

HOUSE BILL 2999

By Eldridge

a*103/1903,506/1903,203/1907,502/1907,314/1909,84/1915,543/1917,640/1917,616/1921,23/1925,598/1925,446/1927,792/1927,581/1929,718/1929,158/1931,296/1931,441/1931,24/1935,527/1941,266/1945,206/1947,689/1947,297/1949,298/1949,473/1951,72/1953,73/1953,74/1953,565/1953,247/1959,41/1961,112/1963,283/1965,487/1967,128/1971,207/1972,7/1977,256/1978,269/1978,196/1980,143/1994,214/1984,138/2000,4/2001,7/2001,78/2004,45/2010,44/2012,52/2012

AN ACT to amend Chapter 103 of the Acts of 1903; as amended by Chapter 506 of the Acts of 1903; Chapter 502 of the Acts of 1907; Chapter 203 of the Acts of 1907; Chapter 314 of the Acts of 1909; Chapter 84 of the Private Acts of 1915; Chapter 543 of the Private Acts of 1917; Chapter 640 of the Private Acts of 1917; Chapter 616 of the Private Acts of 1921; Chapter 23 of the Private Acts of 1925; Chapter 598 of the Private Acts of 1925; Chapter 446 of the Private Acts of 1927; Chapter 792 of the Private Acts of 1927; Chapter 718 of the Private Acts of 1929; Chapter 581 of the Private Acts of 1929; Chapter 296 of the Private Acts of 1931; Chapter 158 of the Private Acts of 1931; Chapter 527 of the Private Acts of 1941; Chapter 266 of the Private Acts of 1945; Chapter 206 of the Private Acts of 1947; Chapter 689 of the Private Acts of 1947; Chapter 298 of the Private Acts of 1949; Chapter 297 of the Private Acts of 1949; Chapter 473 of the Private Acts of 1951; Chapter 565 of the Private Acts of 1953; Chapter 73 of the Private Acts of 1953; Chapter 74 of the Private Acts of 1953; Chapter 72 of the Private Acts of 1953; Chapter 247 of the Private Acts of 1959; Chapter 41 of the Private Acts of 1961; Chapter 112 of the Private Acts of 1963; Chapter 283 of the Private Acts of 1965; Chapter 487 of the Private Acts of 1967; Chapter 128 of the Private Acts of 1971; Chapter 207 of the Private Acts of 1972; Chapter 7 of the Private Acts of 1977; Chapter 256 of the Private Acts of 1978; Chapter 269 of the Private Acts of 1978; Chapter 214 of the Private Acts of 1984; Chapter 138 of the Private Acts of 2000; Chapter 7 of the Private Acts of 2001; Chapter 4 of the Private Acts of 2001; Chapter 78 of the Private Acts of 2004; Chapter 45 of the Private Acts of 2010; Chapter 44 of the Private Acts of 2012; Chapter 52 of the Private Acts of 2012; Chapter 441 of the Private Acts of 1931 and Chapter 196 of the Private Acts of 1980; and any other acts amendatory thereto, relative to the charter for the City of Morristown.

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

SECTION 1. Chapter 103 of the Acts of 1903, as amended by Chapter 506 of the Acts of 1903, Chapter 502 of the Acts of 1907, Chapter 203 of the Acts of 1907, Chapter 314 of the Acts of 1909, Chapter 84 of the Private Acts of 1915, Chapter 543 of the Private Acts of 1917, Chapter 640 of the Private Acts of 1917, Chapter 616 of the Private Acts of 1921, Chapter 23 of the Private Acts of 1925, Chapter 598 of the Private Acts of 1925, Chapter 446 of the Private Acts of 1927, Chapter 792 of the Private Acts of 1927, Chapter 718 of the Private Acts of 1929, Chapter 581 of the Private Acts of 1929, Chapter 296 of the Private Acts of 1931, Chapter 158 of the Private Acts of 1931, Chapter 441 of the Private Acts of 1931, Chapter 24 of the Private Acts of 1935, Chapter 527 of the Private Acts of 1941, Chapter 266 of the Private Acts of 1945, Chapter 206 of the Private Acts of 1947, Chapter 689 of the Private Acts of 1947, Chapter 298 of the Private Acts of 1949, Chapter 297 of the Private Acts of 1949, Chapter 473 of the Private Acts of 1951, Chapter 565 of the Private Acts of 1953, Chapter 73 of the Private Acts of 1953, Chapter 74 of the Private Acts of 1953, Chapter 72 of the Private Acts of 1953, Chapter 247 of the Private Acts of 1959, Chapter 41 of the Private Acts of 1961, Chapter 112 of the Private Acts of 1963, Chapter 283 of the Private Acts of 1965, Chapter 487 of the Private Acts of 1967, Chapter 128 of the Private Acts of 1971, Chapter 207 of the Private Acts of 1972, Chapter 7 of the Private Acts of 1977, Chapter 256 of the Private Acts of 1978, Chapter 269 of the Private Acts of 1978, Chapter 196 of 1980, Chapter 214 of the Private Acts of 1984, Chapter 143 of the Private Acts of 1994, Chapter 138 of the Private Acts of 2000, Chapter 7 of the Private Acts of 2001, Chapter 4 of the Private Acts of 2001, Chapter 78 of the Private Acts of 2004, Chapter 45 of the Private Acts of 2010, Chapter 52 of the Private Acts of 2012, Chapter 44 of the Private Acts of 2012, and any other acts amendatory thereto, that being the charter for the City of Morristown, is amended by deleting Chapter 103 of the Acts of 1903 in its entirety and substituting instead the following:

CHARTER OF THE CITY OF MORRISTOWN, TENNESSEE

ARTICLE I.

Sec. 1. Incorporation.

The inhabitants of the City of Morristown, as the same extends and is laid out, are hereby constituted a corporation and body politic, by the name and style of the "City of Morristown," and by the same name shall have perpetual succession; shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, may purchase, receive and hold property, real and personal in their said city, and may sell, lease or dispose of the same for the benefit of said city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, for corporate purposes; and may sell, lease or dispose of such property for the city; and to do all other acts, as natural persons. They shall have and use a common seal and change it at pleasure. They may own and control a waterworks system, electric light plant, gas plant and public school buildings and equipment.

Sec. 2. City council.

There shall be a city council, which shall consist of a mayor and six (6) council members, who shall be elected by the qualified voters of the city to serve for a term of four (4) years, and until their successors are elected and qualified. No person shall be elected to the council unless they are at least twenty-one (21) years of age by the election date, or to the office of mayor unless they are at least twenty-one (21) years of age by the election date, and whether council or mayor, shall be a citizen of the State of Tennessee, and a bona fide resident of the city for at least one (1) year immediately preceding the election date. One (1) council member shall be elected from each of the four (4) wards of the city, as said wards are modified by reapportionment, which reapportionment shall be accomplished by the governing body based upon the most recent federal census and shall thereafter be accomplished as required by law, and such council member shall be a resident of that ward, and two (2) council members and the mayor shall be elected at large and may reside in any city ward. The four (4)

council members representing particular city wards shall be voted for and elected by the voters of their respective city wards, and the mayor and the two (2) at-large council members shall be voted for and elected by the voters of all wards of the city.

Any person elected to the city council who removes from the city shall thereby vacate his or her office.

Before entering upon the duties of office, the mayor and council members shall take an oath to faithfully demean themselves in office, and perform the duties thereof. All vacancies in the council, including the office of mayor, shall be filled by a vote of a majority of the remaining members thereof, to serve until the next city election for members of council.

Sec. 3. Biennial elections; qualifications of electors; qualifications and duties of mayor.

