

THE CHARTER OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE<sup>1</sup>

PRIVATE CHAPTER NO. 126

HOUSE BILL NO. 1642

By McAfee  
Substituted for: Senate Bill No. 1644

By Albright

AN ACT to amend the charter of the Town of Signal Mountain, Tennessee, the same being Chapter 569 of the Private Acts of 1919, as amended.

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

SECTION 1. Chapter 569 of the Private Acts of 1919, and all acts amendatory thereto, is amended to read as follows:

ARTICLE I

CORPORATE CAPACITY

SECTION

1. Incorporation, name and general powers.
2. Boundaries.

Section 1. Incorporation, name and general powers. The Town of Signal Mountain, in the County of Hamilton and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and the name of the Town of Signal Mountain.

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<sup>1</sup>Priv. Acts 1990, ch. 126, is the current basic charter act for the Town of Signal Mountain, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2002 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. A list of all the private acts including the basic charter appears at the end of the charter.

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

In that name the corporation shall have perpetual succession, may sue and be sued, may contract and be contracted with, may plead and be impleaded and may grant, receive, purchase and hold property, real, personal and mixed, and dispose of and convey the same for the benefit of the Town.

Section 2. Boundaries. The boundaries of the Town shall be as described by Chapter 569 of the Private Acts of 1919, as amended by Chapter 906 of the Private Acts of 1929, Chapter 461 of the Private Acts of 1939, Chapter 484 of the Private Acts of 1953, Chapter 253 of the Private Acts of 1955 and Chapter 38 of the Private Acts of 1961, and all other amendatory acts thereto, and as further amended pursuant to general law.

## ARTICLE II

### POWERS

#### SECTION

##### 1. Powers enumerated.

Section 1. Powers enumerated. The Town shall have power:

(1) To assess, levy, and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or Town purposes.

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

(3) To contract and be contracted with.

(4) To expend the money of the Town for all lawful purposes.

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

(6) To condemn property, real or personal or any interest, or estate or use therein, either within or without the Town, for present or future defined public use or purpose; to condemn property for easements for public uses including, but not limited to, public utilities, roadways and railway lines and spur tracts serving industrial parks or industrial buildings; such condemnations to be made and effected in accordance with the procedures and provisions of Tennessee Code Annotated, Title 23, Chapter 14, or in such other manner as may be provided by general law.

(7) To take and hold property within or without the Town or state upon trust: and to administer trusts for the public benefit.

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

(9) To grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the Town and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be exclusive against any other person, firm, association, or corporation. Franchises may be granted for the period of twenty (20) years or less, but not longer. The Town Council may prescribe in each grant of a franchise, to public utilities not regulated by the Tennessee Public Service Commission, the rates, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the Town at the date of the franchises, and as the corporate limits thereafter may be altered; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

(10) To make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the Town and those therein. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive against any other person, firm, association, or corporation. Such contracts may be entered into for the period of twenty (20) years or less, but not longer. The Town Council may prescribe in each such contract with public utilities not regulated by the Tennessee Public Service Commission entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the Town at the date of the contract, and as said corporate limits thereafter may be altered; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys, and other thoroughfares that thereafter may be opened.

(11) 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.

(12) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, bridges, viaducts, subways, tunnels, sewers, and drains or other public places or facilities within or without the corporate limits, and to regulate the use thereof within the corporate limits, and to take and appropriate property for the aforementioned uses in such manner as may be provided by general law.

(13) To construct, improve, reconstruct, and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits.

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

(15) To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse, and to impose a compulsory service charge for such, or to license and regulate such collection and disposal.

(16) To license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law or inconsistent with state licensing procedures.

(17) To impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law.

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

(19) To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, comfort, safety, convenience, security or general welfare of the people may lawfully be established, conducted or maintained.

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

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

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

(23) To enforce any ordinance, by means of fines, forfeitures and penalties and to impose costs as a part thereof.

(24) To establish schools, determine the necessary boards, officers, and teachers required therefor, and fix their compensation, to purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; to purchase or erect all necessary buildings and to do all other acts necessary to establish, maintain, and operate a complete educational system within the Town.

(25) To regulate, tax, license or suppress the keeping or going at large of animals within the Town; to impound the same and in default of redemption to sell or dispose of or destroy the same.

(26) To establish, maintain and operate group insurance plans and retirement systems for Town employees, and to appropriate, expend and use the money of the Town therefor.

