

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

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CHAPTER 1

GENERAL PROVISIONS

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1-101. How code designated and cited. The ordinances embraced in the following titles, chapters, sections, and appendices shall constitute and be designated the "Tulahoma Municipal Code," and may be so cited.

¹Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

This code shall not be deemed to repeal any preamble, recital or finding of fact contained in any ordinance included herein, but all such matters shall be deemed incorporated in the sections herein derived from such respective ordinances. (1988 Code, § 1-101)

1-102. Rules and construction. In the construction of this code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the board of mayor and aldermen, or the context clearly requires otherwise:

(1) "Board, governing body." The term "the board" or "governing body" shall mean the Board of Mayor and Aldermen of the City of Tullahoma.

(2) "Bond." When a bond is required, an undertaking in writing shall be sufficient.

(3) "City." The term "the city" or "this city" means the City of Tullahoma, whose legal situs is in Coffee County, Tennessee.

(4) "Computation of time." Whenever a notice is required to be given or an act to be done, the time within which said notice shall be given or said act done shall be computed by excluding the first and including the last day; unless the last day is a Saturday, a Sunday or a legal holiday, and then it shall also be excluded.

(5) "County." The term "the county" or "this county" means Coffee County and/or Franklin County, Tennessee.

(6) "Delegation of authority." Whenever a provision requires an officer or head of a department of the city to do some act or make certain inspections, it is to be construed to authorize the officer or head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

(7) "Gender." A word importing one gender shall extend and be applied to the other genders, unless the context clearly requires a literal construction.

(8) "Interpretation." In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. In case of conflict between provisions of this code, or between any provision of this code and any code adopted by reference herein, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

(9) "Joint authority." All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers sitting as a body unless otherwise specifically provided.

(10) "Month." The term "month" means a calendar month.

(11) "Name or title of officer, board, commission or agency." The name or title of any officer, board, commission or agency, when appearing alone herein, shall be construed as if followed by the words "of Tullahoma, Tennessee."

(12) "Number." A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing, unless the context requires a literal construction.

(13) "Oath." An oath includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to "affirm" and "affirmed."

(14) "Or, and." "Or" may be read "and," and "and" may be read "or" if the sense requires it.

(15) "Owner." The term "owner," applied to real estate, shall include all owners of the whole or a part of such real estate.

(16) "Person." The term "person" includes individual, corporation, firm, company, association, club, receiver, trustee and any other group acting as a unit.

(17) "Personal property." The term "personal property" includes money, goods, chattels, things in action and evidence of debt.

(18) "Property." The term "property" includes both real and personal property.

(19) "Public place." The term "public place" means any publicly owned way, park, cemetery, school yard or open space adjacent thereto; any publicly owned lake or stream; and, with reference to prohibited acts against the public, includes any place or business open to the use of the public in general.

(20) "Real estate and real property." Such terms include lands, tenements and hereditaments, and all rights thereto, and interests therein, equitable as well as legal.

(21) "Shall." The term "shall" is mandatory.

(22) "Sidewalk." The term "sidewalk" means any portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property line, intended for the use of pedestrians.

(23) "Signature or subscription." Either such term includes a mark, the name being written near the mark and witnessed.

(24) "State." The term "the state" or "this state" means the State of Tennessee.

(25) "Street." The term "street" means and includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

(26) "Tenant or occupant." The term "tenant" or "occupant," applied to real estate, includes any person who occupies the whole or a part of such real estate, whether alone or with others.

(27) "Tense." Words used in the past or present tense include the future as well as the past and present.

(28) "Writing, written." The term "writing" or "written" includes printing, typesetting, engraving, lithography and any other mode of representing words and letters.

(29) "Year." The term "year" means a calendar year, unless otherwise expressed. (1988 Code, § 1-102, modified)

1-103. Catchlines of sections. The catchlines of the several sections of this code are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1988 Code, § 1-103)

1-104. Effect of repeal of ordinances. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed. (1988 Code, § 1-104)

1-105. Amendments to code; effect of new ordinances; amendatory language. All ordinances passed subsequent to this code which amend, repeal or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

Amendments to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following language: "That section ___ of the Tullahoma Municipal Code is hereby amended to read as follows:" The new provisions may then be set out in full as desired.

In the event a new section or chapter not theretofore existing in the code is to be added, the following language may be used: "That the Tullahoma Municipal Code is hereby amended by adding a section (or chapter in title ___) to be numbered ___, which said section (or chapter) reads as follows:" The new section or chapter may then be set out in full as desired.

All sections, chapters or provisions desired to be repealed must be specifically repealed by section or title and chapter number, as the case may be. (1988 Code, § 1-105)

1-106. Severability of parts of code. It is hereby declared to be the intention of the board of mayor and aldermen that the sections, paragraphs,

sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the board without the incorporation in this code of any such unconstitutional phrase, clause, sentence, paragraph or section. (1988 Code, § 1-106)

1-107. General penalty; fines and civil penalties; continuing violations. Whenever in this code or in any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punishable by a fine of not more than fifty dollars (\$50.00), and/or imprisonment for not more than thirty (30) days for each separate violation, or, in the discretion of the city judge, a civil penalty of not more than five hundred dollars (\$500.00) may be imposed. Each day any violation of this code or of any ordinance continues shall constitute a separate offense. No prior written notice is required to be rendered by the city to any violator of the provisions of this code as a prerequisite to city's bringing formal charges against violators in the municipal or any other court of competent jurisdiction

Also to be assessed in addition to the fines and/or penalties provided hereby, shall be a late charge in an amount equal to the original fine or penalty (not court costs), which will be added to all fines not paid prior to the court hearing date upon which the hearing was scheduled. This provision shall not apply to any individual who appeared in court and made payment arrangements at that time. Further, for any arrestee who is housed in the county jail, the daily fee for boarding prisoners charged by the county to the city (currently \$15.00 per day) shall be added to the court costs to be assessed against said individual. (1988 Code, § 1-107)

1-108. Code as evidence. Any printed copy of the Tullahoma Municipal Code, or a portion thereof, containing a printed certificate of the recorder of the correctness thereof shall be held to be a true and correct copy and may be entered or read in evidence in all courts of the state without further proof of the laws contained therein. (1988 Code, § 1-108)