Beginning in the year 2024, the terms of all sitting council members and mayor shall be extended such that council members previously representing the first ward and the third ward, having last been elected in May of 2021 and the at-large member last elected in May of 2021, may remain in their capacities until their successors are elected and seated, said elections to be held the first Tuesday following the first Monday in November of 2026, and that the mayor and council members previously representing the second ward and the fourth ward, having last been elected in May of 2023 and the at-large member last elected in May of 2023, may remain in their capacities until their successors are elected and seated, said elections to be held the first Tuesday following the first Monday in November of 2028. A transition seating newly elected council members and/or mayor shall occur on the last Monday of November following elections, provided elections have been certified by that date. Otherwise, a transition seating newly

elected council members and/or mayor shall occur on the next Monday following such certification.

The recipient of the most votes for any seat shall be determined to be the council member-elect (or mayor-elect). When two (2) or more candidates have an equal number of votes preventing a determination of the winner, the election for any undetermined seat(s) shall be decided by a majority vote(s) of the mayor and city council, excluding members whose seats are in dispute by virtue of the tie if that member is actively seeking reelection.

Every person entitled to vote for members of the General Assembly by the laws of the State and who shall have been a bona fide resident within the corporate limits for thirty (30) days next preceding the election shall be entitled to vote therein.

Nonresidents holding a freehold within the corporate limits of an assessed valuation of one hundred dollars (\$100.00) or other property subject to corporation taxes amounting to one hundred dollars (\$100.00) or over, shall be entitled to vote at said election. The election shall be held as now provided by the laws of the State of Tennessee for such elections.

No person shall be elected mayor who is not at the time of election at least twenty-one (21) years of age, a citizen of the State of Tennessee, and a bona fide resident of the city for at least one (1) year immediately preceding the election date. No council member whose term extends beyond the next mayoral election may qualify as a candidate for the office of mayor if such council member holds office as such thirty (30) days prior to the final day for qualification as a candidate for mayor.

Such council member shall not be disqualified from being appointed by the council to serve as a council member until the next city election for members of council and mayor, to fill the vacancy created by his or her resignation from

office. The mayor may fill all vacancies occurring in any offices, except that of council member, until the same be filled by election. It shall be the duty of the mayor to preside at all meetings of the council; to see that all the ordinances of the city are duly enforced, respected and observed within the city; to take an oath of office before entering upon the duties of the same; and to call special sessions of the council when the mayor deems it expedient. The mayor shall be entitled to a vote upon all matters before the council the same as a council member, whether there be a tie or not, but shall not be entitled to vote as mayor and an additional vote as presiding officer.

Sec. 4. Appointment of city officers, employees, etc.; city administrator.

The city council shall have full power and authority to appoint all officers, servants and agents of the corporation, such as they may deem necessary and provide by ordinance. They shall also fix the compensation of such officers before their election, which shall not be increased or diminished during their continuance in office.

They shall also have power to dismiss any officer, servant or agent, by them appointed, three-fifths (3/5) of said council concurring in such dismissal.

The council, by resolution, may appoint and fix the salary of the city administrator, who shall serve at the pleasure of the council, except that he or she may be removed during his or her first year in office only for incompetence or neglect of duty. He or she shall be appointed solely on basis of his or her executive and administrative qualifications, without regard to his or her political affiliations or place of residence, but during his or her tenure in office may reside outside the city only with the consent of the council. He or she shall give his or her full time to the office unless otherwise provided by resolution. The council may remove the city administrator only after adopting a preliminary resolution stating the reasons for his or her proposed removal, which shall be published

once in the official city newspaper. If within five (5) days after such publication the city administrator delivers to the mayor a written request for a hearing, a public hearing shall be held within ten (10) to twenty (20) days after publication of the preliminary resolution, to consider any written or oral statement he or she wishes to make, in person or through counsel. After following this procedure, and after the public hearing, if one be held, the council may adopt a final resolution of removal from which there shall be no appeal. The preliminary resolution may suspend the city administrator from duty, but in any event he or she shall be paid his or her regular salary until the time of adoption of the final resolution or removal. The council may, and if the council does not, the city administrator shall, designate a person to act as city administrator during his or her absence or inability to act. An acting city administrator may be appointed by the council to fill a vacancy in the office for not to exceed one (1) year, who may be removed by the council at any time without regard to the procedure prescribed in this section for removal of the city administrator.

The city administrator shall be the executive head of the city government, responsible to the council for the efficient, orderly and business-like administration of the city's affairs. He or she shall be responsible for the enforcement of laws, rules and regulations, ordinances and franchises of the city, and the city attorney shall take such legal actions as the city administrator may direct for such purposes. The city administrator shall have authority to appoint, promote, demote, transfer, suspend and remove all department heads and employees and to direct and control their work, except as otherwise provided in this Act. He or she shall attend all meetings of the council when possible to do so and may participate in the discussions of the council, but shall have no vote. He or she shall submit to the council annual budgets, reports and such other information as he or she may deem necessary or that the council may require.

He or she shall have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made without his or her approval. He or she shall act as purchasing agent for the city. He or she may conduct inquiries and investigations into the conduct of the city's affairs and shall have such other powers and duties as may be provided by ordinances not inconsistent with this Act. All acts performed by the city administrator pursuant to the authority granted by this section shall be subject to review by the city council, and any authority granted to the city administrator by this Section 4 may be enlarged or diminished, three-fifths (3/5) of said council concurring in such action.

Sec. 5. Powers of city generally. Said city council shall have power within the corporation:

(1) Assessment, collection, etc., of property taxes; tax assessor. To levy, assess and collect taxes for municipal purposes upon property within said municipality, or otherwise liable therefor, taxable by law, for state purposes.

(2) Taxes on privileges. To levy and collect taxes upon all privileges, taxable by the laws of the state.

(3) Appropriations and expenditures. To appropriate money and provide for the payment of the debts and expenses of the city and to appropriate money for charitable uses and purposes, and provide by ordinance for the expenditure of the same, and, if necessary, to levy a special tax for such charitable uses and purposes. The fiscal year of the city shall begin on the first day of July and end on the last day of June.

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(5) Schools. To establish a system of free schools within the city and by proceedings accruing to the general law of the land condemn property within the municipality for school and corporate purposes.

(6) General health; nuisances; vagrancy. To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to regulate and suppress vagrancy.

(7) Open, vacate, pave, etc., streets and sidewalks. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks, or to have the same done, and to grant privileges and franchises in the use of the same.

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(9) Market. To erect a market house, establish a market and regulate the same.

(10) Public buildings. To provide for the erection of all buildings necessary for the use of the city.

(11) Licensing and regulation of occupations and vehicles for hire. To license, tax and regulate all occupations which are now or hereafter may be declared to be privileged occupations by the laws of the state; to license, tax and regulate automobiles, automobile trucks, automobile passenger busses, and taxicabs, carts, omnibuses, cabs, motorcycles, and all other vehicles; to fix the rate to be charged for the carriage of persons and property by any vehicles held out to the public use for hire within the city, and to require indemnity bonds in surety companies or indemnity insurance policies to be filed with the city by the owner or operator of any such vehicle, for the protection of the city or any person against loss by injury to persons or property; to make all needful rules and regulations of the government of such conveyance, and to provide where such conveyances may be parked, and fix the starting and stopping point, within the city, of such vehicles, whether same are to be operated wholly within the city or from a point in the city to points outside, and whether the same be operated along fixed routes and according to fixed schedules or along different routes and

without schedules; to designate the streets over and along which automobiles and other vehicles used for the purpose of affording street transportation may be operated, and to fix the rate to be charged for transportation of passengers.

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(13) Amusements, shows, exhibitions, etc. To license, tax and regulate and suppress theatrical and other exhibitions, shows or amusements.

