following:

ARTICLE I
CORPORATE NAME, BOUNDARIES AND POWERS

1-1. Corporate name. That the inhabitants residing within the corporate limits and boundaries, as hereinafter established, shall be and shall continue a body politic and corporate under the name of "City of Shelbyville," and as such shall have perpetual succession, may have a corporate seal, and sue and be sued.

1-2. Corporate limits. The corporate boundaries of the City of Shelbyville are as contained in prior charters and in annexation ordinances or other lawful annexation schemes, which are recorded and kept in the recorder's office of the city; said boundaries are herewith reaffirmed. Extensions of the corporate boundaries shall be as provided by future annexation action in accordance with Tennessee Code Annotated.

(a) The territory embraced within the corporate boundaries shall be divided into six (6) wards, numbered one (1) through six (6) inclusive, which shall be of approximate equal population, giving due regard to the topography of the territory to be divided and the natural features of the same, to the end that each ward may be clearly designated and defined. Wards shall be reapportioned by the city council every ten (10) years based on the most recent federal census, or more often based on population growth, after first submitting any proposed change to the planning commission for its review and recommendation. No boundary change shall be made, however, that places a duly elected councilman, during such councilman's term of office, in a ward other than the one to which the councilman was elected.

(b) Whenever any area is annexed, the annexing action shall set forth the councilmanic ward(s) included in the area so annexed.

1-3. Powers. The City of Shelbyville shall have the following powers:

(1) To assess, levy, and collect taxes upon all property and privileges within its limits which are or shall be taxable by the laws of the state, and to assess, levy and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly forbidden by the general law of the State of Tennessee;

(2) To adopt such classifications with reference to all subjects or objects of taxation, not otherwise expressly prohibited by law;

(3) To make and levy special assessments against abutting or adjoining property for local improvements;

(4) To contract and be contracted with;

(5) To incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner hereinafter provided;

(6) To issue and give, sell, pledge, or in any manner dispose of negotiable or non-negotiable interest bearing or non-interest bearing warrants, bonds, promissory notes or orders of the city, upon the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more, or a combination of any two (2) or more, of such credits;

(7) To expend the revenues, monies and property of the city for all lawful municipal purposes;

(8) To purchase, acquire, receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, or any estate or interest therein, either within or without the city or state;

(9) To effectually exercise the right of eminent domain, and to condemn property, real or personal, or any easement, interest, estate or use therein, either within or without its territorial limits, for present or future public use, such right of eminent domain to be exercised in any such manner as may be lawfully provided;

(10) To receive and hold property in trust, real or personal, either within or without the city or state, and to administer such trusts for public use and benefit;

(11) To acquire, own, erect, build, construct, maintain and operate, or to sell, lease, mortgage, pledge or otherwise dispose of any public utility, or any estate or interest therein, or property, real or personal, used in connection therewith, or any utility of service to the city, its inhabitants, or any part thereof;

(12) To grant to any person, firm, corporation or association franchises for public utilities and public services to be furnished the city and its inhabitants. The power to grant franchises shall include the power to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be deemed as exclusive not only as against any other person, firm, corporation, or association, but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years, but not longer, and the city is fully empowered to prescribe and regulate in each grant of a franchise, the rates, fares, charges and other regulations that may be made by the grantee of the franchise. Franchises may by their terms apply only to the territory within the corporate limits at the dates of the franchises, or to the territory as said limits may thereafter be enlarged; and to the then existing streets, alleys and other thoroughfares, or to any other streets, alleys and other thoroughfares that thereafter may be opened;

(13) To make contracts with any person, firm, corporation or association for public utilities and public services to be furnished the city and its inhabitants. The power to make contracts shall include the power to make exclusive contracts; and when an exclusive contract is entered into, it shall be deemed as exclusive not only against any other person, firm, corporation or association, but also as against the city itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not

longer, and the city is fully empowered to prescribe in each such contract entered into, the rates, fares, charges and regulations that may be made by the person, firm, corporation or association with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as said corporate limits thereof may be enlarged; and to the then existing streets, alleys, and thoroughfares, and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel, from time to time, reasonable extensions of facilities for such services, but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted, or of any exclusive contract entered into under subsections (12) and (13) of this section;

(15) To establish, open, locate, relocate, vacate, alter, abandon, widen, extend, grade, improve, repair, construct, maintain, light, sprinkle and clean public highways, streets, alleys, boulevards, parks, squares, bridges, culverts, sewers, drains and public grounds and properties within or without the corporate limits, and to regulate the use thereof;

(16) To construct and reconstruct, improve and re-improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public properties within the corporate limits, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, avenues, alleys or other public properties;

(17) To purchase, acquire, hold, construct, maintain and regulate market places, public properties and buildings, bridges, culverts, sewers and other structures, works and public improvements;

(18) To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse in any manner not in conflict with general laws, or to license and regulate such collection and disposal;

(19) To license and regulate all persons, firms, corporations or associations engaged in any business, profession, vocation, occupation, or trade not forbidden by law, and to impose a license tax upon any property, thing, business, profession, vocation, occupation or trade not prohibited by law;

(20) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, professions, vocations or trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and in conjunction with the powers herein set out to demand and receive fees and costs of permits and inspections incident to effectual regulation;

(21) To prescribe locations, zones and limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, comfort or general welfare of the inhabitants of the city may lawfully be established, conducted or maintained;

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

(23) To provide and maintain charitable, educational, curative, recreative, corrective, detentive or penal institutions, departments, facilities, conveniences and services, or to contract with any outside agency to provide and maintain, or to render the functions and services contemplated herein;

(24) To enforce all ordinances, rules or regulations by means of fines, forfeitures and penalties, or by action or proceeding in any court of competent jurisdictions, or by any one or more of such means; and to establish, by ordinance, limits for such fines, forfeitures or penalties;

(25) To regulate, tax, license or suppress the keeping or running-at-large of animals within the city; to impound the same, and in default of redemption to sell or otherwise dispose of the same;

(26) To call upon the board of election commissioners of Bedford County to call, provide for, and control all municipal elections, including all elections respecting bond issues, and to provide for and regulate the registration of voters, and to certify the results of such elections;

(27) To make all reasonable regulations to prevent the spread of contagious diseases within the city, and to make and enforce regulations to promote sanitation, health and general welfare of the inhabitants of the city;

(28) To purchase, acquire, establish, construct, equip, improve, maintain and operate for said city a municipal airport or landing field for the use of aircraft, and to acquire by purchase, lease, condemnation or otherwise, real estate situated either within or without the limits of said city, or to set apart any real estate now owned by it to be used for this purpose;

(29) To have and exercise all lawful powers, which now or hereafter it would be lawful to here specifically enumerate, as fully and effectually as though said powers were specifically enumerated herein; and

(30) To purchase, acquire, establish, improve, maintain and operate a municipal cemetery, either within or without the corporate limits of said city, and to provide for adequate supervision, care and maintenance thereof, and for this purpose said city is expressly authorized to establish and create out of any available revenues a fund for the perpetual care and maintenance of said cemetery, said fund to be kept separate and apart from all other revenues of said city and to be handled, controlled, supervised and disbursed in such manner as may be provided.

1-4. Powers not exclusive. The enumeration of the particular powers in this article is not exclusive, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant powers in this article impair the powers granted in any subsequent article or section of this charter; and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one (1) or more of such powers as to any or more such objects for any one (1) or more such purposes.

1-5. Exemption of property from taxation prohibited. The city council shall possess no power and is hereby expressly forbidden to exempt any property of whatsoever kind or character, or any person, firm, corporation, or association, from taxation, unless such property or person, persons, firm, corporation or association is exempted from taxation for state and county purposes under the general laws of the state in such cases made and provided.

1-6. Advertising and promotion. The city council is authorized to make an appropriation of money or expenditure of money for the purposes of advertisement, or making better known, the resources, natural or artificial, of the city, or for the purpose of promotion of the city's general welfare, or creation of public good will toward same.

ARTICLE II - ELECTIONS

2-1. Date.

(a) The city general election shall be held to coincide with the federal general election in November of even-numbered years.

(b) The election to be held in November 2016 shall be for the position of councilmen representing wards 1, 3, and 5. The election to be held in November 2018

shall be for the position of the mayor, and the positions of councilmen representing wards 2, 4, and 6.

(c) Nothing herein shall shorten or modify the term of an incumbent mayor or councilman duly elected or appointed to fill a vacancy in office.