(27) To make all necessary and proper rules and regulations regarding the use and operation of taxi cabs and contract carriers, and the operations thereof, within the corporate limits of the Town of Signal Mountain.

(28) To do all things necessary to provide the Town sufficient and safe water; to provide for the regulation, construction and maintenance of water works, settling basins, pumping stations, water pipes and mains and rights-of-ways for the same, reservoirs and all appurtenances, whether within or without the corporate limits of the Town; to provide for rates and assessments for water service, and to provide and fix liens or penalties and withdrawal of service for refusal or failure of the party served to pay for same.

(29) To provide for the establishment and operation of all offices, boards, divisions and departments, not herein enumerated, which may be deemed necessary or expedient in the interest of the Town.

(30) To provide for and establish a Town Planning Commission and a Board of Zoning Appeals pursuant to and consistent with the general law; and to invest such bodies with all the powers conferred by general law; and to act upon the plans, plats, decisions and recommendations made by such bodies, respectively, as in the general law provided.

(31) To call, regulate, provide for and control all municipal elections not provided by general law or this Charter.

(32) To provide for the control of the growth of grass, weeds and vegetation and the accumulation of trash, rubbish and other deleterious or noxious matter upon any property within the Town; to require the owner or those in possession of said property to keep the same free from the accumulation thereof; to charge such owner or those in possession of said property with the cost of removal of same and to impress a lien upon such property to defray the costs thereof.

(33) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect and preserve the safety, health, peace, quiet, security, good order, comfort, convenience, morals, and general welfare of the Town and its inhabitants, all implied powers and powers essential to the purposes of the corporation necessary to the execution of all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the state.

(34) To provide for and establish a community design review commission for the purpose of developing aesthetic and architectural controls for the community, pursuant to and consistent with the general law, and to invest such commission with all the powers conferred by general law; and to review and act upon the decisions and recommendations of the commission, as the general law provides. (as amended by ch. 20 Priv. Acts of 1993, § 1)

## ARTICLE III

ELECTIONS

## SECTION

1. Date of general Town election.
2. General election laws apply.
3. Voter qualification requirements.

Section 1. Date of general Town election. Beginning in 1992 a general Town election shall be held on the first Tuesday after the first Monday in November and in each even numbered year thereafter.

Section 2. General election laws apply. All elections shall be conducted by the Commissioners of Elections of Hamilton County in accordance with the general election laws and this Charter.

Section 3. Voter qualification requirements. Any person who is a resident of the Town of Signal Mountain and qualified to vote for members of the General Assembly and other civil officers for Hamilton County shall be entitled to vote in elections for Mayor and Councilmembers. The same qualifications for voting in all other Town elections or referenda shall apply unless otherwise provided by law.

## ARTICLE IV

TOWN COUNCIL

## SECTION

1. Composition, eligibility, election, terms, and re-election.
2. Compensation; expenses.
3. Mayor.
4. Prohibitions.
5. Vacancies; forfeiture of office; filling of vacancies.
6. Investigations.
7. Time and place of meetings.
8. Oath of office.
9. Quorum, attendance, and adjournment.
10. Procedure for adopting ordinances.
11. Legislative action which must be exercised by ordinance.
12. Recall provisions.

Section 1. Composition, eligibility, election, terms, and re-election.

(a) Composition. There shall be a Town Council composed of the Mayor and four (4) members.

(b) Eligibility. Only registered voters of the Town who are bona fide citizens, and residents of the Town, shall be eligible to seek and hold the office of Councilmember or Mayor.

(c) Election and Terms. At the general election held on the Saturday following the second Monday in May, 1991, five (5) Councilmembers shall be elected at large by the qualified voters of the Town. The two (2) candidates for Council receiving the highest number of votes shall be elected to serve until their successors are elected and qualified in an election to be held on the first Tuesday after the first Monday of November, 1994. The next three (3) candidates for Council receiving the third, fourth and fifth highest number of votes shall be elected to serve until their successors are elected and qualified in an election to be held on the first Tuesday after the first Monday of November, 1992. Commencing with the election to be held on the first Tuesday after the first Monday of November, 1992, all Councilmembers shall be elected for a term of four (4) years, except for the candidate receiving the third highest number of votes, in each election, who shall always be elected for a term of two (2) years. The newly elected Councilmembers' term of office shall begin at 10:00 AM on the first Saturday following their election.