1-109. City boundaries.¹ The survey prepared by Grady McBride, superintendent of public works for Tullahoma, Tennessee, dated the fifteenth day of February, 1962, and of record in trust deed book 95, page 537, register's office of Coffee County, Tennessee, be and the same is hereby declared to be the official boundaries or city limits for the city. Said survey and boundaries are more particularly described as follows: Beginning at a point in the center line of the L. & N. Railroad main track, said point being 270.3 feet north 39°33" west from the 70 mile sign post of the L. & N. Railroad; thence south 50°27" west 602.4 feet to a concrete marker on the east side of South Jackson Street; thence south 50°27" west 3,984.35 feet to a concrete marker on the west side of Rock Creek; thence south 1°56" west 230.1 feet to a point; thence south 29°34" east 120.5 feet to a concrete marker on the south corner of Oak Park Subdivision; thence north 86°58" west with the Oak Park Subdivision south line 1,359.35 feet to a concrete marker; thence north with the west line of Oak Park Subdivision north 2°53" east 993.4 feet to a concrete marker; thence with the south side of Oak Park Subdivision north 86°56" west 954.2 feet to a concrete marker on the east side of the Old Winchester Highway; thence with the south line of West Side Heights Subdivision north 86°43" west 1,116.43 feet to an existing concrete boundary marker; thence with the south line of Hillcrest Heights Subdivision north 85°8" west 1,233.75 feet to an existing concrete marker; thence north 85°32" west 613 feet to a concrete marker; thence north 1°33" east 297 feet to a concrete marker; thence with the south line of Kaywood Subdivision north 86°01" west 933.18 feet to a concrete marker on the west side of Turkey Creek Road; thence with the west right-of-way of Turkey Creek Road north 0°7" west 1,012.37 feet to a concrete marker on the south side of Cumberland Springs Road; thence with the south margin of Cumberland Springs Road south 65°1" west 1,793.97 feet to a concrete marker on the south side of Cumberland Springs Road; thence north 20°39" west 174.8 feet to a concrete marker on the westerly side of Westwood Subdivision; thence with the west property line of Westwood Subdivision north 10°39" west 2,111.1 feet to a concrete marker in the Westwood Subdivision line; thence north 89°21" west 2,326.75 feet to a concrete marker in Crouch's Southwest corner; thence north 0°1" west with Crouch's west line 1,966.36 feet to a concrete marker, same being in Crouch's west line; thence south 87°53" west 1,587.1 feet to a concrete marker in the city landfill

¹Charter reference: § 2.

The corporate boundaries as set out herein have been extended (or contracted) by the following ordinances of record in the recorder's office: 439, 440, 441, 442, 486, 492, 514, 570, 619, 625, 638, 650, 655, 668, 728, 853, 866, 918, 919, 933, 936, 937, 944, 947, 960, 962, 966, 969, 977, 982, 992, 995, 1024, 1061, 1155, 1172, 1173, 1176, 1190, 1191, 1193, 1209, 1213, 1218, 1226, 1243, 1257, 1263, 1264, 1265, 1274, 1275, 1279, 1281, 1282, 1284, 1286, 1287, 1288, 1291, 1296, 1297, 1298, 1299, 1300, 1301, 1315, 1316, 1317, 1318, 1335, 1337, 1339, 1344, 1345, 1346, 1356, 1363, 1385, 1395, 1400, 1411 and 1427.

property; thence north $0^{\circ}27''$ east 354.25 feet to a concrete marker in the south right-of-way of Highway 55, same being Wilson Avenue; thence north $0^{\circ}27''$ east 122.37 feet to a concrete marker on the north side of Highway 55, same being Wilson Avenue; thence north $0^{\circ}27''$ east 617.4 feet to a concrete marker in the rear line of the Tipps property; thence north $89^{\circ}00''$ east 2,020.1 feet to a concrete marker; thence north $89^{\circ}30''$ east 1,014.4 feet to a concrete marker at the southeast corner of Ben Wilkins property; thence north $1^{\circ}10''$ east 1,275.25 feet to a concrete marker on the north side of the Old Shelbyville Road; thence north $56^{\circ}30''$ east crossing a branch of Rock Creek a distance of 2,970.9 feet to a concrete marker in the southeast corner of the Northern Field property; thence with the east line of the Northern Field property line due north 1,243.4 feet to a concrete marker on the west side of the Old Ledford Mill Road; thence north $31^{\circ}46''$ west 393 feet to a concrete marker; thence north $49^{\circ}51''$ east, a distance of 1,188.25 feet to a concrete monument (Ord. #425, § 1, 5-10-65); thence north $38^{\circ}30''$ west 1,723.05 feet to a concrete monument, same being the northwest corner of the hospital site; thence north $51^{\circ}30''$ east, a distance of 800 feet to a concrete marker on the south side of Marbury Road; the same being on the east side of North Jackson Street in present line (Ord. #425, § 1, 5-10-65); thence north $51^{\circ}30''$ east 483.67 feet to a concrete marker on the south side of Marbury Road and on the west side of the L.&N. main [track]; thence north $38^{\circ}20''$ west 150 feet to a concrete marker on the north side of Marbury Road and on the west side of the L.&N. Railroad; thence north $51^{\circ}20''$ east 150 feet crossing said railroad to a concrete marker on the east side of the L.&N. Railroad; thence north $38^{\circ}30''$ west 1,970.3 feet to a concrete marker on the east side of the L.&N. Railroad; thence north $80^{\circ}00''$ east 1,018.6 feet to a concrete marker on the west side of Marbury Road; thence north $50^{\circ}22''$ east 46.4 feet to a concrete marker on the east side of Marbury Road; thence south $87^{\circ}00''$ east 1,126.33 feet to a concrete marker at a fence corner; thence north $0^{\circ}30''$ east 244.13 feet to a concrete marker at a fence corner; thence south 89 degrees 15 minutes east 1,027.6 feet to a concrete marker; thence south $5^{\circ}30''$ west 924.95 feet to a concrete marker in the north edge of Hillwood Road; thence south 88° east 494 feet to a concrete marker in the north edge of Hillwood Road; thence south 84° east 481.8 feet to a concrete marker; thence south $5^{\circ}30''$ west 924.95 feet to a concrete marker in the north side of Hillwood Road and on the west side of New Ovoca Road; thence south $3^{\circ}30''$ west 260.1 feet to a concrete marker; thence south $2^{\circ}00''$ east 196.6 feet to a concrete marker; thence south $23^{\circ}00''$ east 851.35 feet to a concrete marker; thence south $24^{\circ}00''$ east 761.8 feet to a concrete marker on the west side of the New Ovoca Road on the north side of Reeves Street; thence south $22^{\circ}30''$ east 340.2 feet to a concrete marker; thence south $19^{\circ}35''$ east 539.5 feet to a concrete marker on the west side of the New Ovoca Road; thence south $86^{\circ}30''$ east crossing the New Ovoca Road to a concrete marker on the east side of the Old Ovoca Road a distance of 3,724 feet; thence south $4^{\circ}00''$ west 1,445 feet to a concrete marker on the north side of College Street; thence south $82^{\circ}54''$ east 200 feet to a concrete marker; thence

south 7°6" east 43 feet to a concrete marker; thence south 82°54" east 1,750 feet to a concrete marker; thence south 88°54" east 293.5 feet to a concrete marker on the easterly side of North Roosevelt Street; thence south 36°54" east 302 feet to a concrete marker on the west side of North Roosevelt Street and on the north side of an unnamed street through Barr Subdivision; thence north 52°21" east 2,564.7 feet to a concrete marker in the north right-of-way of an unnamed street; thence south 47°54" east 294 feet to a concrete marker in the north margin of Grundy Street; thence north 51°46" east 1,621.5 feet to a concrete marker in an open field; thence south 32°21" east 350 feet to a concrete marker on the south margin of East Lincoln Street and the east margin of Ham Street; thence north 50°23" east with the south margin of the Old Manchester Highway 2,910.68 feet to a concrete marker at a fence corner; thence south 32°31" east 400 feet to a concrete marker in a fence line; thence south 49°8" west 611.5 feet to a concrete marker on the south side of "A" Street; thence south 40°30" east 770 feet to a concrete marker in a lot corner; thence south 49°30" west 341.6 feet to a concrete marker in the west margin of Crest Drive; thence south 20°30" east 304.3 feet to a concrete marker; thence south 6°33" east with the east margin of Crest Drive 703.7 feet to the north right-of-way of L.&N. Railroad Sparta branch; thence south 50°34" west with the north right-of-way of the Sparta branch railroad of the L.&N. a distance of 6,304.3 feet to a concrete marker; thence south 87°9" east 602.9 feet to a monument on the east side of Carroll Street; thence south 87°09" east 775.5 feet to a corner of the war surplus land procured by the city; thence south 39°26" east 2,086.8 feet to a concrete marker on the north side of Forrest Boulevard; thence south 50°34" west 43.6 feet to a concrete marker on the north side of Forrest Boulevard and the west side of Harton Boulevard; thence south 39°28" east with the west side of Harton Boulevard a distance of 3,195.2 feet to the southerly boundary of Forrest Park Subdivision; thence south 50°57" west with the south boundary of Forrest Park Subdivision crossing South Anderson Street 3,948.6 feet to a concrete marker 300 feet east of the center line of the L.&N. Railroad; thence north 39°33" west with the right-of-way of the L.&N. Railroad 3,166.6 feet to a concrete marker; thence south 50°27" west 300 feet to the center line of the L.&N. Railroad, said point being the point of beginning of survey. (1988 Code, § 1-109)