2-2. Laws governing. The board of election commissioners for Bedford County shall call elections and appoint the necessary and proper election officers, and such elections shall be held under and pursuant to the general laws prescribed in elections for members of the general assembly of the State of Tennessee.

2-3. Voter qualifications. All persons who are entitled to vote for members of the general assembly under the general election laws of the State of Tennessee and who reside within the corporation shall be entitled to vote at said election; provided, all persons residing outside the corporation limits, having owned a taxable freehold within the corporation for a period of six (6) months next preceding the date of said election, and being otherwise qualified, shall also be entitled to vote at said election; provided further that such person residing outside the corporation limits and owning a taxable freehold within the corporation for a period of six (6) months next preceding the date of said election, shall also have a controlling interest of 50% or more of the taxable freehold within the corporation.

ARTICLE III - MAYOR AND CITY COUNCIL

3-1. City council. The governing body of the city shall be comprised of seven (7) members including a mayor and six (6) councilmen to be known as the "city council," who shall hold office and exercise the powers and duties imposed by this charter.

3-2. Qualifications of mayor.

(a) Any qualified voter of the city, who is at least twenty-one (21) years old and who has resided a minimum of two (2) years within the city, shall be eligible for election to the office of mayor.

(b) No person who holds any kind of an office, executive, judicial or legislative, under the United States, the State of Tennessee, Bedford County, or an employee of the City of Shelbyville, Tennessee, shall be eligible for the office of mayor.

(c) An existing member of the city council shall be appointed to the office of vice-mayor by the city council for a term not to exceed two (2) years and shall serve in this capacity without any additional compensation.

3-3. Term of office of mayor. The term of office of the mayor shall be four (4) years, beginning at the first regular city council meeting in December following the election, and continuing until a successor is elected and seated at the first regular city council meeting in December following election four years later.

3-4. Eligibility to serve as councilman.

(a) Any qualified voter of the city, who is at least twenty-one (21) years old, has been a resident of the city for at least two (2) years and resided full time within the ward from which he is running for twelve (12) months prior to the election, shall be eligible for election to the office of councilmen from, and shall represent, the ward in which he resides. Each councilman must reside full time in the ward from which elected.

(b) No person who holds any kind of an office, executive, judicial or legislative, under the United States, the State of Tennessee, Bedford County, or an employee of the City of Shelbyville, Tennessee, shall be eligible for the office of councilmen.

3-5. Term of office of councilman. The term of office of councilmen shall be four (4) years, beginning at the first regular city council meeting in December following the election, and continuing until a successor is elected and seated at the first regular city council meeting in December following election four (4) years later.

3-6. Ineligibility for office. No person shall be eligible to the office of mayor or councilmen who has been convicted of offering a bribe, or of larceny, or any other offense declared infamous by law, unless restored to citizenship in the mode pointed out by law; or those against whom there is a judgment unpaid for any moneys received by them, in any official capacity; due to the United States, the state, or a political subdivision; those who are defaulters to the treasury at the time of the election; soldiers, sailors, marines, or airmen in the regular army or navy or air force of the United States; and members of congress, and persons holding any office for profit or trust under any foreign power, or other state of the union, or under the United States.

3-7. Salary. The salary of the mayor shall be ten thousand two hundred dollars ($10,200.00) per annum, payable monthly, and the salary of councilmen shall be seven thousand eight hundred dollars ($7,800.00) per annum, payable monthly. Notwithstanding the foregoing, the salary of the mayor and councilmen may be set by ordinance by the city council; provided however, that no ordinance increasing the salary of the mayor shall become effective until the date of commencement of the term of the mayor, nor shall any ordinance increasing the salary of a councilman become effective until the date of commencement of the term of the councilman.

3-8. General legislative powers. The legislative powers, and all other powers granted said municipality by this charter, except as otherwise herein provided, are hereby vested in, and delegated to the city council, and it may by ordinance or resolution, not inconsistent with the provisions of this charter, prescribe the manner in which all powers of the municipality shall be exercised, provide the necessary administrative means, and do all things and perform all acts within or without the city or state to effectually exercise the powers, herein granted, to protect the rights and interests of said city.

3-9. Meetings.

(a) The city council shall fix the time and place at which regular meetings of said council will be held.

(b) Special meetings of the city council may be held at such times, and on such dates whenever in the opinion of the mayor and city manager, or any four (4) councilmen, the welfare of the city demands it, and in such case written notice shall be given to the mayor, councilmen, city manager, recorder, and city attorney, either served personally or left at his usual place of residence. Each call for a special meeting shall set forth the purpose for which such meeting is called and the character of business to be discussed and considered at such meeting.

(c) If the business at any regular or special meeting is not completed on the day the council convenes, the council may adjourn such meeting to any subsequent day.

3-10. Presiding officer. The mayor shall preside at all meetings of the city council, and in the absence of the mayor, the vice-mayor shall preside as mayor pro tempore. Should the mayor and vice-mayor both be absent at any meeting, the city council shall elect by ballot one of their members present, who shall preside as mayor pro tempore at such meeting, and the mayor pro tempore in both situations shall thereupon be entitled to a voice and a vote in matters arising at such meeting.

3-11. Vacancies. Whenever a vacancy shall occur in the office of mayor, or in the office of any councilman, such vacancy shall be filled for the unexpired term of such office by the election by the remaining members of the city council; provided, however, that no election shall be for a longer term than for the next general election after said appointment of other city elected officials.

3-12. Quorum. A majority of six (6) councilmen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absentees in such manner and under such penalties as the council may provide.

3-13. Voting procedure, rules of proceeding.

(a) At all meetings of the city council, each of the six (6) councilmen shall be entitled to a vote on all matters properly presented to the council, or before the council

for action. The mayor shall be entitled to a voice at all meetings, but no vote, except in case of a tie in the voting of the councilmen, in which case the mayor shall be entitled to vote and cast the deciding vote.

(b) The City Council may determine and prescribe such other rules of its proceedings, subject to the provisions of this charter, as it may from time to time deem necessary.

3-14. Record of meetings. The city council shall be required to keep an accurate record of all meetings of the council, both regular and special, which records shall remain open for inspection to the public at all times in accordance with the Tennessee Code Annotated.

3-15. Meeting location. All meetings of the city council shall be held at the Shelbyville City Hall, or such other place as may be designated, and shall be open to the public except when authorized to go into closed, executive session in accordance with the Tennessee Code Annotated.

3-16. Removal from office. The mayor or any councilman may be removed from office for committing any act that is subject to ouster pursuant to Tennessee Code Annotated, title 8, chapter 47, part 1. Any ouster proceeding initiated shall be conducted in accordance with the above-mentioned provisions.

ARTICLE IV - ORDINANCES AND RESOLUTIONS

4-1. Form. All ordinances adopted by the city council shall begin: "Be it ordained by the City of Shelbyville, Tennessee."

4-2. Readings.

(a) All ordinances shall be in writing when offered for adoption by the city council, and must pass two (2) readings on two (2) different days in open session of the council before adoption. Not less than one (1) week shall elapse between the first and second reading.

(b) An ordinance may be read by title only provided a copy of said proposed ordinance shall have been made available to the city council and city recorder at least three (3) days prior to the time and date of the meeting at which said ordinance shall be read for the first time.

(c) Four (4) affirmative votes are required to pass an ordinance.

4-3. Effective date. No ordinance shall take effect until fifteen (15) days after its passage on final reading, except that the same may be enacted as an emergency ordinance and expressly contain the statement that an emergency exists, specifically containing recitals of the circumstances and reasons for the existence of an emergency. An emergency ordinance shall be effective immediately upon passage.

4-4. Amendments. An amendment to an existing ordinance shall be in the form of a new ordinance, and adoption of such amendments shall be had in the same manner as a new ordinance.

4-5. Resolutions.

(a) All resolutions adopted by the city council shall begin "Be it resolved by the City of Shelbyville, Tennessee."

(b) A resolution shall be effective from and after adoption on one (1) reading, and shall not be subject to the requirement, applicable to ordinances, that they be passed on two (2) readings.

(c) At the discretion of the council the reading of a resolution in its entirety may be dispensed with provided that a copy of said proposed resolution shall have been lodged with the mayor and councilmen and the recorder at least three (3) days prior to the date and starting time of the meeting, at which said resolution shall be presented.