The Mayor or any Councilmember shall be eligible for re-election.

Section 2. Compensation; expenses. The Town Council may determine the salary of Councilmembers by ordinance. Any ordinance establishing or increasing salaries must receive final reading ninety (90) days prior to the next election and shall become effective for all Councilmembers on the first Saturday following the next regular election. Councilmembers may receive their actual and necessary expenses incurred in the performance of their duties of office, if authorized by ordinance.

Section 3. Mayor. After each regular election the Town Council, at its first meeting, shall elect from among its members officers of the Town who shall have the title of Mayor and Vice-Mayor, each of whom shall serve for a term of two (2) years. The Mayor shall preside at meetings of the Council, represent the Town in intergovernmental relationships, appoint with the advice and consent of the Council the members of citizen advisory boards and commissions, present a written annual state of the Town message, and other duties specified by the Council. The Mayor shall be recognized as head of the Town government for all ceremonial purposes but shall have no administrative duties. The Mayor shall have a vote in Town Council on all matters, but no veto power. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor; and if the office

of the Mayor shall become vacant, the Vice-Mayor shall become Mayor and shall serve until the next general Town election.

Section 4. Prohibitions.

(a) Holding Other Office. Except where authorized by law, no Councilmember shall hold any other elected Town, county, state or federal office during the term for which he was elected to the Council. No Councilmember shall hold any other Town office or employment during the terms for which he was elected to the Council. No former Councilmember shall hold any compensated appointive office or employment with the Town until one (1) year after the expiration of the term for which elected to the Council. Nothing in this section shall be construed to prohibit the Council from selecting any current or former Councilmember to represent the Town on the governing board of any regional or other intergovernmental agency.

(b) Appoints and Removals. Neither the Town Council nor any of its members shall in any manner dictate the appointment or removal of any Town administrative officer or employee whom the Town Manager or any subordinate of the Town Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the Town Manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 6, the Council or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 5. Vacancies; forfeiture of office; filling of vacancies.

(a) Vacancies. The office of a Councilmember shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of Office. A Councilmember shall forfeit that office if the Councilmember:

(1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law,

(2) violates any express prohibition of this Charter,

(3) is convicted of a state or federal felony, appeals notwithstanding,

(4) fails to attend three consecutive regular meetings of the Council without being excused by the Council, or



(5) fails to maintain a bona fide residence within the Town for sixty (60) consecutive days.

(c) Filling of Vacancies. If a vacancy occurs on the Town Council, a majority vote of all of the remaining members of the Council may fill the vacancy for the balance of the unexpired term or until the next regular town election, whichever occurs first. If the Council fails to fill the vacancy within thirty (30) days following occurrence of the vacancy, the Hamilton County Election Commission shall call a special election to fill the vacancy for the unexpired term or until the next regular town election, whichever occurs first. A special election shall be held not sooner than seventy-five (75) days and not later than eighty (80) days thereafter, and shall be governed by the general election laws of the state, except that no special election shall be held within thirty (30) days of the next regular town election. If the vacancy is filled by council appointment until the next regular town election and such appointment results in a fourth or fifth seat standing for election at the same election rather than the usual three (3) seats per election; then the candidates receiving the fourth, and, if applicable, fifth highest number of votes shall receive two-year terms, so that two years hence the alternating pair of four-year terms can be re-established. [As replaced by Priv. Acts 2000, ch. 80, § 1]

Section 6. Investigations. The Town Council may make investigations into the affairs of the Town and the conduct of any Town department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the Council shall be a misdemeanor and when a violator is found guilty by a court of competent jurisdiction, shall be punishable by a fine or imprisonment as provided by law.

Section 7. Time and place of meetings. The Council shall, by ordinance, fix the time and place at which the regular meetings of the Council shall be held. Until otherwise provided by ordinance, the regular meeting of the Council shall be held at 7:00 P.M. on the second Monday of each month. When such day falls on a legal holiday, the meeting shall be on the next following day unless otherwise prescribed by Council.

Whenever in the opinion of the Mayor or of any three (3) Councilmembers, the welfare of the Town demands it, the Recorder shall call a special meeting of the Council, by publishing or broadcasting a notice twenty-four (24) hours before the meeting.

Section 8. Oath of office. The Mayor and Councilmembers, before entering upon their duties, shall each take and subscribe and file with the Recorder an oath or affirmation to support the Constitution of the United States

and of the State of Tennessee and the Charter and Ordinances of the Town of Signal Mountain, and that he will faithfully discharge the duties of his office.