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(20) Appointment of police; imposition of penalties for violations of ordinances; city judge: appeals from convictions. To appoint and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation and such recovery may be had before the mayor or before the city judge, who shall be appointed by the city council as hereinafter provided, and who shall be a citizen of the city and an attorney licensed to practice law in the State of Tennessee, with jurisdiction in either of said officers to issue warrants, render judgments, issue executions and such other process as may be necessary for the enforcement of fines, forfeitures and penalties for the violation of ordinances of said corporation; and any person against whom a judgment has been rendered by the mayor or city judge, for violation of any of the ordinances of the city, may within ten (10) days thereafter, appeal to the Circuit Court of Hamblen County, Tennessee, upon giving bond and security in the sum of two hundred fifty dollars (\$250.00) for his or her

appearance at the next term of said court to be held thereafter, conditioned according to the terms of appearance bonds required by law in criminal cases.

The office of city judge is hereby created and said judge shall be appointed for such terms and paid such salary as established by the city council through ordinance.

(21) Riotous and disorderly persons. To provide for the arrest and confinement until trial of all riotous and disorderly persons within the corporation, by day or by night; to authorize the arrest of all persons found violating any ordinance of the city.

(22) Breach of the peace; disorderly assemblies. To prevent and punish, by pecuniary penalties, all breaches of the peace, noise, disturbances, or disorderly assemblies in any street, house or place in the city by day or by night.

(23) Encroachments on streets, etc. To prevent and remove all encroachments into and upon all streets, lanes, alleys and avenues established by law or ordinance.

(a) Zoning. To regulate by ordinance the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, size of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residences, recreation, public activities, and other purposes, and to create and appoint a city planning commission in connection with said corporate power and authority, and to this end, said municipality is granted all the rights, powers, and authority which are granted to municipalities generally by Chapter 34 of the Public Acts of the General Assembly of the State of Tennessee for the year 1935, by Chapter 44 of the Public Acts of the General Assembly of the State of Tennessee for the year 1935, and by Chapter 74 of the Public

Acts of the General Assembly of the State of Tennessee for the year 1945.

(24) Obstructions on sidewalks; repair and cleaning of sidewalks and curbstones. To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for cleaning the same.

(a) Airport. To establish, operate and regulate a municipal airport, within or without the corporate limits of said municipal corporation, and to this end said municipality is granted all of the rights, powers, and authority as is granted to municipalities generally by Chapter 74 of the Public Acts of the General Assembly of the State of Tennessee for the year 1931, as amended, being an Act entitled, "An Act to authorize Counties and Municipalities, jointly and separately, to establish and maintain airports, to authorize Counties and Municipalities to regulate such airports, and to confer upon the Counties and Municipalities the power to acquire by condemnation lands necessary for such airport".

(b) Off-street parking facilities. To establish off-street parking facilities for vehicles within the corporate limits of the city; to regulate the operation of the same by ordinance expressly including the power to establish if deemed necessary, charges to be paid for the use thereof; to expend corporate funds for that purpose; and to exercise the power of eminent domain to carry out the intent and purpose of this subsection.

(25) Alcoholic beverages. To regulate by ordinance the sale by retail for beverage purposes, or the giving away for beverage purposes, of intoxicating liquors, as regulated in accordance with state law, within the limits of such corporation, and to provide by ordinance suitable penalties for the violation of such ordinance, and to prevent the sale or giving such liquors to minors, within

the limits of such corporation, and to provide suitable penalties for violation of same.

(26) Ordinances generally; meetings of city council. To pass all ordinances not contrary to the Constitution and laws of the state that may be necessary to carry out the full intent and meaning of this Act, and to accomplish the object of their incorporation. This shall expressly include the power to fix, by ordinance, the date and hour of regular meetings of the city council. To enforce all aforementioned ordinances within the corporate limits of the City and upon property outside the City that is owned by the City, where the city council has established that such ordinances shall apply.

(27) Sewer connections; authority to prohibit cesspools, privies, etc. That said city council and/or the Morristown Utilities Commission is hereby empowered by ordinance to compel the owners of real estate fronting on, contiguous to, or bounded by any street or streets of said city, in which street or streets are lain water mains and sanitary sewers, to connect such surface closets or privies as may be maintained on said premises with said sanitary sewer, and to provide the flushing and cleansing of said closets and privies.

Said city council is further authorized and empowered to prohibit by ordinance, the maintenance of any cesspool, surface closet or privy on any premises fronting on, contiguous to, or bounded by any street or streets of said city in which street or streets are lain water mains and sanitary sewers.

Said city council is further authorized to fix by ordinance the time within which connections shall be made with sanitary sewers as above indicated, after notice to do so has been given, and shall have the right to determine and fix by ordinance the character of notice to be given and to prescribe the penalty for failure to observe and comply with said notice and are expressly authorized to take all necessary steps to enforce the discontinuance and removal of said

cesspools, surface closets and privies within the limits and boundaries above set out.

Said city council is further authorized and empowered to declare the maintenance of cesspools, surface closets and privies within said districts above indicated, a public nuisance, and shall have the right to abate same in the manner provided by law, and particularly shall have the right to enjoin the continuance and maintenance of same.

(a) Inoculation of dogs. To pass ordinances requiring owners and other persons having the custody of dogs within the corporate limits of the city, to have such dogs inoculated so as to render them immune from rabies.

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(29) Tax collector, records custodian. The office of tax collector and records custodian shall be filled by the city administrator, or in the event there be no city administrator, by the mayor. The city administrator or mayor, as the case may be, shall give a separate bond as records custodian, in an amount fixed by the city council, conditioned, to safely keep the records of the municipality, and to account for all monies received by said office as records custodian, and shall give another bond as tax collector of said municipality, the penalty thereof, to be fixed by the city council, which bond shall be conditioned to faithfully account for, and pay over to the proper parties, all monies received by him or her as tax collector for the municipality; said bond shall be approved by the city council and be entered of record in the minute book of the municipality.

Said officer shall collect all taxes of every kind and character due the municipality, and shall make reports to the city council as directed by it covering the receipt and disbursements of his or her office, showing the financial condition of the city.

He or she shall collect all taxes of every kind and character, due the said municipality, and shall make semiannual reports to the city council covering the receipt and disbursements of his or her office, showing the financial condition of the city. Said recorder and tax collector shall devote his or her time and attention to the performance of his or her duties, to the end that said duties shall be properly and efficiently performed. No other business of any kind, either public or private, except that pertaining to the municipality shall be carried on by him or her in said municipal building.

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(34) Parking spaces for vehicles for hire, emergency vehicles and merchants' vehicles. It shall have power, in regulating the use of the streets of said City, to, by ordinance, designate and set apart parking space for taxicabs and other automobiles or vehicles used for hire; ambulances, automobiles, trucks or other vehicles of the police and fire departments, of said municipality, as well as trucks and vehicles used by merchants, and regulate the use thereof for certain specific purposes, for which use, in the discretion of the council, it may charge a reasonable fee.

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Sec. 7. Authority to fix due date of taxes and penalties for nonpayment of same.

Said city council is hereby empowered to fix by ordinance the time when taxes for municipal purposes shall be levied and assessed, when same shall be due and payable, the manner in which same shall be assessed and collected, and provide for interest and penalties on same for nonpayment when due.

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Sec. 10. Original mayor and aldermen.

From the date of the passage of Chapter 103 of the Private Acts of Tennessee for 1903, until the first Monday in January, 1905, the city council of said City of Morristown, consisted of Ed. M. Grant, Mayor; John A. Rhea, E. J. Bettis, W. S. Myers, John B. McCord, J. W. Richardson and M. A. Goodson, Aldermen.