4-6. Publication. The city council may direct that any ordinance or resolution pending before the council, or under consideration by it, be published in a newspaper of general circulation in the city, before taking final action thereon, and may in like manner direct the publication of any ordinance or resolution following its adoption.

4-7. Number of ordinances and resolutions. After passage, all ordinances and resolutions shall be designated by number, recorded, filed and preserved in city hall, which shall be open for inspection by the public during normal business hours. The vote of each member of the city council shall be determined by ayes and nays, and the name of each member voting for or against an ordinance or resolution shall be recorded in the meeting minutes.

4-8. Code of ordinances. The city council is hereby expressly empowered to enact a code of ordinances, in which may be embraced ordinances of administrative, legislative or penal nature, including any and all ordinances necessary or proper to fully exercise the powers and duties, conferred or imposed by the provisions of this charter.

ARTICLE V - MAYOR

5-1. Duties and powers.

(a) The mayor shall be the ceremonial head of the city and preside at all meetings of the city council, performing all such other duties as is consistent with the office, or as may be imposed upon it by ordinance not in conflict with the charter.

(b) The mayor shall have a seat on the city council, a voice, but no vote or veto. It shall be the mayor's duty to sign the minutes of all meetings, all ordinances and resolutions following passage, and to execute all deeds, bonds, contracts, notes and other instruments in the name of the city and to acknowledge execution of the same as mayor as authorized by the council.

(c) The mayor shall have no power to introduce an ordinance, resolution, or motion before said council or to take any action at meetings other than is expressly provided herein.

5-2. Vice-Mayor. The duties of the vice-mayor shall be limited to representing the mayor at those functions requiring the ceremonial presence of the mayor, upon request by the mayor, and to serving as mayor pro tempore at all meetings of the city council upon the absence of the mayor.

5-3. Service of legal process. All legal process against the city shall be served upon the city attorney or in the event of his absence, death, or being unavailable for any reason, then upon the city manager or mayor, and such process shall thereafter be handled by the city attorney.

ARTICLE VI - OFFICERS AND EMPLOYEES

6-1. City manager. The city council shall appoint a city manager, who shall serve at the pleasure of the council, and shall fix the term of his appointment, if any, and for this purpose the council is hereby fully authorized and empowered to enter into any contract of employment with a city manager, upon such terms, at such salary and for such period of time, as the council may determine.

6-2. Treasurer, Judge, Recorder, and Attorney. The city council shall appoint and fix the salary of the city treasurer, the city judge, the city recorder, and the city attorney, who shall serve at the pleasure of the council, and shall establish and make provision by ordinance or resolution for such other officers, agents and employees as may be necessary and for this purpose the council is hereby fully authorized and empowered to enter into any contract of employment with these offices, upon such terms, at such salary and for such period of time, as the council may determine.

6-3. Bonds. The city manager and every officer, agent or employee having duties embracing the receipt, custody, handling or disbursement of money shall, before entering upon these duties, be covered under an individual or blanket fidelity bond, with some surety company

authorized to transact business within the State of Tennessee, in such amounts and in such form as may be prescribed by the council. The cost of fidelity bonds shall be paid by the city.

6-4. Compensation of Officers and Employees. Except as otherwise provided in this charter the compensation of all officers and employees of the city shall be fixed by the city manager within the limits of the appropriations ordinance and in accordance with a comprehensive pay plan adopted by the city council.

6-5. Personnel policies and procedures. The city council shall adopt personnel policies and procedures for employees of the city in compliance with the Tennessee Code Annotated, and any other applicable provision of general law. Such policies and procedures shall be predicated on the basis of merit, efficiency, and fitness for duty, free of personal and political considerations. The policies and procedures may be amended from time to time by the city council.

ARTICLE VII - CITY MANAGER

7-1. Administrative head of municipality. That in addition to all other powers and duties, conferred and imposed upon the city manager, he shall be the administrative head of the municipal government under the direction and supervision of the city council; such person shall be appointed without regard to political or religious beliefs, and need not be a resident of the city, county or state at the time of such appointment.

7-2. Acting and Interim City Manager.

(a) The city manager is authorized to designate an acting city manager when temporarily absent or away from the city.

(b) When the absence of the city manager is of a longer period due to illness or disability, the city council may appoint some suitable and qualified person to perform the functions of the city manager during the temporary absence or disability of the city manager until the city manager's return or removal.

(c) The city council shall also name an interim city manager to serve during the period of time when the city has no city manager.

7-3. Powers and duties of city manager. There is hereby conferred and imposed upon the city manager the powers and duties following, to-wit:

(1) To see that all laws and ordinances are enforced, and upon knowledge or information of any violations thereof, to see that prosecutions are instituted thereunder in the city court;

(2) Except as otherwise provided in this charter, to appoint and remove all subordinate officers, agents and employees;

(3) To supervise and control the work of the treasurer, recorder, and all other officers, agents and employees, and of all departments and divisions created by this charter or which may be hereafter created;

(4) To ascertain that all terms and conditions imposed in favor of the city or any of its inhabitants upon any utility, or by any franchise, are faithfully performed, and upon knowledge of any violation thereof, to call same to the attention of the city attorney, who is hereby required to take such steps as are proper to enforce the same;

(5) To attend all meetings of the City Council, and to make such reports as is required of the city manager, with the right to take part in the discussions, but having no vote;

(6) To recommend to the city council for adoption all such ordinances, resolutions or other action, as the city manager may deem proper, necessary or expedient;

(7) To supervise and control and to act as the administrative head of the city, including the authority to employ, promote, discipline, suspend and discharge all

employees and department heads, in accordance with personnel policies and procedures adopted by the city council. The city manager shall make periodic reports to the city council of the transactions, affairs and conditions of each department, together with recommendations made by the city manager with respect thereto;

(8) To prepare and submit the annual budget and capital program to the council;

(9) To submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(10) To keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as the city manager deems desirable;

(11) To act as purchasing agent and to make purchases in accordance with the purchasing policy approved by the council, which shall include provisions establishing public advertising and competitive bid limits, and shall be established by ordinance. The purchasing policy shall also prescribe the maximum expenditure that the city manager may make without formal approval of the city council;

(12) To execute contracts as authorized by the council, and other documents and instruments on behalf of the city; and

(13) To faithfully perform all such other duties as may be prescribed by this charter or required of the city manager by ordinance or resolution of the city council.

7-4. Powers, authority and duties distributed among departments.

(a) Except as herein otherwise provided, the executive and administrative powers, authority, and duties in the city shall be distributed into and among such departments, offices, and agencies as the city manager shall determine.

(b) The city manager shall determine the powers and duties to be performed by, and assign them to, the appropriate departments; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one (1) or more of the departments; may require an officer or an employee to perform duty in two (2) or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

7-5. Council not to interfere with personnel appointments exclusive to city manager or city manager's subordinates. Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of the city manager's subordinates are empowered to appoint; however, the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

7-6. Council to deal with personnel through city manager generally. Except for the purpose of formal council inquiries and investigations, the council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

ARTICLE VIII - CITY COURT

8-1. Court established. There is hereby created and established a city court for the City of Shelbyville.

8-2. City judge. A city judge shall be appointed by the city council to serve until the next appointment of said judge with the term of said office to be four (4) years thereafter and said judge shall be appointed each four (4) years thereafter by said city council.

8-3. Judge not required to be full-time office. The city judge shall not be required to hold office to the exclusion of all other activities but said judge may hold this office in addition to his other businesses or professions.

8-4. Qualification and compensation of judge.

(a) Any person who is a resident of Bedford County and has attained the age of twenty-five (25) years, who shall be an attorney licensed to practice law and an attorney in good standing with the disciplinary board of the supreme court of the State of Tennessee, shall be eligible for the office of city judge. A failure to continue to reside in said county shall operate to vacate said office and such person's successor shall be appointed by the city council for the balance of the unexpired term.

(b) The compensation of the city judge shall be as fixed by the city council and shall be paid on a basis to be determined by the city council. Such compensation shall not be decreased or increased during the current term of office of the city judge.

8-5. Duties and powers.

(a) The city judge shall preside over the city court, created under this Article, and shall have power and authority to impose fines and forfeitures, and to punish, by fine, violations of city ordinances, to preserve and enforce order in the city judge's court, to enforce collection of all such fines, costs and forfeitures imposed by the city judge, and to accept and receive good and sufficient security for any fines or forfeitures imposed by the city judge.

(b) The judge of the city court shall have the authority to impose a monetary penalty in an amount not to exceed fifty dollars ($50.00) for violation of a city ordinance.