1-110. Remedies for, provisions for and procedures for certain notices relative to code violations. (1) Whenever in the municipal code, upon failure to observe, or violation of any city ordinance, etc., any notice is required to be given by any public official including, but not limited, to the city administrator, pursuant to § 1-302(7), or any of his designees, the following remedies available to city, provisions for enforcing same and procedures shall apply and be adhered to and the following information shall be contained in any notice:

(a) The notice must be sent to the last known address of the record property owner as shown on the tax records of the City of Tullahoma, Tennessee, as well as to any occupants of said premises.

(b) The notice shall be sent certified mail, return receipt requested, to the last known addresses of said record owner and occupant(s).

(c) The notice shall state the violations complained of, and action to be taken by the addressee, and shall further refer to the particular section(s) of this code or any code whenever adopted by ordinance, by the City of Tullahoma, Tennessee, such as the Standard Building Code, Fire Prevention Code, etc., under which said violations or failure to act have occurred, and pursuant to which said notice is being rendered, and action is being taken.

(d) The notice shall grant unto the addressee no less than ten (10) nor more than thirty (30) days from the date thereof within which to take the action indicated therein or to cease and desist from taking the action prohibited thereby. A copy of said notice shall be placed on the bulletin board in the lobby of the city hall. City administrator or his designee shall designate the amount of time said addressee has to comply, and said notice shall state said time period.

(e) The notice shall state that should the addressee fail to comply with the provisions of the notice within said designated time period, that the City of Tullahoma by and through its appropriate agents, may take whatever action is required to correct the deficiencies or problems relating to said property, and that the actual cost thereof, plus fifteen percent (15%) for inspection and other incidental costs in connection therewith shall be charged to, be payable by, and billed to said addressee, owner and/or occupant of the property. Should the addressee fail to pay said charges within thirty (30) days from the date of said billing, a ten percent (10%) penalty shall be added, and the total amount represented by said billing shall be placed on the real and/or personal property tax rolls of the City of Tullahoma and assessed against subject property as a lien against same and shall be collected in the same manner as other city property taxes, or may be collected by the city by civil action in the same manner as the collection of debts, at city's option. If the charges are referred to the city attorney's office for collection as a civil debt, a minimum of 20% attorney's fee shall be added to the total amount due at that time, or the city may collect its actual attorney fees incurred, whichever is greater.

(f) The notice shall state that the addressee shall have ten (10) days from the date thereof to appeal to the City Administrator of the City of Tullahoma, in writing, to either obtain an extension of time or other relief from the provisions of said notice as might be sought in said appeal. The decision of the city administrator relative to said appeal shall be

rendered in writing within five (5) days from the date of receipt of said appeal.

(g) The notice shall state that the addressee shall have ten (10) days from the date of the written decision of the city administrator to appeal his decision to the board of adjustments and appeals as set forth in the Standard Building Code. Within fifteen (15) days from the receipt of said notice of appeal, the board of adjustments and appeals may grant said party a hearing, or may deny the appeal and affirm the decision of the city administrator. Failure of the board of adjustments and appeals to act within said fifteen (15) day period shall constitute an affirmation of the decision of the city administrator. Any action taken by the board of adjustments and appeals relative to any appeal shall be final.

(2) Irrespective of whether or not said notice is received by the addressee, the provisions of the ordinance referred to therein shall be complied with by the city.

(3) In lieu of the foregoing notice procedures, the city at its option may advertise in a newspaper of general circulation in the city, the names and addresses of owners and occupants of any property in violation of any ordinances of the City of Tullahoma, with a description of the property and of the violation(s) and may incorporate the provisions hereof therein by reference. This alternate notice shall constitute sufficient constructive notice to all violators.

(4) Nothing contained in this section shall preclude the City of Tullahoma from enforcing the general penalty provisions of this municipal code for any violations of any provisions contained herein, or shall preclude the City of Tullahoma from taking any other legal action afforded to it by law, including but not limited to the seeking of injunctive relief for the abatement of any actions which the city considers to be a nuisance or to require any actions to be taken by anyone to correct conditions which constitute violations of this municipal code. No prior written notice as otherwise contemplated by this § 1-110 shall be required for the city to enforce the provisions of § 1-107, "General penalty; continuing violations." (1988 Code, § 1-110)

1-111. Elections; voting precincts (wards).¹ (1) The portion of the city lying and being in Coffee County is hereby divided into the following five (5) voting precincts for all regular and special municipal elections, to correspond to magisterial district numbers 7, 8, 9, 10 and 11 for Coffee County, which were adopted by resolution of the Coffee County Quarterly Court on the twentieth day of October, 1969, in which resolution the county judge was empowered to take whatever implementing action might become necessary in regards to the matter related in said resolution, and pursuant to an order rendered in the United

¹Charter references: §§ 4, 5, 7, 13, and 16B.

States District Court for the Eastern District of Tennessee, Winchester Division, Civil Action Number 921, entered on the twenty-first day of November, 1969, wherein said aforementioned resolution was approved, and pursuant to the action of the Coffee County Election Commission heretofore designating new voting precincts for Coffee County, Tennessee, under the authority of Tennessee Code Annotated, § 2-701, as amended, said action having been approved by John W. Ray, county judge for Coffee County, Tennessee, in accordance with the powers earlier granted to him in the aforementioned resolution of the Coffee County Quarterly Court of Coffee County, Tennessee, it being the intent of this section to establish voting precincts (wards) within the city lying and being in Coffee County, for all regular and special municipal elections which new voting precincts (wards) correspond exactly with the aforementioned districts, except as to that portion of the city lying within Franklin County as will be hereinafter stated. Reference is hereby made to the map of the city designating the aforementioned districts and precincts created by the Coffee County Election Commission, as aforementioned, of record in the office of the county court clerk of Coffee County, pursuant to the requirements of Tennessee Code Annotated, § 2-701, as amended, said map thereon designating precincts for voting purposes and showing civil and magisterial districts for Coffee County, Tennessee, including those areas within the corporate limits of the city in Coffee County.