Sec. 11. Collection of delinquent taxes, fines, etc., owed to prior corporation.

All past due and uncollected taxes, levied and assessed by board of mayor and aldermen of the late corporation of Morristown, or their legally authorized agents and officers, and all fines, penalties and other assets of said former corporation, are hereby declared to be the property of the municipality hereby created, and shall be collected by the city council of the municipality hereby created by their officers and agents, and applied to the use and benefit of said municipality under the ordinances and orders of said city council.

Sec. 12. Date of assessment of property: levy of taxes.

Said city council may cause an assessment of the property within said municipality to be made as of January 10, 1903, and may levy such tax thereon as they may deem necessary for the purpose of sustaining the interests of said municipality.

Sec. 13. Boundaries of city.

The corporate limits of said city shall be as follows:

Beginning at a point in the eastern margin of the Economy Road where it intersects with the northern margin of U.S. Highway 11-E, said point of beginning being between the properties of W.J. Keith and W.C. Pettigrew; thence with the eastern margin of said Economy Road, north 3 degrees 52 minutes east 337.9 feet to a stake at Keith's northwestern

corner; thence still with the eastern margin of said road, north 4 degrees 34 minutes east 440.2 feet; north 7 degrees 40 minutes east 207.4 feet; north 4 degrees 53 minutes west 98.3 feet; north 27 degrees 52 minutes west 521 feet to a stake in the eastern margin of the said Economy Road at the point where the same turns westwardly; thence north 29 degrees 34 minutes east 1217.9 feet to an iron pin at the extreme northwest corner of the Lyn-Mar Hills Subdivision; thence with the northern boundary of said Lyn-Mar Hills Subdivision, north 79 degrees minutes east 1183.0 feet to an iron pin at a large oak tree, the northeast corner of said subdivision, and being also in the line of Fairmont Avenue, if projected; thence with said avenue, if projected, south 12 degrees 54 minutes east (passing the northwest corner of Mack Long at 29 feet), running, in all, 408.5 feet to a stake in the southern property line of Mack Long; thence with the said Mack Long's southern property line north 67 degrees 02 minutes east 690.0 feet to a stake on top of the hill; thence north 41 degrees 23 minutes east 1645.2 feet to a stake in the present corporation line where the same corners with John Shipley and W.J. Barron; thence with the present corporation line north 17 degrees 00 minutes west 919.8 feet to a stake; north 35 degrees 00 minutes east 377.7 feet to a stake in the present corporation line in the center of the road west of and near the colored cemetery; thence with the center of said road north 45 degrees 01 minute west 1513.8 feet to a stake at the end of the road in the southern line of the Housley property (Boyd Ewing called in temporary description); thence with Housley's line north 13 degrees 23 minutes east 138.9 feet to a stake; thence with the line of a fence down the west side of a drain and running through the Housley property north 55 degrees 26 minutes west 496.3 feet to a stake by a

large black oak; thence north 29 degrees 20 minutes west 295.8 feet to a stake in the southern margin of the Havelly Springs Public Road; thence with the southern margin of said road north 9 degrees 27 minutes east 234.7 feet to a stake; thence north 16 degrees 08 minutes east 845.7 feet to a point at the intersection of the southern margin of said Havelly Springs Road with the old Long's Ferry or Turley's Mill pike; thence crossing said pike and thence with the projected center line of Algonquin Drive and with the center line of said Drive, south 17 degrees 10 minutes east 520 feet to a stake in the center of same midway between Choctaw Street and Mohawk Street of said Cherokee Hills Addition; thence with the back lot lines between said streets south 68 degrees 30 minutes west 587.8 feet to a stake near the top of the hill; thence running through Cherokee Hills Addition, south 18 degrees 34 minutes east 711.4 feet to a stake 300 feet north of the northern property line of Mrs. Mollie Turley; thence south 56 degrees 21 minutes west 928.5 feet to a stake 500 feet east of U.S. Highway 25-E and 300 feet north of the northern property line of Mrs. Mollie Turley; thence parallel to and 500 feet east of said U.S. Highway 25-E, south 42 degrees 44 minutes east 762.0 feet; south 37 degrees 38 minutes east 265.0 feet; south 31 degrees 25 minutes east 265 feet; south 23 degrees 30 minutes east 295.0 feet; south 9 degrees 45 minutes east 489 feet to a stake 500 feet east of U.S. Highway 25-E; thence due west 446.0 feet to a large elm 54 feet east of said highway at the junction of Old Springvale Road with U.S. Highway 25-E; thence crossing said U.S. Highway 25-E, Turkey Creek, and the Ashville Division of the Southern Railway Company, south 81 degrees 25 minutes west 260 feet to a stake in the western right of way line of said Southern Railway Company; thence with said western right of way of said railway

north 15 degrees 28 minutes west 260.0 feet; north 30 degrees 00 minutes west 295.0 feet; north 44 degrees 10 minutes west 299.0 feet; north 47 degrees 15 minutes west 452 feet; thence still with said right of way north 40 degrees 47 minutes west 301.0 feet; north 45 degrees 19 minutes west 367.0 feet to a stake in the west right of way line of said Southern Railway Company at the Cold Springs Lane; thence leaving said right of way south 56 degrees 45 minutes west 1684.0 feet to a stake in the eastern boundary line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850.0 feet to a stake, corner of said Brown; thence north 87 degrees 30 minutes west 614.0 feet to a stake, corner of said Brown; thence north 87 degrees 00 minutes west 807.0 feet to a large poplar tree, corner to said Walter Brown, and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue, south 68 degrees 45 minutes west 801.0 feet to a point in the center of Sulphur Springs Road; thence south 44 degrees 27 minutes west 2787.7 feet to a stake in the center of Fairmont Avenue as extended, with the Jernigan Cemetery Road; thence with the northern side of said Jernigan Cemetery Road; south 89 degrees 30 minutes west 505.5 feet to a stake in the eastern edge of Valley Home Road or Old Dandridge Pike; thence north 40 degrees 30 minutes west 3859.0 feet to a stake in the eastern margin of the Economy Road in the south right of way line of the Knoxville Division of the Southern Railway Company; thence with the eastern margin of said Economy Road and crossing said

Southern Railway and U.S. Highway 11-E, north 3 degrees 52 minutes east 1119.0 feet to the place of beginning.

Also, that property situated in the Fifth Civil District of Hamblen County, Tennessee, and more particularly described as follows:

Beginning at a stake in the eastern line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850 feet to a stake, corner to said Brown; thence north 87 degrees 30 minutes west 614 feet to a stake, corner to said Brown; thence north 87 degrees 00 minutes west 807 feet to a large poplar tree, corner to said Walter Brown and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue south 68 degrees 45 minutes west 801 feet to a point in the center of Sulphur Springs Road; thence leaving the present corporation line and running with the center of said Sulphur Springs Road and said Walter Brown's line south 24 degrees 30 minutes 1297 feet to a point in the center of said road; thence south 20 degrees 00 minutes east 221 feet to a point in the center of said road west of a large oak tree; thence running across said Walter Brown's farm north 65 degrees 00 minutes east 2285 feet to the place beginning. This survey embraces about seventy acres of land belonging to Walter Brown.