8-6. Acting judge; vacancy.

(a) In the event the office of city judge shall become vacant for any cause, including resignation, removal, death or continuous disability which prevents the city judge from discharging the duties of the office, the city council shall appoint some qualified person to fill the unexpired term of office. The qualified person appointed shall be vested with the same powers and shall perform the same duties hereby bestowed and imposed upon the presiding officer of said court.

(b) Where the city judge finds it necessary to be absent from holding court, the city judge may designate in writing, to be filed with the clerk of the court, a name of a special judge to hold court in the city judge's place and stead; said person shall be a person who has the qualifications of city judge and the special judge shall take the same oath and have the same authority as the regular city judge to hold court for the occasion.

8-7. Jurisdiction and authority. The city judge shall preside over the city court of Shelbyville, and shall have jurisdiction in and over all cases for the violation of, offenses against, and in all cases arising under the laws and ordinances of the City of Shelbyville, and such other jurisdiction as may be conferred upon the city court by the general laws of the State, including but not limited to the Tennessee Municipal Court Reform Act of 2004, codified at Tennessee Code Annotated, Section 16-18-301, et seq. The city judge shall have the authority to administer oaths and affirmations as required by law. The city judge shall have the power and authority to impose fines, costs and forfeitures, and to punish by fine all violations of the city ordinances, to preserve and enforce order in the city court, and to enforce the collection of all such fines, costs and forfeitures imposed by the court. Pursuant to the procedure set forth in Tennessee Code Annotated, Section 16-18-311, the City Council of Shelbyville, Tennessee, may extend the jurisdiction of the city court to the same General Sessions jurisdiction presently held by the General Sessions Courts of Bedford County, Tennessee.

8-8. Warrants. There shall be inserted in all criminal warrants, issued by the city judge, the following caption, "State of Tennessee, City of Shelbyville." Only one warrant shall be issued for the same offense, said warrant to embrace all the parties charged with the same offense. Warrants shall be signed and issued by the city judge, and no arrest shall be made except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest, except in the case of a felony. The affidavit upon which the warrant is issued, and also the warrant shall state with certainty the offense charged, and when executed shall bear the return and endorsement of the officer, showing his actions in the premises.

8-9. Fines and costs. The city judge, in all cases heard and determined by him for offenses against the laws and ordinances, shall tax in the bill of costs the same amount and for the same item allowed in state cases in courts of general session for similar work in state cases, and shall in addition tax as a part of the cost a sum as shall be provided by ordinance or resolution as a tax on the same. He shall certify to the city manager or to the chief of police for collection all fines, costs and forfeitures imposed by him for violations of the laws and ordinances, and all such fines, costs and forfeitures shall belong to the city and be paid into its treasury, except such portions of the costs as are claimed by witnesses, not in the employ of the city, for attendance in court. The city judge shall keep or cause to be kept a court docket or dockets, embodying complete detailed records of all cases heard and determined by him, and shall keep in addition to a court docket or dockets a complete and accurate record of all fines, costs or forfeitures imposed by him, the amount paid or secured, the names of the persons securing the same, and it shall be the duty of the city judge to collect and receipt for all fines, costs or forfeitures imposed by him, and he shall render a monthly report to the city council and city manager of all fines, costs and forfeitures collected, and of all assessed and uncollected, to which monthly report shall be attached the receipt of the city treasurer, showing the amount so collected to have been turned into the city treasury.

8-10. Appeals. Any person dissatisfied with the judgment of the city judge in any case or cases, heard and determined, may, within ten (10) whole days thereafter, appeal to the next term of the circuit court of Bedford County, upon giving bond with good and sufficient security for his appearance, or the faithful prosecution of the appeal. In all appeals from the judgment of the city judge, the same may be perfected by execution of proper bond for appearance and taking the pauper's oath in lieu of an appeal bond, and the bond in such cases shall be in the form and manner as provided by general law, but shall not exceed two hundred and fifty dollars ($250.00).

ARTICLE IX - CITY ATTORNEY

9-1. Qualifications. A city attorney shall be appointed by and serve at the pleasure of the city council. The attorney shall be an attorney-at-law licensed to practice law in the courts of this state, and an attorney in good standing with the disciplinary board of the supreme court of the State of Tennessee.

9-2. Duties. It shall be the duty of the city attorney to direct the management of all litigation in which the city is a party; represent the city in all legal matters and functions and proceedings of whatsoever kind or nature, including the function of prosecuting attorney in the city court; attend all meetings of the city council; advise the council, city manager, and the several departments of the city as to all legal questions affecting the city's interests; and to approve in writing all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of, or made by or with the city.

9-3. Additional qualifications, salary, term of office. Additional qualifications, if any, salary and the term of office of the city attorney shall be fixed by the city council.

ARTICLE X - RECORDER

10-1. Office created, salary, term, qualifications. A city recorder shall be appointed by and serve at the pleasure of the city council. The city council shall establish the qualifications, salary, term of office, if any, and prescribe the duties, in addition to such duties as are imposed by this article.

10-2. Powers and duties. The city recorder, by the city recorder's signature and the city seal, shall attest all instruments signed in the name of the city and all official acts of the city council. The recorder shall have power to administer oaths.

10-3. Additional powers. It shall be the duty of the city recorder to be present at all meetings of the city council and to correctly keep and preserve a full and accurate record of all business transacted at such meetings, same to be preserved in a permanent form. The city recorder shall have custody of and preserve in the city recorder's office, the city seal, the public records, original ordinances, ordinance books, minutes and journals of the meetings of the city council, contracts, deeds, bonds, certificates and other papers, records and documents not required by this charter to be deposited elsewhere, and the city recorder shall keep and register

the same, insofar as possible, by numbers, dates and contents, and shall keep and maintain an accurate and modern index thereof.

10-4. Records and documents. The city recorder shall provide, and, when required by any other officer or person, certify copies of records, papers, and documents in the city recorder's office, and charge therefor for the use of the city, such fees as may be provided by ordinance or resolution; cause copies of ordinances to be printed, as may be directed by the city council, and kept in the city recorder's office for distribution.

10-5. Other duties. The recorder shall perform any other duties imposed by this charter, the city council, or the city manager.

10-6. Temporary appointment. In the event of the temporary absence or disability of the recorder, the city manager may temporarily appoint a recorder pro tempore.

ARTICLE XI - TREASURER

11-1. Appointment. A treasurer, who shall serve as the director of finance and chief financial officer, shall be appointed by and serve at the pleasure of the city council. The city council shall establish the term of office, if any, qualifications, salary and prescribe the duties in addition to such duties as are imposed by the charter.

11-2. Powers and duties. The treasurer shall exercise general supervision over the fiscal affairs of the city, and general accounting supervision over all the city's property, assets and the disposition thereof. The treasurer shall be the general accountant and auditor of the city; shall have custody of all papers, records and vouchers relating to the fiscal affairs of the city, and the records in the treasurer's office shall show the financial operations and condition, property, assets, claims and liabilities of the city, all expenditures authorized, and all contracts in which the city is interested. The treasurer shall require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to the treasurer by the several departments and officers of the city, including all agents and employees of the treasurer's department who may be charged with the collection or expenditure of money, and shall control and continually audit the same. The treasurer shall, at least once each month, adjust the settlements of officers engaged in the collection of revenue, including but not limited to the monthly report required to be submitted by the city judge.

11-3. Accounting system. The treasurer, with the approval of the city manager, shall cause an efficient system of accounting for the city to be installed and maintained at all times.

11-4. Tax collector.

(a) It shall be the duty of the treasurer to collect, receive and receipt for the taxes and other revenues and bonds of the city, and to place such funds in depositories, designated by resolution of the city council, and the treasurer is hereby made the legal custodian of the city tax books and is made tax collector of the city.

(b) The tax collector may, make remittance to taxpayers of any tax collected by error or otherwise, where taxpayers make application for remittance under oath for just cause.

11-5. Disbursement of revenue. Except as otherwise provided by ordinance, the treasurer shall prescribe and regulate the manner of paying creditors, officers and employees of the city. The treasurer shall audit all payrolls, accounts and claims against the city and certify thereon the balance as stated by the treasurer, but no payroll, account or claim, or any part thereof, shall be audited against the city or paid unless authorized by law, or ordinance, and approved and certified by the city manager and the head of the department for which the indebtedness was incurred, and the amount required for payment of the same appropriated for that purpose by ordinance, and in the treasury.