(2) Hereafter magisterial District 7 as shown on the aforementioned map shall become Precinct (Ward) Number 1 for the city; magisterial District Number 8 as shown on the aforementioned map shall become Precinct (Ward) Number 2 of the city; magisterial District Number 9 as shown on the aforementioned map shall become Precinct (Ward) Number 3 for the city. (In addition Precinct No. 3 shall hereafter include all these areas of the city lying and being in Franklin County); magisterial District Number 10 as shown on the aforementioned map shall become Precinct (Ward) Number 4 for the city; magisterial District Number 11 as shown on the aforementioned map shall become Precinct (Ward) Number 5 for the city.

(3) For the purposes of this section the terms "precinct" and "ward" shall be synonymous when reference is made to them in the context of divisions for voting purposes and voting places within the corporate limits of the city.

(4) All qualified voters residing in the respective precincts (wards) specified herein shall cast their votes as follows:

- Precinct No. 1: Lions Club Building.
- Precinct No. 2: East Lincoln School Complex.
- Precinct No. 3: West Middle School.
- Precinct No. 4: D. W. Wilson Center.
- Precinct No. 5: Bel-Aire Elementary School.

(5) All areas within the corporate limits of the city lying and being in Franklin County, shall also comprise a portion of Precinct (Ward) Number 3 of the city and qualified voters residing therein shall cast their votes at West Middle School. (1988 Code, § 1-111)

CHAPTER 2

BOARD OF MAYOR AND ALDERMEN¹

SECTION

- 1-201. Mayor; powers and duties.
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- 1-214. Planning and coordinating committee.
- 1-215. Board members not to be bondsmen.
- 1-216. Adequate public notice for public meetings.

1-201. Mayor; powers and duties.² (1) In general. The mayor shall preside at all meetings of the board of mayor and aldermen, and shall be a voting member thereof; he may, whenever he shall deem it necessary or proper, examine and inquire into the condition of the several offices, the books, papers, and records therein, the manner of conducting official business, and may call upon any officer of the city for any information pertaining to his office.

(2) Licenses. The mayor shall countersign all licenses issued by the recorder under the laws of the city.

(3) Police power. The mayor shall have power to call to his assistance the citizens to aid him in suppressing and dispersing any riot, unlawful assembly, or breach of the peace.

¹For provisions in the charter relative to the following, see particularly the sections indicated:

Composition of board, qualifications, terms, vacancies, etc.: §§ 3, 5, and 7.

Elections for: §§ 4, 5, 7, and 13.

Personnel powers: §§ 7, 8, 13, 15, and 16.

Powers generally: §§ 3 and 9.

Taxes: §§ 9, 12, 27, 28, and 30.

²Charter references: §§ 5, 7, 8, and 10.

(4) To appoint special committees. The mayor shall be empowered, from time to time, to appoint such special committees as shall be authorized and directed by the mayor and aldermen or as the mayor may deem necessary or important to appoint.

(5) Authority to employ extra detectives. The mayor is hereby empowered to employ extra detectives to make any necessary investigation of law enforcement agencies operating within the city if he deems it necessary. (1988 Code, § 1-201)

1-202. Mayor pro tem. The board of mayor and aldermen shall elect one of the aldermen to act as mayor in the event of the temporary absence or illness of the mayor, who shall have all the power and authority conferred by law upon the mayor during such temporary absence or illness, and the board shall elect said temporary mayor without waiting for any such absence or illness, but may provide in advance for such a contingency. (1988 Code, § 1-202)

1-203. Salaries of mayor and aldermen. (1) Aldermen. Each alderman of the city shall receive such sum per month, as established by ordinance from time to time, which amounts are payable from the funds of this city.

(2) Mayor. The mayor of the city shall receive such salary per month, as established by ordinance from time to time, which amount is payable from the funds of this city. (1988 Code, § 1-203, modified)

1-204. Organizational meeting; committee on laws and rules. The mayor elected and qualified, or previously elected to serve for three (3) years, and the four (4) aldermen holding over from the late board and the recorder shall assemble at the city hall on the second Monday in August of each year or no later than the fourth Monday in August. Further, if a mayor has been elected at the current election, and the two aldermen elected at the current election shall also assemble and take the required oath of office. The mayor and recorder and city administrator shall, ex officio, be the committee on laws and rules. (1988 Code, § 1-204, modified)

1-205. Regular meeting days and times. The board of mayor and aldermen shall hold its regular meetings on the second and fourth Mondays in each month, at 5:30 P.M., at the City Hall in Tullahoma, Tennessee. The number of meetings per month, the day thereof, and the time of said meetings and the format thereof may be changed by resolution of the board of mayor and aldermen from time to time. (1988 Code, § 1-205)

1-206. Adjourned, special and called meetings and study sessions.

(1) The board of mayor and aldermen shall also assemble at any time to which it has adjourned any regular or adjourned meeting.

(2) The board of mayor and aldermen shall also assemble in a special or called meeting whenever, in the opinion of the mayor, there is business requiring the attention of the board, the transaction of which cannot, or ought not to, be postponed to the next regular or adjourned meeting.

(3) Board study sessions and/or work sessions are hereby established. The board of mayor and aldermen shall meet on the second and fourth Mondays in each month immediately after the regular meetings of the board, effective March 1, 1992, and shall continue thereafter until changed to such other time(s) as the board, by resolution, from time to time, directs, upon the giving of at least two weeks public notice of the time and days that said meeting(s) shall be held. The purpose of said meetings shall be for board study or board work. Board study sessions shall supplement the standing committee meetings and shall be for the purpose of establishing and prioritizing short and long term goals and objectives, and studying matters to later be brought before the board for formal action, among other things. These meetings shall be conducted as the board of mayor and aldermen shall deem fit and proper. These meetings shall not be formal meetings of the board of mayor and aldermen, and no action shall be taken at these meetings. The format of study and/or work sessions shall be as established by resolutions of the board from time to time. (1988 Code, § 1-206)

1-207. Special rules of order. The rules of order and procedure of regular and special call meetings of the board of mayor and aldermen shall be as follows:

Rule 1. Parliamentary authority. The parliamentary authority shall be the latest edition of Robert's Rules of Order.

Rule 2: For the purposes of procedure under Robert's Rules of Order the board of mayor and aldermen will be considered a small board with the following exceptions;

- a. Motions and amendments to motions must be seconded.
- b. No vote can be taken without a motion having been introduced.

Rule 3. Session. A session of the board is continuous from the second Monday in August to the succeeding second Monday in August.

Rule 4. Ballots signed. In votes where ballots are required, by request, any member may require that the ballots be signed.

Rule 5. Suspension of the rules. A two-thirds (2/3rds) vote of members present and voting shall be required to suspend any rule of order in this section that does not contain a different provision for its suspension.

Rule 6. Quorum. A quorum of any meeting shall consist of at least four (4) board members.

Rule 7. Order of business. The order of business shall be presented in an agenda format that is established by resolution.

Rule 8. Prior notice, exemption, and waiver. Reports, resolutions, or petitions to be introduced at the next regular business meeting shall be delivered in writing to the recorder's office by twelve o'clock (12:00) noon on the next to last business day preceding the meeting. Reports listed in the meeting agenda are exempt from the prior notice requirement.

Rule 9. Rules, violations, fines. Any member using profane or indecorous language in a board meeting shall be fined fifty dollars (\$50.00). By a two-thirds (2/3rds) vote, the board may fine a member for other violations of these rules.

Rule 10. Decorum. Members must:

- a. Confine their remarks to the merits of the subject under discussion, and no outside conversation will be allowed;
- b. Maintain a courteous tone;
- c. Never attack nor make any allusion to the motives of other members.