The boundaries as herein set out have been extended by the following annexation ordinances:

2288, 2289, 2290, 2293, 2294, 2295, 2296, 2299, 2305, 2306, 2307, 2308, 2309, 2313, 2318, 2328, 2329, 2330, 2331, 2338, 2358, 2373, 2374, 2382, 2409, 2410, 2418, 2419, 2439, 2443, 2444, 2445,

2446, 2481, 2482, 2512, 2567, 2609, 2628, 2653, 2681, 2682, 2683,
2684, 2690, 2704, 2705, 2477, 2717, 2722, 2723, 2725, 2726, 2732,
2733, 2740, 2744, 2745, 2848, 2850, 2855, 2866, 2867, 2879, 2881,
2884, 2894, 2914, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923,
2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934,
2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945,
2951, 2955, 2966, 2968, 2972, 2979, 2980, 2991, 2992, 2995, 2996,
2997, 3045, 3046, 3049, 3050, 3057, 3058, 3059, 3060, 3061, 3062,
3070, 3074, 3077, 3079, 3090, 3096, 3098, 3109, 3110, 3111, 3120,
3125, 3126, 3130, 3131, 3138, 3133, 3134, 3136, 3137, 3142, 3143,
3144, 3156, 3174, 3175, 3180, 3183, 3184, 3185, 3186, 3187, 3188,
3195, 3201, 3207, 3208, 3216, 3217, 3218, 3225, 3228, 3229, 3230,
3233, 3235, 3240, 3241, 3246, 3249, 3260, 3262, 3263, 3270, 3271,
3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3286, 3287, 3289,
3290, 3291, 3296, 3304, 3308, 3309, 3310, 3311, 3323, 3334, 3336,
3346, 3347, 3348, 3349, 3353, 3354, 3405, 3409, 3422 and 3423.

Sec. 14. Debts and liabilities of former corporation.

All and singular of the debts and liabilities of the former corporation of Morristown, Tennessee, whether evidenced by bonds, warrants or otherwise, are hereby declared to be valid and subsisting debts of the corporation of Morristown, created by this Act; and shall be provided for and paid according to the laws and ordinances providing for the creation of such debts, and the city council herein provided for shall have full power and authority to carry out this section.

Sec. 15. Continuation of ordinances and resolutions.

All ordinances and resolutions of the former corporation of Morristown which were in force at the date of the abolishing of the charter of said former

corporation are hereby declared to be in full force and effect as the ordinances and resolutions of the corporation created by this Act, until such time as the same shall be repealed, altered or modified by the authority of the city council of the corporation created by this Act.

Sec. 16. Continuation of former officers.

The officers and agents of the former corporation of Morristown are hereby declared to be officers and agents of the corporation created by this Act, until such time as they may be discharged or superseded by authority of the city council appointed by this Act.

Sec. 17. Transfer of property of former corporation.

All property, both real, personal and mixed, belonging to the late corporation of Morristown, is hereby declared to be the property of the corporation created by this Act.

Sec. 18. Codification of ordinances — Required every five years: admissibility as evidence.

There shall be prepared and published by the city council a digest or codification of all ordinances and resolutions of a public nature thereof every five (5) years. Said digest or codification, when so published, shall show that it is published by authority of the corporate authorities, and it shall be received and read in all the courts of the state as evidence of the ordinances, resolutions and facts pertaining to the municipality and contained therein.

Sec. 19. Same — Continuation of former Code.

The last and present digest or codification of the ordinances and resolutions of a public nature of said municipality and published by the authority of the city council, are hereby declared to be the laws and ordinances of said city upon the matters touched upon therein, excepting such as have been repealed,

altered or amended, since the publication thereof, and as such shall be received and read in evidence in all the courts of the state.

Sec. 20. Municipal Utility Extension.

Said municipality, "The City of Morristown", and/or the Morristown Utilities Commission, are, and hereby are given the power of eminent domain according to the law of the land and the laws and statutes of the State of Tennessee relative thereto, with full power, in accordance therewith, to condemn, for all municipal and corporate purposes, both within and outside the municipal boundaries, lands, and easements, including right of way for city- or commission-owned utility systems, including, but not limited to, grounds and sites for pumping stations and for the manufacture of electricity and for the manufacture and transmission of electricity either or both; water sites, springs, lands and grounds for the erection of all necessary plants for said purposes; also all necessary grounds and rights of way to and from streams, for water and manufacture of electric power, either or both; to erect, dig or prepare reservoirs for water; to build, enlarge and improve light and power stations alone or in connection with the waterworks system; to build, enlarge, or improve sewerage collection systems, pumping and treatment plants and facilities; and also, through itself, or its electric light and waterworks commissioners, according to existing laws, sell water and manufacture, transmit and sell electricity for all water, electric power and light purposes to sell sewerage treatment services, and/or to provide telecommunications service purposes, to patrons and purchasers thereof within and without the municipality.

For all the foregoing purposes and agreeable to the laws of the land and the statutes applicable thereto, the power of eminent domain is conferred upon said municipality.

ARTICLE II. Civil Service for Fire and Police Departments

Sec. 1. Civil service board created: Membership; appointment, term of office, salary, qualifications and removal of members; notice of meetings; quorum.

(a) There is hereby created a system of civil service for the City of Morristown. A civil service board shall consist of three (3) members and shall administer the system of civil service. One (1) member of such board shall be elected by the governing body or the city or Morristown and one (1) member shall be elected by the members of the classified service, i.e., members of the fire department and members of the police department, in a joint election. Such member shall receive a majority of the votes of the members of the classified service. The member selected by the governing body of the City of Morristown and the member selected by majority vote of the classified service shall then select the third member of the Board within ten (10) days after such members' appointment and selection. Provided, that if the two (2) members appointed and selected shall fail to agree relative to the third board member within ten (10) days after their appointment, the governing body of the City of Morristown shall appoint four (4) citizens to meet and confer with four (4) other citizens appointed by the members of the classified service. This joint committee of eight (8) shall meet, within ten (10) days, and appoint a person who shall serve as the third member of the Board.

(b) The three (3) members of the Board shall serve as board members for a period of three (3) years, or until their successors are appointed and qualified. On or before the expiration of the term of each board member, such board member's successor shall be selected in the same manner as the prior selection of such board member whose term is expiring.

(c) Per diem payment to Board members for attendance at Board meetings or other means of compensating service may be authorized and changed by ordinance of the City Council. No person shall be appointed a

member of such board who is not a citizen of the United States, a resident of the City of Morristown, Tennessee, for at least one (1) year immediately preceding such appointment, and a registered voter of Hamblen County. No member of the classified service or any council member of the City of Morristown, may be a member of the Board.

(d) Any member of the Board may be removed from office by the governing body of Morristown for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the Board shall be removed until written charges shall have been made, with due notice, and a full public hearing shall have been conducted before the governing body of the City of Morristown.

(e) The members of the Board shall devote adequate time and attention to the performance of the duties of the Board. Two (2) members of the Board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Board under and by virtue of the act.

(f) Provided, however, that due notice of all meetings shall be given so that all three (3) board members may have an opportunity to be present. Confirmation of original or succeeding board members by the legislature shall not be required.

Sec. 2. Persons subject to civil service.

This Article II shall apply to:

(a) All full-time law enforcement officers certified as such by the Peace Officers Standards and Training Commission; and

(b) All full-time fire department personnel holding the classification of firefighter driver, inspector, lieutenant, captain, battalion chief, and assistant or deputy chief in the City of Morristown. The chiefs of the police and fire departments may be hired directly by the city

governing body without approval of the Civil Service board. The chiefs shall not be members of the classified service except to the extent that a two-thirds (2/3) vote of the governing body shall be required to dismiss, suspend or demote the chief of either department, which action shall not be reviewable by the Board. All such persons shall be known as the classified service. All other city employees shall be known as the unclassified or civilian service.

Sec. 3. Appointments and promotions.