11-6. Issuance of warrants. Subject to the provisions of the foregoing section, and unless otherwise provided by ordinance or resolution, all warrants of the city shall be issued by the treasurer and countersigned by the city manager. Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund.

11-7. Limitation of authority. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city council, or be authorized by any officer of the city unless the treasurer shall first certify to the city council, or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury, or safely assured to be forthcoming and available in time to comply with or meet such contract, agreement, obligation or expenditure; and no contract, agreement, or other obligation involving the expenditure of money payable from the proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of this charter in reference thereto.

11-8. Further restrictions. No contract liability shall be incurred without previous authority of law, ordinance, or resolution, but the city council may, by ordinance, empower the proper officials to pay out money or incur liability for the city for the necessary preservation of the city's credit, or in other extreme emergency, under such restrictions as may be provided in said ordinance or resolution; provided, that any such liability shall mature not later than one (1) year from the date the same is incurred.

11-9. Other duties. The treasurer shall perform all other duties imposed upon the treasurer, by the charter, the city council, or the city manager.

11-10. Treasurer pro tempore. In the event of the temporary absence or disability of the treasurer, the city manager may appoint a treasurer pro tempore.

ARTICLE XII - TAXATION AND REVENUE

12-1. Subjects and objects of taxation. The City of Shelbyville is hereby expressly empowered to assess, levy and collect taxes upon all property and privileges within its limits, which are or shall hereafter be taxable by the laws of the State of Tennessee, and to assess, levy and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly prohibited by the general law of the State of Tennessee.

12-2. Department of finance. The assessment, levy and collection of taxes and special assessments shall be under the general supervision and control of the department of finance, hereinafter created, subject to the limitations found elsewhere in this charter.

12-3. Tax levy. It shall be the duty of the treasurer, as soon as the assessment roll in each year is ready for the extension of taxes, to produce the same or a true copy thereof before the city council and to certify the total amount of valuation or assessment of the taxable property within the limits of the municipality, and the city council shall thereupon proceed to make the proper levy, to meet the expenses of the city for the fiscal year, and cause the levy to be entered upon the tax list of the current year.

12-4. Utility assessment. The city treasurer shall obtain from the Tennessee Regulatory Authority an assessment roll showing all property, real, personal and mixed assessed by it, which, together with the assessment roll made by the county tax assessor, shall as soon as practicable in each year be inserted into a tax book similar in form to that required by the laws of the state. Such tax book, when certified to be true, correct and complete by the city treasurer, shall be the assessment for taxes in said city for all municipal purposes; provided, however, that there may be an assessment by the city treasurer at any time of any property subject to taxation, found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city.

12-5. Basis upon which property shall be taxed and collected. All property, real, personal and mixed, subject to state, county and city taxes, and all persons liable for privileges taxable by law, when the same shall have become duly assessed for taxation shall be the basis upon which property shall be taxed and taxes collected by the City of Shelbyville for municipal purposes.

12-6. Tax due date. All taxes shall be due and payable at such times as may be provided by ordinance or state law, but unless otherwise provided by ordinance or state law, the same shall be due and payable on the first day of October of the year for which taxes are assessed.

12-7. Penalty and interest. On the first day of March of the year following that for which taxes are assessed, or on such other date as may be provided by ordinance, a penalty of one half of one percent (0.5%) and interest of one percent (1%) shall be imposed upon all taxes remaining unpaid. An additional penalty of one half of one percent (0.5%) and additional interest of one percent (1%) shall be added for each month thereafter until the same is paid in full.

12-8. Distress warrants collection. After taxes become delinquent, the tax books in the hands of the city treasurer shall have the force and effect of a judgment and execution from a court of record, and the county trustee or collector shall have the power to issue distress warrants, in the name of the City of Shelbyville, to enforce the collection of said taxes against the person owning the property for which the taxes are assessed, and shall be ample authority for all lawful authorities having such delinquent taxes for collection to distrain and sell a sufficient amount of the personal property to satisfy the delinquent taxes, interest, penalties, costs and attorneys' fees.

12-9. Delinquent tax collections. All municipal taxes on real estate within the City of Shelbyville, and all penalties, interest and costs accruing thereon, are hereby declared to be a lien on said real estate from and after January 1 of the year for which the same are assessed, and for the purpose of enforcing collection of said taxes and liens securing the same, the city council may direct the treasurer to certify to the trustee of Bedford County for collection a list of all real estate upon which municipal taxes remain due and unpaid, and the same shall be sold in like manner and upon the same conditions as real estate is sold for delinquent state and county taxes. Or, the city council may, by proper action, direct the city attorney to institute separate actions to enforce collection of delinquent taxes due the city, in which event the treasurer shall certify a list of all real estate upon which municipal taxes remain due and unpaid to the city attorney, who in turn shall file proper bills to enforce the liens of taxes due the municipality under the provisions of the present statutes, or any future laws in such cases made and provided.

12-10. Improvement and service liens. The city council shall have the authority in like manner to file bills in the chancery court of Bedford County for the collection of assessments and levies made for payment of improvements or service in said city, such as paving, sidewalk, curbing, gutters, sewers and other improvements for which assessments may be made under this charter, the cost of which is made a charge on property owners abutting said improvements and a lien on abutting property, the suits thus commenced to be conducted as other suits in chancery for the enforcement of similar liens.

ARTICLE XIII - DEPARTMENTS

13-1. Creation of departments. In order that the administrative affairs of the city may be conducted efficiently and effectively, the city manager is hereby empowered to create or remove departments of the city as the city manager shall determine, upon ratification of the City Council by resolution.

13-2. Duties and functions of departments. The city manager shall prescribe the duties and functions of each of the departments, and set policy for conduct of the affairs of each, and may establish temporary departments for special work.

13-3. Supervision. The city manager, shall supervise and actively manage and conduct all the departments created under this charter, as well as all temporary departments created for special work.

ARTICLE XIV - BUDGET AND APPROPRIATIONS

14-1. Fiscal year, budget.

(a) The fiscal year of the city shall begin on the first day of July and end on June 30 of the following year.

(b) It is hereby made the duty of the city manager on or before the 15th day of May of each year to cause to be prepared an estimate of the revenues and expenditures of the city for the ensuing fiscal year. This estimate shall be compiled from detailed information in respect of the several departments on proper forms, and this estimate of

expenditures shall be classified for the principal functional divisions of each department, and shall indicate in parallel columns the following information:

(1) A detailed estimate of the expense of conducting each department as submitted by the department;

(2) Expenditures for corresponding items for the last fiscal year;

(3) Expenditures for corresponding items for the current year, including adjustments of an estimate necessary to complete the current fiscal year; and

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

14-2. Unexpended appropriations. At the end of each year all unencumbered balances of appropriations shall revert to the fund appropriated and be subject to further appropriations. Such balances shall be considered as unencumbered only when the city manager shall certify in writing that the purpose for which the same were appropriated has been completely accomplished or is no longer needed, and that no further expenditure in connection therewith will be necessary.

14-3. Monthly report. It is hereby made the duty of the city manager at each regular meeting of the city council to submit in writing a detailed report for the preceding month of each department, created hereunder, in which shall be clearly shown, among other things, the total amount of money appropriated to each department for the fiscal year, the amount expended during the preceding month, together with the total amount appropriated but not expended.

ARTICLE XV - POLICE DEPARTMENT

15-1. Appointment. The city manager shall appoint a chief of the police department and other members of the police force.

15-2. Duties. It shall be the duty of the chief of police and members of the police force to preserve order in the city; to protect the inhabitants and property owners therein from violence, crime and all criminal acts; to prevent the commission of crime, violence, violations of the law and of the city ordinances; to perform general police duty; and to execute and return all lawful processes, notices and orders.

15-3. Warrants. The members of the police force, whenever necessary, for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same and appear in the city court as prosecutors, relieving complaining citizens, insofar as practicable, of the burden of instituting cases involving the violations of the city ordinances, but this shall not be construed to relieve any person from the duty of appearing in court and testifying in any case.

ARTICLE XVI - FIRE DEPARTMENT

16-1. Appointment. The city manager shall appoint a chief of the fire department and such other members of the fire department.

16-2. Duties. It shall be the duty of the chief of the fire department and the members thereof to take all proper steps toward fire education, fire prevention, fire suppression, and the provision of emergency medical services and rescue services.

16-3. Powers.