Section 9. Quorum, attendance, and adjournment. A majority of all the members of the Council shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalties as the Council may provide.

A regular meeting at which a quorum is present may be adjourned by a majority vote, either from day to day or from time to time; but no such adjournment shall be taken to a date beyond the day preceding the next regular meeting; and any adjourned meeting shall continue as a regular meeting throughout the adjournment.

Section 10. Procedure for adopting ordinances. All ordinances shall begin with the clause, "Be it ordained by the Council of the Town of Signal Mountain, Tennessee." An ordinance may be introduced by any of the five (5) members of the Council. The body of ordinances may be omitted from the minutes on first reading, but reference therein shall be made to the ordinance by title and subject matter. Every ordinance shall be passed on two (2) different days, at regular, special or adjourned meetings, with at least one (1) passage occurring at a regular meeting. Copies of the text of every ordinance must be made available to the public during every meeting in which the ordinance is subject to a reading. Every ordinance must receive at least three (3) positive votes on each reading. No material or substantial amendment may be made to an ordinance on final passage, unless such amendment be passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the presiding officer of the Council, and shall be immediately taken charge of by the Recorder and numbered, copied in an ordinance book and there authenticated by the signature of the Recorder, and filed and preserved in the Recorder's office.

Section 11. Legislative action which must be exercised by ordinance. Except as otherwise provided by general law or this Charter, legislative action of the Council shall be by ordinance when granting, renewing or extending public franchises; creating, abolishing or combining departments or offices; authorizing the borrowing of money; regulating the rate charged for its services by a public utility; fixing fees, service charges and utility rates; levying taxes; providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed; or amending or repealing an existing ordinance.

Section 12. Recall provisions. Any person holding an elective office of the Town, whether by election, succession, or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided herein.

(1) A recall of an incumbent of an elective office shall be initiated upon petition signed by registered voters. The Mayor and all Councilmembers shall be subject to recall and a recall petition shall contain signatures equal in number to at least fifty percent (50%) plus one (1) of the vote cast for the Councilmember receiving the highest number of votes in the preceding Town election for the Town of Signal Mountain. Every recall petition shall name the officer against whom it is directed and shall contain one (1) or more specific grounds for removal.

(2) Each elector signing a recall petition shall add to his signature, his residence, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered voters of the Town of Signal Mountain, Tennessee.

(3) A recall petition shall be tendered for filing with the Hamilton County Election Commission. The Election Commission shall examine it to see whether it contains a sufficient number of apparently genuine signatures. The Election Commission may question the genuineness of any signature or signatures appearing on the recall petition and if it shall find that any such signature or signatures are not genuine, it shall disregard them in determining whether the petition contains a sufficient number of signatures. It shall also disregard any signature dated more than sixty (60) days before the date the petition was tendered for filing. The Election Commission shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The validity of the petition shall still be possible if a sufficient number of signatures remains after eliminating such an invalid sheet. The Election Commission shall complete its examination of the petition as soon as practical and shall thereupon file the petition if valid or reject it if invalid.

(4) As soon as the Hamilton County Election Commission has accepted a recall petition for filing, the Chairman of the Hamilton County Election Commission shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice, the incumbent may resign from his office and thereupon the recall proceedings shall terminate.

(5) If the incumbent, against whom a recall petition is directed, does not resign from his office within ten (10) days after notice of the filing of such petition shall have been given to him, the Hamilton County Election Commission shall arrange a recall election. If a regular, primary or special election is to be held not less than forty-five (45) days nor more than sixty (60) days after the ten (10) days have expired, the recall question shall be placed before the voters at such an election. Otherwise, a special recall election shall be fixed for a date not earlier than forty-five (45) days nor later than sixty (60)

days after the ten (10) days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election shall not be held.

(6) The following question shall be presented to each elector in a recall election:

"Shall (name of officer) be recalled and removed from the office of (name of office)." The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote "Yes" or "No" on the question.

(7) If a majority of the voters who vote on the question at a recall election shall vote "Yes," the incumbent shall be deemed recalled and removed from office immediately upon certification of the election. If a majority of the voters who vote on the question at a recall election shall vote "No," he shall remain in office.

(8) No person who has been removed from an elective office by a recall election or who has resigned from such an office after a recall petition directed against him has been filed, shall be eligible for appointment to any office of the Town of Signal Mountain within two (2) years after his removal or resignation.