Rule 11. Vote required, excused. All members present shall vote on every motion, unless they recuse themselves from the question as soon as a motion is made. Members recusing themselves must state for the record their reason for recusal and shall not participate in the discussion or debate on the question.

Rule 12. Reconsider. A motion to reconsider may be made only at the same or the next business meeting in which the original vote was taken, and be made only by a member who voted on the prevailing side, and must be seconded by any member.

Rule 13. Renewal prohibition. A main motion, or a motion for the same amendment to a given motion, cannot be renewed at the same session unless there is a change in wording or circumstances sufficient to present substantially a new question, in which case this becomes technically a different motion. (1988 Code, § 1-207, as replaced by Ord. #1330, May 2006, and amended by Ord. #1366, April 2008)

1-208. Procedure for passing ordinances and resolutions. All ordinances shall be read and passed at least one time at a regular meeting of the Board of Mayor and Aldermen of the City of Tullahoma, Tennessee. All ordinances appropriating money or levying taxes, or pertaining thereto shall, before they are binding, be approved on three (3) separate readings on three (3) different days, at least one vote of approval to be accomplished by a majority of the entire Board of Mayor and Aldermen, and the yeas and nays to be called and recorded at each reading; and all the other ordinances shall be approved on two (2) separate readings, at least one vote to be approved by a majority of the entire board, and all yeas and nays thereon shall be recorded. Only the captions of any ordinance need be read. Copies of the entire text of all ordinances shall be furnished members of the board of mayor and aldermen prior to the meetings at which they shall be read, and a copy of same shall be posted on the bulletin board at the city hall in Tullahoma. The full body or text of each ordinance shall be placed in the official minutes of the board of mayor and aldermen upon final

passage. On readings prior to the final reading, only the caption shall be placed in the minutes of the city. Resolutions need not be read in their entirety but only the resolution's number and its caption and a brief explanation need be read at official board meeting. However, the complete text of all resolutions shall be made available to members of the board prior to the meeting at which same shall be read. Further, a copy of each resolution prior to enactment shall be posted on the bulletin board at the city hall in Tullahoma. The entire text of all resolutions shall be placed in the official minutes of the board of the meeting at which same are read. After the first reading of any ordinance, it may be placed on the consent agenda for subsequent action at subsequent meetings. (Ord. #1208, Oct. 1998)

1-209. Publication of ordinances. The board of mayor and aldermen will cause to be published in a newspaper of general circulation in Tullahoma, Tennessee, only the captions of all ordinances hereinafter enacted by the board of mayor and aldermen, except as is otherwise provided by law.

In each notice of publication of ordinances hereafter enacted by the board of mayor and aldermen, a further statement shall be made that the full body of the ordinance will be available during business hours for inspection and perusal at the city hall in Tullahoma, Tennessee, and that the general public is invited to review same. Said complete ordinance shall be kept on file in an accessible place at all times during business hours for review by any interested parties. (1988 Code, § 1-209)

1-210. Investigations. (1) To make such investigations as the legislative body may deem necessary and/or proper as to any city employee, city department and/or as to any of the city's institutions, boards, commissions, or activities; and to enable the legislative body to make such investigations, said body is hereby authorized and empowered to appoint such person or persons, committee or committees as it deems necessary to make such investigations, and said persons, committees, when so appointed are hereby clothed with the power to administer oaths to witnesses and to compel their attendance and to punish, as for contempt of court, by appropriate fine not to exceed fifty dollars (\$50.00) for failure of a witness when duly summoned to attend and testify and, if necessary to commit such delinquent witness to the workhouse for failure to testify until such witness shall have purged himself of the contempt by agreeing to give evidence and by testifying. The powers contained in this paragraph shall apply to the mayor of the city as well as to the board of mayor and aldermen of the city. Further, those powers set forth in paragraph (2) and paragraph (3) shall also apply to the mayor and/or board of mayor and aldermen of the city.

(2) The board of mayor and aldermen, or any persons or committees authorized by the board of mayor and aldermen shall have power to inquire into the conduct of any department or office of the city, and to make investigations

as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence.

(3) Any person who fails or refuses to obey any subpoena issued by the investigating body or who refuses to testify, or refuses to produce any evidence requested, shall be deemed to be in contempt and shall be punished by a fine of not less than three dollars (\$3.00) nor more than fifty dollars (\$50.00) and may be imprisoned for a period not exceeding thirty (30) days, or until such time as such witness shall have purged himself of contempt by agreeing to give evidence or by testifying. (1988 Code, § 1-210, modified)

1-211. Travel pay policies. These travel pay policies are applicable to members of the board of mayor and aldermen, employees of the City of Tullahoma, and members of and employees of its boards, agencies and commissions who are entitled to receive travel pay. Reference to the City of Tullahoma hereinafter shall include all of the foregoing throughout.

The City of Tullahoma will reimburse authorized board members and employees for reasonable travel expense for over night travel while on official city business. Authorization for trips will be made by the Chief Administrative Officer (CAO) of the specific board/agency and a signed copy of authorization will be presented to the finance director of the board/agency prior to the contemplated trip and issuance of cash advance for expenses.

In the interpretation of this section, the term "traveller" or "authorized traveller" shall mean any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this section. "Authorized traveller" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveller on city business, unless such person or persons otherwise qualify as an authorized traveller under this section.

To qualify for reimbursement, travel expenses must:

(1) Be directly related to the conduct of the city business for which travel was authorized;

(2) Comply with standard rates as outlined in the current Joint Travel Regulations (Schedule #1)¹ and all other provisions contained in this section. The CAO may make exceptions for unusual circumstances. Such exceptions must be in writing from the CAO.

(1) Transportation. Travel expense by automobile for attending meetings, conventions, and seminars will be payable at the IRS allowable rate in the event that a personal vehicle is used in lieu of a city vehicle. Group travel is encouraged. In the event that air travel is necessary, the city will pay actual

¹See the attachments to Ord. #1117 (December 1994) of record in the office of the recorder.

cost up to a maximum of coach fare for the employee to and from the designated location of the meeting. A receipt from the airline showing actual ticket cost must be presented with the travel voucher. Where rental of an automobile is deemed necessary for use by the traveler in the transaction of business for the good of the city, the rental fee will be paid providing a receipted statement is presented upon return for reimbursement. Taxi, limo or bus charges for transportation to a hotel, motel, or other lodging and back to the airport will be paid by the city. Also, if the nature of the trip requires use of a taxi for commuting purposes, the city will pay for taxi service. Receipted statements for this service are preferable, but the city recognizes that securing of receipted statements for this type of travel expense may be difficult and relies on the integrity of the employee.

Parking expenses in garages, parking lots and airports will be paid by the city provided receipted vouchers are presented for reimbursement. In the case of short term parking, such as placement of coins in meters, the city will rely on the integrity of the employee.

When a city owned automobile is used, expenses for road service, repair bills, tolls, parking, gasoline and oil must be supported by receipts. Speedometer readings must be recorded upon leaving and return to Tullahoma.