(a) While responding to, operating at, or returning from an emergency, the fire chief, or any member serving in capacity of fire officer-in-charge, shall have the authority to:

(1) Control and direct the activities at the scene of the emergency;

(2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person or persons from injury;

(3) Blockade any public highway, street or private right-of-way temporarily while at such scene;

(4) Trespass at any time without liability while at such scene;

(5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;

(6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire that is in progress in another building or premises;

(7) Inspect for preplanning all buildings, structures, or other places in the municipality, except the interior of a private dwelling, where any combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish, or other combustible material that is or may become dangerous as a fire menace to such buildings, structures, or other places has been allowed to accumulate, or where such chief or the chief's designated representative has reason to believe that such combustible material has accumulated or is likely to accumulate;

(8) Direct without liability the removal or destruction of any fence, house, motor vehicle, or other thing, if such person deems such action necessary to prevent the further spread of the fire;

(9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and

(10) Order disengagement or discouplement of any convoy, caravan, or train of vehicles, craft, or railway cars, if deemed necessary in the interest of safety of persons or property.

(b) When responding to an emergency outside the municipality, the department shall at all times be subject to the control of the fire chief or designated representative in whose fire district the emergency occurs.

16-4. Fire marshal. The city manager may appoint a fire marshal, whose duty it shall be, subject to the chief of the fire department, to investigate the cause, origin and circumstances of fires, and the loss occasioned thereby, and assist in the prevention of arson.

ARTICLE XVII - UTILITY BOARD

17-1. Created; purpose. Except as otherwise provided in this charter and in general law, the purchase, production, sale and distribution of utility services by the City of Shelbyville, both within and without the limits of the city, and the agencies and facilities used for such purposes, shall be under the jurisdiction, control and management of a board to be known as the Shelbyville Power, Water and Sewerage System Board (SPWSS), to be constituted as hereinafter set forth.

17-2. Definitions. The following terms, whenever used or referred to in this article, shall have the following respective meanings unless a different meaning clearly appears from the context:

(a) "Board" shall mean the Shelbyville Power, Water and Sewerage System Board, or SPWSS;

(b) "Division" shall mean that part of the system that includes all of one (1) branch of the operation of the system, such as the branch having charge of the electric power operations;

(c) "System" shall mean and shall include the electric system, the water system, the sanitary sewer system, and any other utility or related service system that the board is authorized by law to operate or provide and which is approved by the board. To the full extent permitted by law, services may be provided to the customers that are not physically connected to the facilities of the system and all such service shall be deemed to have been provided by the system; and

(d) "Utility services" shall mean electricity, water, and sanitary sewer services, all related services thereto, and all other utility services that municipalities or municipal utility boards are authorized by law to provide.

17-3. Members of board.

(a) The board shall be comprised of six (6) members, including five (5) citizen members and one (1) member of the city council. The citizen members shall be appointed by the city council in the month of May to staggered, three-year terms of office commencing June 1. One (1) citizen member appointment shall be made in 2016, two (2) citizen member appointments shall be made in 2017, and two (2) citizen member appointments shall be made in 2018. This appointment regime shall continue thereafter in perpetuity on a three-year cycle. The member serving from the city council shall be appointed by the city council, with the first such appointment to be effective June 1, 2016, or as soon thereafter as possible. The term of the member of city council on the board shall be for such time as the city council may fix, but in no event to extend beyond such person's term office. Each member of the board is to serve until his or her successor is appointed and qualified. The city manager shall serve as an ex officio member and shall have a seat and voice but no vote.

(b) No person shall be eligible to hold office as a citizen member on the board until such person shall have been a resident and bona fide freeholder or householder in Bedford County and taxpayer of the City of Shelbyville for at least two (2) years next preceding the time of his appointment or election, and shall be at least thirty (30) years of age, and a citizen of the United States. No person who holds any kind of office, executive, judicial or legislative, under the United States, the State of Tennessee, Bedford County, or an employee of the City of Shelbyville, Tennessee, shall be eligible to serve as a citizen member of the board during such term of office or employment; provided, this shall not apply to notaries public, or to the state national guard. If any member of the board shall cease to possess any of the qualifications for the office, a vacancy shall thereupon immediately be declared. An appointment to complete an unexpired term of office shall be made in the same manner as the original appointment.

(c) Compensation. The compensation of citizen members shall be fixed from time to time by ordinance of the city council. The city council member serving on the board shall receive no additional compensation while serving as a board member, be it in salary or benefits.

17-4. Oath of office. The citizen members of said board herein appointed and qualified hereunder, before entering upon the discharge of the duties of their office, shall take and subscribe to an oath before some person authorized to administer an oath in the City of Shelbyville, as follows:

"I do solemnly swear that I will faithfully and honestly discharge the duties of my office, and that I will promptly report to the board and to the city council if at any time during my term of office I cease to possess any of the qualifications described for membership on the board."

17-5. Bond.

(a) Before entering upon the duties of the office, each citizen member of the board shall execute and file with the city council, a bond in the sum of five thousand

dollars ($5,000.00), payable to the City of Shelbyville, with approved surety thereon, conditioned for the faithful performance of each member's duties.

(b) Premiums for such bonds shall be paid out of the funds of the system.

17-6. Removal of Members.

(a) A citizen member of the board may be removed for the causes and in the manner provided by the general ouster law of the state for persons holding an office of trust.

(b) The board may also, by an affirmative vote of four (4) of its members, remove any citizen member for misconduct, malfeasance, or for any other just and sufficient cause, as authorized by state law, after due trial before the board, following ten (10) days' notice in writing of the specific charges against the member.

17-7. System operation. The board shall adopt and implement an organizational structure for the system to ensure its efficient and effective management. The subdivisions of such structure, the detailed separation of duties within the structure, and the creation of the subordinate offices and positions within the structure shall be as required by the board. The board may alter the system's organizational structure as necessary or convenient, provided such changes do not violate any general laws, this charter, or any of the system's contractual obligations.

17-8. Meetings and organization.

(a) The board shall elect from among its five (5) citizen members a chair and secretary. The chair shall preside over the meetings of the board. In the absence of the chair at any meeting, then a chairman pro tempore shall be selected by the members present constituting a quorum. The board shall also elect a secretary who shall be either a citizen member of the board or a full-time employee of the system. The secretary shall keep the minutes of the meetings of the board and shall perform such other duties as the board may prescribe.

(b) A new election of officers shall be held annually at the first regular meeting of the board following the commencement of a new term of office for a citizen member each June. A member holding an office shall continue in office until such officer's successor has been appointed. If the secretary is not a member of the board, the secretary shall hold office at the pleasure of the board. The board shall have the right to adopt bylaws, not inconsistent with the provisions of this charter.

(c) Bylaws adopted by the board shall provide the time, place and manner of holding both regular and special meetings of the board. The board shall hold a regular meeting at least once each month. At its meetings, a majority of the members of the board shall constitute a quorum and the board shall act by a vote of a majority present at any meeting attended by a quorum. All such meetings shall be public and no action shall be taken by the board except by the affirmative vote of a majority of the board members present, unless otherwise provided in this article. Four (4) members shall constitute a quorum of the board, but a smaller number may adjourn from day to day. The general manager provided in this article shall attend all meetings of the board, and shall have a seat and voice but no vote in such meetings. Except as otherwise expressly provided herein, action by the board may be by motion or by resolution passed on a single reading and may be made effective immediately upon passage.

17-9. Powers.

(a) Independent control. Except as expressly provided in this article, the board shall have and exercise and is hereby granted all the powers and duties possessed by the City of Shelbyville to construct, acquire, expand or operate the system. The board, either by itself or by its duly authorized officers and employees, shall have and maintain full control and complete jurisdiction over the management and operation of the system and may make all contracts and do any and all acts and things that are necessary, convenient or desirable in order to operate, maintain, enlarge, extend, preserve and promote an orderly, economic and business-like administration of the system. Except as

expressly provided in this article, the system shall be free from the jurisdiction, direction or control of other city officers, employees, and the city council.

(b) Rates. The board shall fix rates and fees to be charged for services rendered by the system in an amount to be self-sufficient, and shall have the power to enter contracts regarding said rates. All residential rates shall be fair, reasonable and uniform for all customers in the same class. Residential rates within the city may be less, but no greater than rates for the same class of service outside the city. Commercial and industrial rates shall be established in accordance with the general law. The board shall charge the City of Shelbyville for any utility services furnished it, at the rates applicable to other customers of the same class served under similar conditions and the revenues derived from such service shall be treated as all other revenues of said board.