## ARTICLE V

### TOWN MANAGER

#### SECTION

1. Appointment; qualifications; compensation.
2. Acting Town Manager.
3. Powers and duties of the Town Manager.

Section 1. Appointment; qualifications; compensation. The Town Council by a majority vote of its total membership shall appoint a Town Manager to serve at the will of the Town Council. The Town Manager shall be appointed on the basis of his executive and administrative qualifications. He need not be a resident of the Town or State at the time of his appointment but may reside outside the Town while in office only with the approval of the Council. The compensation of the Town Manager shall be fixed by the Town Council.

Section 2. Acting Town Manager. By letter filed with the Town Recorder, the Town Manager shall designate a qualified Town administrative officer to exercise the powers and perform the duties of Town Manager during this temporary absence or disability. The Town Council may revoke such designation at any time and appoint either another officer of the Town or a private citizen to serve until the Town Manager returns.

Section 3. Powers and duties of the Town Manager. The Town Manager shall be the chief administrative officer of the Town, responsible to the Council for the administration of all Town affairs placed in his charge by or under this Charter. The Town Manager shall:

(1) Appoint and, when necessary for the good of the Town, suspend or remove any Town employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The Town Manager may authorize any administrative officer subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) Direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law;

(3) Attend all Town Council meetings. The Town Manager shall have the right to take part in discussion but may not vote;

(4) See that all laws, provisions of this Charter and acts of the Town Council, subject to enforcement by the Town Manager or by officers subject to his direction and supervision, are faithfully executed;

(5) Prepare and submit the annual budget and capital program to the Town Council;

(6) Submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year;

(7) Make such other reports as the Town Council may require concerning the operations of Town departments, offices and agencies subject to the Town Manager's direction and supervision;

(8) Keep the Town Council fully advised as to the financial condition and future needs of the Town;

(9) Make such recommendations to the Town Council concerning the affairs of the Town as may be desirable;

(10) Perform such other duties as are specified in this Charter or may be required by the Town Council.

## ARTICLE VI

### TOWN ATTORNEY

#### SECTION

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

Section 1. Qualifications. The Town Attorney shall be a resident of the Town of Signal Mountain and shall be an attorney at law entitled to practice in the courts of the State of Tennessee.

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

## ARTICLE VII

### RECORDER

#### SECTION

1. Appointment, compensation, and specific requirements, powers and duties of office.
2. Shall keep minutes.
3. Shall be custodian of public records, bonds, etc.
4. Shall provide and certify copies of records, papers, etc.
5. Shall generally supervise and keep records of fiscal affairs.
6. Shall be Treasurer.
7. Shall perform any other duties imposed.
8. Appointment of Recorder pro tempore.

Section 1. Appointment, compensation, and specific requirements, powers and duties of office. The Recorder shall be appointed by the Town Manager, and shall be the head of the department of finance. He shall receive a salary to be fixed by the Council and give such bond to the Town for not less than ten thousand dollars (\$10,000), or as may be provided by ordinance. The cost of such bond shall be an expense of the Town. When required he shall by his signature and the Town seal, attest instruments signed in the name of the Town and official acts of the Mayor. He shall have power to administer oaths.

Section 2. Shall keep minutes. It shall be the duty of the Recorder to be present at all meetings of the Council and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form.

Section 3. Shall be custodian of public records, bonds, etc. The Recorder shall have custody of and preserve in his office, the Town seal, the public records, ordinance books, minutes of the Council, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds (except his own bond, which shall be in the custody of the Mayor), and all other bonds, oaths and affirmations, and all other records, papers and documents not required by this Charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

Section 4. Shall provide and certify copies of records, papers, etc. The Recorder shall provide, and, when required by any officer or person, certify copies of records, papers and documents in his office and charge therefor, for the use of the Town, such fees as may be provided by ordinance and cause copies of ordinances to be printed, as may be directed by the Council, and kept in his office for distribution.

Section 5. Shall generally supervise and keep records of fiscal affairs. The Recorder as the head of the department of finance, shall exercise a general supervision over the fiscal affairs of the Town, and general accounting supervision over all the town's property, assets and claims. He shall be the general accountant and auditor of the Town and shall have custody of all papers, records and vouchers relating to the fiscal affairs of the Town, and the records in his office shall show the financial operations and condition, property, assets, claims and liability of the Town, all expenditures authorized and all contracts in which the Town is interested.