All future appointments to and promotions in such departments, except as otherwise provided in this Article II, shall be made on the basis of filling the position with the best qualified candidate, using the following methods:

Subject to the standards set forth in this Article II, the city governing body shall meet with the Board and formulate minimum requirements and weighted selection criteria for each position in the classified service. As soon as possible, but in no event later than sixty (60) days after the passage of this act, the city and the Board shall jointly adopt minimum requirements and weighted selection criteria, the latter of which shall include percentage allocations for at least the following: Seniority, experience, training, testing, education, record of conduct and recommendations of the chiefs of the respective departments. If the city governing body and the Board are unable to agree upon such minimum requirements and weighted selection criteria, the city administrator, chairman of the civil service board and a person designated by the director of the municipal technical advisory service shall adopt such requirements and criteria by affirmative vote of two (2) of the three (3) persons so designated, and certify such vote in writing to the city and board. Such requirements and selection criteria shall immediately

become effective. Standards, when set, shall remain in effect until altered by joint action of the city and board. After the enunciation of such standards, a roster shall be kept by the board of all full-time personnel in the classified service indicating what job classifications within each respective departments such personnel are eligible to fill. A roster shall also be kept on all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After the enunciation of such standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the governing body shall only award the position to the individual on the roster determined to be best qualified from among those in such position on the relative roster as described in Section 10, herein. In determining who is best qualified, the city governing body shall consider seniority, experience, training, testing, education, record of conduct, and recommendations of the chiefs of the respective departments. No person shall be reinstated in, or transferred, suspended or discharged from any place, position or employment in the classified service contrary to this Article II.

Sec. 4. Functions and duties of civil service board; officers of board; meetings of board.

The board shall organize by forthwith electing one (1) of its members as chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

The board shall appoint a secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the board may prescribe.

It shall be the duty of the board:

(a) To make suitable rules and regulations not inconsistent with this Article II. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job classification in the classified service. These rules and regulations may be changed from time to time by the board and shall be printed or otherwise made publicly available;

(b) To adopt rules and regulations that include provisions to ensure that seniority may not be lost by any person holding a position in the classified service, if such person leaves the classified service to enter the military service of the United States; provided, that such person returns to the classified service within six (6) months following his or her honorable discharge from such service. In such cases the period of military service shall be included in the period of seniority of such person;

(c) To make investigations and report upon all matters relating to the enforcement and effect of this Article II, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this Article II, and ascertain whether this article and all such rules and regulations are being adhered to. Such investigations shall be made by the board on its own motion and must also be made on petition of any

citizen duly verified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any person to comply with such subpoena or demand shall be a violation of this Article II and be punishable as such;

(d) To ensure that all hearings and investigations before the board are governed by this Article II and by the rules of practice and procedure to be adopted by the board. The board, or its designated hearing officer, shall not be bound by technical rules of evidence. No formality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least two (2) of the board members;

(e) To hear and determine appeals or complaints relative to the allocation of positions, the determination of job changes, the furnishings of rosters and the position of members of the classified service, and of applicants on such rosters, and such other matters relating to the administration of this Article II as may be referred to the board;

(f) To see that the job classifications, the standard for filling said classifications and the roster of eligible appointees for each classification are kept continuously up to date, and posted in the respective departments of the classified service. Said rosters shall show name, rank and number in their proper order according to the scoring mechanism established for eligible appointees to each job classification. Terms of

leaves of absence granted by the board hereby created upon recommendation of the chief of each department shall not forfeit the rights of the member granted leave under this Article II nor be charged against such member in his or her order of seniority;

(g) To make provisions that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the persons, including probationers, that have been appointed to the respective department of the classified service. Rules and regulations shall provide that persons so laid off shall be reinstated before any new appointments to said department shall be made;

(h) To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur; and

(i) To keep such records as may be necessary for the proper administration of this Article II.

Sec. 5. Reserved.

Sec. 6. Qualification of applicants.

(a) Citizenship. An applicant for a civil service position of any kind under the classified service must be a citizen of the United States, who can read and write the English language.

(b) Character and fitness. Every applicant for a position in the classified service must, in addition to such minimum standards as are stated by the board, also be of ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the board may deem advisable.

Sec. 7. Tenure of office; grounds for demotion, suspension or discharge.

The tenure of everyone holding office, place, position or employment under this Article II shall be for and only during good behavior. Any such person

may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

(a) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to conduct himself properly; or any willful violation of this Article II or the rules and regulations to be adopted hereunder;

(b) Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed; or

(c) Any other act or failure to act which, in the judgment of the board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service.

Sec. 8. Removal of members from civil service.

(a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service under this Article II shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a duplicate filed with the Board. The chief of the fire department or the chief of the police department may suspend a member of the department pending the confirmation of the suspension by the regular appointing power under this Article II, which must be within twenty-one (21) days. Any person so removed, suspended or discharged may within twenty (20) days from the time of the person's removal, suspension or discharge file with the Board a written demand for an investigation, whereupon the Board shall conduct such investigation.

(b) The investigation shall be confined to the determination of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation, the Board shall deliberate and may affirm the action taken, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the Board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The findings of the Board shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.

(c) All investigations made by the Board pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded the opportunity to appear in person with counsel or by counsel and to present a defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record shall be made of all proceedings.

Sec. 9. Duty of city officers and employees to assist board.

(a) It shall be the duty of the City Administrator to assign sufficient staff of the City of Morristown to carry out this Article II, and such rules and regulations consistent with this Article II, as may, from time to time be prescribed by the board and to afford the Board, its members and employees, all reasonable facilities and assistance in the inspection of all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the board. It

shall be the duty of such officers and employees to attend and testify whenever required by the Board or any member thereof.

(b) The board shall not promulgate any rule or regulation under authority of the act or make any appointments or promotions that are inconsistent with any state or federal guidelines or standards, or inconsistent with any rules or regulations of the appropriate accreditation agencies that certify or accredit the police and fire departments of the city pursuant to state or federal law or the standards required of a nongovernmental agency that have been accepted by the city governing body. If a rule or regulation of the Board appears to the city governing body to be inconsistent with such standards, the city shall submit the question to the applicable agency, if any, promulgating such standards for an opinion relative to the apparent inconsistency. Such opinion, if received within ninety (90) days of submission in writing from such agency shall be the basis upon which the board and/or the governing body shall amend said rules or regulations in order to comply. Should such opinion not be provided within ninety (90) days, the city governing body, in its sole discretion, shall determine if such rules or regulations are inconsistent with such standards, and in the event such determination is in the affirmative, the rule or regulation shall be void, upon duly adopted resolution of the city.

Sec. 10. Certification of names for vacancies; eligible lists; probationary employment.

(a) When a position in the classified service becomes vacant, whether entry level or promotional, the governing body of the City of Morristown shall make requisition upon the board for the names of three (3) persons eligible for appointment. The board shall certify the names of the three (3) persons highest on the eligible list willing to accept employment.

(b) In the event of two (2) or more promotional vacancies for the same position, two (2) additional names shall be certified for each such additional vacancy.

(c) Promotional appointees shall serve on probation during the first six (6) months of employment, and may be transferred back to such appointee's former position for good cause by the governing body, in its discretion. Such action shall not be reviewable by the Board. In such event, the employee shall re-qualify for the promotional roster before being eligible for promotion.

(d) Whenever a requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the governing body shall appoint a person from among the persons so certified for such position.

(e) Notwithstanding any provision of the Civil Service Act to the contrary, the chiefs of the respective departments, with the approval of the governing body, shall be empowered, upon proper certification by the board of the eligibility of a new (non-classified service) applicant for a position in the classified service, to appoint such person to such position for a period of six (6) months plus the required time for formal entry-level training as defined by departmental policy, but not to exceed a total of fourteen (14) months, during which time the applicant shall be on probation and subject to removal for just cause shown at any time during the probationary period. If the governing body in its discretion deems such person on probation unfit and unsatisfactory for such position, such person on probation may be dismissed. Any action taken by such governing body with respect to the dismissed applicant or probationer shall not be reviewable by the Board. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body of the city of Morristown, the board shall again certify the names of the persons on the eligible list as the same shall appear from

the records of the board. Notwithstanding the foregoing, a departmental chief may request and the civil service board may grant, at its sole discretion, an extension of the probationary period of up to sixty (60) additional days.