(c) Contracts, leases and agreements. The board may, in the operation of the system, either by itself or by its duly authorized officers and employees, execute deeds and enter into leases, contracts and agreements, provided the terms of such leases, contracts and agreements shall be limited to not more than twenty (20) years from the date of performance thereunder is to begin, and not more than twenty-two (22) years from the date of the execution thereof. The authority given the board by this section shall not be construed to give the board authority to sell or lease all or a major part of any division of the system, unless such transaction is approved in accordance with subsection (d).

(d) The disposition of all, or substantially all, of any division of the system, may only be made upon recommendation of the board, with the approval of the city council, and a majority of those voting in an election to be held as is provided in this section. In the event it is decided to so dispose of all, or substantially all, of such property, the board shall make recommendation to that effect to the Shelbyville City Council, such recommendation to contain the information required to be included in a resolution for submission to the voters in an election to be held as hereinafter provided, and, thereupon, if the same is approved by the city council, a resolution shall be adopted by said city council, which shall state in substance:

(1) That the board has recommended, and the city council has approved, the proposed disposition;

(2) A full description of the property of which disposition is to be made;

(3) The proposed purchaser or purchasers thereof;

(4) The purchase price;

(5) The terms or conditions of sale;

(6) The time on which an election will be held to consider such disposition;

(7) The place or places where votes in such election may be cast; and

(8) The hours between which such voting places shall be opened.

After said resolution is adopted, an election will be called in accordance with the resolution and said resolution shall be published in full at least once, not less than fifteen (15) days prior to the time fixed for the election, in a newspaper published in Bedford County. At such election the ballot shall state the words:

"For the disposition of the system"

and

"Against the disposition of the system."

The election herein provided for shall be conducted and ballots shall be prepared in the same manner as now, or then may be, provided by law for the holding and

conducting of general city elections for the City of Shelbyville, and the provisions of the general election laws of the State of Tennessee. The results of such election shall be canvassed, declared and certified, and the records of such results and returns shall be kept in the same manner as is now provided by law, and when such election be so held and the results so canvassed and certified in conformity with this provision, it shall, after the delivery and payment for said property, disposition of which was so voted at such election, be conclusive evidence of the results of such election

(e) Donations. The officers, agents and employees of the board are prohibited from appropriating or using any of the moneys, revenues, assets, or property of the board, or the City of Shelbyville, or its credit, either directly or indirectly, by way of donations for festivities, exhibits, shows, lectures, pageants, decorations, or parades, and shall not give or grant to any person or persons any reduction or other benefit of any kind in rates or service by the board, nor shall they make or allow any discrimination in favor of any purchaser of utility serviced not enjoyed by others of the same class, and taking power under like conditions, provided nothing in this subsection shall prevent participation in normal system activities.

(f) Advances to system for extensions. The board is authorized to allow any person, firm or public or private corporation, including the city, to pay all or part of the cost of making an extension or extensions of the system to reach customers under an agreement whereby such extension or extensions shall, when made, become the property of the system. The board may agree that the system shall pay a proportionate part of the net or gross receipts accruing to the system from such extension or extensions to the entity advancing the cost thereof, with or without interest on the amount of such advance; provided, however, the board can incur no such obligation for a longer period than fifteen (15) years from the time of the completion of such extension or extensions without approval of the city council. Advances or loans made to the system under this paragraph shall not be subject to limitations or restrictions provided for elsewhere in this charter.

(g) Bonds and notes. A request to issue bonds or notes for the benefit of the system shall be made by formal resolution of the board to the city council, that shall in its sole wisdom, determine the advisability of proceeding with the borrowing following said request. The board shall inform the city council as early as possible of any intent to seek financing in advance of the formal request. The city council shall decide if the borrowing should be made on behalf of the utility. Any prospectus, official statement, indenture, loan agreement, debt policy, or other document associated with a borrowing shall include a provision of notice to the lender stating that the board operates the system under the express authority of the city council, and the city council may, in its wisdom, dissolve the board and place the system under the management and control of the city.

(h) Rules. regulations, rates and fees. The board shall have authority to make and enforce all necessary and desirable rules, regulations, and rates and fees for the efficient use, operation and management of the system.

(i) Shared use of facilities and other property. The board shall have the power to make agreements or contracts with any person, firm or public or private corporation, including the city, for the joint use of poles and other property, belonging either to the system or such other person, firm or corporation or belonging jointly to both parties.

(j) Eminent domain. The board is hereby expressly authorized to exercise the power of eminent domain on behalf of and in the name of the City of Shelbyville within or without the corporate limits, in order to acquire any property, real or personal, necessary or useful in the exercise of the powers and authority conferred by this article. The title to all property taken for the purpose of exercising the powers conferred by this article, whether acquired by contract or by exercise of the power of eminent domain, shall be taken in the name of the City of Shelbyville; and such condemnation proceedings as may be deemed necessary or proper shall be pursuant to, and in accordance with, the provisions of the Tennessee Code Annotated.

(k) Investment of surplus funds. The board shall have the power to invest its surplus funds only in such securities and investments as are authorized by state law and the investment policy of the board.

(l) Legal actions. The board shall have the power, either in its own name or that of the City of Shelbyville, to sue or be sued and to plead or be pleaded in all courts of law and equity, subject to all applicable requirements of law.

(m) Salaries. The board shall have full authority to engage, determine the number, and fix the salaries and duties of all employees, and to remove employees at their discretion; provided, said board may, in its discretion, delegate to the general manager such power and authority, in addition to that conferred herein as it may deem necessary and proper, and which is not inconsistent with the provisions of this article, and including the right to employ and remove subordinate employees.

(n) Procurement. The board shall adopt procedures governing purchasing for the system which shall require competition, when practical. In lieu of adopting such procedures, the board may elect to use the competitive bidding and purchasing procedures used by the city.

(o) Personnel system. The board, either by itself or by its duly authorized general manager, shall exercise all powers and duties necessary to develop, maintain and manage the personnel system of the system. This system shall include but not be limited to all matters relative to the efficient use of human resources, policies related to the selection and retention of employees based on merit, and administration of salary and benefits.

(p) Counsel. The board is hereby authorized and empowered to employ an attorney, or attorneys, and to fix the term of appointment, and the salary to be paid to the attorney, or, in their discretion, may employ counsel when and if legal services become necessary or proper, and shall have full authority to fix the attorney's compensation. In the event a general counsel shall be selected by the board hereunder, the general counsel shall perform all legal duties necessary to be performed for and on behalf of the board, and shall have general charge and supervision of the legal work and trials of causes necessitated by, or in connection with the operation and conduct of the board's affairs, and shall do and perform all acts and services of a legal nature as may from time to time be required of the general counsel by said board.

(q) Other powers. The board shall also have such additional powers which now or hereafter may be authorized pursuant to state law and the enumeration of particular powers in this charter shall not be construed to be exclusive.

17-10. Duties.

(a) Budget. The board shall submit the annual operating and capital budget to the city council following its adoption each year.

(b) Separate accounts for separate divisions of the system. The board shall require that separate books and accounts be kept on the electric, the water, and the sewerage system operations, and any other divisions created, so that said books and accounts will reflect the financial condition of each division separately, and may require that the moneys and securities of each division be placed in separate funds to the end that each division shall be self-sustaining.

(c) Audit. An independent certified public accountant, not an employee of the city or the system, shall be employed by the board to make such an audit and reports as required by the Comptroller of the State of Tennessee and in combination of audits for the City of Shelbyville, and any other reports as the board may deem necessary. The system's completed annual audit coinciding with the City of Shelbyville's previous fiscal year must be submitted to the City of Shelbyville on or before December 1st each year.

(d) Report to city council. On the first days of January and July of each year, the board shall cause to be made and filed with the city council a statement showing the financial condition of the board, and the system operated by it, together with all such other and further information as the city council may from time to time require, and which shall cover the whole of the operations during the preceding six (6) months.

(e) Sufficient power, water, and sewerage rates. The board shall charge sufficient rates respectively for electric, water, and sanitary sewer services to pay all obligations heretofore or hereafter incurred by the city on account of the ownership and operation respectively of the power, water and sewerage systems, including all legal claims or judgments for which the city has heretofore been, or may hereafter be, liable on account of the ownership and operation of the same, and including the payments to the city in lieu of taxes. Such obligations, whether in the form of bonds or otherwise, shall be provided for in the respective budgets of the respective electric, water and sewerage division and need not be included in the general city budget.