(2) Lodging. Payment for motel, hotel or other lodging accommodations will be paid by the city for authorized trips to meetings, conventions and workshops at:

(a) The conference rate available for the specified conference or convention. If the conference hotel is full, and the traveller is required to stay at the overflow hotel, the traveler will be reimbursed at overflow hotel rate;

(b) The government lodging rate, as defined by the federal government JTR per diem chart,¹ if there is no convention rate which applies. If the government rate is not available or there are problems with specific accommodations which offer government rates, prior approval from the CAO of the organization must be obtained to approve a rate above the government rate. Such approval must be in writing. A receipt for the actual cost of the hotel/motel must be submitted with the travel voucher.

(3) Meals. For meals, and other incidental not otherwise mentioned in this section, the per diem listed in column "M&IE"¹ shall apply. The per diem rate shall be paid on a prorated basis for a partial day's travel. Partial one-third periods will be considered as total one-third periods for purposes of payment of per diem. For the purpose of this section, proration is defined as three 8-hour periods beginning at 12:00 A.M. If a meal is included as part of the conference

¹See the attachments to Ord. #1117 (December 1994) of record in the office of the recorder.

registration, the schedule listed in Schedule #2¹ will be used to deduct this meal from the reimbursable per diem paid to the traveller.

The CAO may approve reimbursement of a single meal associated with a non-overnight trip, if such expense is in the best interest of the city. A receipt must be submitted and the reimbursement will not exceed the amount listed in Schedule #3.¹

(4) Miscellaneous. Actual expenses for meals and entertainment for guests, visitors, professional representatives and agencies will only be made if the nature of the meals enhance the acquisition of the services being offered and is of benefit to the city and by approval of the CAO. A receipted statement identifying the group or individuals is required for reimbursement, and the voucher will be reviewed by the department director and approved by the city administrator or CAO of the board/agency.

Tips will be allowed for reimbursement for use of bell boy service in the event the service is necessary.

One personal phone call, not to exceed \$3.00 per overnight trip, will be reimbursed.

A standard expense voucher is to be used for expense reimbursement. This voucher will have the name of the employee, date, meeting date, location and sponsoring organization. All expenses requiring a receipt will be itemized and will have attached original receipts. The expense voucher will be signed by the employee making claims for expense reimbursement. All expense vouchers are to be submitted no later than five (5) working days after the completion of the authorized trip to the CAO of the board/agency for review and approval.

Registration or special fees for attending meetings will be paid by the city. In the event that prepaid registration has not been paid prior to the meeting, a receipted statement will be required.

Any expense or situation that is of unusual nature that does not fall within criteria as set forth in these guidelines will not be reimbursed until reviewed and approved by the CAO of the board or agency. (1988 Code, § 1-211)

1-212. Policies regarding lease of city property, assistance to various organizations, etc. (1) The board of mayor and aldermen from time to time by resolution may adopt certain policies of a general nature regarding the leasing of city real property and facilities, assistance to various organizations of a financial nature, and other types of general policies.

(2) The city administrator shall create and maintain a general policies manual for the city in which shall be placed all policies adopted and/or amended from time to time by the City of Tullahoma relating to the matters dealt with in this section and otherwise of a general nature. (1988 Code, § 1-212)

1-213. Establishment of policy committee and internal affairs committee. There is hereby established from members of the board of mayor and aldermen a policy committee and an internal affairs committee as follows:

(1) Policy committee. Each year, immediately following the organizational meeting, the mayor shall appoint, for a one year term, three aldermen, one designated by the mayor as chairman, to the policy committee of the board of mayor and aldermen. The purpose of this committee shall be to prepare policy statements for approval by the board, to insure that board members are supplied with a current copy of all approved board policies, and to perform whatever other duties as are directed by the board from time to time.

(2) Internal affairs committee. Each year, immediately following the organizational meeting, the mayor shall appoint, for a one year term, three aldermen, one designated by the mayor as chairman, to the internal affairs committee of the board of mayor and aldermen.

The purpose of the internal affairs committee is to prepare procedures relating to internal affairs for approval by the board, as directed by the board; to insure that board members are supplied with current copy of all board procedures; and to perform those other activities sanctioned by board policy.

Action proposed by the policy committee and internal affairs committee shall be referred to the full board for discussion and approval and rejection. All policies recommended by the policy committee or the internal affairs committee, and all procedures, if approved by the board, shall be approved by resolution.

No alderman may serve on both the policy committee and internal affairs committee. (1988 Code, § 1-213)

1-214. Planning and coordinating committee. There is hereby established a planning and coordinating committee to act in an advisory capacity to the board of mayor and aldermen. Said committee will be advisory only and its purpose shall be to coordinate various city functions between the board of mayor and aldermen and various agencies of the city; to facilitate the exchange of information between the city board and its agencies; to participate in planning and in the coordination of the activities of all city agencies; to consider other functions and purposes in furtherance of establishing a better organized and more efficiently operated overall city government and city functions. The membership of said committee shall be as follows:

(1) The voting members of said committee shall be: the mayor, who shall also act as chairman, or his designee; the mayor pro tem, who shall act as chairman in the absence of the mayor, and/or his designee; the chairman of the municipal airport authority; the chairman of the industrial development board; the chairman of the board of directors of the Tullahoma Housing Authority; the chairman of the board of education; the chairman of the planning commission; the chairman of the Tullahoma Utilities Board.

(2) Additional non-voting members shall be as follows: The Manager of the Tullahoma Utilities Board; the executive director of the industrial development board; the superintendent of schools; the Executive Director of the Tullahoma Housing Authority; the City of Tullahoma planner; the city attorney; the city administrator. (1988 Code, § 1-214)

1-215. Board members not to be bondsmen. No member of the board of mayor and aldermen shall be a security on the official bond of any officer or member of the board of mayor and aldermen. (1988 Code, § 1-215)

1-216. Adequate public notice for public meetings. Unless otherwise provided by law and except as exigent circumstances may dictate otherwise, adequate public notice for public meetings of all boards, committees and agencies of the city shall be defined as seven (7) days. (as added by Ord. #1359, Nov. 2007)

CHAPTER 3

CITY ADMINISTRATOR

SECTION

1-301. City administrator--office created; appointment; term; qualifications; devotion to duty.

1-302. Duties.

1-301. City administrator--office created; appointment; term; qualifications; devotion to duty. (1) There is hereby created the office of City Administrator of the City of Tullahoma. The Board of Mayor and Aldermen of the City of Tullahoma may appoint and fix the salary of said administrator, who shall serve at the pleasure of the board of mayor and aldermen. The administrator shall be selected solely on the basis of training, experience, and other administrative qualifications. Minimum qualifications shall include a college degree and training or experience in municipal administration, public administration or civil engineering. The administrator shall give full time to the duties of his office.

(2) The city administrator shall execute a bond with good and sufficient security in the sum of one hundred thousand dollars (\$100,000.00), said bond to be conditioned that he will faithfully account for all money that may or ought to come into his hands, and that may or ought to be collected by him by virtue of his office, and that he will well and truly do and perform all other duties pertaining to the office, which bond shall be acknowledged by the city administrator and his securities before the board of mayor and aldermen and approved by it.