(f) The chiefs of the respective departments may make lateral assignments of personnel. A lateral assignment shall be an assignment which is not accompanied by changes in wages, clothing allowance, vacation accrual, sick leave accrual or incentive pay.

Sec. 11. Leave of absence without pay.

Leave of absence, without pay, may be granted by the board upon the recommendation of the chief of the fire department or the chief of the police department, and the board shall give notice of such leave of absence to the governing body. All temporary employment caused by leaves of absence shall be made from the eligible list of classified civil service of the department concerned.

Sec. 12. False marking, grading, etc., of examinations, etc., prohibited.

No board member or any other person, shall, by himself or herself, or in cooperation with one (1) or more persons, defeat or deceive any person in respect of his or her right of examination or registration according to the rules and regulations of this Article II, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to this Article II or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other person, or permit or aid in any manner any person to personate any other person, in connection with any examination or registration or application or request to be examined or registered.

Sec. 13. Political activities; prohibited; religious and political discrimination prohibited.

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to the employment in the classified service because of his or her political or religious opinions, but all employees must take an oath to support the Constitution of the United States.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantages in employment in any such position either for the purpose of influencing the vote of political action of any person, or for any consideration, or otherwise.

(d) It shall be the duty of the board to supervise the execution of the foregoing civil service provisions of this Article II and the rules made thereunder, and it shall be the duty of all persons under this Article II and in the service of the police and fire departments to comply with such rules and to aid in their endorsement.

Sec. 14. LEFT BLANK INTENTIONALLY

Sec. 15. Compliance with Act.

The failure on the part of the board, or any member thereof or on the part of the governing body of the City of Morristown, or any member thereof, to comply with the terms of this Article II shall be considered a violation of this Article and shall be punishable as such.

Sec. 16. City to furnish board with accommodations and equipment; employment or clerical, administrative, etc., assistance.

The governing body of the City of Morristown shall provide the board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial and legal assistance as may be employed by the board. Said accommodations, equipment, employment, or other assistance shall be requested of the City Administrator, who shall facilitate the same with available resources or through additional allocation requested to the governing body; and the failure on the part of the governing body to do so shall be considered a violation of the Act and shall be punishable as such.

Sec. 17. Appropriations by city council.

The governing body of the City of Morristown shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this Article II, and shall make such appropriation.

Sec. 18. Organization of original board.

It shall be the duty of the board appointed subject to this Article II to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable rules and regulations to effect said purposes; and the failure upon the part of said board, or any individual member thereof so to do, shall be deemed a violation of this Article II and shall be punishable as such.

Sec. 19. Penalty for violation of Act.

Any person who shall willfully violate any of this Article II shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than twenty-five dollars (\$25.00), or more than five hundred

dollars (\$500.00), or by imprisonment in the county jail for not longer than eleven (11) months and twenty-nine (29) days or by both such fine and confinement in the county jail.

Sec. 20. Repeal of conflicting laws.

All laws or parts of laws in conflict with this Article II be and the same are hereby repealed.

Sec. 21. Severability of Act.

The provisions of this Article II are hereby declared to be joint and severable and the invalidating of any section shall not affect the validity of the remaining sections, which shall remain in full force and effect.

ARTICLE III. Morristown Utilities Commission

Sec. 1. Name change; membership; appointment of members.

(a) Name—Authority. The Board of Electric Light and Waterworks Commissioners is hereby designated the Morristown Utilities Commission. Said Utilities Commission shall have authority to manage and control the electric power and water utilities and, subject to city council approval, all other municipal utilities of the City of Morristown, Tennessee, which are both within and without the corporate limits of the City, all in accordance with and subject to the requirements of state and federal laws, rules and regulations.

(b) Membership; Appointment; Term. The commission shall consist of five (5) persons to serve five (5) year terms. In order to facilitate an orderly transition with respect to expansion of membership and term of office, the present terms shall be modified in the following manner:

Term Expiring	Modified to Expire
July 31, 2001	July 31, 2006
July 31, 2002	July 31, 2005
July 31, 2003	July 31, 2004

In addition to the enumerated modifications, there shall be two (2) additional commissioners to be appointed to increase the commission to five (5) members.

Each of the additional commissioners shall be appointed in accordance with the procedures provided herein for nominations. The first new appointment shall be made for a term beginning August 1, 2001, and expiring July 31, 2002. The second new appointment shall be made for a term beginning August 1, 2001, and expiring July 31, 2003. All subsequent terms of all commissioners shall be for five (5) years.

(c)

(1) Prior to the first day of July in each year, the commissioners shall submit to the Mayor a list of three (3) nominees for the commission seat expiring as of July 31st. The Mayor shall, within thirty (30) days of submission of such nominees, select from these names a nominee. A majority vote of the City Council shall be necessary for the election of such nominee as a commissioner. Should the City Council fail to take action to either approve or disapprove a nominee within a period of thirty (30) days following notice of such nomination to the City Council, the nominee shall be deemed elected.

(2)

(A) In the event that the City Council takes action within such thirty (30) day period but a nominee does not receive a majority vote of the City Council, the nomination procedure shall be repeated except that the commissioners shall have fourteen (14) days from notice of the City Council that a nominee did not receive a majority vote of the City Council in which to submit the names to the Mayor of three (3) nominees, which may include two

(2) of the three (3) names not previously selected and submitted by the Mayor to the City Council.

(B) If a nominee is not selected from the second list submitted to the City Council by the Mayor under the procedure established in subdivision (c)(2)(A), then a third and final list of nominees shall be submitted to the Mayor by the commissioners within the time period established for submitting the second list of names. If a nominee is not selected from the third list submitted to the City Council by the Mayor under the procedure established in subdivision (c)(2)(A), subdivision (c)(3) shall take effect.

(3)

(A) The commissioners shall submit directly to the City Council a list of three (3) nominees for the commission seat expiring as of July 31st. Such names shall be submitted to the City Council within fourteen (14) days from notice of the City Council that a nominee from the third list submitted by the Mayor to the City Council did not receive a majority vote of the City Council. The City Council shall have thirty (30) days from the date the list is submitted to the City Council to take an action to approve a nominee from the fourth list. The nominee receiving the highest number of votes from the City Council shall be the nominee. However, if a tie vote occurs between two (2) of the names submitted, the name of the nominee who received the fewest votes shall be eliminated and the City Council shall vote on the remaining two (2) nominees with the nominee receiving the highest number of votes being declared the nominee.

(B) If the City Council fails to take action to either approve or disapprove a nominee within such thirty-day period, the Mayor shall select the nominee from the list of three (3) names submitted to the City Council to be the commissioner.

(4) In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided in subdivisions (1) through (3) for nominations, and the commission shall make its nominations to the Mayor within thirty (30) days of the occurrence of the vacancy to commence the election process.

Sec. 2. Qualifications of commissioners; oath and bond; compensation; removal of commissioners; commissioners not to hold other office.