(f) Payments in lieu of taxes—electric system. The board shall pay to the city and other taxing jurisdictions where the electric system is located an annual tax equivalent payment in the maximum amount authorized by law, unless a lesser amount, in consultation with the board, is established by the city council to be paid. The board, or general manager acting on behalf of the board, shall certify the amounts, accuracy and correctness of such payment each year. The payment shall be made as directed by the city council. Such payments shall be made so long as the governmental body to which such payment is made does not levy a property tax upon such system properties.

(g) Payments in lieu of taxes—water system. Upon request of the city council by resolution, the board shall pay to the city a payment to the city in lieu of ad valorem tax on the water system within the corporate limits of the city. Such amount shall not exceed the amount of taxes payable on privately owned property of similar nature and shall be made in the maximum amount authorized, unless a lesser amount is established by the city council to be paid. The board, or general manager acting on behalf of the board, shall certify the accuracy and correctness of such payment each year. The payment shall be made as directed by the city council. Such payment shall be made so long as the city does not levy a property tax upon such water system properties.

(h) Payments in lieu of taxes—sewerage system. Upon request of the city council by resolution, the board shall pay to the city a payment to the city in lieu of ad valorem tax on the sewerage system within the corporate limits of the city. Such amount shall not exceed the amount of taxes payable on privately owned property of similar nature and shall be made in the maximum amount authorized, unless a lesser amount is established by the city council to be paid. The board, or general manager acting on behalf of the board, shall certify the accuracy and correctness of such payment each year. The payment shall be made as directed by the city council. Such payment shall be made so long as the city does not levy a property tax upon such sewerage system properties.

(i) Sufficient rates and fees. The board shall charge sufficient rates and fees to meet all system operating costs, system debt payments, and other financial obligations, including the payment of in lieu of taxes.

(j) Change of rates and fees. The board shall make no change in the rates to be charged for services unless the resolution providing for such changes has been read and passed at two (2) meetings, the first of which shall be a regular meeting of the board, not less than one (1) week apart. Rates shall be determined in accordance with applicable law. The board may adopt within its rules and regulations procedures for establishing and changing other fees and charges. The board shall provide adequate public notice of not less than five (5) days prior to each meeting of the board where a rate change is to be considered.

(k) Public records. It shall be the duty of the board to make available to the city or the public, upon request, all public records of the system in accordance with applicable law.

17-11. Obligation of system. Any obligation incurred or created solely by a division shall be payable only out of the revenues of such division. Obligations incurred or created jointly on account of two (2) or more divisions shall be paid from the revenues of the responsible divisions. All contracts and agreements made by the board or pursuant to authority granted by the board shall contain a provision stating the revenues from which the obligations incurred thereunder are payable, but the failure to include such a provision in any contract shall not prevent the application of the limitation on the system's liability imposed by this paragraph.

17-12. Expenditures and creation of obligations. No money shall be drawn from the treasury of the system nor shall any obligation for the expenditure of money be incurred except in pursuance of appropriations made by the board and each such appropriation shall constitute authority for the system to make the expenditure and/or incur the obligation so approved. All checks drawn on the funds of the system shall be signed by two (2) board members, or by one (1) board member and the general manager, or his/her designee.

17-13. General Manager.

(a) The board shall appoint a general manager of the system who shall have the executive ability and experience sufficient to perform the duties of chief executive officer of the system. The general manager shall be responsible to the board and shall serve at the pleasure of the board.

(b) The powers and duties of the general manager shall be:

(1) To see that all resolutions of SPWSS are enforced;

(2) To appoint, promote, suspend, and remove all subordinate officers and employees of the system, as may be delegated by the board;

(3) To exercise control over the system and all divisions and operations thereof created by this article, or that may hereafter be created by the board except as provided herein;

(4) To see that all contracts for the benefit of the system or its ratepayers are faithfully kept and performed;

(5) To attend all meetings of the board with the right to take part in the discussion but having no vote;

(6) To recommend to the board for adoption such measures as the general manager deems necessary or expedient;

(7) To keep the board advised as to the financial conditions and future needs of the system and to prepare and to submit to the board the annual budget; and

(8) To perform such other duties as may be prescribed by this article or be required of the general manager by general law or by resolution of the board.

ARTICLE XVIII - HOTEL OCCUPANCY PRIVILEGE TAX

18-1. Definitions. As used in this article 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. Nothing in this definition shall be construed to imply that consideration is charged when the room, lodging, space or accommodation 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 space, or any portion thereof, 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, accommodations or spaces are furnished to transients for a consideration;

(3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings, spaces 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, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit;

(6) "Tax collection official" means the Treasurer of the City of Shelbyville, Tennessee; and

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, spaces or accommodations in a hotel for a period of less than thirty (30) continuous days.

18-2. Privilege tax authorized. The city council of the City of Shelbyville, Tennessee, is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed ten percent (10%) 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 in this article.

18-3. Deposit of proceeds.

(a) The proceeds received by the city from the tax shall be retained by the city and deposited into a special fund for tourism and industrial development. No monies shall be expended from such fund except as provided in this section. Any unencumbered funds and any unexpended balance of this fund remaining at the end of any fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with the provisions herein. Interest accruing on investments and deposits of the fund shall be returned to the fund and remain a part of the fund.

(b) The city council shall appropriate all funds deposited in the special fund to the Shelbyville/Bedford County Chamber of Commerce upon request from the Chamber of Commerce for the purposes provided herein. The Chamber of Commerce shall submit an annual report to the city describing the manner in which such appropriated funds have been expended for tourism and economic development. The form and filing date of the report shall be as provided by resolution of the city council.

18-4. Tax to be additive. 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 of Shelbyville, Tennessee. When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged, and the operator shall receive credit for the amount of such tax if previously paid or reported to the city.

18-5. Remittance of tax.

(a) The tax 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 tax collection official, 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 required to collect the tax from the transient at the time of the presentation of the invoice for such 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.

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the tax collection official in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

18-6. Responsibility. The city treasurer shall be responsible for the collection of such tax. A monthly tax return shall be filed under oath with the tax collection official by the operator with

such number of copies thereof as the tax collection official 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 tax collection official and approved by the city council prior to use. The tax collection official shall audit each operator in the city at least once a year and shall report on the audits made on a quarterly basis to the city council. The city council is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

18-7. Prohibition to assume tax. 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.

18-8. Delinquent taxes. Taxes collected by an operator which are not remitted to the tax collection official on or before the due dates are delinquent. An operator is 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).

18-9. Duty of collect; preservation of records. 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 necessary to determine the amount of tax due and payable to the city. The tax collection official has the right to inspect such records at all reasonable times.

18-10. Additional powers.

(a) The tax collection official, in administering and enforcing the provisions of this act, has 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. Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, § 67-1-911, it is the intent of this article 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 article; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, § 67-1-707, with respect to adjustment and settlement with taxpayers of all errors of taxes collected under the authority of this article and to direct the refunding of same.

(b) With respect to the adjustment and settlement with taxpayers, all errors of city taxes collected by the tax collection official under authority of this article shall be refunded by the tax collection official.

(c) Notice of any tax paid under protest shall be given to the tax collection official, and suit for recovery shall be brought against such tax collection official.

18-11. Applicability. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, § 67-4-1425.

18-12. Invalidity. If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to that end the provisions of this article are declared to be severable.

ARTICLE XIX - TRANSITION AND SEVERABILITY

19-1. Gender. Whenever, in this Charter, "man, men, him, his, he," or their related pronouns may appear either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense "i.e., to include all human kind, both female and male sexes."

19-2. State and Municipal Laws. All city ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and laws of the state of Tennessee permit, all laws relating to or affecting this city or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

19-3. Severability. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

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 Shelbyville within sixty (60) days of it being signed by the governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

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

HOUSE BILL NO. 2660

PASSED: April 14, 2016

BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 27th day of April 2016

BILL HASLAM, GOVERNOR

NOTICE TO SECRETARY OF STATE OF RATIFICATION OF PRIVATE ACT

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

Private Chapter No. 62, which is House
(House or Senate)
Bill No. 2660 of the 109th General Assembly, was (**choose one**):

[X] Passed [ ] Failed [ ] No action taken

The results were as follows (**please list number of votes**):

4 Votes For

0 Votes Against

0 Abstention

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SS-7032 (Rev. 1/15)

RDA 1677