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

Section 7. Shall perform any other duties imposed. The Recorder shall also perform any other duties imposed upon him by this Charter or by ordinance.

Section 8. Appointment of Recorder pro tempore. In the event of the temporary absence or disability of the Recorder, the Town Manager may by an instrument in writing appoint a Recorder pro tempore who shall have and exercise all the powers of the regular Recorder.

## ARTICLE VIII

ADMINISTRATION

## SECTION

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

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

Section 2. Direction and supervision of departments, offices, or agencies. All departments, offices and agencies under the direction and supervision of the Town Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Town Manager. The Town Manager may serve as the head of one (1) or more such departments, offices or agencies or may appoint one (1) person as the head of two (2) or more of them.

Section 3. Personnel rules. The Council shall adopt personnel rules which shall include but not be limited to:

- (1) A job classification plan;
- (2) A pay plan; and
- (3) The hours of work, attendance regulations and provisions for sick leave and vacation leave.

Section 4. Officers, employees, etc., who handle money shall be bonded. The Town Manager and every officer, agent and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon his duties, execute a surety bond with some surety company authorized to do business in the State of Tennessee, as surety, in such amount as shall be prescribed by ordinance or this Charter. All such bonds and sureties shall be subject to the approval of the Council, and the Council may provide for blanket bonds. The cost of all bonds shall be an expense of the Town.

Section 5. Oath of office required. The Manager and Town Recorder shall, before taking office, take and subscribe to the same oath of office required of the Mayor and Councilmembers.



## ARTICLE IX

FINANCE

## SECTION

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

Section 1. Fiscal year. The fiscal year of the Town shall begin on the first day of July and end on the last day of June.

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

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

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

Section 5. Amendments to budget, when budget must be adopted, and effect of adoption. The Council shall adopt the budget by resolution. The Council may amend the budget by resolution, but no amendment shall decrease expenditures required by law for debt service. The budget shall be adopted for the ensuing fiscal year before the end of the current fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. The Council shall also adopt an ordinance establishing a property tax levy.

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

Section 7. Deficits. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution reduce appropriations.

Section 8. Transfer of unencumbered appropriations. At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

Section 9. Lapsing of appropriations. Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered.

Section 10. Incurrence and discharge of obligations. No payment shall be made or obligation incurred against any appropriation unless the Manager or an officer designated by him first certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 11. Accounting records and audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. The same account titles shall be used throughout the accounting records, the budget and financial statements. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the Town shall be required by action of Town Council and same be made after the end of each fiscal year by a public accountant skilled in such work. Any taxpayer may file a bill in chancery court to compel the Council to have the audit made if such accountant has not been employed within one (1) month after the end of the fiscal year.

Section 12. Competitive bidding and purchasing procedures. The Manager shall be responsible for all Town purchasing, but he may delegate his duty to any subordinate appointed by him. Competitive prices for all purchases and public improvements shall be obtained whenever practicable and in accordance with procedures and regulations established by ordinance.

## ARTICLE X

### TAXATION

#### SECTION

1. Assessment and levy.
2. Due and delinquent dates; penalties and interest.
3. Collection of delinquent taxes.
4. County may collect taxes.

Section 1. Assessment and levy. All property within the Town not exempt by general law shall be assessed for taxation upon the same principles established in regard to state and county taxation.

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

Section 3. Collection of delinquent taxes. The Council may provide by ordinance for the collection of delinquent real property taxes by the Town Recorder as provided by general law, or by the Town Attorney acting in accordance with general laws providing for the collection of delinquent Town or county taxes. If not otherwise collected, the Town Attorney, or other attorney designated by Council, shall file suit for collection of all delinquent taxes not later than eighteen (18) months following date of delinquency.

Section 4. County may collect taxes. The Town may contract with the county for the collection of Town taxes in accordance with general law.

## ARTICLE XI

### TOWN COURT

#### SECTION

1. Town court established.
2. Election, qualifications, oath, compensation, vacancies and restrictions in the office of Town Judge.
3. Duties and powers of the Town Judge.
4. Court policies and procedures.
5. Town Judge to be exclusive judge of law and facts.

Section 1. Town court established. A Town Court is hereby established and granted both jurisdiction over all infractions of municipal ordinances of the Town of Signal Mountain, and concurrent jurisdiction with courts of general sessions in all cases of the violation of criminal laws committed within the corporate limits of the Town of Signal Mountain, including the jurisdiction to conduct preliminary examinations and bind over defendants to the grand jury for indictment.