The commissioners shall be residents of said municipality, and reside within the corporate limits thereof. Said commissioners shall be elected by the city council as hereinbefore provided. Said commissioners, before entering upon their duties, shall make and subscribe an oath in writing to faithfully discharge their duties as such commissioners, and each will give bond in such sum as the corporate authorities may require, payable to the State of Tennessee, conditioned for the careful and faithful performance of their duties as such commissioners, and upon said bonds a right of action will be in the name of the State for the use of the party or parties aggrieved by any neglect of duty on the part of said commissioners. Said commissioners shall receive such compensation as the city council may determine, and any and all of them may be removed from office by the city council for malfeasance or misfeasance therein. No person holding any other office pertaining to said city shall be eligible for the office of commissioner.

Sec. 3. Chairman and secretary; quorum; records to be kept; powers and duties generally.

The commissioners, upon their election and qualification, shall organize by selecting one (1) of their number chairman and one (1) secretary. A majority of the commissioners shall constitute a quorum for the transaction of business, and all matters to be determined by them shall be determined by a majority vote, and they shall keep a record of all their transactions in a well-bound book, which shall be open, on demand, to the inspection of any and all citizens and taxpayers of the City of Morristown. Said utilities commissioners shall have charge and supervision of the electric light and water works systems of the corporation and with prior approval of city council, telecommunications, natural gas, ISP and CATV services and any other utility service, and shall have full power to make all contracts necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employees, and fixing rates for such services, and through their secretary, collect the same, it being the intention hereby to make said utility commissioners a separate and independent body for the performance of the duties of the positions to which they are elected. The fees or proceeds arising for the use of the various utilities, when collected, shall be kept separate from the other as a separate enterprise fund to be applied to the operation of each particular utility. The net proceeds of each utility shall only be liable for the debts and liabilities of that particular utility hereafter occurring, but the property of commission and proceeds thereof shall be liable for any debts heretofore contracted. Said commissioners will make reports at least annually to the city council, setting out in said report separately the receipts and disbursements of each of said utilities, and reciting therein all business transacted by them since the date of their last report.

Sec. 3A. Action of board of utilities commissioners may be by resolution.

Any and all action required or authorized to be taken under this Article III by the board of utilities commissioners, except as statute or regulating authority

may otherwise prescribe, may be by resolution, which resolution may be adopted at the meeting of the board at which such resolution is introduced, and shall take effect immediately upon adoption.

Sec. 3B. Repeal of conflicting Acts.

That all Acts or parts of Acts in conflict with this Act be and the same hereby are repealed.

Sec. 4. Authority to construct, expand, and operate municipal utilities; power of condemnation; other powers.

The utilities commissioners of the City of Morristown may create, construct, expand, enlarge, extend, and operate the municipal utilities they are authorized to operate to such point or points within or without the corporate limits of the City of Morristown in conformity with general law and as in their discretion may be deemed necessary or desirable. In order to expand, enlarge and extend said municipal utilities, the utilities commissioners and/or the city council for the City of Morristown is hereby authorized and empowered to acquire, either by purchase or condemnation, all real estate necessary or proper to expand and extend said utilities. This shall include, but not be limited to, any spring or springs of water, pump stations, rights of ways to and from such springs or pump stations, and for necessary pipe lines for conveying water either outside or within the corporate limits of said city; and it may take and appropriate such lands and grounds upon which are located springs of water, together with such quantity of land surrounding said watering places, as may be necessary or proper for the proper protection of such springs of water and for the location of pump stations and for rights of way for water mains, pipes, and other devices that may be necessary or proper for conveying currents of water in the operation of said waterworks system, and the utilities commissioners and/or the city council for the City of Morristown is hereby vested with full power and authority to acquire by

purchase or condemnation proceedings the riparian rights of lower landowners along any stream, the spring or upper portion of which is acquired or the water from which is used under this Article III. Additionally, the utilities commissioners and/or the city council for the City of Morristown is hereby authorized and empowered to acquire, by purchase or the exercise of the right of eminent domain, any property or easements or other right or interest in property necessary for the construction, reconstruction, extension or enlargement of a sewerage system whether such property be within or without the city or partially within and partially without the city.

That if it shall become necessary to condemn any private property for the use set out in this section of this Article III, the utilities commissioners and/or the city council for the City of Morristown shall direct the general manager of the Morristown Utilities Commission, the mayor or some other administrative officer or the attorney for the Morristown Utilities Commission and/or the City of Morristown to proceed in the name of the Morristown Utilities Commission and/or the City of Morristown to have said property or right of way appropriated as provided for the taking of private property for works of internal improvements as stated in the general laws and Code of the State of Tennessee.

Additional powers of the Morristown Utilities Commission include:

(a) To fix, levy and collect fees, rents, tolls, or other charges for connecting to and for the use of each utility service;

(b) To make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the board of utilities commissioners may be necessary, proper or advisable for the purpose of obtaining a grant, loan or other financial assistance from any federal agency or from the State of Tennessee by virtue of any Act of Congress or Act of the General Assembly of Tennessee;

(c) To make all contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of the construction, expansion, rehabilitation, and/or operation of each utility service;

(d) To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of the construction of its utility functions;

(e) To require the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer upon which lot or parcel a building exists for residential, commercial or industrial use to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter;

(f) To require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges made for the utility service(s) furnished to make a reasonable deposit in advance to ensure the payment of such charges;

(g) To discontinue any services of the system to any owner, tenant, or occupant obligated to pay the charges made for the service furnished by the utility in the event of failure to pay for said services of the system; and

(h) Perform any acts authorized under this act or otherwise authorized by the laws of the State of Tennessee.

Sec. 5. LEFT BLANK INTENTIONALLY

ARTICLE IV. Hotel Occupancy Tax

Sec. 1. Definitions.

As used in this Article IV, unless a different meaning clearly appears from the context, the following definitions shall apply:

(a) "Consideration" means the consideration charged whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person;

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

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

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

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

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

Sec. 2. Tax levied.

The City of Morristown is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient up to a maximum rate of seven percent (7%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinunder provided.

Sec. 3. Operator's responsible for collecting tax.

Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his or her hotel, such invoice to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the City Recorder of the City of Morristown.

Sec. 4. Tax due date.

The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the City Recorder of the City of Morristown, to be remitted to such officer not later than the 20th day of each month next following collection from the transient.

Sec. 5. Occupant responsible for paying tax.

No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

Sec. 6. Delinquent taxes.

Taxes collected by an operator which are not remitted to the City Recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted.

Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not less than twenty-five dollars (\$25.00) nor in excess of fifty dollars (\$50.00). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable to the City Recorder.

Sec. 7. Operators' duties.

It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he or she may have been liable, which records the City Recorder shall have the right to inspect at all reasonable times.

Sec. 8. Illegal assessment and collection.

In administering and enforcing this Article IV, the City Recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-1-911, it being the intent of this Article IV that the provisions of law concerning the recovery of erroneous tax payments to municipalities shall apply to the tax

collected under the authority of this Article IV; provided, the City Recorder shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707, with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him or her under the authority of this Article IV and to direct the funding of the same. Notice of any tax paid under protest shall be given to the City Recorder, and suit for recovery shall be brought against him or her.

Sec. 9. Uses of collected taxes.

The proceeds from the tax levied herein shall be retained by the municipality and deposited in the general funds of the municipality; however, twenty-five percent (25%) of the tax levied may be used to promote the development of tourism in the municipality. Proceeds of this tax may not be used to provide a subsidy of any form to any hotel or motel.

Sec. 10. Occupancy tax to be in addition to other taxes and fees.

The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

Sec. 11. City recorder to enforce.

The City Recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this Article IV or other laws, for the enforcement of this Article and the collection of revenues hereunder. Further the City Recorder shall design, prepare, print and make available to all persons who are subject to this Article IV, all necessary forms for filing returns and instructions to ensure full compliance with this Article.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Morristown. Its approval or nonapproval shall be proclaimed by the presiding officer of and certified to the secretary of state.

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