(3) Reason for dismissal must be for due cause and dismissal shall require two (2) majority votes of the board of mayor and aldermen. The first vote regarding dismissal may be at a specially called meeting. At said special called meeting, the board of mayor and aldermen shall conduct a pretermination hearing. It shall have informed the city administrator at least one week prior thereto, in writing, of the causes for the board's considering termination. At said hearing, the city administrator may be represented by counsel and may present witnesses and may cross examine witnesses in behalf of the board of mayor and aldermen. Said pre-termination hearing shall be conducted prior to the board vote regarding dismissal or termination. Should a majority of the board uphold dismissal or termination then a second vote (the final vote) shall be at a regularly scheduled meeting of the board. During this process, suspension will be at the discretion of the board of mayor and aldermen but will be with pay. If, on final vote, the city administrator is terminated, he shall be provided with severance pay in addition to any other benefits due him at that time. Severance pay may be accumulated by the city administrator at the rate of one month per year of employment to be prorated for a period of employment

of less than one year, but shall not exceed a total of three months accumulated severance pay.

(4) Any person hired by the city as city administrator shall have a probationary period of three months from his date of reporting for duty during which period said person may be discharged or dismissed from said office without cause or notice upon payment by the city of the balance of the three months' salary and benefits due to said city administrator.

(5) The board of mayor and aldermen is hereby granted the latitude to negotiate for and enter into contractual provisions different from the guidelines hereinabove set forth, with prospective city administrators, relative to suspension, dismissal, termination, pay and benefits due city administrators upon termination, etc., as the situation may warrant, the foregoing guidelines being in the nature of informational, rather than mandatory directional provisions, the purpose of this subsection being in the nature of enabling legislation. (1988 Code, § 1-401)

1-302. Duties. It shall be the duty of the administrator to supervise and coordinate all administrative activities of each department directly under the control of the board of mayor and aldermen in accordance with an organization chart adopted by the board of mayor and aldermen and filed with the city recorder. The administrator shall also have the following duties with respect to the administration of the affairs of the city under the control of the board of mayor and aldermen:

(1) To make recommendations to the board of mayor and aldermen for improving the quality and quantity of public services to be rendered by the city to the citizens thereof.

(2) To keep the board of mayor and aldermen fully advised as to the conditions and needs of the city, including an inventory of property and equipment and to recommend necessary repairs or replacements.

(3) To recommend to the board of mayor and aldermen necessary programs or projects involving public works or public improvements to be undertaken by the city and the priority of same.

(4) To direct the enforcement of all personnel rules, regulations and personnel policies which may be adopted by the board of mayor and aldermen from time to time and to approve any dismissal, promotion or demotion of any employee when same is deemed necessary and proper in accordance with such rules, regulations and policies. The city administrator will review the findings and decision of the respective department heads involved in dismissals, promotions and demotions, and will either approve or reject same. After such approval or rejection, the grievance procedure provided for in said personnel policies will then be applicable.

(5) To act as purchasing agent subject to the policies, rules and regulations established by the board of mayor and aldermen and to recommend changes in such policies, rules and regulations as deemed necessary to establish

effective procedures. The city administrator shall approve purchases in excess of \$1,500.00, with department heads approving budgeted purchases of \$1,500.00, or less, in accordance with City's purchasing policies.

(6) To review, approve and recommend to the board of mayor and aldermen an annual budget for each department of the city coming under the direct supervision of the board of mayor and aldermen.

(7) The city administrator shall have the original authority and jurisdiction to execute and deliver all notices, orders, and other documents necessary for the enforcement of all ordinances of the city, and may delegate said authority to various personnel including, but not limited to, department heads. Anywhere in the code of ordinances where reference is made to the sending of notices, the enforcement of ordinances, and other matters of an administrative nature where reference is made to a particular official of the City of Tullahoma having the authority to do so, said provisions shall be amended to delete therefrom the authority of said particularly designated official and substituted therefor shall be city administrator with the provisions that said authority may be delegated by said city administrator to said designated official or another employee of the City of Tullahoma. All provisions in conflict herewith are hereby repealed.

(8) To perform such other duties as may be passed by the board of mayor and aldermen in official session from time to time.

(9) To review all applications for employment filed with the city personnel officer for department head positions, to interview applicants and to make written recommendations to the board of mayor and aldermen regarding the hiring of said department heads. (1988 Code, § 1-402, modified)

CHAPTER 4

CITY RECORDER AND DIRECTOR OF FINANCE¹

SECTION

- 1-401. Recorder, (also known as the city recorder and tax collector)--powers and duties generally.
- 1-402. Official bond.
- 1-403. Execution on judgments.
- 1-404. Director of finance (and treasurer)--powers and duties generally.
- 1-405. Reports; fiscal month.
- 1-406. Official bond.

1-401. Recorder, (also known as the city recorder and tax collector)--powers and duties generally. (1) Generally. The recorder shall perform all the duties required of him by ordinance, rules, or regulations of the board of mayor and aldermen, or by the laws of the state.

(2) Licenses. The recorder shall issue all licenses for privileges, applied for under the revenue laws of the city, and call upon all persons exercising privileges and tender to them a license and demand of them the lawful fees and taxes for the same; but before delivering a license to any person the recorder shall present the same to the mayor to be countersigned by him. Before presenting a license to the mayor to be countersigned by him, the recorder shall fill in the same so that it shall show the person to whom the same is issued, and the amount of taxes and fees received, or to be received on the same.

(3) Tax collector. The duties of the recorder shall include that of tax collector, and the recorder is hereby designated as city tax collector.

(4) Attendance at board meetings and records thereof. The recorder shall attend all the regular, adjourned and called meetings of the board of mayor and aldermen and shall keep a record of all the proceedings which, after being approved by the mayor and aldermen, shall be signed by the mayor and recorder. (1988 Code, § 1-501, modified, as replaced by Ord. #1391, Oct. 2009)

1-402. Official bond. Before entering upon the duties of his office, the recorder (and treasurer and tax collector) and all persons employed in his office shall execute a bond with good and sufficient security in the sum of one hundred thousand dollars (\$100,000.00) each, said bonds to be conditioned that they will faithfully account for all money that may or ought to come into their hands, or may or ought to be collected by them by virtue of their office, and that they will well and truly do and perform all other duties pertaining to the office, which bond shall be acknowledged by the recorder and his employees and their

¹Charter references: §§ 9, 10, and 15.

securities before the board of mayor and aldermen and approved by it. (1988 Code, § 1-502, modified, as replaced by Ord. #1391, Oct. 2009)

1-403. Execution on judgments. When a judgment shall be rendered by the recorder, and the same secured, it shall be the duty of the recorder to issue execution thereon immediately. (1988 Code, § 1-503, as replaced by Ord. #1391, Oct. 2009)

1-404. Director of finance (and treasurer)--powers and duties generally. (1) Generally. The director of finance recorder shall perform all the duties required of him by ordinance, rules, or regulations of the board of mayor and aldermen, or by the laws of the state.

(2) Treasurer. The duties of the director of finance shall include that of city treasurer, and is hereby designated as city treasurer.

(3) Accounting, etc. All invoices for purchases made for the city shall be kept with all other records in suitable files and cases to be furnished for that purpose, and all shall be kept under his charge in the office of the recorder. He shall also perform any other service in connection with the accounting departments of the city which time and opportunity will permit at the will and pleasure of the board of mayor and aldermen. (1988 Code, § 1-504, as replaced by Ord. #1391, Oct. 2009)

1-405. Reports; fiscal month. (1) The director of finance shall make a report to the board of mayor and aldermen of all moneys collected by him for municipal purposes in each month; and, as city treasurer, shall make a monthly report to the board of mayor and aldermen of all moneys received and paid out in each month, and shall make a final report at the expiration of his term of office.