Section 2. Election, qualifications, oath, compensation, vacancies and restrictions in the office of Town Judge. At the general election to be held on the first Thursday of August, 1990, a Town Judge shall be elected by the qualified voters of the Town. Only registered voters who are thirty (30) years of age, licensed to practice law in the State of Tennessee, have been a resident of the State of Tennessee for five (5) years and a resident of the Town of Signal Mountain for one (1) year shall be eligible to seek and hold office as Town Judge. The Town Judge term of office shall begin at 10:00 AM on the first Saturday following his election.

The Town Judge shall serve until his successors are elected and qualified in an election to be held on the first Thursday of August, 1998, and every eight (8) years thereafter.

The Town Judge shall be eligible for re-election. He shall take the same oath required of the Mayor and Councilmembers. The Council shall establish the compensation of the Town Judge by ordinance, and the ordinance must receive final reading ninety (90) days prior to the next election of the Town Judge. The Town Judge shall not be eligible to hold other elective offices for the Town of Signal Mountain, or to hold another position of employment with the Town of Signal Mountain.

Vacancies in the office of Town Judge shall be filled by appointment of the Town Council and any so person appointed shall serve until a successor is

elected at the next town or general state election, whichever occurs first, for the unexpired portion of the term. [as amended by Priv. Acts of 1996, ch. 152, §§ 1 and 2]

Section 3. Duties and powers of the Town Judge. The Town Judge shall try all persons charged with violation of the ordinances of the Town. He shall also have concurrent jurisdiction with courts of general sessions and shall have power to try or bind over all persons charged with violations of state laws that are subject to the jurisdictions of courts of general sessions. He shall have the power to levy fines, penalties and forfeitures in accordance with such offense and to impose such costs as the Council may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt.

Section 4. Court policies and procedures. The policies and procedures governing the day to day operations of the court shall be provided by ordinance.

Section 5. Town Judge to be exclusive judge of law and facts. The Town Judge shall be the exclusive judge of the law and facts in every case before him, and no official or employee of the Town shall attempt to influence his decision except through pertinent facts presented in court.

## ARTICLE XII

### MISCELLANEOUS AND TRANSITIONAL PROVISIONS

#### SECTION

1. Corporate existence, existing ordinances and resolutions.
2. Expiration of terms of elected officers.
3. Legal effect of this Act.
4. Severability.
5. Gender.

Section 1. Corporate existence, existing ordinances and resolutions. The corporate existence of the Town of Signal Mountain is continued. All existing ordinances, resolutions or other actions of the Board of Commissioners not inconsistent with this Charter shall remain in full force and effect until amended or repealed in the manner herein provided.

Section 2. Expiration of terms of elected officers. The Mayor and Board of Commissioners in office when this Act is ratified shall continue in office as the Mayor and Councilmembers until their successors are elected and qualified.

Section 3. Legal effect of this Act. This Act is declared to be a Public Act, and may be read in evidence in all courts of law and equity. All ordinances and

resolutions and proceedings of the Town Council created by this Charter may be proven by the seal of said Corporation, attested by the Recorder, and, when printed and published by the authority of said Corporation and certified by the Recorder, shall be received in evidence in all courts and places without further proof.

Section 4. Severability. If any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not effect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

Section 5. Gender. Wherever, in this Charter, "man, men, him, his" 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 humankind - both female and male sexes).

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the entire membership of the Board of Commissioners of the Town of Signal Mountain. Its approval or nonapproval shall be proclaimed by the Mayor of the Town of Signal Mountain and certified by him 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 upon being approved as provided in Section 2.

HOUSE BILL NO. 1642

PASSED: January 29, 1990

s/Ed Murray  
ED MURRAY, SPEAKER

HOUSE OF REPRESENTATIVES

s/John S. Wilder

JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 5th day of February 1990

s/Ned McWherter

NED McWHERTER, GOVERNOR

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PRIVATE ACTS COMPRISING, THE CHARTER OF  
SIGNAL MOUNTAIN, TENNESSEE

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Year	Chapter	Subject
1990	126	Present basic charter act.
1993	20	Adds subsection (34) to Article II, Section 1.
1996	152	Amends Article XI, section 2.
2000	80	Amends Article IV, section 5(c).

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