(2) The fiscal month shall end with the last day of each month, and all official reports shall be made at the second regular meeting of the board on the fourth Monday of each month, covering the period up to the last day of each month previous. (as added by Ord. #1391, Oct. 2009)

1-406. Official bond. Before entering upon the duties of his office, the director of finance (and treasurer) and all persons employed in his office shall execute a bond with good and sufficient security in the sum of one hundred thousand dollars (\$100,000.00) each, said bonds to be conditioned that they will faithfully account for all money that may or ought to come into their hands, or may or ought to be collected by them by virtue of their office, and that they will well and truly do and perform all other duties pertaining to the office, which bond shall be acknowledged by the recorder and his employees and their securities before the board of mayor and aldermen and approved by it. (as added by Ord. #1391, Oct. 2009)

CHAPTER 5

CITY ATTORNEY¹

SECTION

1-501. Employment.

1-501. Employment. An attorney at law for the city generally shall be employed by the city only with the consent of a majority of the board of mayor and aldermen. (1988 Code, § 1-601)

¹Charter reference: § 10.

CHAPTER 6

RECORDS MANAGEMENT

SECTION

- 1-601. City recorder as records manager.
- 1-602. Archiving and storage of public documents.
- 1-603. Archiving of video recordings of meetings of the board of mayor and aldermen.
- 1-604. Procedures regarding access to an inspection of public records.

1-601. City recorder as records manager. The City Recorder of the City of Tullahoma, Tennessee, is hereby appointed as the records manager of the city. The function of the records manager will be to determine what records will be archived; to schedule archiving; to establish the retention period for each document based upon an approved retention schedule, which shall be prepared pursuant to the Uniform Accounting Manual for Tennessee Cities, Records Management Manual prepared by the Center for Government Training, as reviewed by the city's accountant. The records manager shall establish various periods for retention of documents based on her best judgment, even if same deviates from the record retention periods set forth in said manual. The city recorder shall direct each department head to prepare an inventory of all records under their control, as well as a written list of same and dates of same. The records manager shall approve the proposed schedule and then establish retention, disposition and archiving schedules for each document. The board of mayor and aldermen shall, by resolution, from time to time, establish and amend thereafter a retention schedule as recommended by said records manager. (1988 Code, § 1-1301, modified, as amended by Ord. #1391, Oct. 2009)

1-602. Archiving and storage of public documents. It shall be the function of the city recorder to establish schedules for and see to archiving of all documents pursuant to the provisions of § 1-601. All rolls of microfilm and other archived records shall be duplicated and the original retained at the city hall and a duplicate will be kept for safekeeping at the off-site building. Original items which may have some historical value and interest will, upon the approval of the Board of Mayor and Aldermen of the City of Tullahoma, be given to the civic center for inclusion in the museum there. (1988 Code, § 1-1302, modified, as amended by Ord. #1391, Oct. 2009)

1-603. Archiving of video recordings of meetings of the board of mayor and aldermen. The records manager shall ensure that video recordings of regular and special called meetings of the board of mayor and aldermen are labeled and stored in a secure area within seventy-two (72) hours of the last scheduled airing by the local programming originator and that the recording, storing and archiving of said meetings be maintained in a digital

format so that said recordings can be readily accessible in the most cost-effective method available. (as added by Ord. #1360, Nov. 2007)

1-604. Procedures regarding access to an inspection of public records. (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Tullahoma shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(2) Employees of the City of Tullahoma shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the city recorder or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the city recorder.

(3) To prevent excessive disruptions of the work, essential functions, and duties of employees of the City of Tullahoma, persons requesting inspection and/or copying of public records are requested to complete a records request form to be furnished by the city. If the requesting party refuses to complete a request form, a city employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (2) above. All requests for public records shall be directed to the city recorder.

(4) When records are requested for inspection or copying, the city recorder has up to seven (7) business days to determine whether the city can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for copying based upon the number of copies and amount of time required. Within seven (7) business days of a request for records the city recorder shall:

- (a) Produce the records requested;
- (b) Deny the records in writing, giving explanation for denial;

or,

- (c) In the case of voluminous requests, provide, in writing, the requestor with an estimated time frame for production and an estimation of duplication costs.

(5) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:

- (a) Standard 8 1/2, x 11 or 8 1/2 x 14 black and white copy - \$.15 per page for each produced.

- (b) Standard 8 1/2 x 11 or 8 1/2 x 14 color copy - \$.50 per page for each produced.

(c) Accident reports - \$.15 per page for each standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy produced.

(d) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

(6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requester. Employee labor in excess of one (1) hour may be charged to the requester, in addition to the cost per copy, as provided in subsection (5). The city may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

(a) For a request requiring more than one (1) employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

(b) When the total number of requests made by a requester within a calendar month exceeds four (4), the requests will be aggregated, and the requester shall be charged a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requester that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests.

(7) If the city is assessed a charge to retrieve the requested records from archives or any other entity having possession of requested records, the city recorder may assess the requester the cost assessed to the city.

(8) Upon completion of a records request the requester may pick up the copies of records at the office of the city recorder. Alternatively, the requester may choose to have the copies of records delivered via United States Postal Service; provided that the requester pays all related expenses in advance.

(9) The police chief shall maintain in his office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the police records custodian. Requests for personnel records, other than for undercover investigators, shall be made to the city recorder, who shall promptly notify the police chief of such request. The police chief shall make the final determination

as to the release of the information requested. In the event that the police chief refuses to release of the information, he shall provide a written explanation of his reasons for not releasing the information.

(10) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (as added by Ord. #1443, Jan. 2014)

CHAPTER 7

CODE OF ETHICS¹

SECTION

- 1-701. Applicability.
- 1-702. Definition of "personal interest."
- 1-703. Disclosure of personal interest by official with vote.
- 1-704. Disclosure of personal interest in non-voting matters.
- 1-705. Acceptance of gratuities, etc.
- 1-706. Use of information.
- 1-707. Use of municipal time, facilities, etc.
- 1-708. Use of position or authority.
- 1-709. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated, § 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated, § 8-47-101 and the following sections.

1-701. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #1349, Jan. 2007)

1-702. Definition of "personal interest." (1) For purposes of §§ 1-703 and 1-704, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #1349, Jan. 2007)

1-703. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #1349, Jan. 2007)

1-704. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by the ethics officer and filed with the ethics officer and city recorder. In addition, the official or employee may, to the extent

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #1349, Jan. 2007)

1-705. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. Nothing in this section is meant to prohibit customary hospitality practices. (as added by Ord. #1349, Jan. 2007)

1-706. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #1349, Jan. 2007)

1-707. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by law or agreement that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #1349, Jan. 2007)

1-708. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #1349, Jan. 2007)

1-709. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #1349, Jan. 2007)

1-710. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney shall render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(b) The city attorney shall request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgement, constitutes a violation of this code of ethics.

(d) The results of said investigation by the city attorney or ethics officer shall be submitted to the internal affairs committee who shall render a report to the board of mayor and aldermen.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. Any advisory board, authority or commission may seek the counsel of the advisory board, authority or commission's legal counsel on questions regarding the interpretation of these ethics guidelines or other conflict of interest matters. The interpretation may include a recommendation on whether or not the advisory board, authority or commission member should excuse himself/herself from voting. The advisory board, authority or commission member may request that counsel respond in writing. (as added by Ord. #1349, Jan. 2007)

1-711. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed

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official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #1349, Jan. 2007)